

Reference: EL1.001a
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Date: 19 February 2016

The logo for Eden District Council features the word "Eden" in a large, elegant serif font. A stylized, wavy line representing a river or landscape element is positioned behind the letter 'E' and extends to the left.

District Council

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Mr M Middleton BA(Econ) DipTP Dip Mgmt MRTPI
(via Programme Officer)

Dear Mr Middleton

Eden Local Plan 2014-32 - Response to Initial Questions

I write in response to your initial questions which were received by the Council on 29 January 2016. The Council has endeavoured to provide a comprehensive response to each of the questions raised. However, please do not hesitate to contact us if you require any further information at this stage in the examination process.

Q1. The 'Background to the Plan' says that it is a full Local Plan that covers Eden District for the years 2014 to 2032. Is it correct to assume from this that no subsequent Development Plan Documents are to be produced until this plan is reviewed? If so when do you anticipate undertaking a review/preparation of a new plan?

Yes, the plan will be reviewed on a need basis, should annual monitoring reveal the need to do so, or if national policy changes in such a way that reveals the need to do so.

There are no current plans to produce any additional Development Plan Documents.

Q2. Is there any evidence as to how the chosen development option was justifiably arrived at in addition to the information contained in the alternative options paper (SD024) and the Sustainability Appraisal Report (SD011)? Your strategy differs from that in the Core Strategy. Why? Have you demonstrated that option 1 is the sustainable option in the context of the District's development needs and the products of the other three options?

The two documents mentioned above contain the main justification for the chosen development option. The strategy in **SD001: Eden Local Plan 2014-32** contains a slightly different distribution pattern to the current **LD002: Core Strategy** (adopted April 2010). The strategy in the **SD001: Eden Local Plan 2014-32**, suggests 50% of new housing development should be provided in Penrith, rather than 60% which is the current Core Strategy target. This revised strategy was initially selected on the basis of judgement and local knowledge. There has been a historic undersupply in Penrith and strong demand for housing outside of main towns, allocating 60% of 3,600 houses would be optimistic given the limited amount of strategic sites available and the low number of volume developers

actively building in Eden. We are of the view that an additional 1800 homes in Penrith (up to 2032) remains an ambitious target considering the size of the town, however we are confident that this figure is deliverable. This chosen strategy is supported by the evidence within **EB20: Land Availability Assessment**, specific which shows that current land availability is broadly in line with the preferred strategy.

SD011: Sustainability Appraisal Report concluded (Paragraph 4.20) that in comparison to the other three options assessed; the chosen approach provides the greatest degree of positive social, economic and environmental benefit.

Strategic Housing Market Assessment

3a. Paragraph 4.16 of Taking Stock says that the Popgroup model was to be rerun in October 2015 against the full set of 2012 household projections. Has this been done? Are the results similar or different to those that were previously obtained and used to project households living in the area?

Revised POPGROUP figures were due to be published in late 2015. However, these have been delayed and are not expected to be published until Spring 2016.¹

If these figures are published in advance of the examination hearings, then the Council will endeavour to provide the Inspector with an updated calculation. However, we are not expecting these figures to provide any significant changes to current projections.

3b. In Table 21 the analysis suggests a total job driven need of between 194 and 206 dwellings per annum (d.p.a.), whereas the table in paragraph 4.110 says between 179 and 204 and paragraph 4.111 concludes that it is between 186 and 204. It is not entirely clear as to how you have derived the different figures and arrived at your final conclusion. In this context it could be argued that your assessment is not particularly robust once it takes on board the changing employment requirements of the district. Whilst at first glance and in the context of the three ranges that you have set out 200d.p.a. seems reasonable, the lack of clarity and transparency does not assist the defence of your assessment. Could you provide additional explanation for this?

It is not the intention of the document to provide three differing ranges; the document seeks to explore a variety of scenarios which are summarised at Paragraph 4.110. However, the question you raise highlights an error in how the data has been presented which will of course now be corrected.

At Paragraph 4.110, the range is quoted as 186-204. However, Table 21 of the SHMA concluded that a 'Demographic Projection and Economic Forecast Range' would require between 194 and 206 homes per year. The data has been input into this table (Paragraph 4.110) incorrectly, and will be corrected.

The other calculations in this particular paragraph remain correct.

The concluding Paragraph 4.111 suggests that the calculations found within Method 1 are based upon the most robust data source, and as such would seem to provide a sensible range for the amount of homes needed to meet future job growth. However, as with Paragraph 4.110, the figures have been misquoted providing a confusing basis for the

¹ Please see email from Cumbria Intelligence Observatory received 01/02/2016

conclusion. The range should be **196 to 204**, as previously confirmed in Table 21. The rationale for the conclusion remains correct and represents the Council's view.

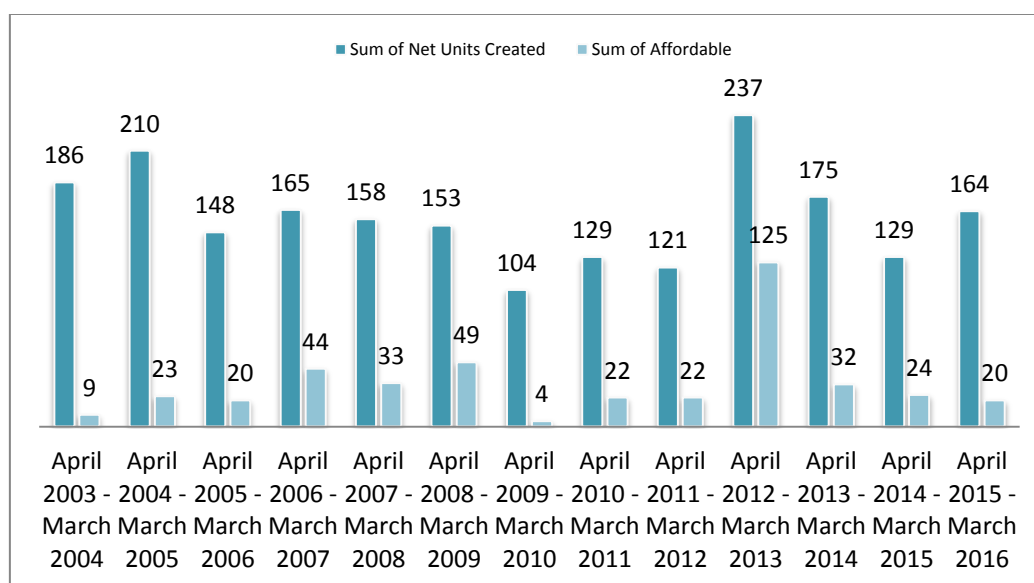
3c. Policy HS1 seeks an affordable housing provision of 30% from developments of four or more units. What proportion of the total new housing stock is expected to be derived from sites of four or more units and how does this compare with a historical analysis of total dwelling and affordable dwelling provision on different sized sites?

30% from sites of four or more dwellings would not deliver the 60 per year assumed in paragraph 4.136 unless the financial contributions anticipated from schemes with three or less dwellings delivers the same amount of affordable housing elsewhere as the larger sites would build on site. Is there evidence to support this assumption?

Historical Evidence of Affordable Housing Delivery – Housing Completions and Approvals

Between April 2003 and March 2015, a total of 1915 units were completed, of these units 407 were affordable. This results in an average annual delivery rate of **21.25%**.

The graph below shows the rates of housing and affordable housing completions since April 2003².



During the same period 2638 units were granted planning approval, with 571 of these being affordable. This equates to 21.64% of all approvals. However, 528 of these units were approved on 'large sites', which is equivalent to 28.94% of the total number large site approvals (1824). This shows that we have historical evidence of affordable housing delivery on our large sites.

Historical Evidence of Development Size

Since April 2003, 67% of housing completions have been on 'large'³ sites. In comparison, if one considered housing approvals across the same period, 70% of housing approvals have been on large sites.

² It includes figures up to 31 December 2015

³ Large Site = 4 or more dwellings.

These historical trends can be used to project the likely split of the remaining housing sites which have not been allocated and do not already benefit from a planning permission.

Future Delivery Projections

The Eden Local Plan 2014-32 contains a housing target of 3600 homes. The plan has allocated 1983 units across Penrith, Alston, Appleby and Kirkby Stephen, the districts main and market towns. These locations are expected to fulfil 70% of Eden's housing target, with Penrith expected to deliver 50% or 1800 homes between 2014 and 2032. There are no sites allocations in the Key Hubs or Villages or Hamlets, however these locations are expected to deliver the remaining 30% of the housing target.

The 1983 units allocated are expected to deliver 595 affordable units (if the 30% is achieved on all sites), which roughly equates to **35** affordable units per year (over the remaining 17 years of the plan).

In addition to the housing allocations, Eden has existing housing commitments which total 1299 committed units, which includes 191 affordable units. This equates to an annual supply of **11** per year (over 17 years). However, many of these sites are already under construction and are likely to come forward in the next few years.

The Local Plan over allocates in the towns by 162 units, however, in order to align with our distribution strategy this still leaves a requirement for 342 in the Key Hubs and Villages & Hamlets. This would result in 229 units being delivered on large sites which would potentially provide 68 affordable units or 4 affordable units per annum.

However, due to nature of the Policy HS2 (Local Needs Housing), it is unlikely that a significant amount of affordable housing will be delivered in the Smaller Villages and Hamlets. A more accurate picture is to assume that the 30% will only be delivered in the Key Hubs, of which 232 units are required (in addition to existing commitments), with the potential to provide 46 affordable units (based on 155 units being delivered on 'large' sites), or 2.7 units per annum.

This would result in an annual figure of **48.7** per annum, which is below the target of 60 per year.

It is also important to note that these calculations do not allow for flexibility based on viability considerations which will further reduce the possibility of delivering our affordable housing target.

Commitment to Delivery

Notwithstanding the evidence presented above, the Council is committed to the delivery of affordable housing, the Council will actively undertake a number of measures to encourage delivery which are summarised below.

The *Council's Affordable Housing Fund*⁴ was set up to manage the 'commuted sum' contributions from all small schemes, to date the Council has received in excess of £60,000 from 11 completed schemes. The Council's Housing Team is actively collecting these commuted sums on the completion of each property.

⁴ <http://www.eden.gov.uk/housing/home-ownership-schemes/affordable-housing/affordable-housing-fund/>

The *Council's Affordable Housing Innovation Fund* announced a £1,000,000 fund for affordable housing. Only the 7 July 2015, the Council agreed to provide funding to the following schemes:

- Pategill Stores, Penrith – 4x one bedroom flats for rent (Eden Housing Association)
- Brent Road, Penrith (Site Allocation - P71) – 5x two bedroom bungalows (Eden Housing Association)
- William Street, Penrith – 5x two bedroom houses and 3x one bedroom flats (Eden Housing Association)

The fund will also be used to support a scheme in Threlkeld, which for the purposes of planning is located within the Lake District National Park.

The *Council's Empty Home Strategy*⁵, in Partnership with Carlisle City Council, confirms the Council's commitment to bringing empty properties back into use. The Council currently offers Empty Property grants, on the proviso that the property, once repaired, is leased to a Housing Association partner, or to someone on the Choice Based Lettings scheme in need of social housing.

The Council works closely with locally Housing Associations and Registered Providers. The Council's Housing Development Officer provides an important link between the Council and these organisations.

Looking Forward

There are a number of significant changes proposed for affordable housing, in particular recent announcements regarding the delivery of Starter Homes with the new Housing and Planning Bill. In terms of site viability there is a greater potential to deliver a higher proportion of affordable homes than we previously thought viable, if starter homes are to contribute to the delivery of affordable housing in the coming years.

3d. Why are all concealed households are assumed to be in overcrowded dwellings?

It is impossible to disaggregate the two from the census results and as a result there will be some overlap. The figure for overcrowding was chosen as it was the higher of the two. Some uplift for concealed houses is implicit in any event in the calculations given that the OAN need figure of 200 is substantially above actual household projections.

Gypsy and Traveller sites

4a. Having undertaken a Gypsy and Traveller Accommodation Needs Assessment that estimates a current need for residential pitches for Gypsies and Travellers, as an additional 11 pitches by 2018, with a further 18 thereafter, the plan now only makes provision for an extension to the Lakeland View site at Penrith. How many additional sites will this provision accommodate? If not 29 where and how are the remainder to be provided?

⁵ <http://www.eden.gov.uk/housing/empty-properties/empty-property-strategy/>

The site area proposed for allocation measures 0.9ha, which is capable of accommodating an additional 49 number of pitches⁶. This evidence can be found in the **EB20: Land Availability Assessment** (pg. 92).

The identified site on the **SD002: Eden Local Plan 2014-32 Policies Map** and **SD003: Eden Local Plan 2014-32 Policies Map (Inset Map) – Main Towns** shows a much larger site measuring 6ha. Please see below for a map showing the revised site boundary measuring 0.9ha.

4b. In any event, given the geographic size of Eden District why is it appropriate to only have one site?

The site is an existing and well known site. We are not aware of any alternative locational based need within Eden, and do not have any unauthorised encampments within the District. Penrith, by its very nature as the key settlement and strategically located on major transport routes would seem to offer the most logical location for such provision.

During the 'call for sites' exercise only two sites were put forward, the other suggested site, again located near to Penrith, has substantial local opposition and was considered to be less sustainable than the selected option.

Residential Allocations

5a. Six large sites in Penrith that are expected to deliver nearly 1400 dwellings (well over half of those to be allocated in the whole district and nearly three quarters of those to be allocated in the towns) are to be the subject of Masterplans. However, this is a Local Plan which is presumably meant to discharge the Council's duty to allocate specific sites for development as well as fulfilling the functions of a Core Strategy and a Development Policies Development Plan Documents? Regulations 5 and 6 of the 2012 Town and Country Planning (Local Planning England) Regulations say that 'development management and site allocations policies that are intended to guide the determination of applications for planning permission should be prepared as local development documents as should documents that contain the local planning authority's policies in relation to the area'. In consequence supplementary planning documents such as Masterplans are not legally permitted to provide development management or other policies, which are intended to guide the determination of planning applications.

We agree that local development documents should not include any policy, the intention is that Appendix 5 provides a set of principles to aid applicants understand how the Council will look at various design, access and site specific requirements when agreeing a masterplan. This is no different for how the Council would agree a masterplan with a developer at planning application stage. It is not unusual for Councils to prepare site briefs or design guides outside the development plan process, with public consultation involved, for example to be adopted as SPDS. Our neighbour South Lakeland District Council has recently consulted on a number of Development Briefs for their housing allocations.

5b. Policy PEN2 implies that the Masterplans will be land use plans with specific locations and areas giving a breakdown of the key land uses that will be delivered by the overall development. Appendix 5 confirms that they are to include site components. Should not such information be in a DPD and subject to full public consultation and sustainability appraisal?

⁶ This calculation is based on allowing 195m² per plot.

It is the Council's intention to actively work with the relevant land owners/developers to produce 'Design Briefs', with the documents expected to set out key design principles for the development of sites. It is not the intention of the Council to provide additional policies within these documents. An example of a recently prepared design brief can be found in Appendix 1 of this response, please note the document has not yet been published for public consultation.

5c. Paragraph 3.6.2 of the LP also says that 'given the scale of development around the town, Masterplans will also be expected to assess the cumulative needs for infrastructure, taking into account demand generated by all Masterplan sites in combination. Is that not a responsibility of the local planning authority to be discharged through its plan making function?

The Infrastructure requirements of the Local Plan have been assessed through the preparation of the **Infrastructure Delivery Plan – SD10**. Further work has been undertaken in partnership with Cumbria County Council in relation to transport for Penrith. The **Penrith Transport Study – EB028** published in September 2015, focusses on addressing the need for additional highways infrastructure to support the level of development allocated in and around Penrith.

The Council would not expect the 'Design Briefs' or 'Masterplan' to establish the infrastructure requirements of a sites or collection of sites as these assessments have already been undertaken as part of the Local Plan process.

5d. Whilst there is clearly scope for Masterplans to build upon outline proposals for an area, the Planning Practice Guidance specifically says that the LP 'should make clear what is intended to happen in the area over the life of the plan, where and when this will occur and how it will be delivered' (ID 121-002). It goes on to say that 'where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development' (ID 12-010). Does the LP as currently drafted actually do this and in doing so conform with the regulations and guidance?

The **SD001: Eden Local Plan 2014-32** clearly sets out the Council's approach to the development of the strategic housing sites to the north and east of Penrith. Policy PEN1 includes a phasing strategy for each of these sites. The policy also includes the provision of a reserve site N1a.

5e. It also appears from the reading that the viability of these sites has not been assessed in terms of the infrastructure required to enable them to be given planning permission. If this is the case what guarantee is there that these sites are viable and have a reasonable certainty of being developed before 2032?

Viability

A range of viability studies have been commissioned by the Council to support the Local Plan, which include the **EB011: Economic Viability Appraisal**, produced by DTZ in 2009 and the **EB012: Economic Viability Appraisal (Refresh)**, produced by NPS in 2013. The Council has also recently commissioned further Viability Work which is due for completion in February/March 2016.

Reasonable Certainty of Development before 2032

A number of key sites in Penrith are well progressed with the following sites having live planning applications on them:

E1 – Carleton: Planning Application Ref: 08/0291 (Outline Application) was due for consideration by the Council's Planning Committee on 18 February 2016 (recommended for approval), but this has been deferred to a special meeting which is due to be held on Thursday 3 March 2016.

N1 – Salkeld Road/Fairhill: Planning Application Ref: 15/0799 (Full Application) has been submitted and is currently under consideration by the Council.

N3 – Raiselands: Planning Application Ref: 14/0405 (Full Application) has been submitted and is currently under consideration by the Council.

P71 – Brent Road Garages: Planning Application Ref: 15/1168 (Full Application) has been submitted and is currently under consideration by the Council.

A planning application has also been submitted for part of E3, and we are expecting a further application to be submitted on this site in the near future.

Employment Provision

6a. The SHMA suggests that a range of 2,293-2,564 additional jobs will be generated in the area during the plan period. Policy EC1 proposes 24.38 ha over the plan period. This represents a job density of about 100 per hectare. Whilst many jobs can be expected to be provided in unallocated locations, are the Council content that sufficient employment land is being allocated? If so what assumptions have been made when translating the jobs forecasts into employment land allocations?

The **SD008: Employment Target and Sites Paper** sets out the technical evidence we have used to assess how much employment floorspace may be required in the district over the years 2014-32 and where it should be located. The paper builds upon two earlier pieces of work – an employment land study carried out in 2009 by consultants Drivers Jonas and work on employment sites and policies carried out by consultants Deloitte in 2013. The paper uses several methods to ensure that we are presenting the most realistic picture, these are:

- A '*Labour Demand*' approach, using projections on the number of jobs, which may become available.
- A '*Labour Supply*' projection, which considers projected population changes and how many new people, may be in work.
- A '*Past Trends*' approach, which looks at past development rates.
- A '*Land Availability*' approach, which reviews our current supply of employment sites.

In the **SD008: Employment Target and Sites Paper**, Paragraph 4.40 concludes that that a figure of 5.51ha represents our 'best estimate' of employment land that would be required to meet the anticipated need, this is based on an integrated approach of both Labour Led and Experian Demand Led approaches. Further explanation of how this figure is arrived can be found within Sections 4 of this document.

However, Eden's preferred option for growth is to adopt a strategy which considers the evidence of future market and workforce need but also presents a supportive strategy for growth beyond these figures. Eden has a strong supply of undeveloped employment land, 29.85ha (March 2013) and as such the preferred option for growth is defined by the amount of developable employment land. The **SD008: Employment Target and Sites**

Paper concludes that 24.38ha of Employment Land should be allocated in the Eden Local Plan.

In the **EB030: Strategic Housing Market Assessment (Taking Stock Parts 1-4)**, paragraph 4.95 acknowledges that there is some uncertainty over the calculations of future jobs in Eden. In an attempt to overcome this range of scenarios are produced which conclude a range of between 2293 and 2564 new jobs could be created across the plan period, these figures represent a total number of jobs to be created, and not the full-time equivalent figure. Translating these figures into a FTE equivalent figure would result in an average jobs density of 68 (based on 24.38ha of allocated land). Within the **SD008: Employment Target and Sites Paper**, a detailed breakdown of the amount of floorspace required per employee which is as follows:

Floorspace Required (per employee)	
B1	12m ²
B2	36m ²
B8	70m ²

In addition to the allocated sites, new jobs will of course be provided in existing and established employment locations, either through expansion of existing businesses or the re-use of currently vacant sites. Also, Eden has a high proportion of 'small' business enterprises which may expand and increase their employment levels throughout the plan period, with 88% of businesses employing ten or less people. A high proportion of Eden's existing workforce is self-employed, with 21% of economically active residents are currently self-employed⁷.

6b. It appears that a high proportion of the proposed employment land allocation is constrained by flood risk mitigation and a new road link to the motorway. Has the viability of these works been assessed and has the prospect of this land being available for employment development before 2032 been robustly tested?

With the exception of Site 23 – Shire Hall (Appleby), none of the allocated employment sites lie within Flood Zones 2 or 3. This site should be removed. Site 2a Land at Gilwilly is not within zone, nor does it require a link road to be provided. Recent highway improvement works have already been undertaken at the Junction of the B2588 and the Industrial Estate (Gilwilly Road).

In the **SD008: Employment Target and Sites Paper**, the Council considers a range of available employment sites, for which an assessment is undertaken, this process identifies a number of available sites which fall within Flood Zone 2 or 3. Of particular note is Site 2B which forms a further extension of the Gilwilly Industrial Estate/Eden Business Park, which is located in Flood Zone 3. The assessment of this site also acknowledges that the site would require a new road link to the M6 at Junction 41. This site whilst not allocated, it remains a long term strategic aspiration of the Council. Further investigative work in relation to flood, transport and viability constraints will need to be undertaken on this site. No viability testing has taken place, however the land is therefore not intended to contribute to the 24.38ha of allocated deliverable employment sites within the district.

⁷ NOMIS (2014)