



12 July 2012

Mr Dan Hudson
Development Plans Manager
South Lakeland District Council
Lowther Street
Kendal
LA9 4DL

Dear Mr Hudson

OBJECTION TO THE SOUTH LAKELAND DISTRICT COUNCIL LAND ALLOCATIONS DPD

**PROPOSED HOUSING ALLOCATION, LAND BETWEEN CASTLE GREEN ROAD AND
SEDBERGH ROAD, KENDAL (R121M - mod)**

SUBMITTED ON BEHALF OF SOLEK (SAVE OUR LANDSCAPE EAST KENDAL)

Further to my detailed objection to the proposed allocation of Site R121M for residential development, submitted on behalf of SOLEK on 14 April 2011, and my subsequent submissions dated 8 September 2011 and 16 April 2012, I am now writing again in response to your request for submissions relating to the conformity of the proposed allocation with the **National Planning Policy Framework** (NPPF).

In my original submission I concluded that the perceived benefits of developing Site R121M, in terms of seeking to meet the aspirations of the Core Strategy, could not possibly outweigh the substantial harm that would be caused to the landscape character of the area, the potential loss of the biodiversity value of the site (with respect to the resident population of Great Crested Newts) and the almost certain adverse impacts upon drainage and flooding. For the reasons set out below I believe that in respect of these fundamental issues the proposed allocation also fails to conform with the overarching principles of the NPPF.

The NPPF states that the purpose of planning is to help achieve sustainable development; and that in this respect *sustainable* means ensuring that better lives for ourselves don't mean worse lives for future generations. Sustainable development is therefore about **change for the better**; the natural environment can be better looked after and the historic environment (i.e. buildings, landscapes, towns and villages) can better be cherished if their spirit of place thrives, rather than withers. The NPPF emphasises that planning should be a collective enterprise, and should not exclude people and communities from the decision making process, and provides a

framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Paragraph 7 states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role, and paragraph 8 that these should not be undertaken in isolation, because they are mutually dependent. The environmental role is defined as *"contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

Paragraph 14 then states that with respect to plan-making, the presumption in favour of sustainable development, means that planning authorities should positively seek opportunities to meet the development needs of their area, and that Local Plans should meet objectively assessed needs ... unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF.

Paragraph 17 establishes a set of core principles that underpin both plan-making and decision-taking. These include ensuring that planning will:

- empower local people to shape their surroundings;
- be a creative exercise in finding ways to enhance and improve the places in which people live;
- provide a good standard of amenity for all existing and future occupants of land and buildings;
- recognise the intrinsic character and beauty of the countryside;
- take full account of flood risk;
- contribute to conserving and enhancing the natural environment - allocations of land for development should prefer land of lesser environmental value;
- recognise that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production); and
- conserve heritage assets so that they can be enjoyed for their contribution to the quality of life of this and future generations.

In the context of the above, and with reference to my previous submissions, it is further considered that the allocation of Site R121M (as modified) fails to conform with the following specific paragraphs of the NPPF:

Landscape Character:

109, which states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils.

In this particular respect, as has previous been stated (submission dated 16 April 2012), in order to inform their objections to the “Emerging Options DPD” Kendal Town Council commissioned a **Kendal Local Level Landscape Character Assessment** (“LCA”). SOLEK, amongst others, have however been extremely disappointed to note that the Council have decided that the LCA “is an independent piece of work undertaken on behalf of Kendal Town Council and does not form part of SLDC’s landscape evidence base”. The LCA nevertheless concludes that the proposed allocation is of medium/high sensitivity due to its biodiversity and rural environment, and that it has limited scope for development. In their response to the Emerging Options DPD consultation, and using the results of the LCA, Kendal Town Council noted the ‘high sensitivity’ and ‘low capacity’ of the site. This approach would appear to be encouraged by Paragraph 170 of the NPPF, which notes that where appropriate, landscape character assessments should also be prepared, integrated with assessment of historic landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.

110, which states that in preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

Biodiversity Value:

9, which states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including moving from a net loss of biodiversity to achieving net gains for nature.

109, which states that the planning system should contribute to and enhance the natural and local environment by:

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

114, which states that Local Planning Authorities should plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure;

117, which states that in order to minimise impacts on biodiversity and geodiversity, planning policies should:

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan

Drainage and Flooding:

100, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change.

101, which states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Community Involvement:

69, which states that Local Planning Authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, Local Planning Authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. They should promote safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space; enhance the sustainability of communities; provide recreational facilities etc; and

155, which states that early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made.

In this particular respect it has previously been suggested that the processes of community involvement in developing the DPD has not been in general accordance with the Council's **Statement of Community Involvement** (SCI). This states, under the heading of 'Commitment', that the District Council is committed to early and ongoing community engagement in the planning process - to make sure the needs and aspirations of the community and stakeholders are taken fully into account in the documents and decisions which help shape development and protect South Lakeland's outstanding environment and culture. Whilst the consultation process itself

is not being criticised, it is however considered that its findings are not being given sufficient weight. **Kendal Town Council** are strongly opposed to the allocation, as are the **Friends of the Lake District** (Cumbria CPRE). There have also been approximately 150 individual objections to the proposed allocation, and a petition containing nearly 300 signatures has been submitted.

To seek to maintain this allocation, contrary the views of such a significant number of local residents, appears to me to go against one of the principal aspirations of the NPPF; "allowing people and communities back into planning".

Yours sincerely

A handwritten signature in black ink that reads "Michael Hyde." The signature is written in a cursive, slightly slanted style.

Michael Hyde MRTPI
MH Planning Associates
(on behalf of Save Our Landscape East Kendal)