

## Examination into the Eden Local Plan. Issues and questions for Examination at the Hearing sessions.

These are the only questions upon which the Inspector presently invites evidence – all other existing representations will be taken into account and none should be expanded in terms of their scope. Respondents need only answer questions relating to the subject of their original representation, but the Council should answer all the questions, incorporating as appropriate material from their response to the Inspector's Preliminary Questions (Examination library references EL1.001a-b(i)(ii)).

The majority of the questions relate to the tests of soundness requiring the Eden Local Plan ('the Plan') to be positively prepared, justified, effective and consistent with national policy.

**Background Notes:** The Inspector is examining the Plan as it was submitted to the Secretary of State in December 2015 – this is the October 2015 Proposed Submission version. The Council has suggested some further changes in response to representations following the Regulation 19 consultation on the Proposed Submission version. These are contained in Eden Draft Local Plan, Eden District Council Response to Representation 19 comments Post Submission (the latest edition of this document is currently February 2016, library reference EL1.003). These suggested changes will be taken on board by the Inspector when examining the plan and where necessary discussed at the Hearing sessions. However, the Inspector will only consider these further in response to representations or if he personally comes to the conclusion that (a) further change(s) is/are needed because otherwise the Plan would be unsound.

Before responding, participants should also note the "Preliminary Questions" asked by the Inspector and the "Council's responses". All of the above documents are available on the Examination web site as referenced above.

### **Legal Soundness questions:**

- Has the Plan been prepared in accordance with the Local Development Scheme?
- Is the Plan in general accordance with the Statement of Community Involvement and public consultation requirements?
- Has the Plan been subjected to Sustainability Appraisal?
- Has the Plan had regard to appropriate national policy?
- Has a Habitat Regulations Assessment been prepared? Have its conclusions been taken into account in the Plan?
- Has the Council fulfilled the requirements of the duty to cooperate?

**Note:** I appreciate that the Council has answered some of the above questions in various documents and the evidence base. The purpose here is to have clear answers in one place at the time of the opening of the Hearing sessions.

### **Other Soundness issues**

#### **A. Duty to cooperate**

Has the Council satisfactorily fulfilled its requirements under the Duty to Cooperate?

#### **B. Overall Plan**

Is the plan justified and supported by a sound and credible evidence base?

### **C. Policy LS1 – Locational Strategy**

**Is this policy justified, effective and consistent with national policy?**

Penrith

Should the plan identify areas for further development to be used in the period after 2032?

Market Towns

Should Alston be treated as a Market Town for the purposes of distributing new development?

Key Hubs

What is/are the fundamental purpose(s) behind the need to designate Key Hubs?

Is there a justification for 28?

Would the scale of development that 20% of all development (720 dwellings), divided between 28 different places, would achieve, realistically protect local services in all of the villages, let alone enhance them?

Do the criteria and methodology now being used to identify Key Hubs reflect national policy and are they appropriate in the context of Eden District?

Are settlements that only contain community facilities sustainable and are such settlements appropriate for selection as Key Hubs?

Are settlements without public transport appropriate for selection as Key Hubs?

The only criterion being used to determine the scale of development in Key Hubs is 10% of the existing size of the village on a single new site. Is this a sound approach i.e. is it justified and effective?

Is 10% a justifiable limit on new housing development within Key Hubs on a single site?

What evidence is there to suggest that the proposed treatment of Key Hubs would not undermine Objective 6 (page 17 of the Plan), which seeks to concentrate development within or adjacent to the main towns, with only 20% of residential development within the Key Hubs?

Does the Policy provide clarity as to the level of development overall that would be acceptable in each of the Key Hubs over the life of the plan and how would this be regulated?

Should a cap on the amount of development within Key Hubs be introduced?

Should the list of Key Hubs be reviewed during the plan period?

Is the failure to identify sites for at least some of the development proposed to be located within Key Hubs appropriate and consistent with National Policy?

Should the policy refer to the desirability of producing Neighbourhood Plans for the Key Hubs?

Has the Council correctly interpreted the facilities that currently exist at Sockbridge and Tirril?

Smaller Villages and Hamlets

Are the two criteria that seek to control development in the Smaller Villages and Hamlets mutually exclusive?

What is the justification for restricting development on greenfield sites to that which meets local demand only whilst not applying such a restriction to previously-developed land?

How is local demand to be defined?

Should infill sites and rounding off be defined?

Should market led housing development be promoted in the Smaller Villages and Hamlets?

Should the policy specifically refer to and define the nature of infill development within the Smaller Villages and Hamlets?

Should market development be allowed on infill sites within the Smaller Villages and Hamlets?

Rural Area

How does the policy cater for the provision of new dwellings in the rural area to meet the needs of essential rural workers who do not require affordable accommodation?

Do the results produce a sound approach for the location of new housing development within the rural area as a whole?

#### **D. LS2 - Housing Targets and Distribution**

**Has this policy been positively prepared, is it justified and effective and is it consistent with national policy?**

Does the provision of 3600 additional dwellings between 2014 and 2032 represent the Full Objectively Assessed Need for Eden District?

Would a target of 200 dwellings per annum facilitate a significant boost to the supply of housing within Eden District?

Is the distributional strategy sound, particularly with regard to the distribution of residential development between the different tiers in the settlement hierarchy?

How much previously developed land suitable for housing is there in the Smaller Villages and Hamlets?

Is there a need for 360 dwellings in the Smaller Villages and Hamlets during the plan period?

Would the criteria in Policy HS2 facilitate the building of 360 dwellings during the plan period?

Should the footnotes to Policy LS2 confirm that the housing provision figures are net of demolitions?

Have the Council used the correct methodology and assumptions when calculating the five year housing requirement?

### **E. RUR2 - Re-use of Redundant Buildings in Rural Areas**

Is this policy sound and in particular consistent with National Policy and Guidance?

### **F. DEV1 - General Approach to new Development**

Is this policy sound and in particular consistent with National Policy and Guidance?

### **G. DEV2 - Water Management and Flood Risk**

**Is this policy effective and consistent with National Policy and Guidance?**

Is the policy sufficiently precise in its treatment of Sustainable Drainage Systems?

Does the policy adequately avoid risks to the water supply?

### **H. Policy DEV3 - Transport, Accessibility and Rights of Way**

**Is this policy effective and consistent with National Policy and Guidance?**

Is the policy in conflict with the Development Strategy advanced under Policy LS1 in the context of the designation of Key Hubs?

How is "significant amounts of travel" to be defined?

### **I. Policy DEV4 - Infrastructure and Implementation**

**Is this policy justified, effective and consistent with National Policy and Guidance?**

Does the plan need to identify infrastructure requirements, particularly where these will need to be funded by developers?

Should the requirement for planning obligations be set out in the plan?

In the context of the proposed Development Strategy, the likely requirement for developer contributions to fund off-site infrastructure and the introduction of limits to pooled infrastructure contributions, is the decision not to introduce a Community Infrastructure Levy justified?

### **J. Policy DEV5 - Design for New Development**

**Is this policy consistent with National Policy and Guidance?**

Are the references to the "Building for Life Guidelines" consistent with National Guidance?

Does the Policy adequately reflect the need to conserve and enhance the historic environment, heritage assets and their setting?

**K. Policy HS1 - Affordable Housing**

**Is this policy justified, effective and consistent with National Policy and Guidance?**

Will the policy and the overall Development Strategy result in the requirement for affordable homes within Eden District being satisfied?

Is the seeking of 30% of all new housing as affordable homes a viable and effective solution to the need to provide affordable housing?

Is the site threshold of four units viable and appropriate?

What impact is the Starter Homes Initiative likely to have on the provision of affordable housing?

On what basis is the financial contribution to be derived?

Is a discount of 40% on market value viable and effective?

Is the Local Occupancy Criteria set out in Policy HS1 sufficiently clear and unambiguous?

Should dwellings provided as Affordable Housing remain so in perpetuity?

**L. Policy HS2 - Housing to Meet Local Demand**

**Is this policy justified and effective?**

Is the policy sufficiently flexible to facilitate the construction of 360 dwellings within the Small Villages and Hamlets?

How is "infilling" and "rounding off" to be defined?

What is the justification for the 150m<sup>2</sup> limit on dwelling size?

Is the local connection criteria justified?

**M. Policy HS7 – Gypsy and Traveller Sites**

Does the policy provide adequate protection for the historic environment?

Is bullet point 5 effective?

**N. Policy EC1 - Employment Land Provision**

Is the proposed employment land provision consistent with Objective 9 (page 18 of the Plan)?

**O. Policy EC4 - Tourism Accommodation and Facilities**

Does the policy provide adequate protection for the historic environment?

**P. ENV5 - Environmentally Sustainable Design**

Is this policy justified and consistent with current National Guidance?

**Q. Policy ENV6 - Renewable Energy**

**Is this policy justified, effective and consistent with National Policy and Guidance?**

Is the designated area consistent with National Guidance?

Does the designated area avoid the potential for proposals being formulated that would affect the setting of the National Parks or the Area of Outstanding Natural Beauty?

Does the policy provide adequate protection for the historic environment?

Has there been adequate public consultation on the definition of the "Suitable areas for wind energy development"?

**R. Policy ENV10 - The Historic Environment**

Is the Policy consistent with National Policy and Guidance?

**S. Policy COM2 - Protection of Open Space, Sport, Leisure and Recreation Facilities**

Does the Policy reflect National Policy and Guidance?

Mel Middleton  
INSPECTOR