

This response is to the SLDC consultation 08Apr13 to 06May13 on behalf of Kentrigg West Action Group (KWAG), which has over 400 supporters.
Derek Whitmore, Secretary for KWAG (05May13)

KWAG's comments on "Ex063 Land Allocation DPD_5.4.13.pdf"

(it having marked-up Main Modifications).

[Also referring to "Ex061 Proposed Main Mods 5.4.13.pdf" for MM numbers]

Forward

The Local Development Plan has been a long, difficult and arduous process. The guidance for all comes from the highest level – Government. The Kentrigg West Action Group agrees with the extracts below, which are stated in the Ministerial Forward of the National Planning Policy Framework (2012) by the Rt. Hon. Greg Clark MP, Minister for Planning. These extracts should form a basis for all Local Development decisions within the SLDC area.

1. The purpose of planning is to help achieve sustainable development.
2. Sustainable means ensuring that we have better lives but doesn't mean worse lives for future generations.
3. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.
4. We must house a rising population, which is living longer and wants to make new choices.
5. Sustainable development is about change for the better, and not only in our built environment. Our natural environment is essential to our wellbeing, and it can be better looked after than it has been.
6. Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.
7. So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen.
8. In order to fulfil its purpose of helping achieve sustainable development, planning must not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities. In part, this has been a result of targets being imposed, and decisions taken, by bodies remote from them.
In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities. This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning.

KWAG considers that site R170M (policy LA2.2) does not meet these important Government requirements for the following reasons:

1. Site R170M does not meet this requirement because it is not "sustainable", see below.
2. Site R170M is not "sustainable" because the lives of people in the Kendal area will be worse due to the fact that SLDC have always put building houses before meeting their own traffic standards and statutory limits on Air Quality.
3. Growth is to take place only on sites that are truly "sustainable". Site R170M is not "sustainable" as pointed out in these statements.
4. Sites must be chosen that meet all of the above requirements 1 to 8. Site R170M does not do this.
5. The well-being of the people will be worse because it will make the natural environment surrounding Kendal worse not better. Site R170M is a Green Gap and must be "better looked after" by not building on it.
6. Kendal itself is a small historic market town and changing it into a large urban sprawl means it will not be "better cherished". Hence building on site R170M (and other Kendal sites) will make the "spirit of the place" wither rather than thrive.

7. The key word in this statement is “sustainable” and site R170M is not “sustainable” as pointed out in these statements.

8. Building on the Green Gap site 170M will not “..... enhance and improve the places where we live our lives.” SLDC have completely ignored the wishes of the majority of the people (over 400 KWAG supporters) who have stated they are against building on site R170M. A site which meets the above Government requirements listed above should replace site R170M in the LA DPD.

David Birkett

Acting Chairman for KWAG.

Ref: MM028 Policy: LA2.2

1. Page 69/70 of Ex063 Land Allocation DPD_5.4.13 - Land north of Laurel Gardens

“3.18 This large site is prominent in views in the local landscape and provides local amenity value. Significant landscaping measures will be required to maintain a high quality environment and safeguard the integrity of the proposed Green Gap to the north. Development is likely to result in significant impacts on traffic flows on Burneside Road and the Kendal Town Centre network. A Transport Assessment and Travel Plan will be needed and it is likely that some off-site highways and transport mitigation will be required. Green Infrastructure should be integrated and pedestrian/cycle links made to adjoining residential areas to the south and nearby main roads. Measures may be needed to mitigate against existing flood risk on the east part of the site close to Burneside Road. Deliverability of the site is affected by major issues relating to the sewer network capacity, which may impact on timescales for development. Given the size of the site, development may result in the need for additional community infrastructure, which could be provided integrated within the site.”

[Comment 01 - No Environmental Study has been carried out/published to establish what impact the run-off water from this site 170M, and other sites at Hallgarth and Burneside, will have on the unacceptable flooding problem in Kendal town and Carus Green. Until the results and cost implications of this study are known, the site R170M is not deliverable (UNSOUND) within the plan period.]

More evidence to support this statement - Ex068 Infrastructure Delivery Plan.pdf (page 40):

“4.33 There is always the residual risk that these defences may fail, as a result of either overtopping and/or breach failure. In Kendal the greatest area of risk is considered to be in central Kendal.”

[Comment 02 – When the Hydraulic Study has been carried out the flood defences must be such that they can cope with the estimated “overtopping and/or breach failure” in years to come. In addition there are a number of springs that run through this site into the river Kent, which add to the problem of flooding in Kendal town and Carus Green.]

Also

Email from Dan Hudson 05/04/13

“The Land Allocations DPD will allocate land for new housing and employment development and protect green spaces and green gaps from development in South Lakeland (outside the National Parks) in accordance with the adopted Core Strategy.”

[Comment 03 - Note the words “will protect green spaces and green gaps” SLDC have not used their usual non definitive words of “will consider”. Site M170M is a Green Gap and confirmed as such by a Government Inspector at a previous hearing in 1996. Protecting Green Gaps is an SLDC requirement and together with this statement by Dan Hudson makes Policy LA2.2 UNSOUND.]

Also

[Comment 04 - The issue of access to this site has not yet been resolved. KWAG maintains that the standard for the access road must be that used for roads and not the one for streets as proposed by CCC. This makes site R170M UNSOUND.]

Also

[Comment 05 – With regard to the landscape setting of site R170M, Kendal has a clearly defined landscape setting and nowhere is that more apparent than in north west Kendal. The site forms part of a rolling farmland landscape within a series of drumlins. This is not a common landscape and its local importance is therefore enhanced. The immediate scenery is a mix of limestone and Silurian slate all set in an attractive drumlin filled valley. This gives the high quality landscape a strong identity and provides a visually interesting, attractive and clearly defined landscape setting for the

town of Kendal which sits just below it. By developing this site, the quality of the landscape and that surrounding, it will be significantly harmed, by virtue of developing the “toe” of a drumlin contrary to the Council’s stated aim of maintaining and enhancing the landscape of Kendal (Core Strategy Policy CS2). KWAG considers that the protection of this unique landscape has not been given sufficient weight in the allocations process. This is another reason why site R170M should be removed from the LA DPD.]

Also

[Comment 06 - The site R170M forms part of the currently defined green gap designated to avoid coalescence between Kendal and Burneside. Within this gap, there are a number of small, tight, groups of farm buildings dispersed amongst the drumlins that contribute highly to the character of the landscape. Whilst a physical separation between Kendal and Burneside would remain, the perception of a gap gradually “closing up” would be apparent. In his report into the 1996 Local Plan, the Inspector dealt with a proposal to omit some of the land in this area from the Green Gap. He concluded “I consider the Plan should seek to engender a degree of public confidence that the separation secured will not, at some future time, be lightly squandered. For these reasons I believe that, where a green gap is seen as necessary, it is more important that the whole gap between the settlements should be designated as green gap than that substantial but arbitrary landscape feature should be rigidly followed”. The landscape has not changed over the last 17 years and KWAG argues that no overriding need has been established to justify removing the site from the Green Gap. It is therefore more important than ever that the principles laid down by this Inspector should be adhered to today and therefore site R170M is UNSOUND and should be removed from the LA DPD.]

2. Page 71 of Ex063 Land Allocation DPD_5.4.13 - Land north of Laurel Gardens

DEVELOPMENT OF THIS SITE CANNOT TAKE PLACE UNTIL MEASURES ARE IN PLACE TO RESOLVE PRESSURE ON THE SEWERAGE NETWORK IN NORTH KENDAL (N.B. this first sentence is to be deleted). IF AN APPLICATION FOR PLANNING PERMISSION IS BROUGHT FORWARD IN ADVANCE OF THE PHASING PROGRAMME IDENTIFIED, THE IMPACT ON THE WASTEWATER NETWORK WILL BE CONSIDERED TO ENSURE THAT THE IMPACT OF THE PROPOSAL, PLUS THE IMPACT OF ANY RELEVANT PLANNING PERMISSIONS IN EXISTENCE, IS ACCEPTABLE IN ADVANCE OF THE DELIVERY OF ANY INFRASTRUCTURE SOLUTION FOR THE WIDER NETWORK.

[Comment 07 - With the first sentence removed the paragraph is no longer definitive. There is nothing about what can happen if the planning application is not “brought forward”. The word “considered” is also non-definitive, it is left to someone’s opinion. The existing statement in the LA DPD (i.e. see first sentence above) must be retained. It is much better than the modified one proposed. It clearly states existing sewerage problems will be fixed before building can start.]

[Comment 08 - Note this sentence in item 3.18 (see above):

“Development is likely to result in significant impacts on traffic flows on Burneside Road and the Kendal Town Centre network.”

Increase in traffic was one of the major complaints in a recent SLDC consultation. This leads to deterioration in the health and well-being of local people. Site R170M will add more traffic to the streets of Kendal and make junction congestion worse. Therefore another definitive note must be added to the LA DPD that states:

"DEVELOPMENT OF THIS SITE CANNOT TAKE PLACE UNTIL IT IS CERTAIN THAT MEASURES ARE IN PLACE TO SHOW THAT THE LIMITS STATED IN THE 2010 LAW ON AIR QUALITY AND SLDC’S DEFINITION OF ACCEPTABLE JUNCTION PERFORMANCE HAVE BEEN MET IN KENDAL, AND CAN BE MAINTAINED."

For definition of “Acceptable Junction Performance” see page 9 of “Kendal Transport Study (Jan12).pdf”.

The LA DPD targets are clearly aspirational (or “Planning Speak”). The acquisition of funding and the proposed dates for completion of infrastructure are at very high risk. There are no authorised/signed documents to guarantee funding will be available on time. In fact just the opposite there are numerous statements that funding cannot be guaranteed, only suggestions where the funding can be applied for.

Examples to support this statement can be found on pages 14 (2.11), 15 (2.13), 16 (2.16) & 18 (2.18-20) of the Draft Infrastructure Delivery Plan 22.3.13.pdf. Note the date 22.3.13. This evidence has conveniently been left out of Ex068 Infrastructure Delivery Plan.pdf.

Air Quality is being measured and reported annually. Junction Congestion must also be measured and reported annually. Junction Congestion is complained about more than the “hidden killer” air pollution.

SLDC must meet and maintain the limits stated in the 2010 Law on Air Quality and their standard on "Acceptable Junction Performance" (with spare capacity) in Kendal before development is allowed on site R170M. Without the note, stated in capitals above, the LA DPD is UNSOUND because SLDC will carry on not meeting their own standards and breaking the law as they have done in previous years.]

Also

[**Comment 09** – The Cumbria County Council study (EX016) concludes that the Windermere Road/Burneside Road junction is currently operating near capacity and that, if the 175 dwellings are built on site R170M it will be operating at capacity. This is just a little too convenient. Long suffering users of Windermere Road, will vouch that the Windermere Road/Burneside Road junction is operating above capacity now during peak periods. It will be well over capacity before all the sites in NW Kendal + Burneside are completed (i.e. over 400 more houses and even more cars).]

Also

[**Comment 10** – Cumbria County Council's original stance (see Cumbria CC Kendal Transport Study (Jan12).pdf) was that a Southern Relief Road, a Northern Development Route and Dowker Lane improvements were required for Kendal. All of which seem now to have gone and the County Council's position now appears to be driven by a lack of resources rather than need. Note the Canal Head proposals require these roads or the Canal Head Development is NOT SOUND (see Kendal Transport Study (Jan 12).pdf).]

Also

[**Comment 11** - SLDC are expecting traffic to be reduced in Kendal by people walking, cycling and car sharing etc. Evidence from previous action plans shows that this will have little effect on the yearly increase in Kendal traffic.]

Also

[**Comment 12** – The Core Strategy & LA DPD both state that "at least 35%" affordable houses is a requirement. Building affordable houses is one of the main reasons given by SLDC for having the LDF in the first place. A way must be found to prevent developers appealing against this sort of requirement. The next thing that will happen is that developers will claim that the site is not viable if they have to meet the Building Regulations. It can be argued that meeting the limits stated in the 2010 Law on Air Quality is more important than Building Regulations.]

Also

[**Comment 13** - Only 206 houses were built over the year 2012-13 instead of the required 400 and only 46 were affordable (or 22% instead of "at least 35%"). SLDC figures show that from the beginning of plan period 2003 to end of 2013 (10 years results) the total for South Lakeland was 2044 / 10 = 204 average / year and of these "affordable" were 493 / 10 = 49 average (or 24% instead of "at least 35%"). It is obvious that the targets in the LA DPD are aspirational (i.e. "Planning Speak") and not deliverable (i.e. UNSOUND).

Final Comment – One senior councillor has stated that councillors have to make difficult choices for the good of all the people. It is obvious that councillors have chosen "houses" over "health". THE HEALTH AND WELL-BEING OF THE PEOPLE MUST TAKE A HIGHER PRIORITY THAN ANYTHING ELSE IN THE LOCAL PLAN. THE MODIFIED PROPOSED PLANS CURRENTLY DO NOT DO THIS AND HENCE THE LA DPD IS NOT SOUND.
