

**To Mr Simon Berkeley Inspector**

**Examination of the SLDC Land Allocations DPD Response to Proposed Amendments**

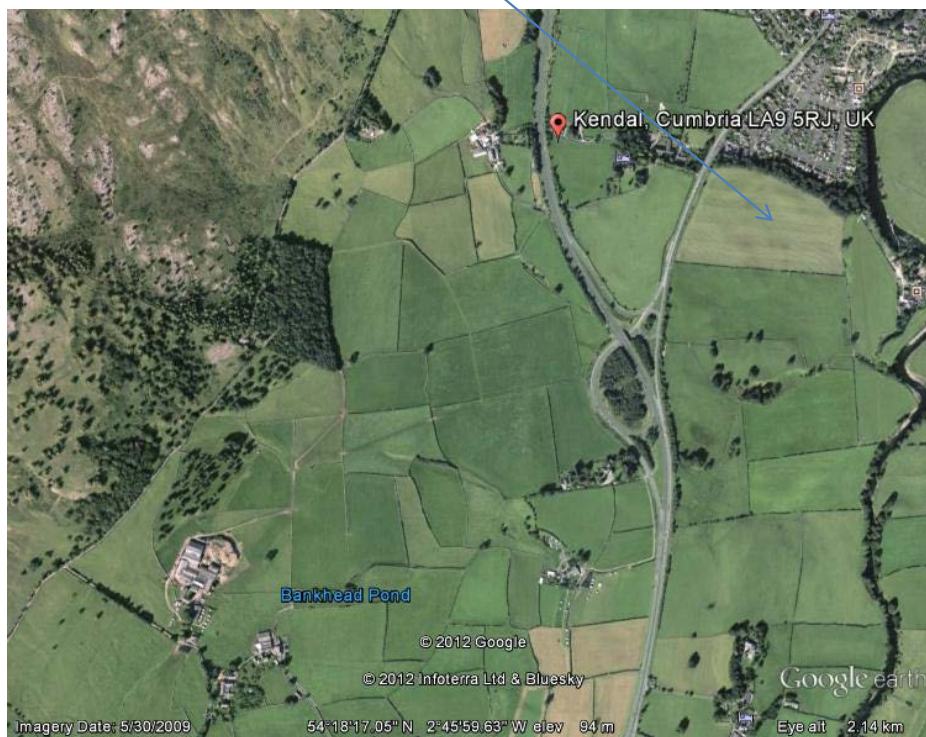
This paper is submitted on behalf of the South Kendal Preservation Association (SKPA), which represents the interests of Helsington Laithes, Lumley Road, the Bellingham Estate and surrounding area residents.

This is in response to the SLDC proposed amendments to the DPD, with regard to E4M. Separate representations are made by BNP Paribas in respect of residential site M41KM.

Reference should also be made to the following previously submitted documents:

- DPD Objection 14th April
- BNP Paribas 17<sup>th</sup> April Representations to SLDC in respect of DPD E4M
- Response to Matters & Issues dated 14<sup>th</sup> September

The Google Earth view of E4M below supports the arguments presented in the above referenced and this document.



## Introduction

SLDC proposed amendments only deal with Natural England proposals, resulting in a token buffer zone concession. This paper further challenges the need for any further business sites, the arbitrary subjective site scoring and inappropriate selection compared with alternatives and the complete disregard for previous substantive evidence and local opinion.

This objection is based on the landscape, heritage, loss of green space and other impacts set out in more detail in the BNPP report, which concluded that as a result of these impacts the proposed allocation E4M is contrary to national and local policy, not founded on a robust and credible evidence base, not legally sound and not considered the most appropriate strategy when considered against the reasonable alternatives. It therefore fails the tests of legal compliance and soundness.

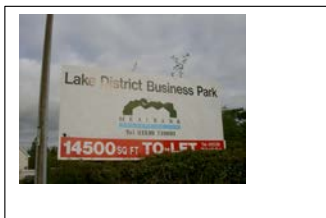
This paper and the previously submitted documents provide an unequivocal case for deletion of site E4M. We trust the Inspector will give this due consideration as representative of local opinion in the best long term interests of Kendal as the “Gateway to the Lakes”, ahead of the vested financial interests of land owners and developers. We therefore hope that E4M can be omitted at this stage without recourse to Judicial Review.

### 1. Unsound case for further business space.

A brief trawl through commercial property web sites reveals the following currently available space. *(NB this is not a definitive list, merely a sample of current availability)*

Current Kendal Commercial Premise Availability

	ft2
Mintsfeet Estate	9000
Former A plant	5897
Former Carlsberg	23500
Lakeland Business Park	15500
Riverside Business Park	30057
Shap Rd Enerprise House	2500
Gatebeck Ind Park	4762
Castle Mills Aynam Rd	9977
Longpool	2308
Dockray Hall	1360
Kendal Fell	10848
Cross Lane	4030
Total	119739



Furthermore, inspection of the Business parks off Shap road alone, reveals land available for development within the site boundary. Some examples are shown overleaf:



Land adjacent to Lakeland Ltd



Land adjacent to BJ Metals

In addition, consideration of the Google Maps view below, demonstrates the expansion potential of these existing sites, with established infrastructure, which is clearly preferential to destroying important Green Field space at the main entrance to Kendal.



The following extracts from the BNPP 17 April report call into question the soundness of the DPD Business land requirements:

The NPPF sets out at paragraph 158 that “each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects for the area”. Importantly the NPPF requires that Local Plan strategies and assessments for employment uses should “take full account of relevant market and economic signals”.

Please refer to the BNPP response 11.7- 11.11, which demonstrates the reduced demand for business development land, in particular.

11.8 Based on this, the South Lakeland Employment Land Review recommends the reduction of the amount of land allocated for employment development. Accordingly, in line with the percentage split of development set out in the Core Strategy, the employment land allocation requirement for Kendal is reduced to approximately 12.6 hectares.

There appears to be no “joined up thinking” with the impact of other established sites in neighboring authorities and changed economic circumstances. The lessons of Greece, Ireland and Spain have apparently not been heeded? Why would UK businesses move to such a park when financial assistance and tax breaks are available for designated City areas such as the Manchester Enterprise Zone?

## **2. Further points in response to the Inspectors “Matters and Issues” document**

As set out in more detail in the SKPA’s representation report dated 17 April 2012 and in response to Issue 3.1 below, the land to the south of Scroggs Wood is of high landscape value. In light of this, it is clear that the business development proposed by allocation E4M will result in a significant detrimental impact on the landscape character of Kendal, Helsington Laithes and the surrounding area.

The proposed development is therefore not in accordance with the following provisions of the NPPF:

- The necessity of “protecting and enhancing our natural, built and historic environment” (paragraph 7).
- The need for the planning system to “contribute to and enhance the natural and local environment”, including “protecting and enhancing valued landscapes” (paragraph 109).
- The requirement for Local Plans to “allocate land with the least environmental or amenity value” (paragraph 110).

It is also considered that the development proposed on the land will have a significant detrimental impact on the surrounding Heritage Assets and the Historic Environment, contrary to the NPPF.

The land to the south of Scroggs Wood is an important green space which plays a vital role as both a green gap preventing coalescence of Kendal and Helsington Laithes, as well as amenity open space for the surrounding area. The proposed development of the land to the south of Scroggs Wood will therefore result in the loss of this important green gap and amenity open space. The proposed development of the land to the south of Scroggs Wood is therefore contrary to the following provision of the NPPF:

- The requirement to avoid significant impact on the natural environment, including green open space, is a fundamental requirement of the NPPF (paragraph 152).
- The need to ensure that “local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular

importance to them”, and “rule out new development other than in very special circumstances” on this local community designated “Local Green Space” (paragraph 76).

The lack of engagement with local residents or due recognition of the local opposition evidenced by petition is also contrary to the NPPF.

SKPA do not believe the Land Allocations DPD is based on a sound process of sustainability appraisal and testing of reasonable alternatives, particularly as there is appears to be no clear audit trail of the site selection process. As a result, the options chosen are not considered to represent the most appropriate strategy in the circumstances. In particular, it is considered that the negative impacts that will result from the proposed business development of the land to the south of Scroggs Wood are not accurately reflected in the Sustainability Appraisal (SA) assessment undertaken to inform the proposed allocation.

SKPA do not consider the proposed allocation of the land to the south of Scroggs Wood to be consistent with the Core Strategy. The reasons for this are set out in more detail in the SKPA’s representation report dated 17 April 2012

**Issue 2.4 – Is the amount of land for housing and employment development properly justified? In broad terms, is it deliverable?**

As set out in more detail, in the SKPA’s representation report dated 17 April 2012, the Land Allocations DPD over allocates land for business development in Kendal when considered against the requirements. (see earlier section 1)

**Matter 3 – General issues for each site proposed in Kendal, Oxenholme and Natland**  
**Issue 3.1 – Overall, are the allocated sites appropriate, feasible and deliverable, having regard to the provision of the necessary infrastructure, services, and environmental constraints?**

3.1.1 SKPA do not consider the proposed allocation of the land to the south of Scroggs Wood, Kendal to be appropriate, feasible and deliverable, particularly in light of the traffic, and utilities constraints, visual and environmental impacts and other issues associated with the proposed business development of the land.

The NPPF and South Lakeland Core Strategy make clear the need to protect local green space and green gaps from future development.

The land is of significant value in terms of its contribution to landscape character and historical interest (see BNPP report for more information)

The land also plays a vital role in preventing the coalescence of Kendal with the historic, rural and small nucleated settlement of Helsington Laithes to the south, as well as maintaining the rural setting of the settlement and its heritage assets and historic environment. This site is on an important walking route up to Scout Scar and Helsington Barrows, which afford views across E4M to the fells beyond.

The land qualifies as a green gap in line with the guidance set out in Core Strategy Policy CS8.2, with the resulting safeguarding of the land from future development:

- Preventing the risk of future coalescence of Kendal and Helsington Laithes.

- Assisting in maintaining the identity, landscape setting and character of both Kendal and Helsington Laithes.
- Comprising predominantly open land maintaining an 'open' aspect.

The land also qualifies as amenity open space in line with paragraph 2.63 of the Land Allocation DPD

In respect of highways capacity, the Kendal LDF Transport Study – Revised Modelling Results (January 2012) demonstrates that “the existing highway network would not be able to accommodate the proposed levels of LDF development without significant increases in congestion”

In conclusion, the landscape, heritage, green space, highways capacity, air quality and utilities capacity issues outlined above are considered to be significant and unacceptable constraints to the business development proposed for the land to the south of Scroggs Wood.

**3. Fundamental Soundness challenges raised previously by SKPA:  
(Please refer to previously submitted documents for details)**

- No established demand or business case.
- No traffic plan to address the substantial congestion issues.
- Visual impact on this most important valued landscape at the main entrance to Kendal, contrary to planning policy.
- Contrary to Government Planning Policy which recognizes brown field preference above important countryside areas.
- Safety grounds since the A6 is a crucial access for emergency services.
- Inadequate local utility infrastructure including drainage, sewerage. See United Utilities reports for associated statements.
- Detrimental to the historical character of the area, contrary to NPPF.
- contrary to the declared planning statement “in an accessible location or an easily developable level site” (Achievability statement P133 2 C).
- Existing and more suitable alternative development sites compatible with planning policy.
- Disregards substantial business parks under construction at M6J36, Carnforth and Tebay
- Disregarding local opinion contrary to Government Policy. You don't put your wheelie bin on your front door step!



**4. The basis of the site selection by SLDC is also challenged by reference to the following erroneous statements in the “fact files” and selection criteria:**

The following *fact file* assertion is disputed:

*“Given its **sustainable** location served by very good road transport links and public transport provision into Kendal Town Centre, it is considered a suitable site either for residential or employment uses. It could be considered as a suitable strategic employment site, having **good access** and in view of evidence of good marketability. It could be developed in conjunction with site EN37. A masterplan led approach to development is suggested.”*

**Comment [DH1]:** Pollution from stationary traffic?

**Comment [DH2]:** The site is clearly NOT “in an accessible location or an easily developable level site” (Achievability statement P133 2 C).

**Comment [DH3]:** False assertion in the context of reduced demand, changed economic circumstances, currently available business premises, existing site expansion potential and local sites under construction at J36, Carnforth and Tebay.

**Comment [DH4]:** Not credible

**The following statement in the SLDC Response to Inspector Matter Issue 1.6 - KENDAL 17 September 2012 is challenged as unsound, other than the highlighted text, which has not been given due weight in the assessment and DPD review.**

**“The site performs reasonably well in SA terms. It is on the edge of Kendal, and has **reasonable/ good access to a range of services and facilities**. The vast majority of the site is in Flood Zone 1, small SE part in Flood Zone 2 and 3a and is at moderate risk from surface water flooding. **It is greenfield and has moderate/high landscape character impact, moderate heritage impact and moderate biodiversity value. It has no visual settlement separateness function. It can be satisfactorily accessed. It has no contamination or hazard constraints. It is constrained by local highway network capacity. It has received very limited community support.**”**

**Comment [DH5]:** Clearly not a credible statement

**Comment [DH6]:** Ridiculous assertion. Was this written by SLDC or the land owner/ developer?

**Comment [DH7]:** Disregarded by SLDC

The following mark up of the E4M “Fact Files” further challenges the soundness of the selection of this site:

**South Lakeland Local Development Framework Land Allocations  
Development Plan Document Kendal Fact File – February 2012 229  
Sites considered for employment E4M**

Local Plan/Evidence Base:

The site is located adjacent to the existing local development plan boundary, fronting onto Scroggs Lane. Part of the site is identified in the NWDA South Lakeland Knowledge based employment land search assessment as a suitable site for knowledge based employment uses **(it was the top scoring site)**. The assessment identifies the site as a large greenfield site with **few obvious constraints**. The study indicates that **with an appropriate landscape scheme this site has the capacity to absorb development without being unduly prominent within the landscape**. The site is **considered highly attractive to the market and has substantial room for further expansion**. However, the Employment and Housing Land Search Study state Scroggs Wood forms a strong boundary to the town and development to the south of this would be highly visible and therefore should not be permitted. The site was assessed in the Kendal Transport Assessment; this did not recommend a reduction in the proposed amount and type of development suggested based on likely transport impact. It provided suggestions recommending a signalized **junction** into the site on Milnthorpe

**Comment [DH8]:** On what/who's criteria? The land owner perhaps?

**Comment [DH9]:** How is this reconciled with later negative observations?

**Comment [DH10]:** By whom?

**Comment [DH11]:** This would severely compromise traffic flows, which back up at peak times back to the bypass.

Sustainability Appraisal:

The site scores well in terms of access to jobs, **public transport** and a secondary school, **but poorly in terms of impact on landscape character and built environment (listed buildings)**.

**Comment [DH12]:** Disregarded in site selection and contradicted by statements above.

Given its sustainable location served by very good road transport links and public transport provision into Kendal Town Centre, it is considered a suitable site either for residential or employment uses. It could be considered as a suitable strategic employment site, having good access and in view of evidence of good marketability. It could be developed in conjunction with site EN37. A masterplan led approach to development is suggested.

- Careful attention needs to be given to the proximity of any proposed development adjacent to Scroggs Wood. Natural England suggest that Scroggs Wood should be protected by, for example, ensuring a native hedgerow is planted 15m between Scroggs Wood and any developments. Scroggs Wood should be allowed to expand into this buffer zone by natural regeneration.

- Careful consideration needs to be given to the protection of intrinsic value of the River Kent SAC. Also need to carefully consider any impact on the setting of Watercrock Roman Fort SAM and Helsington Mills and Helsington Laithes Listed Buildings. Mitigation measure will be required to offset any negative impact on landscape character and the environment

#### Landscape Issues:

The Cumbria Landscape Character Appraisal Toolkit identifies the site as belonging to any landscape character type 8b. The landscape mitigation assessment work has looked at the site in conjunction with site EN37 and suggests:

- Utilise and/or extend naturally undulating landform or create new landform of a similar scale and character to help to mitigate effects and create an appropriate setting for B1, B2, and B8 development.

- Structure planting in groups and belts to interrupt views of new development in views from the A6 and riverside footpath, and strategically located on hummocks to emphasise/enhance landform;
- Create new green infrastructure /open space within site to link with off-site tree belts/scrub, naturally subdivide the site into 'zones' and provide biodiversity benefits
- Provide buffer planting (woodland & woodland edge species) to protect and enhance Scroggs Wood
- Take opportunities to extend local network of pedestrian/cycle access with new links

#### Flooding Issues:

The site is located within Flood Zone 1. The Environment Agency state there is possible flood risk from watercourse along northern boundary. Some historic flooding here.

#### Highways Issues:

Cumbria County Council Highways states there is spare capacity but cumulative impact with other sites may mean intervention required and minor infrastructure/service constraint. A Transport Assessment and Travel Plan would be required and lit footways would need to be provided to connect the development site to Kendal.

#### Heritage Issues:

English Heritage state it is important to carefully consider impact on the Watercrock Roman Fort SAM. Consultation Feedback:

We have taken into account consultation feedback in the consultation responses Appendices 1A, 1B, 1C, 1D & 1E.

The landowner has confirmed the site is available for development. There have been a large number of responses relating to use of the site for development. The NW Regional Development Agency support use of the site for knowledge based industrial use. The landowners support employment development on the site represented by a developer. The developer states based on research undertaken the site is viable for strategic employment uses. There has been some support from the public for development; however, but some believe it to be more suited for residential uses. A significant number of responses relate to concerns about use of the site, these include issues relating to unsafe pedestrian access, cost of providing services across the A591, possible impacts on the River Kent SAC and Woodland Trust woodland (Scroggs Wood) to the North of the site, adverse impact on landscape character and in general the character of the area including its gateway location i.e. development would be unsympathetic to existing character. Other concerns relate to impact on highways and overall scale of development and lack of infrastructure.

The site has been assessed for its strategic employment site potential. On its own it would be nearly large enough to meet Core Strategy requirements. In conjunction with site EN37 it would be large enough to meet these requirements. The site is adjacent to the existing urban edge of Kendal and sequentially performs equal to a number of sites located on the very edge

**Comment [DH13]:** Contradicted elsewhere by SLDC see DH2 above

**Comment [DH14]:** Disputed see above challenge, based upon existing spare capacity, reduced demand and competing alternative sites under construction.

**Comment [DH15]:** What evidence?

**Comment [DH16]:** Do not accept that this is achievable, or has been given due consideration in site selection process.

**Comment [DH17]:** Thin end of the wedge..mission creep

**Comment [DH18]:** Do not accept this is achievable

**Comment [DH19]:** Difficult to reconcile this with traffic queues at peak times now

**Comment [DH20]:** Negative responses ignored in consultation

**Comment [DH21]:** Profiting from the increase in land value

**Comment [DH22]:** Where is this? How can this be reconciled with substantial new sites under construction locally, in the context of the current economic climate?

**Comment [DH23]:** Why has this not been considered in DPD review?

**Comment [DH24]:** On what basis and criteria?



of Kendal. It is considered development in this location compared to other locations on the edge of Kendal would have less adverse impact on the town centre road network. It has direct access to the strategic road network (A591). The site as evidenced in the NWDA Study is considered to have good marketability for employment development. In view of this, it is considered provided high quality landscaping is provided development of the site for strategic employment purposes would be appropriate in conjunction with site EN37. In sustainability terms performs much better than a number of the alternative suggested sites

**Comment [DH25]:** This is clearly not credible

**Comment [DH26]:** Too many established alternatives and spare capacity to be a credible statement.

**Comment [DH27]:** Kendal Fell Quarry, J36, existing business park capacity, Shenstone site local to E4M (previously approved). Existing sites under construction at Carnforth & Tebay.