

The response of WKAG to the Main Modifications published by SLDC on April 5th 2013

We submit these comments on the Main Modifications proposed:

MM001 page 9 para 1.6:

It is deeply disappointing that there is not an additional clause to this modification which excludes the area either side of Underbarrow Road from the Local Plan in favour of a plan "*specific to this area*". It is clear that the LA still does not recognise:

- a) the scale of potential development here encompassing employment (SLDC), and waste management (LDNP & CCC) (potentially covering approximately 20ha); a possible major alteration to the road network (Underbarrow Rd & A591) (CCC); as well as a large (6.83 ha) housing development (SLDC); or
- b) the inherent incompatibility of these land uses which requires very careful overall planning and management rather than the piecemeal approach adopted by the LA. These developments will change a tranquil rural area on the edge and WITHIN the National Park into a zone of industrial suburbia without an overall plan and is thus an unsound strategy.

MM003 page14 para 1.24A :

The absence of an overall plan in MM01 is evidence that the 'Duty to Cooperate' is still being carried out at the most superficial of levels and cross border issues are not being addressed because each potential development is still treated as a separate entity by each relevant LA. There is no evidence that, on Underbarrow Road, the impact of each development on its neighbour – particularly that of waste management and employment on housing, has been fully assessed, or indeed the dramatic impact of all these developments on air quality, and traffic management in the centre of Kendal. There are certainly no overall plans in place to mitigate the effects of these incompatible land uses. Arguably this is because none of the LAs sees it as their specific responsibility. Clearly it should be a joint responsibility but there is **no** structure in place to facilitate this.

For example, points covered by the Sustainability Assessment of the Kendal Fell Quarry in the LDNPA Local Plan identify potential negative effects (paras 5.237 to 5.243) but it is on the existing town boundary rather than that set out in the SLDC Local Plan. The most concerning of these is that housing will be within 150m of the waste facility planned in the LDNPA Kendal Fell quarry (SL1A) and that of CCC at Boundary Bank (SL1B) rather than the required 250m beyond which there is less likelihood of deleterious effects.* (see below). The fact that the LDNPA Local Plan does not acknowledge the possibility of the CCC waste facility [*"The Kendal Fell Quarry is within 250 m of sensitive receptors including urban areas or schools as it is on the edge of the town of Kendal; therefore these types of impacts cannot be ruled out. However, it is more than 250 m from an existing waste management facility, indicating that cumulative effects on health and wellbeing are not likely."*] is again evidence that these plans are being viewed in isolation and not as a whole. The planned housing development would in fact suffer the cumulative effect of both sites.

Ironically the prospective waste management facilities also suffer from the proximity of housing as sustainable environmentally friendly solutions (see below*) would not be feasible in these edge of town locations.

Secondly the LDNPA SA in 5.240 says "*A minor positive effect is identified in relation to SA objective 10 (air quality) as the site is within 500 m of the strategic highways network (the site is adjacent to the A591), indicating that HGVs travelling to and from the site would be likely to travel only a short distance on smaller local roads.*" and thus does not recognise the fact they would be using a minor road with exits from a very large housing estate with its consequent generation of traffic and pedestrians, and would be in competition for space on Boundary Bank Lane, a public ROW footpath, with traffic using the employment sites and CCC waste facilities.

The fact that the potential CCC site SL1B appeared on early versions of the SLDC DPD maps but was removed from later ones again exemplifies the lack of important disclosure and the will to cooperate.

**Certain types of waste facilities may have adverse impacts on human health e.g. as a result of the biospores or gaseous emissions that may be released from certain waste management technologies such as composting, anaerobic digestion or producing energy from waste. LDNPA SA 5.237*

MM 024 Page 45 Para 2.67:

While we continue to be pleased that the Local Plan sets out the need for a Development Brief for the

land south of Underbarrow Road we are extremely unhappy that this is now scheduled within the First Tranche to be adopted by December 2014 despite the fact that this site is still clearly listed in the Local Plan as Phase 2 (2017-2022) under Policy LA1.3: Housing Allocations.

We understand that this is being made admissable by the inclusion of the new clause "*a flexible approach to the phasing*" **MM002 Para1.23A page 12/13** but we contend that should this site be advanced into the first tranche then it will be without first providing the essential infrastructure – the widening of Underbarrow Rd; provision of a large number of school places (Ghyllside is already at capacity); and of course the full range of utilities, none of which are present on this green field site. It would surely be impossible to provide this infrastructure within such a limited timescale particularly as issues of funding have still not been clarified. We therefore request that it should be returned to its position in Phase 2.

MM032 page 66 Para 3.29:

We are pleased to see the incorporation of an enhanced ecological commitment within Stainbank Green but are dismayed to see that there is still a lack of understanding of the problems (road width, major earth moving, encroachment on privately owned land) involved in putting a "*footway along Brigsteer Rd*". One can only hope this might be addressed at the Development Brief stage.

MM033 page 67 Policy 2.8:

We are pleased to see the inclusion of conditions pertaining to possible contamination.

However we submit that there are still 2 aspects which have not been included:

- a) a landscape buffer between the new and existing properties surrounding the site to the south and east;
- b) an assessment of the potential drainage problems in the most easterly section of the site identified in our response to the Main Modifications in October 2012 and which we still contend is unsuitable for development.

Whereas the need to retain trees and hedgerows, and buffers to the north and west has been, quite rightly, recognised there is no specific consideration given to the privacy of existing properties to the east and south which have previously enjoyed, at considerable capital expense, a rural aspect.

Omission: Re Employment Site at Kendal Fell previously referred to as E33.

We are disappointed to note that there is no modification to the plan which recognises and seeks to address the problems of access to this site which would involve the construction of a bridge. There is an assumption that access can be easily achieved from Boundary Bank Lane – an assumption that still ignores altitude and relief.

In conclusion we contend that despite the most recent main modifications, the Local Plan, in particular with regard to land either side of Underbarrow Road, does not offer sustainable solutions as it creates problems for both the existing and possible future population, and is therefore still unsound.

Margot Harvey

on behalf of the West Kendal Action Group

May 3rd 2013