

**SOUTH LAKELAND DISTRICT COUNCIL
LAND ALLOCATIONS DEVELOPMENT
PLAN DOCUMENT
PROPOSED SUBMISSION EDITION
(MARCH 2012)**

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

April 2012

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1. Introduction

1.1 We have been instructed to submit representations, on behalf of Bardsea Leisure, relating to the housing allocations proposed at Ulverston, in general, and, more specifically, the allocations at the southern edge of Ulverston - RN131M, RN141#, RN321#, and RN284# (Gascow Farm).

1.2 We can confirm that Bardsea Leisure wish to participate (or be represented) at the oral examination in public. This is to ensure that their representations and submissions are fully explained and aired, with the opportunity for appropriate discussion in front of the Inspector. We would wish to be notified at the above address of any further stages in the plan process, including:

- that the Land Allocations Development Plan Document (LADPD) has been submitted to the Secretary of State for independent examination;
- of the publication of the recommendations of the planning inspector who is appointed to carry out the independent examination of the LADPD; and
- of adoption of the LADPD.

1.3 The representations have been structured under the following headings:

- Background – Bardsea Leisure;
- Background – Housing land evidence studies;
- Background – Housing land provision;
- Background – Housing land allocations;
- Assessments relating to the various tests for Development Plan Document compliance and soundness;
- Assessment of Gascow Farm site specific considerations;
- Proposed changes to the LADPD;
- A summary and conclusion.

2. Background – Bardsea Leisure

2.1 Bardsea Leisure operates a multi-faceted caravan business from a 7.5ha site off Priory Road on the southern edge of Ulverston. The business comprises:

- 173 fully-serviced, all-weather static and touring caravan pitches (with approximately an equal number of each);
- new and used touring and used static caravan and motor home sales;
- Cumbria's largest showroom for all caravanning and camping goods;
- a modern workshop with extensive facilities for servicing, repair and insurance work; and
- a café and other facilities for site users.

2.2 Bardsea Leisure is a family-run enterprise. The owners, Terry and Gillian Varley, purchased the former quarry site in 1984 and have transformed it into a very high standard, award winning and highly praised caravan park and dealership. In recent years the owners' son, Jason, has joined the family business. The family has invested some £1million at the site over the past 10 years and annual business turnover has grown to now stand at nearly £7million, including sales of 700 caravans a year. Bardsea Leisure employs 31 full-time staff (not seasonal). The success of the business rests on the unique combination of elements at the Park, most especially sales and Park stays. With 220 families staying at the Park each week during the season and a total of some 2,500 to 3,000 visitors each week (when account is also taken of those coming to view / purchase caravans, to the showroom etc) the business is a hugely important part of the local tourism economy, with high levels of visitor spend in Ulverston and at nearby attractions. A single illustration of this 'spin-off' benefit to the local economy is that the owners of the nearby Old Farmhouse pub estimate that Park visitors spend some £100,000 a year at their premises, generating at least two full-time and two part-time jobs.

- 2.3 Bardsea Leisure wish to continue their investment at the Park to ensure that the present high standard of services, facilities and customer satisfaction are maintained and improved upon and the 'spin-off' benefits to the local economy continue.

3. Background – Housing Land Evidence Studies

- 3.1 In preparing our submissions we have had regard not only to the specific provisions of the LADPD, but also the background evidence documents and the emergence over time of the proposals at Ulverston.
- 3.2 The Core Strategy (CS) makes provision for 8,800 dwellings across the Borough over the period 2003-2025, with a provision level for Ulverston of 1,760 dwellings.
- 3.3 At the examination in public into the CS the Council submitted, and the Inspector accepted, that evidence from the Council's Strategic Housing Land Availability Assessment (SHLAA) and the Employment and Housing Land Search Study (EHLS) demonstrated that there were sufficient Category 1 (deliverable) sites to accommodate over 4,000 dwellings. With additional Category 2 (developable) sites there would be sufficient housing land to meet the 10 and 15 year dwelling supply requirements.
- 3.4 SHLAAs are a key component of the evidence base to support the delivery of sufficient land for housing. The Council commissioned Roger Tym and Partners to prepare its SHLAA, which was published in March 2009. It was carried out in accordance with CLG guidance and intended to inform the Council's CS and LADPD. The SHLAA identified 259 sites with a potential capacity of 9,652 dwellings. With regards to Ulverston the SHLAA identified the potential for around 1,800 dwellings on deliverable or developable housing sites (Ulverston Fact File). Only one site was identified to the south of Ulverston (Site 790 at Mount Barrow Farm – 5.16ha, yield 116 dwellings). This site now forms part of the LADPD allocation R242 at Croftlands.

- 3.5 The Council also carried out an EHLS, focused on potential sites beyond settlement boundaries, was published in 2009. The study identified 64 housing sites with the potential to deliver 8,884 dwellings. In addition, 7 mixed used sites were identified with the potential for 1,067 dwellings. Only one site was identified to the south of Ulverston (Site 3 at Mount Barrow Farm and land to the west of Mountbarrow Road – 12.13ha, yield 492 dwellings). This site now forms the LADPD allocation R126M, R691ULV and R242 (part) at Croftlands West.
- 3.6 The Housing Land Position Statement 2011 confirmed that there is a deficit in housing land supply for the period to 2025 of 3,326 dwellings, once account has been taken of completions, dwellings under construction, planning permissions and Local Plan allocations. Nevertheless, it goes on to state that when account is also taken of SHLAA Category 1 and 2 sites there is more than adequate availability of potential housing sites. The CS also confirms that to be the case (chart at page 77).
- 3.7 Notwithstanding this clear evidence base extensive additional tracts of land to the south of Ulverston have been allocated, including Gascow Farm (RN141#, RN284#, RN131M and RN321#) to the south east of Bardsea Leisure Park. In short, either the 2009 SHLAA is a reliable evidence base (in which case there is no need to allocate the additional lands to the south of Ulverston and at Gascow Farm) or it is an unreliable evidence base (in which case progress with the LADPD should be suspended pending a proper review of the SHLAA evidence base).

4. Background – Housing Land Provision

- 4.1 We acknowledge that a key objective of the LADPD is to deliver the quantum and distribution of development set out in the Council's adopted CS. The CS has a housing target of 8,800 dwellings over the

Plan period 2003 to 2025 with 1,760 dwellings to be provided at Ulverston.

4.2 Having said that, our judgement is that there are sound and convincing grounds for the review of housing provision figures through a partial review of the CS, before work on the LADPD is progressed further. Our reasons for this judgement are as follows:

- the 8,800 housing provision figure is a proportionate extrapolation of the North West Regional Spatial Strategy (RSS) figure of 7,200 dwellings for the period to 2021. No separate study has been undertaken to confirm the reliability of the extrapolated figure;
- the RSS was adopted in 2008. However, the housing provision figures were established in the mid-2000s, ie some 7 plus years ago, and no subsequent reliable and evidence based assessment of housing needs and requirements has been carried out;
- the Coalition Government is committed to the early revocation of the RSS and, as such, there would no longer be a requirement for Local Plans to conform to RSS based figures;
- since preparation of the RSS housing provision figures and adoption of the RSS in 2008 there has been a considerable slump in house building and economic activity over what is now a prolonged time period with no obvious signs of an early or healthy and sustained rise in the house building rate. This depression in house building rates from the start of the CS / LADPD plan period in 2003 has resulted in a 'shortfall' over the remaining plan period to 2025. To overcome the 'shortfall' the house building rate in South Lakeland generally and Ulverston specifically would have to rise to such a high level that there is no reasonable prospect of it being achieved. This is clearly illustrated by reference to Ulverston. The average build rate from 2003-2011 has been 40 dwellings per year. This compares to the annualised RSS rate of 80 dwellings per year, resulting in a 'short fall' of 320 dwellings. This pattern is repeated across the Borough. A continued but realistic depressed build rate of 40 dwellings per year

until only early 2013 would result in a 'shortfall' of 400 dwellings since 2003. To make good this 'shortfall' would require an annual build rate over the remaining plan period to 2025 of 113 a year. That is, nearly 50% above the RSS annualised rate for a continuous period of 12 years;

- household projections produced by the Cumbria Intelligence Observatory based on a number of population and dwelling scenarios display consistently much lower rates of household increase than provided for by the CS (and, thus, the LADPD). This suggests that the evidence base for the CS figures is now out of date. The Cumbria Intelligence Observatory population and dwelling scenarios show an annual increase of households in the range 32 to 331 each year from 2009 to 2029 for the Borough as a whole. These figures compare to the provision made by the CS and LADPD (Table 1A), averaging an increase in dwelling numbers of 508 each year over the period 2011 to 2025;
- we are now half way through the RSS plan period, that is at a time when a periodic review might have been expected had the regional tier of planning not been abandoned;
- there is now an expectation that Councils will establish future local housing targets based on appropriate evidence based studies;
- finally, and as outlined at section 3 above, the clear understanding at the time of CS preparation was that there was adequate land availability to accommodate the required housing provision within Category 1 and 2 sites. It is now clearly the case that the housing provision is being made on extensive tracts of other land, such as at Gascow Farm. It is entirely inappropriate to progress with preparation of the LADPD on the basis of housing figures from a falsely founded CS.

4.3 In short, considerable time has passed and circumstances have changed fundamentally since the housing provision figures upon which the LADPD's allocations are based were devised. Thus, it is submitted

that work on the LADPD should be halted and that a review of housing provision levels is necessary and appropriate before taking the LADPD further.

5. Background – Housing Land Allocations

5.1 Following on from the SHLAA and EHLS, which included a ‘call for sites’ the LADPD has been subject to two stages of consultation prior to the current pre-submission stage.

5.2 The initial consultation stage ran to April 2011 (emerging options). At this stage a number of sites were identified for housing to the south of Ulverston, additional to those previously identified through the SHLAA and the EHLS. These included:

- RN131M (to the rear of Priory Road houses- part Gascow Farm);
- R697M (part Croftlands East);
- R690ULV (part Croftlands West); and
- RN184 (part Croftlands West).

5.3 The second consultation stage ran to September 2011 (further consultation on preferred options). At this stage a number of sites were identified for housing to the south of Ulverston, additional to those identified through the SHLAA and EHLS and the initial consultation stage. These included:

- RN284# (land at Priory Road, between Bardsea Leisure Park and site RN131M - part Gascow Farm);
- RN321# (land to the south of Bardsea Leisure Park and west of site RN284# and RN131M - part Gascow Farm);
- RN141# (land to the south of Bardsea Leisure Park and west of site RN321# - part Gascow Farm);
- RN130# (land to the south of SHLAA Site 790, part R242); and
- RN234# (land between sites R690ULV and RN184).

- 5.4 With regards to the area to the south of Ulverston, the current pre-submission document proposes all the previously identified SHLAA / EHLS sites and all those listed above at 5.3 and 5.4 (except RN130#) as allocations for housing development under Policy LA1.3 along with an additional area to the south west of Bardsea Leisure Park (part R697).
- 5.5 In all, the three composite housing allocations to the south of Ulverston provide for 747 dwellings on 44.37ha of greenfield land. To put this in context the other allocated sites at Ulverston provide for 414 dwellings.
- 5.6 The National Planning Policy Framework (NPPF) is clear in that SHLAAs are to be prepared '*to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period*'. Clearly, the evidence from the 2009 SHLAA has not been utilised to form the basis of the allocations of the LADPD to the south of Ulverston. As such, the LADPD document is unsound.

6. Assessment – Duty to Cooperate Requirements

- 6.1 The Council provide no evidence or explanation of how the 'duty to cooperate', as incorporated into the Localism Act 2011 and the NPPF, has been satisfied. As such, the LADPD is deficient and fails to meet the statutory requirement. Indeed, the Council has failed to identify this as one of the tests of legal compliance on its Publication Stage Representation Form and web based equivalents.
- 6.2 The adjoining area of Barrow Borough Council displays clear evidence of severe deprivation, with the decline in its traditional economy and a poor quality physical environment within its urban areas. Barrow Council is committed to a programme of regeneration, addressing unemployment, offering higher quality housing choices, and developing more attractive places to live. An essential part of this regeneration programme relies on private sector investment to redevelop brownfield land.

- 6.3 Barrow Council has historically voiced its concerns regarding the high levels of housing provision made within South Lakeland and the spatial distribution of significant housing numbers towards the west of the Borough (ie at Ulverston and nearest to Barrow). With a high level of dependence upon the development of housing on greenfield sites at Ulverston, Barrow Council has real cause to remain concerned that its regeneration efforts would be undermined by the relative ease of developing such sites in comparison to the costly to redevelop brownfield sites at Barrow. The outcome of this approach would be a continued legacy of dereliction and under investment and a lack of stimulus for economic growth in Barrow. In short, we consider there to be a fundamental conflict between the development strategies adopted by the two Councils. South Lakeland District Council's strategy strikes at the heart of the realistic achievement of sustainable development within Barrow, contrary to the foundation of the NPPF.
- 6.4 We submit that South Lakeland District Council should honour the 'duty to cooperate' and positively engage with Barrow Council in establishing a strategy that satisfies the ambitions of both Councils. We believe that strategy may include a lower level of housing provision at Ulverston and, at the very least, South Lakeland District Council should phase housing delivery at Ulverston to follow on from successful investment and renewal in the regeneration priority areas of Barrow.

7. Assessment – Legal Requirements

- 7.1 We acknowledge that the Council has followed a process of community consultation in the formulation of the LADPD. Nevertheless, we would question whether that process has been effective and thus whether the legal requirements have been satisfied. Bardsea Leisure was aware of the consultation stages. The business owners attended the public exhibition at the 'emerging options' stage. The extents of the proposed allocations were noted and, in particular, that there were no allocations immediately alongside their Park. The allocations were discussed with

a planning officer present at the event and verbal assurance was given that there was 'no chance' of further land immediately adjoining their Park being allocated. The owners took that advice at face value and were satisfied. As such, they did feel the need to review the proposals at the following consultation stage. It was only with the press publicity immediately prior to the pre-submission stage proposals being published that they were alerted to the allocation of land at Gascow Farm, immediately to the south of their Park. More generally, the consultation exercise demonstrated substantial concern within the Ulverston area as to the scale of development proposed and the effect on the character of the town. It is difficult to understand how the Council has taken account of these concerns. The strategy adopted in the LADPD evidently fails to '*reflect the vision and aspirations of local communities*' (NPPF paragraph 150). Nor, does it '*reflect a collective vision and a set of agreed priorities for the sustainable development of the area*' (NPPF paragraph 155).

- 7.2 We would also question whether realistic alternatives or options have been assessed during preparation of the LADPD and been made available for consideration at the consultation stages. Rather, the process has been one of identifying individual sites (and subsequently additional individual sites) with potential for housing development at each consultation stage. The lack of a credible and systematic presentation, and thus the potential for community examination, of meaningful alternatives is such that there is no accord with, at the very least, the purpose, spirit and intention of the Council's Statement of Community Involvement; or, indeed the NPPF.
- 7.3 The issue of a lack of a credible and systematic evaluation of true alternatives extends through to the Sustainability Appraisal (SA). It is evident that the SA focuses on an assessment of the implications of the individual proposed allocations, rather than a consideration of realistic and meaningful alternatives. Without an evaluation of such alternatives the process lacks credibility and any output from the SA

does not adequately inform the emerging proposals. In any event, it is unclear as to how the outcomes of the SA process have been used to inform the content and proposals of the LADPD.

- 7.4 The SA Report sets out 16 sustainability objectives, covering social, environmental, natural resource and economic objectives, with reference to linkage between the objectives and appraisal questions. However, the categories included in the SA scoring tables are more restricted than this suggests. With specific regards to the economic objectives (which include retention of existing jobs, creation of new employment opportunities, improved access to jobs, diversification and strengthening the local economy) the only 'related' assessment category within the scoring tables appears to be 'access to jobs'. As such, the SA process is inadequate and can not be relied on. Significantly, and with specific regard to the allocations to the south of Ulverston including land at Gascow Farm, the SA contains no assessment of the impacts of the proposals upon the continued operation of the Bardsea Leisure Park business. We detail the incompatibility of the proposals at Gascow Farm with the operation of the Bardsea Leisure Park at section 14.
- 7.5 Finally, our review of the SA process shows that it is incomplete in that not all proposed allocation sites have been evaluated. For instance, there is no reference to an assessment of site reference RN321#, which is situated immediately to the south of Bardsea Leisure Park.
- 7.6 Having regard to the above the SA process is inadequate in a number of regards and can not be relied upon as providing the required level of assessment. As such, the LADPD should not be submitted until a robust and credible SA process has been undertaken along with the appropriate stages of community consultation.

8. Assessment – Procedural Requirement – Regard to the Sustainable Community Strategy

- 8.1 The South Lakeland Sustainable Community Strategy (SCS) recognises the significance of the tourism sector within the local economy. It states that tourist numbers have increased and that tourism employment stands at nearly 10,000 and supports nearly a further 19,000. Most especially, the SCS identifies significant growth in jobs in the tourism sector, contrasted with high levels of job losses in other sectors. The SCS states as a key action to work to maximise the benefit to the area of the tourism sector as a key economic driver. As detailed later at section 14, the allocation of land at Gascow Farm would have a direct and harmful impact upon Bardsea Leisure Park, ie be in direct conflict with the ambitions of the SCS. This indicates a lack of regard in preparing the LADPD to the SCS, contrary to the requirements for legal compliance.

9. Assessment – Soundness – Positive Preparation

- 9.1 The LADPD is focused on the allocation of land for housing and employment purposes. It does not identify the related infrastructure requirements. Nor, has the CS done this. Rather, the CS only refers to developer contributions (Policy CS9.2) in generalised terms. Whilst an Infrastructure Position Statement has been prepared, it provides only a high level assessment and contains no details of specific measures to address deficiencies and accompany the LADPD proposals. The NPPF states that “*where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan*” (paragraph 175). Continuing this theme the NPPF states ‘*it is equally important that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion*’ (paragraph 177). Given the scale and concentration of housing development in certain locations (such as at south of Ulverston) it would be inappropriate to progress with the LADPD until such time as a detailed and systematic evaluation of infrastructure requirements has been undertaken, a plan for addressing deficiencies has been prepared and a draft charging levy established.

The proposals within the LADPD can then be considered and examined alongside the Community Infrastructure Levy. In addition, with the focus on allocations for housing and employment, the LADPD has seemingly over-looked the potential need for allocations for related infrastructure.

- 9.2 To illustrate the above it is instructive to consider the infrastructure requirements for secondary education in the Ulverston area. There is a single secondary school serving Ulverston, Ulverston Victoria High School. Our understanding from the Education Authority, Cumbria County Council, is that the school is absolutely full at the present time, demand for school places has outstripped provision and there are no plans or finance in place to increase secondary school capacity. With the planned significant expansion in the number of dwellings within Ulverston (the Ulverston Fact File refers to a 29% increase by 2025) within Ulverston the pressure on school places will inevitably intensify. Without either appropriate land allocations or a robust and tested mechanism to levy appropriate community infrastructure charges, there can be no guarantee that the social infrastructure necessary to support the planned housing development and to maintain a sustainable community in Ulverston would be provided at an appropriate time or location. We understand that primary schools in the area are also similarly operating at capacity and, thus, the same principle applies. Of course, there is a wide range of infrastructure requirements that should also be addressed.

10. Assessment – Soundness - Justification

- 10.1 To be justified the LADPD should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- 10.2 The issue of a lack of a credible and systematic evaluation of meaningful alternatives has been reviewed at section 7. Rather, it is

clear that the LADPD process has focused on a review of individual sites.

- 10.3 The Annual Monitoring Report (AMR) should provide an essential part of the evidence base in preparing a LADPD. Without the consistent and up to date presentation of data within such a core document it is difficult to assess the appropriateness of the proposals. No AMR was published by the Council at the end of 2011, to provide relevant monitoring information to March 2011.
- 10.4 We acknowledge that a range of other evidence documents have been prepared in support of the LADPD. However, it is not evident how such evidence reports have influenced the proposals contained in the LADPD. Specific examples of this are illustrated below and in subsequent sections.
- 10.5 As detailed at section 3 the conclusions drawn from the SHLAA and the EHLS and confirmed within the CS was that there was adequate land availability to accommodate the required housing provision within Category 1 and 2 sites. This conclusion is explicitly repeated within the Council's Ulverston Fact File. It is now clearly the case that the housing provision is being made on extensive tracts of other land, such as at Gascow Farm. It is entirely inappropriate to progress with allocations in the LADPD that are not founded on the evidence studies specifically carried out for the purpose of identifying housing land and not in compliance with the express statements in the CS. Given the findings of the SHLAA, the EHLS and the statements in the CS, we submit that the land allocations to the south of Ulverston should be restricted to, at most, the sites identified through those studies.
- 10.6 A Traffic Study (TS) was commissioned from KR Synergy in mid December 2011 (with an inception meeting in late December 2011 and publication in February 2012) to inform the land allocations for Ulverston. Given these dates we find it difficult to understand how the

report has been used to inform the allocations or wider LADPD preparation. A cynical observer might conclude that the report was commissioned to justify pre-determined outcomes rather than to properly assess, inform and influence the plan's proposals.

- 10.7 It is noticeable that the TS is heavily caveated, with references to the limited data available and the need to gain a greater and more robust evidence base. As such, the validity of the report's conclusions must be open to question. Nevertheless, the TS notes that the bus services are somewhat limited and that the proposed residential areas to the south of Ulverston are not within walking distance of the town centre. The report goes on to note that if the imbalance between the car and other more sustainable modes is to be addressed, then a 'step change' in the public transport network in Ulverston would be required. The TS also identifies over-capacity in the local highway network at a number of locations in Ulverston. It is recommended that a Transport Strategy be adopted to include public transport improvements, highway improvements, cycle and pedestrian measures and travel plan measures. However, beyond these extremely generalised conclusions none of these measures are detailed. The lack of such specificity as part of the LADPD, for instance in how to secure the 'step change' mentioned, reinforces our previous conclusion that there is a need for a detailed and systematic evaluation of infrastructure requirements to be undertaken, a plan for addressing deficiencies to be prepared and a draft CIL charging levy established. The observations and conclusions of the TS also call into question the sustainability credentials of the housing allocations to the south of Ulverston and whether these allocations are the most appropriate strategy for accommodating development at Ulverston.

11. Assessment – Soundness - Effectiveness

- 11.1 We have already documented the lack of any sound infrastructure plan, including details of what specific measures or facilities are required to support the plan proposals, who would deliver them, through which

funding mechanisms and by when. This deficiency could render the LADPD undeliverable (or, at least, undeliverable in a sustainable manner) and thus not effective.

- 11.2 Similarly we have also documented the lack of cooperation between authorities, most notably with Barrow Council. Whilst this lack of cooperation may not render South Lakeland's LADPD ineffective, it could easily neuter Barrow Council's regeneration ambitions. Effective joint working on cross-boundary strategic priorities is essential and, indeed, a legal requirement.

12. Assessment – Consistency with National Planning Policy Framework

- 12.1 The recently issued National Planning Policy Framework (NPPF) sets at its heart the achievement of sustainable development. We acknowledge that there are many aspects to the achievement of sustainable development. This includes providing a supply of housing required in relation to up to date and objectively assessed needs. We acknowledge that the LADPD is compliant with the CS in terms of housing provision figures. However, and very importantly, we have also outlined above our submissions that circumstances have changed since the CS housing provision figures were established. The NPPF is clear in that planning strategies should be based on 'up to date' evidence and take full account of relevant market and economic signals. For the reasons already outlined, we submit that the CS housing provision figures now require review before work on the LADPD is progressed further.

- 12.2 An essential component of sustainable development is the promotion of sustainable transport. In short, as set out in the NPPF, '*the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel*' (paragraph 29). It is evident that this principle has not been carried through to the housing allocations to the south of Ulverston. The TS describes the site as

being in a '*relatively rural location*', with which we agree. However, the TS goes on to provide an inaccurate depiction of the site and its proximity to services. It states that '*it is on the edge of existing residential areas*'. That is not the case. The site is clearly separate from residential areas. The closest residential properties are separated from the nearest point of the Gascow Farm allocation by Bardsea Leisure Park and the cemetery. The closest dwelling on Priory Road is some 400 metres from the closest (northern) corner of the Gascow Farm site. The TS goes on to state '*it is accessible to local bus services operating on the local road network, and 'local' services which are present in adjacent residential areas*'. The reality is that there is only an occasional (every two hours, day time) bus service that runs along Priory Road past the site. Furthermore, the nearest convenience store is further north on Priory Lane, some 650 metres distance with other shops and facilities only available in the town centre being some 1600 metres distance. As such, the site fails to have the accessibility that is suggested in the TS description. The general conclusions of the TS report, as summarised in a previous section, show a truer picture. However, as we noted, there is no detail within the LADPD as to whether or how the 'step change' required in the public transport network to enhance accessibility could be achieved. Again, this brings the LADPD into conflict with the NPPF.

- 12.3 The NPPF indicates that Local Plans should '*plan positively for the development and infrastructure required in the area*' (paragraph 157) Whilst not wishing to repeat at length submissions already made, we note with concern that the LADPD makes no effective provision for the infrastructure required to support the development proposals, in direct conflict with the requirements of the NPPF.
- 12.4 The NPPF also sets out the duty to cooperate on planning issues and that '*joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities*' (paragraph 178) and that Local Plans should '*be based on co-operation*

with neighbouring authorities' (paragraph 157). Again, we have documented that such cooperative working has not been undertaken contrary to the legal requirement and policy contained in the NPPF.

- 12.5 As detailed at section 3 both a SHLAA and an EHLS were carried out to inform the CS and the LADPD and, more specifically, to determine housing land availability. It is entirely correct that such evidence studies should be carried out, and is in line with NPPF. However, from the information available we fail to understand how that evidence gathering exercise has been used to determine the housing land allocations. None of the sites to the south east and south west of Bardsea Leisure Park (including Gascow Farm) were identified through the studies and no requirement to identify additional housing land was identified. Nevertheless, the LADPD allocates those sites. The departure from the outcomes of the evidence studies without an appropriate review of those studies is a serious shortcoming and contrary to the expectations of the NPPF as previously demonstrated.

13. Assessment – Consistency with the Core Strategy

- 13.1 Policy CS6.6 of the CS states that the Council will seek to make effective and efficient use of land and buildings through various actions. We entirely support the principle of avoiding the inefficient use of land and that in so doing it can help reduce the loss of greenfield sites to development on the edge of settlements, as stated within the CS. However, it appears that the principle has not been carried through to the work on the LADPD, with the allocation of extensive greenfield sites on the southern edge of Ulverston including that at Gascow Farm.
- 13.2 Policy CS6.6 specifically refers to a target of at least 28% of housing development taking place on previously developed land. From the information available within the LADPD it is unclear as to whether the LADPD's proposals would achieve such an outcome. If it does not, the LADPD would not conform to the CS. In any event, there is no policy requirement within the LADPD to prioritise development on previously

developed land. At the very least such a policy should be included, with any extensive housing land allocations to the south of Ulverston being clearly phased at the end of the plan period and after other sites within the built up area and more accessible to services etc have been developed. It should be noted that the Ulverston Fact File sets a more ambitious target of accommodating 50% of dwellings on previously developed land. It is quite clear from the scale of the greenfield allocations that this target would not be met. As such, the allocations require review.

- 13.3 Policy CS6.6 also refers to meeting a target of 30 dwellings per hectare for all housing developments. The densities proposed for the allocated sites to the south of Ulverston are:

Site	Area (Ha)	Dwellings	Density (dw/ha)
Gascow Farm	12.54	219	17.46
Croftlands East	14.13	219	15.49
Croftlands West	17.17	309	17.99

Clearly, none of the sites come close to the target density of 30 dwellings per hectare. As such, the allocations are not consistent with the CS and demonstrate an extremely inefficient use of land. The Council may well argue that the lower density is a reflection of constraints on the developability of these sites and net developable areas. If that is the case, it does not change the lack of compliance with the CS. Rather, it is a clear indication that the sites are not suitable, nor a sustainable approach to the development of land and inappropriate for allocation.

- 13.4 The CS vision clearly states that housing developments should be incorporated in *'a way that is sensitive to the local landscape*

characteristics surrounding the town'. We have documented elsewhere in this submission that any development of Gascow Farm would be visually prominent and intrusive to the detriment of the landscape character of the area. As such, the Gascow Farm allocation conflicts with the CS.

14. Assessment – Gascow Farm Site Specific Considerations

14.1 Our assessment of the locality to the south of Ulverston is that Bardsea Leisure Park provides an appropriate and visually soft outer edge and land use to the south east of Ulverston. Indeed, this is a view that is shared by the Council. Within its Ulverston Fact File the Council state that development at Gascow Farm could be seen as jumping the softer land uses in between the site and the town centre. In addition, the SA scored the Gascow Farm site poorly against landscape character. The Council also highlighted the landscape sensitivity of the site within its Ulverston Fact File, with reference to the rising land levels of the site to a ridge line and its visibility from the west. These are concerns with which we entirely concur and we do not consider that any mitigation measures would adequately address the inevitable visual intrusion and harm to the landscape character from development at Gascow Farm.

14.2 An array of development constraints at Gascow Farm are identified in the Ulverston Fact File, within other background documents and mentioned in the LADPD. These include the landscape considerations referred to above, trees, hedgerows, Bardsea Leisure Park, levels, existing buildings, rights of way, drainage and flooding issues, and the aqueduct wayleave 'no build' corridor which passes along the length of the site. This combination of factors, along with the relative inaccessibility of the site, is such that we submit the site can not be justified as suitable for development.

14.3 We are seriously concerned about the inherent incompatibility of the housing allocations at Gascow Farm with the continued success and operation of the Bardsea Leisure Park. Quite simply, these allocations

would endanger the continued success of the business that has been built up over almost 30 years. The impact on the business would threaten the employment of 31 staff. Also, there would be the related loss of 'spin-off' benefits to the local tourism and business economy. We should point out that the success of Bardsea Leisure Park is in no small part owed to its location in a relatively tranquil and semi-rural location on the fringe of Ulverston. The process of developing the allocated sites would inevitably cause severe noise and disturbance to the Park, such that the quiet enjoyment that park visitors seek would be denied them. Moreover, and with completion of development of the Gascow Farm site, the character of the area would be wholly changed to one that is essentially suburban. That is not the essential characteristic that tourists staying at the Park, or visiting the other Park facilities, are seeking. Inevitably, should the proposals be implemented, visitor numbers would fall drastically with the adverse implications we have already specified.

14.4 Reference is made by the Council to land drainage issues at the Croftlands and Gascow Farm sites and the need for effective measures to address flood risk and surface water management. Our clients can testify to land drainage being a significant issue in the area and for their site. The matter has not been investigated in any detail by the Council. Rather, it relies on a technical solution being found. We find that to be an unacceptable approach. There is no evidence that a satisfactory solution can be found. On behalf of our clients we are very concerned by the effect of any development on drainage in the area. Being set within a former quarry and at a lower level than the surrounding land there is every prospect that any change to the drainage arrangements in the area would cause water run off onto the Park and potential flooding. Again, this would cause real and irrevocable harm to the Park business.

14.5 Policy LA1.3 details the phasing of delivery of the 219 dwellings proposed at Gascow Farm, with 60 units in the period to 2012 to 2017

period, 93 in the 2017 to 2022 period and the residual 66 in the remaining period to 2025. The delivery of housing at Croftlands West is similarly phased, with Croftlands East being entirely in the 2022 to 2025 period. The logic for this phasing, in particular, for Gascow Farm is not explained. The Croftlands East and West sites are better related to the built up areas of Ulverston, with access available from Mountbarrow Road and the extension of stub ends to roads within the adjoining residential estates. These accesses have the potential to provide for reasonably good levels of pedestrian accessibility and connectivity, along with opportunities to loop the 6 and 6A bus services through any new development. By contrast, and as described previously, Gascow Farm is divorced from existing housing areas and poorly related in accessibility terms to services. There is no ready means to improve accessibility and the likelihood is that any future residents at Gascow Farm would become entirely reliant on the private car, contrary to the well-established aims of planning policy. Without prejudice to our submissions as to whether Gascow Farm should be allocated for housing development, we submit that any development in this location should be phased at the end of the plan period and after development at Croftlands, with initial access taken from Croftlands West allowing for the progressive extension of the loop bus service in that location.

15. Proposed Changes to the Land Allocations Development Plan Document

- 15.1 Having regard to our review in earlier sections of the evidence documents and the proposals contained in the LADPD, we submit that in the first instance work on the LADPD should be suspended pending a review of housing provision levels. Only once the revised and up to date housing provision levels have been established (having followed the appropriate statutory steps) can the LADPD be continued with and any allocations identified in the knowledge of an 'up to date' housing requirement.

15.2 Without prejudice to the above, and having regard to our submissions, we consider that the allocation of Gascow Farm for housing to be unsound. Rather, we submit that deletion of the Gascow Farm housing allocation from the LADPD at Policy LA1.3 and Policy 5.2 is necessary to make it compliant with the appropriate tests and CS / national planning policy. The reasons for deletion of this allocation are fully justified within this statement. However, the reasons may be summarised as:

- the harmful impact of any housing development at Gascow Farm on the continued operation and success of Bardsea Leisure Park, with consequent loss of 'spin off' benefits within the local tourism and wider economy;
- the dislocation of the site from other housing areas and relative inaccessibility of the Gascow Farm site to local facilities and services;
- the loss of the existing soft outer edge to the south east of Ulverston provide by the Bardsea Leisure Park site and the inevitable harmful visual and landscape intrusion of any housing development at the site;
- the considerable constraints on the developability of the site and the resultant inefficient use of the land through the low densities achieved.

15.3 We also submit, and again without prejudice to our submissions above, that should the Gascow Farm allocation be retained, Policy LA1.3 should be amended and the site should be phased at the end of the plan period and following development at Croftlands, with initial access taken from Croftlands.

15.4 With regards to the allocations at Croftlands (East and West), we note that the constraints on development are not as significant or as numerous and can be more effectively addressed through mitigation measures, when compared to Gascow Farm. We consider these sites

to form a more natural extension of the existing housing areas on the south side of Ulverston. The existing housing in this area forms a 'hard edge' to the urban area and further development would allow this matter to be positively addressed, with consequent benefits to landscape character. We have assessed the nature of the Croftlands sites, and the potential for good connectivity to the existing built up area. We are also mindful of the need to make efficient use of land. As such, we would submit that the proposed housing densities at the Croftlands sites (as set out at Policy LA1.3) should be increased to be aligned with the CS target. Should the Council remain minded that it needs to plan for the housing numbers in the CS, this increased density would allow for the housing numbers to be achieved whilst deleting the allocation at Gascow Farm.

- 15.5 We should add, again without prejudice to our previous submissions, that we support the need for development briefs to be prepared for any of the allocations to the south of Ulverston. No decision on any planning application should be made until such time as development briefs have been published, subject to appropriate community consultation, scrutiny etc and formally adopted. We would recommend revision of the second paragraph to Policy 5.2, so that it states:

- 'As well as other core strategy policy requirements, proposals for development should accord with the adopted development brief(s) and must make provision for the following'.

The fourth bullet point to Policy 5.2 should also be revised to read

- Safeguards the rural landscape setting of the entrance to *and the setting of* Bardsea Leisure Park.

- 15.6 We should point out that in addition to these proposed changes we consider that the preparation of the LADPD is not fully consistent with various procedural, legal etc requirements. These have been set out in detail in previous sections and are summarised in the following section.

16. Summary and Conclusions

- 16.1 We submit circumstances have changed since the housing land provision figures set out in the CS were calculated and adopted. We conclude that these figures should be reviewed to ensure that there is an up to date basis for allocating land through the LADPD. In the meantime, work on progressing the LADPD should be suspended.
- 16.2 It is evident that the SHLAA and EHLS did not identify sites at Gascow Farm. In addition, they identified sufficient land to meet requirements. These were key evidence studies prepared to inform both the CS and the LADPD. It is inappropriate to depart from those studies and, as such, the LADPD is not justified and is unsound.
- 16.3 We have seen no evidence that the legal duty to cooperate has been met. We consider that the proposals in the LADPD would undermine the regeneration priorities of Barrow Council. Before progressing further with the LADPD the Council should cooperate with Barrow Council to establish a strategy that satisfies the ambitions of both Councils.
- 16.4 We consider that the LADPD process has not met the legal requirements in a number of respects, with regards to community consultation, the lack of a credible and systematic evaluation of realistic alternatives and in respect of the SA process. Those matters must be positively addressed before the LADPD is submitted to the Secretary of State.
- 16.5 Bardsea Leisure Park is an important component of the local tourism economy. The LADPD proposals, most particularly for the allocation of Gascow Farm for housing development would endanger the continued success of the business. In so doing, the LADPD has clearly not had proper regard to the ambitions of the SCS.

- 16.6 A detailed and systematic evaluation of infrastructure requirements to support development proposals needs to be undertaken. Indeed, we would recommend that the Council prepare its proposals for the Community Infrastructure Levy for examination alongside the LADPD.
- 16.7 Notwithstanding its obvious limitations, the TS identifies the need for a 'step change' in the public transport network to support the development proposals. The LADPD is lacking in any identification of the measures required to address this and, as such, has not had proper regard to the evidence studies nor to the need for development to be sustainable. As such, the LADPD is unsound.
- 16.8 The allocations to the south of Ulverston make inefficient use of land, with densities of almost half of the CS target. This demonstrates a clear lack of consistency with the CS and, thus, unsoundness.
- 16.9 There are a number of site specific considerations that point to the inappropriateness of the allocation of Gascow Farm for housing development. These include the many constraints on the developability of the site, the harmful impacts on Bardsea Leisure Park, the separation from other areas of housing and poor accessibility to local services.
- 16.10 Having regard to all relevant evidence, and for the reasons set out in detail above, our primary submission is that the allocation of Gascow Farm for housing development should be deleted from the allocations made at Policy LA1.3 of the LADPD and Policy 5.2 (and appropriate alterations made to the Proposals Map). Also, the development boundary (Policy LA1.1) should be re-drawn on the Proposals Map to follow the south east boundary to Bardsea Leisure Park.
- 16.11 We trust that the Council will have due regard to our submissions. We would be happy to discuss our submissions and appropriate changes to the LADPD with Council officers and / or members.

17. Glossary

AMR	South Lakeland Annual Monitoring Report
CS	South Lakeland Core Strategy
EHLS	South Lakeland Employment and Housing Land Search Study
LADPD	South Lakeland Land Allocations Development Plan Document
NPPF	National Planning Policy Framework
SA	South Lakeland Sustainability Assessment
SCS	South Lakeland Sustainable Community Strategy
SHLAA	South Lakeland Strategic Housing Land Availability Assessment
TS	South Lakeland Traffic Study