

**The following represents the views of the West Kendal Action Group (WKAG) on SLDC's statement in response to the Inspector's Matter 1.6**

**A) With Reference to QUESTIONS ASKED BY THE INSPECTOR we wish to make the following comments based on the response of SLDC which are further illustrated in part B) below.**

*Is the DPD based on a sound process of sustainability appraisal and testing of reasonable alternatives, and;*

We do not agree with the view of SLDC as stated in 1.6.15. The SA Appraisal is not sound because of the number of factual errors combined with a lack of objectivity and consistency. It also failed to take into account the physical geography of the area under study which, in South Lakeland, an area of considerable relief, is highly significant to accessibility, as gradient effectively increases perceived distance and actual fuel consumption. Although transport studies have been undertaken in 2009, 2011 and 2012 SLDC's response does not mention their consideration in the development of their strategy and process of site selection. In reality the generation of traffic which should have been of prime importance in assessing the sustainability of sites has been completely ignored in some areas. The potential impact of R129M/R143 & E33 has not considered in any of the transport studies even though traffic generated from these sites would exacerbate congestion at road junctions already operating above capacity.

*Do the options chosen represent the most appropriate strategy in the circumstances?*

Re 1.6.22-27 No because they put undue pressure on the principal service centres – particularly Kendal which bears the brunt of the majority of planned development even though the infrastructure of the town cannot support it. An argument of sustainability is used to justify this as developments are planned near to existing services even though those services and infrastructure are not adequate to support the planned development. The strategy will also exacerbate the already considerable problem of air pollution in the centre of Kendal – irrefutable evidence of development beyond the optimum. The alternative plan put forward by Kendal Town Council based on the Taylor report presented a far more appropriate strategy but has been dismissed.

*Has the site selection process been objective and based on appropriate criteria?*

Re 1.6.14 Only in the sense that the same criteria were used for all sites BUT many of those were subjectively tested such as impact on landscape, and others were inappropriate e.g why should a potential employment site be regarded as "positive" with respect to distance to Leisure & Culture facilities, or a community hall which are surely irrelevant to the sustainability of that site? Similarly, why is proximity to Open Space marked as a positive for an Employment Site since it suggests that either that site is in a greenfield location or abutts public open space or amenity land. Hence not all criteria used were appropriate. Impact on air quality was one of the criteria used in the SA but it appears that all sites were assessed equally in this so ignoring the fact that those situated on hills with steep gradients have, as a result of the increased fuel used to reach them, a greater detrimental effect on air quality than those in areas of low relief.

*Is there a clear audit trail?*

Re 1.6.31 The fact files record input from agencies, professionals, those with vested interests, and the public but as illustrated by Appendix 1 SLDC has been selective in their choice of which information to use depending largely on input which supports chosen options and rejecting that which doesn't.

*Were site selection criteria used, and if so were any changes made to the criteria or their weighting during the process?*

Despite the assertions in 1.6.34 one can only assume that the weighting of criteria must have changed in the period after the Emerging Options consultation as sites such as R143 which had previously **not** been deemed a sustainable option for development were suddenly allocated for housing. One can only assume that "Availability" had become the key criterion.

*How were any changes justified?*

As far as we are aware - they weren't!

*How has the Flood Risk Sequential Test informed the choices made?*

Re 1.6.37 onwards. The Flood Risk Sequential Test has clearly informed the site selection process but flood risk has been insufficiently considered within allocated sites. For example the fact files record the warning of the dangers of flooding to adjacent properties should the most easterly part of R129M be built on and submissions by the public have reiterated this concern but there is no mention of this in the DPD details of the site. (Please see our response to the Main Modifications)

## **B)With reference to SLDC Conclusions 1.6.46**

We agree that the approach of SLDC has been thorough and systematic but we submit that much of the evidence on which choices have been made has been flawed, and at times selection has lacked consistency.

Appendix 1 gives a false impression that '*every site is consistently considered and consulted upon*' as it masks the fact that not all sites have received the same exposure to public opinion. It was only when Emerging Option sites were allocated and the public invited to submit their response that the general public became aware of the process that was underway so that sites that had already been withdrawn received little attention. (Small wonder that there was little community response to EN13 and EN48, when they did not appear in the emerging options document, in comparison to E33 which did). Early consultations failed to reach the wider public as witnessed by the 69 responses received in the consultation run by Roger Tyms during the production of the SHLAA – it is shocking that such a small representation of public opinion could be regarded as having any value what so ever.

Significant mistakes in the evidence presented in the Sustainability Assessments, site observations, and even locational facts presented have already been documented in previous submissions (by me in the consultation stage April 2011, and on behalf of WKAG in the Publication Stage April 2012.) Some examples of these earlier mistakes include:

- Misnaming or description of sites such as Stainbank Green as Stonebank Green and R129 described as land south of Brigsteer Rd or off Brigsteer Rd;
- On the Emerging Options Map of Kendal SW R498 was misplaced so that the southern most part of R103 was excluded as land allocated for development only to reappear without explanation on the publication map of May 2012; perhaps less important but adding to confusion, land at Kendal Fell including part of the Golf Course was shown as having "no public access"!
- In the Sustainability Appraisals: East being confused with west in R103M so making the western part of the site more accessible to services than the east; inaccurate

distances to services in both R129M/143 and R103M (described specifically in previous submissions) so exaggerating the accessibility of these sites particularly as gradient was disregarded completely.

In SLDC's submission on Matter 1.6 it is contended on page 7, para 1.6.15, that *"Whilst there have been some criticisms of the accuracy used, the objectivity of the sustainability appraisal process has not been called into question."* We submit that the existence of inaccuracy in itself calls into question the objectivity of the sustainability appraisal process, particularly when combined with the subjective nature of many of the criteria used and this is reflected in Appendix 1. Of the 21 criteria used in the SA more than a third are either just plain incorrect or are based on a highly questionable subjective view in the case of R129M / 143, and just under a third in the case of R103M. We contend that the sum total of a number of mistakes has led to flawed decision making.

Appendix 1 even now contains inaccuracies, arguably incorrect assessments, and elements of confusion :

- Confusion over size of site – R129M & R143 are given the size of 6.65 ha but as this site is presumably made up of R143, R129 and R665 as shown on the emerging options map the size should be  $2.39 + 4.03 + 0.33 = 6.75$  ha. If however it is taken to be R129M and R143 the size becomes 6.74 ha. Small errors, but nevertheless errors. The site relationships described in Column 2 simply add to the confusion.
- The confusion with regard to R103M-mod is even worse as the total site size is given as 10.79 ha but as this site includes R103, M39 & R675K the site size should be 13.34 ha. Which is correct?
- Landscape Impact – the classification of R143 & R129M as having only 'some landscape impact' rather than 'significant landscape impact' calls into question the credibility of the objectivity of the assessment. Development here would transform an entirely rural landscape separated from the urban part of Kendal by woodland and belts of trees into a suburban housing estate overlooked by the LDNP and the public open space of Kendal Fell. In the case of R665 within R129M it would involve the felling of a woodland.
- Site Access – access to R129M & R143 is classed as having 'no obvious constraints'. Is not the necessity to widen the road, combined with the position on the brow of a hill, and danger of traffic emerging from the Kendal Fell Business Park and household waste recycling area a constraint? Similarly access to R103M again classed as 'Green P' and where access is described as being "satisfactory with (presumably meaning via) M39". So again are we to believe that a steep narrow road which, in the vicinity of M39, cannot be widened even to provide a pavement is no constraint to access?
- Heritage – in the case of R129M (classed as Green/P) proximity to the Limekiln, and the conservation area on Greenside is not considered to have even moderate significance even though a housing estate would change irrevocably the nature of the built environment of this architecturally mature area of Kendal – one of the very few parts of the town to remain 'unspoilt'.
- Settlement separation – R103M is incorrectly classified as "Green" instead of "Red" as R675K in conjunction with R103 will join the isolated hamlet of Stainbank Green to Kendal – hence achieving coalescence.
- The Sequential Location of E33 is classed as W (Green) within a service centre when it is patently on the edge (E Amber).

The treatment of sites E33 and EN13 illustrates very well the **inconsistency** (as well as faulty objectivity) which is apparent in the site selection process:

- neither site was identified by the Gillespie report (EvE12) as suitable for employment development;
- the criteria recorded for both sites are virtually identical except that E33 is incorrectly classified as 'within the service centre';
- both are incorrectly classed as 'green' for Heritage despite the proximity of the Limekiln, the Conservation area on Greenside and the summer house at Boundary

Bank House

- it is said of E33 that it can be 'satisfactorily accessed' (Green rating). Considering that access to this site would require a new road and bridge construction it's rating should be regraded to at least amber if not red.
- in terms of the Community view- only E33 was presented as an emerging option and therefore was brought into public view. Undoubtedly had EN13 also been an emerging option it would have received as great a negative response from the community as E33.
- both sites have an almost identical summary except that EN13 is more correctly described as having moderate/high landscape character impact while E33 effectively an extension of the same piece of land but at a higher elevation and so more prominent, is incorrectly described as having only 'moderate' landscape impact.
- there is no mention in the site assessment that if developed E33 would 'swallow up dwellings in the open countryside' as noted in the earlier SA.
- the summary of assessment does not give due weighting to the location of these sites adjacent to and visible from both the LDNP and the public amenity area on Kendal Fell.
- the **exceptional circumstances** applied **correctly** to EN13 apply **even more to E33** as it is immediately adjacent to and above the Kendal Fell Quarry.

Consequently, given the similarity of these 2 sites we applaud the non allocation of E13 **but contend that E33 should also be withdrawn as a site allocated for employment.**

It is clear from these examples and from evidence quoted in previous submissions that site assessments have not been objective but have sought to justify the site selection downplaying any negative factors. In the case of R129m & R143, like E33, which were not even identified as potential sites for development in the SL Housing & Employment Land Search Study (EvE12), and where Town Council and Community views are firmly against development, it is the desire of the land owners to sell and developers to build that holds sway. This is particularly true of R143 which will bring suburban housing to the edge of the LDNP and which was only added late in the consultation process as the land owner wishes to sell. In other words it is the "Availability" criterion in the selection process which is the predominant factor rather than "Suitability".

Margot Harvey  
on behalf of West Kendal Action Group

October 14<sup>th</sup> 2012