



15 October 2012

Mr Dan Hudson
Development Plans Manager
South Lakeland District Council
Lowther Street
Kendal
LA9 4DL

Dear Mr Hudson

OBJECTION TO THE SOUTH LAKELAND DISTRICT COUNCIL LAND ALLOCATIONS DPD

**PROPOSED HOUSING ALLOCATION, LAND BETWEEN CASTLE GREEN ROAD AND
SEDBERGH ROAD, KENDAL (R121M-mod)**

SUBMITTED ON BEHALF OF SOLEK (SAVE OUR LANDSCAPE EAST KENDAL)

Further to your e-mail dated 18 September 2012 I have pleasure in submitting the following further representation on behalf of SOLEK (Save Our Landscape East Kendal). As requested, I have restricted this to observations regarding the **Council's Response to Matter 1.6**.

As has been noted in previous submissions, what is now Site R121M-mod was formally identified as Site R121, and parts of sites identified as R56 and R141. It is acknowledged (and appreciated) that in respect of sites R56 and R141, the proportions of these now falling within R121M-mod have reduced, and in particular that the proportion of R141 (former "County Landscape") that it is proposed to develop (a small triangle to the south) currently forms only a small percentage of the overall allocation.

The Council's response to Matter 1.6 contains an Appendix 1; which is a colour coded 'matrix' compiled in order to show in full the consideration of every site by settlement, and the reasoning behind their allocation or non-allocation for development. So far as I am aware this is the first time that such a matrix has been made publically available.

Whilst it might appear that this indicates that a thorough, evidence based, systematic and consistent approach to site selection has been undertaken, which should have ensured that the site options chosen were the most appropriate, SOLEK believe that it fails to demonstrate a strong argument for the continuing allocation of Site R121M-mod. This is for the following reasons:

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Landscape Impact

The site is classified by the Council in their Appendix 1 as having only "moderate landscape character impact". This assessment (with which SOLEK fundamentally disagrees) does not fit comfortably with the following:

- That in the Council's submission to their Local Plan Inquiry in 1997, in respect of what was formerly Site R121, it was considered by their own Officers that that the development of this site would be **unduly prominent**;
- That in 1999 it was recognised by the then County Landscape Architect that Site R121 was of **County Landscape** quality, along with what was formerly identified as Site R676KE. Appendix 1 (the 'matrix') notes that this latter site was "not recommended for allocation" because of its "high landscape character impact". SOLEK believe that because sites R676KE AND R121 together were previously considered worthy of County Landscape Designation, and that because they should be viewed in the same overall landscape context, R121 should have been removed from the DPD at the same time as R676KE, and for the same reason;
- That in respect of the current DPD process, the Councils present officers appear to maintain this professional judgement, noting in respect of Site R121 that there is a "need to think carefully about potential **adverse visual impact** on views and landscape character/setting" (see Kendal – Key Facts);
- That Cumbria County Council have stated that development of R121M should only be considered if a strategic allocation is required, and following a full **Landscape Character Assessment** (LCA) to determine the site's suitability. 60 houses is not considered to be a strategic allocation. Furthermore, a LCA has been undertaken and this has concluded that the site is not suitable because of the landscape harm that would be caused. This LCA was commissioned by Kendal Town Council, undertaken by Galpin Landscape Architecture, and seeks to define the character and potential significance of the sites being promoted through the DPD. R121M-mod falls within a slightly larger area of land identified in the LCA as "D3" and classified as "Drumlin Pasture" with hedgerows, dry stone walls and occasional trees. The LCA concludes that this land is of medium/high sensitivity due to its biodiversity and rural environment, and that it has **limited scope for development**. In their response to the previous DPD consultation, and using the results of the LCA, **Kendal Town Council** note the high sensitivity and low capability of the site. It was the only one of the then Emerging Options to receive such a conclusive rating, clearly confirming its unsuitability as a potential development site. SOLEK continue to be extremely disappointed that the outcomes of this professionally undertaken and comprehensive piece of work, the brief for which was agreed with the Council's Officers, are now apparently being ignored; and finally
- That alongside the Town Council, the **Friends of the Lake District** (Cumbria CPRE) similarly note that the site is located upon rising land that forms part of the undeveloped valley side surrounding Kendal, glimpses of which evoke the strongly rural feel identified by local people as a key characteristic of the town.

FoLD therefore also conclude that the development of the site would result in a **detrimental impact** upon the character of the open countryside, and the setting and character of Kendal.

Biodiversity Value

The site is classified by the Council in their Appendix 1 as having "moderate/high biodiversity value". This (with which SOLEK again fundamentally disagrees) does not appear to correct. The Appendix classifies the adjacent Site R141 as being of "high biodiversity value" and notes that it "contains part of a pond". This pond will be part of the network of streams and wetlands that spring from the larger pond in what was previously identified as Site R677K. Appendix 1 notes that this latter site was "not recommended for allocation" because of its "high biodiversity value"; the pond in Site R677K contains a colony of **Great Crested Newts**. Information that has been previously submitted by SOLEK (and by local residents) shows how since 2008 the topography of former Site R56 has changed markedly, with flood water from the breeding pond in Site R677K having eroded a large gully running north-west into the proposed allocation. This has created a number of subsidiary ponds, which are now becoming vegetated, and it is therefore more than likely that newts will be making use of these, and extending the size of their colony. Anecdotal evidence is that newts are now regularly crossing Site R56 to the gardens of Rowan Tree Crescent and Oak Tree Road, and a potential linked colony has recently been also discovered in the vicinity of Broom Close (on the north side of Sedbergh Road). SOLEK believe that because sites R677K AND R56 are of equally "high biodiversity value", all of Site R56 should have been removed from the DPD at the same time as R677K, and for the same reason.

Access

Access to the proposed housing allocation is indicated to be through former Site R56 (which will contain only this and a SUDS), i.e. it will not have houses constructed on it (it is classified in the 'matrix' as having a "satisfactory access". Even this level of disturbance could nevertheless cause an unacceptable level of harm to a **European Protected Species** (see above), which may not be able to be mitigated against and, because of design requirements, street lighting etc, may potentially have a significant landscape impact; the site was considered by a previous Inspector to be a "a visually important link between the open land west of Castle Green Road and the higher slopes of the hillside to the east" and that the land had "a visual quality of some considerable local importance".

SOLEK have however recently been informed that Cumbria County Council (as Roads Authority) are potentially considering two other potential points of access to the Site R121; from the north (A684 Sedbergh Road), through former Site R676KE, or through the existing Oak Tree Road/Rowan Tree Crescent estate.

An access constructed through Site R676KE (which is no longer part of R121M-mod) will again have a potentially significant landscape impact (the development of the site is regarded by the Council as having a "high landscape impact"). Access through the existing Oak Tree Road/Rowan Tree Close estate would be a totally unacceptable proposition given the established levels of residential amenity, the width of the roads in question (4.8 m), and the existing difficulties that this creates for passing traffic. In addition to these existing constraints, if this route of access to the proposed 60 houses were to be used, the new roadway would have to make an immediate 180 degree turn, through R56 and R141, in order to access R121. This would also have a potentially significant landscape impact (R141 is also classified as "high landscape impact").

If the above concerns were to be accepted by the appointed Inspector, and former Site R56 removed from the DPD because of its high biodiversity value, the principle housing allocation (Site R121) effectively becomes 'land-locked' and thus **no longer deliverable**.

Conclusion

Diagram 2 of the Council's Appendix 1 sets out the site assessment process and criteria which have been used to progress the allocation of sites in the DPD. Having regard to the above it is considered that Site R121M-mod should have been removed from the submitted document at Stage 7 (Assess Against Suitability Criteria) because of its **High Landscape Impact, High Biodiversity Value and Access Constraints**. Even if this were not however agreed to be the case, Stage 8 (Assess Community Views), requires that Council to have regard to whether the Town/Parish Council support or oppose the allocation, and whether there have been either limited objections and some support, or a **Significant Level of Objections**.

The 'matrix' (and the Key Fact Files) notes that at every stage of the consultation process the proposed allocation of Sites R121, R676KE, R141, R56 and R677K, and then R121M, and now R121M-mod, have been consistently objected to by Kendal Town Council, and by a significant number of other bodies and individuals. Given that Stage 9 (Consider Exceptional Circumstances) does not appear to apply in this instance, there appears to SOLEK to be no good planning reason for continuing with the proposed allocation of the site, which should therefore be removed from the DPD.

Yours sincerely



Michael Hyde MRTPI
MH Planning Associates
(on behalf of Save Our Landscape East Kendal)