

**SOUTH LAKELAND DISTRICT COUNCIL
LOCAL PLAN
LAND ALLOCATIONS**

**CONSULTATION ON COUNCIL'S
PROPOSED MODIFICATIONS AND
ADDITIONAL EVIDENCE BASE**

**RESPONSE MADE ON BEHALF OF
BARDSEA LEISURE, PRIORY ROAD,
ULVERSTON**

May 2013

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1. Introduction

1.1 We have been instructed to submit representations, on behalf of Bardsea Leisure, relating to the consultation carried out by SLDC during April / May 2013 relating to:

- SLDC's proposed modifications to the LADPD; and
- the additional evidence base submitted to the Inspector by SLDC.

2. Proposed Modification to the Proposals Map Ex063 – Ulverston South

2.1 We note that the Proposals Map Ex063 – Ulverston South has been modified to include the identification of an area '*To be retained for surface water management, open space and access*' at the east end of the South Ulverston Croftlands East site allocation and immediately to the south west of the Bardsea Leisure Park.

2.2 This modification to the Proposals Map is supported. It would provide for an appropriate stand off for development from the Bardsea Leisure Park in relation to the Croftlands East development allocation / parcel. In so doing it would assist in maintaining the amenities presently enjoyed by the Park and essential to its continued success.

2.3 It should be noted, however, that this representation is made without prejudice to the previous submissions and representations presented on behalf of Bardsea Leisure. In particular, that the allocation of the Gascow Farm land parcel (to the south east of Bardsea Leisure Park) for housing development should be deleted.

3. Position Statement on Population and Household Change – Ex074

3.1 The note is intended to provide the most up to date available information on population and household growth. It refers to:

- population and household projections produced by the ONS, published in 2008, 2010 and 2011;

- popgroup projections updated to reflect 2010 data; and
- SHMA 2011, based on ONS 2008 data.

3.2 The note concludes that *'despite the changes in national population projections since adoption of the Core Strategy, the 400 dwellings per annum target remains appropriate having regard to locally based modelling carried out by Cumbria County Council, needs identified in the Strategic Housing Market Assessment and the most recent available household projections'*.

3.3 More up to date household projections are now available. They were published by the ONS in April 2013 - <https://www.gov.uk/government/publications/household-interim-projections-2011-to-2021-in-england> The publication provides household projections for the period 2011 to 2021 and takes account of data from the most recent 2011 census. It states the number of households in South Lakeland at 2011 to be 46,554. Annual projections for household numbers for each of the years to 2021 are provided. The figure for 2021 is projected to be 48,637. That is an annual increase in household numbers of 208. This contrast to previous ONS estimates for annual household growth of 400, as referred to in the SHMA 2011 and the 400 annual housing provision provided for in the soon to be revoked RSS (and, in turn, the CS). Indeed, taking account of housing completions for the period 2003 – 2009, the CS provides for 7,495 dwellings over the period 2009 – 2025, annual average equivalent 468. Taking account of housing completions to 2013 the LADPD (Table 1A) provides for an even larger residual annual housing provision level of 563 for the period 2013 to 2025 (total CS requirement 8,800, less built 2003 – 2013 2,044, equals 7,563 residual requirement, divided by the 12 remaining years of the LADPD period). We have previously submitted (Bardsea Leisure representations April 2012, section 4) that there are sound and convincing grounds for a review of housing provision figures through a partial review of the CS, before work on the LADPD is progressed further. There is no purpose served by repeating

those arguments here. However, it is clear that the latest available evidence (from the April 2013 ONS household projections, based on the most up to date 2011 census data) that the basis to the LADPD is out of date and the household projections demonstrate that a figure half of that provided for in the LADPD would be more appropriate and realistic.

- 3.4 In summary, the 'updated' evidence provided to the Inspector by SLDC is already out of date. It provides a mis-leading indication of household growth and has been superseded by the ONS publication in April 2013 of household projections to 2021. The ONS publication shows an annual household increase of 208. Accordingly, and in contrast to SLDC's claim, the CS and LADPD housing provision levels can not be regarded as appropriate or based on the most recent available household projections.

4. Highways Study Main Report - Ex066

- 4.1 We note that the report includes assessments of the Croftlands and Gascow Farm, South Ulverston allocations at pages 108 – 111 and 122. With specific regard to the Gascow Farm site reference is made to a priority controlled T-junction should provide sufficient capacity if the site was developed independently of adjacent sites (ie Croftlands). However, it goes on to state that it may prove necessary to provide a roundabout should the adjacent sites be developed and an internal link road connecting all sites be constructed. No reference is made in the document to any issues of the wider network capacity and any costs associated with any improvements and upgrading required.
- 4.2 At page 151 outline budget costs for highway works associated with the Croftlands and Gascow Farm, South Ulverston allocations are provided. Total costs of £5,053,831.20 are identified. It should be noted that this costing excludes a number of items, including legal fees, professional fees, and utility works. Also, provision has only been made for new priority junctions without signals (second item on schedule). However, as identified above, a controlled (ie signalled) junction or a roundabout

would be required. This would involve costs additional to those identified.

5. Ulverston and Swarthmoor Transport Study – EvT03a

- 5.1 This TS was produced prior to the current (April / May 2013) consultation and has been referred to in our previous representations. In particular, we would draw attention to comments at 10.6 and 10.7 of our April 2012 representations. In particular, the TS is heavily caveated, with references to the limited data available. Nevertheless, it identifies over-capacity in the local highway network at a number of locations in Ulverston. The TS goes on to state that it would be preferable to identify a Transport Strategy for the area (section 6.4.4). In turn, reference is made to the necessity *‘to introduce measures which provide real, efficient alternatives to the private car which will encourage a substantial level of modal shift away from the car’* (section 7.1.1). It is recommended that a Transport Strategy for Ulverston would comprise a package of measures to include public transport improvements, highway improvements, cycle and pedestrian measures and travel plan measures (section 7.5.2). The situation is summed at section 8.1.5 where it states that *‘a step change will be required in the public transport network. The step change will need to incorporate service improvements and infrastructure improvements’*. However, beyond these generalised conclusions none of the measures are detailed or costed. There is in our judgement a need for a systematic and detailed evaluation of infrastructure requirements to be undertaken, along with costings, to properly inform and justify the LADPD.

6. Infrastructure Delivery Plan – Ex068

- 6.1 It is indicated at 1.4 that the IDP aims to identify the District’s infrastructure needs for the period to 2025 along with costs, funding sources and delivery mechanisms. In turn, an appropriately wide range of infrastructure is defined at 1.12.

Transport

- 6.2 At 3.28 the IDP cross refers to the TS referred to at section 5 above and draws attention to interventions necessary to offset impacts from any new development and the ‘step change’ required in the public transport network. Section 3.27 states that *‘to establish bus services to new developments will normally require “pump priming”, through developer contributions’*.

Sewerage

- 6.2 Table 3 and section 4.5 of the IDP cross refers to a Statement of Common Ground with United Utilities and correspondence (referenced 502.1 and 502.2). United Utilities letter dated 13 September 2012 (document 502.1) refers to a *‘number of future risks to the capability of the (waste water treatment) infrastructure to accommodate future flows and the associated possible impacts on the environment, should the agreed position on phasing of development not be followed and if sufficient time is not allowed for the necessary infrastructure investment and improvement to be put in place. The inherent risks in the South Croftlands area of Ulverston have been discussed with SLDC and agreement has been reached to phase the development allowing a maximum number of 30 units at each of the three sites in South Croftland in Phase 1’*. It would appear that United Utilities has no objection to the development allocations at Ulverston provided that the phasing referred to above is adhered to. However, our examination of the phasing of allocations at Croftlands (Policy LA1.3) reveals that 120 units are proposed at the Croftlands / Gascow Farm sites during phase 1 (ie 2012 – 2017). Clearly the LADPD policy is inconsistent with the stated requirements of United Utilities, as agreed with the Council.

Energy

- 6.3 In relation to electricity supply, reference is made at 5.6 to *‘it is possible that the developments proposed in the Land Allocations will require reinforcement to the lower voltage networks which may require a*

contribution from the connecting party towards the cost of reinforcement. In relation to the supply of gas, it is confirmed at 5.18 that there is no need for infrastructure reinforcement within the next five years. However, at 5.19 it is stated that the *'longer-term impact has not been ascertained'*.

Education

- 6.4 Table 22, page 58, confirms there to be insufficient capacity over the plan period in primary and secondary schools at Ulverston to accommodate demands for school places arising from planned developments. The situation at Ulverston is more specifically described at sections 8.30 to 8.39. In turn, the costs of the new education provision are set out at Table 26, page 76. For Ulverston they are - £1,537,200 for primary school provision and £3,762,000 for secondary school provision. The costs are not apportioned to individual allocations. However, applying the figures pro rata (ie allocations at Gascow Farm / Croftlands 747 dwellings, relative to total Ulverston allocations of 1,068 - source LADPD Table 1A), the costs relating to the Croftlands / Gascow Farm sites would be - £1,075,176 for primary school provision and £2,631,287 for secondary school provision (total £3,706,463). The IDP subsequently confirms that the funding sources available are not intended to pay for the impact of new dwellings and households. Accordingly, developer contributions to cover these costs would be required.

General

- 6.5 The IDP recognises at 13.3 that developer contributions *'have an important part to play in ensuring infrastructure necessary to the delivery of the plan is provided and costed for'*. The infrastructure requirements are drawn together in a schedule at Appendix 1. In relation to the above, we would observe:
- Transport – no provision is made for the 'step change' measures referred to in the TS and necessary at Ulverston (see section 5.1 above);

- Education – the cost of provision of new school places has been included in the schedule;
- Energy – the cost of reinforcement of the lower voltage networks as a result of new development is not stated.

6.6 The Infrastructure Schedule is incomplete in other respects. It identifies a number of other items that may be funded through developer contributions (via section 106 agreements or CIL). However, these have not been costed. Examples appear under the heads of 'Health and Housing' and 'Green Infrastructure'.

7. Viability Study – Ex065 and Ex065b

7.1 We note at 12.17 the conclusion that the South Ulverston site (Croftlands and Gascow Farm combined) is viable even when cautious allowance is made for potentially abnormal costs. A rider, however, is added that the viability of the site is sensitive to rises in costs and falls in prices. Appendix 3 includes a more detailed assessment of the South Ulverston sites (page 37). We note that in relation to 'access' no off site requirements are identified. It may be the case that there are no specific highway network improvements required. However, the TS assessed the overall transport requirements for Ulverston associated with the allocations. We have already referred to the 'step change' transport measures identified as necessary to ensure the delivery of a sustainable development at 5.1 above. No allowance has been made in the viability appraisal for any developer contribution relating to this item. Abnormal costs have been identified to include site highways, education requirements, the need to open up a culvert and SUDS. The report goes on to state that *'it is not possible to make an assessment of each of these, however working from the existing available evidence that we do have we have assumed an overall abnormal costs of £3,500,000'*. Appendix 6 (page 153) reproduces the highway costs associated with the South Ulverston sites, as referred to at 4.2 above, ie total costs of £5,053,831.20. Schedule 7 includes a financial appraisal for the South

Ulverston sites (Specific Site 3). It includes provision for abnormal costs of £3,500,000 and section 106 / CIL contributions of up to £1,500 per unit (total £1,120,500) along with the normal build etc costs. Again, no allowance has been made for the ‘step change’ transport measures identified as necessary. Furthermore, no evidence is provided as to the basis for the section 106 / CIL contribution. The appraisal shows the sales associated the development (ie completions) to be over a period from Q3 Year 2 to Q2 Year 6. That is, a 4 year period for completion of 747 dwellings. It is inconceivable that a completion rate of 187 dwellings can be achieved. Indeed, LADPD Policy LA1.3 has delivery in three phases ranging over at least ten years. The inevitable longer delivery period would adversely impact on the cash flow predictions included in the Viability appraisal.

7.2 We do not consider that the viability assessment undertaken for the South Ulverston sites can be regarded as sound or reliable. It fails to take proper account of evidence presented elsewhere by the Council. In particular:

- no allowance has been made for the (unidentified) costs of ‘step change’ transport measures identified in the TS as necessary;
- the total abnormal costs identified in the appraisal for the site at £3,500,00 fall far short of the £5,053,831.20 figure identified elsewhere for highway costs within the site (which in themselves have been shown to exclude a number of items) alone and makes no allowance for other items identified as abnormal costs;
- no evidence is provided as to the basis for the section 106 / CIL contribution of £1,120,506. It falls far short of the pro rata cost of the primary and secondary school education contributions that the South Ulverston development would be liable for, estimated to be at least £3,706,463. Also, it makes no allowance for other items identified in the IDP that may be funded through developer contributions; and

- the rate of dwelling completions (and, thus, income) has been grossly over-estimated.

8. Other Matters

8.1 On behalf of Bardsea Leisure, we requested that the Inspector visit the company's premises at Priory Road, Ulverston in order to view the relationship with the adjoining housing allocations and the effects thereof. The Inspector confirmed that he would do so and asked at the hearing session on 25 October 2012 for permission to enter the Bardsea Leisure site on an unaccompanied basis. We confirmed by e-mail to the Programme Officer dated 30 October 2012 that such permission is granted. However, for security reasons, a request was made that the Inspector makes his presence known at the reception desk before entering the main site. Our understanding is that the Inspector has yet to visit the site. We trust that he will do so before the close of the examination, in order to fully appreciate and take account of Bardsea Leisure's representations.

9. Conclusion

9.1 The key test set out in the NPPF for examination of Local Plans is 'soundness'. In particular, whether it is 'justified', 'effective' and 'consistent with national policy'.

9.2 SLDC has presented further evidence to the Inspector following suspension of the examination hearings consequent upon issues arising. We have reviewed all of the further evidence, in particular:

- the position statement on population and household change;
- the highways study report;
- the infrastructure delivery plan; and
- the viability study.

9.3 We are concerned to note that the documents contain a number of inconsistencies and omissions. We do not consider the documents

provide a reliable basis for or to adequately support the provisions of the LADPD or to meet the various tests for its soundness. In particular:

- the most up to date (April 2013) ONS household projections show an annual household increase of 208 for the period 2011 to 2021. This figure is at considerable variance to SLDC's assertions that the LADPD 400 dwellings per annum target remains appropriate. As such, the LADPD housing provision levels can not be regarded as a sound basis for planning for the area's needs. It also shows that SLDC do not have a clear understanding of housing needs in their area, contrary to the expectations of the NPPF. In short, the LADPD is not justified;
- the IDP recognises the TS conclusion that a 'step change' is required in the public transport network in Ulverston to ensure sustainable development and this would normally be funded through developer contributions. However, no costings or attributions of costs to the Ulverston allocations have been provided for. Provision for these items has not been carried forward to and identified within the Viability Study;
- the IDP cross-refers to a Statement of Common Ground with United Utilities. United Utilities indicate that delivery from South Ulverston Phase 1 should be limited. However, the figure stated is not reflected in and is exceeded by the delivery figure for Phase 1 referred to in Policy LA1.3;
- the IDP refers to the need for reinforcement of lower voltage networks and the five years plus gas supply infrastructure. Provision for these items has not been carried forward to and identified within the Viability Study;
- the IDP identifies the costs of primary and secondary school provision in Ulverston consequent upon planned developments. Provision for these items has not been carried forward to and identified within the Viability Study;
- the IDP Infrastructure Schedule does not cost a number of other items identified as developer contributions (eg relating to health,

hosing and green infrastructure). Provision for these items has not been carried forward to and identified within the Viability Study;

- the Viability Study is incomplete in that it does not contain provision for a number of items as identified above. Where abnormal costs relating to the South Ulverston sites are identified they fall far short of the site highway costs alone. The section 106 / CIL contribution identified falls far short of the pro rata cost of the necessary education provision identified in the IDP. Furthermore, the rate of dwelling completions, and thus the income stream, has been grossly over-estimated compared to the delivery rate set out in the LADPD. In short, the Viability Study can not be regarded as reliable evidence in relation to the South Ulverston sites. This is of particular concern given that the Study acknowledges that the viability of the South Ulverston site is sensitive to rises in costs. In turn, this calls into question the overall soundness of the LADPD. The NPPF emphasises that careful attention should be given to viability in plan-making. That has not happened in this case.

9.4 For the reasons set out above, there are clear deficiencies in the soundness of the LADPD as a whole, in particular the lack of justification for the housing figures based on the latest ONS data. There are further clear deficiencies in the reliability of evidence relating to the South Ulverston allocations and, thus, the soundness of the allocations. In particular, omissions and inconsistencies in the collection of evidence relating to infrastructure requirements and its application in the Viability Study. This is of particular concern in that the South Ulverston sites represent the largest LADPD housing allocation and some 15% of the dwellings to be delivered over the remaining LADPD period. In short, the LADPD can not be regarded as soundly founded, and is not effective as delivery can not be assured. For these reasons, the Inspector is respectfully requested to find the LADPD unsound.

9.5 The only proposed modification to the LADPD upon which we wish to make comment is the identification on the Proposals Map of an area to be retained for surface water management, open space and access at the east end of the South Ulverston Croftland East allocation. We support the modification, although on a without prejudice basis to our previous submissions and representations that the South Ulverston Gascow Farm allocation should be deleted.

10. Abbreviations

CIS	Community Infrastructure Levy
CS	South Lakeland Core Strategy
IDP	Infrastructure Delivery Plan
LADPD	South Lakeland Land Allocations Development Plan Document / South Lakeland Local Plan Land Allocations
NPPF	National Planning Policy Framework
ONS	Office for National Statistics
RSS	Regional Spatial Strategy
SHMA	Strategic Housing Market Assessment
SLDC	South Lakeland District Council
SUDS	Sustainable Urban Drainage Systems
TS	Ulverston and Swarthmoor Transport Study