

Arnside & Silverdale Area of Outstanding Natural Beauty (AONB)

Development Plan Document (DPD)

Publication

Representation Form (continuation)

Continuation of Section 6 of the Form

Paragraph 1.2.4

With regard to paragraph 1.2.4 of the DPD it is noted that an emphasis is placed upon the Arnside & Silverdale Statutory Management Plan 2014. This document sets out the overall strategy for managing, conserving and enhancing the AONB. While the Statutory Management Plan is an important over-arching document for the area, it does not form part of the Development Plan and we are of the view that too great an emphasis has been placed upon following a plan which has a strategy that involves much more than development, yet it has been used as a strategic director for the AONB DPD.

Paragraph 1.2.7

It is noted that the AONB covers 75 km² with a population of around 7,800. The main settlements are Arnside, Warton, Silverdale and Storth/Sandside but Arnside is the largest settlement within the AONB and was identified by the South Lakeland Core Strategy as a Local Service Centre, where policy CS1.2 of the Core Strategy sets out that 21% of new housing and employment development would be in the network of Local Service Centres.

We view the population of the AONB at approximately 7,800, and that of Arnside itself, as significant and presumably South Lakeland were of the same view when their Core Strategy identified Arnside as a Local Service Centre.

The Arnside & Silverdale AONB is quite heavily populated for its size when considered against many larger AONBs with much sparser population densities. The reason this is mentioned is because there is clearly a significant functioning population within the area and at Arnside in particular that requires a level of services and commensurate growth to ensure that the AONB functions as a sustainable economy and as a place for people to live and work. Consequently, the Plan is questioned in terms of its compliance with the NPPF and how effective the Plan is in responding to the needs of the area.

This is of particular concern given that the Arnside & Silverdale AONB is possibly the smallest AONB in England and Wales, while it has a significant population. Some comparisons of population by area for other AONBs within England and Wales are set out below:

AONB	Size	Population
Arnside and Silverdale	75 sq km	10,000
	http://www.arnsidesilverdaleaonb.org.uk/discover/a-special-place/	http://www.landscapesforlife.org.uk/arnside-and-silverdale-aonb.html
Forest of Bowland	803 sq km	16,000
	http://forestofbowland.com/What-AONB	http://forestofbowland.com/What-AONB
North Pennines	2000 sq km	12,000
	http://www.northpennines.org	https://www.cumbria.gov.uk/elibrary/Content/Int

	.uk/Pages/FAQs.aspx	ernet/538/755/1929/42116163127.pdf PAGE 4
Cotswolds	2038sq km	157,000
	http://www.cotswoldsaonb.org.uk/userfiles/file/Publications/4_52YOURGUIDEJUN07lr.pdf PAGE 6	http://www.cotswoldsaonb.org.uk/userfiles/file/Publications/4_52YOURGUIDEJUN07lr.pdf PAGE 14
Nidderdale	600 sq km	16,000
	http://www.nidderdaleaonb.org.uk/	http://www.nidderdaleaonb.org.uk/
Malvern Hills	105 sq km	12,000
	http://www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/MainLeaflet.pdf	http://www.malvernhillsaonb.org.uk/wp-content/uploads/2015/02/MainLeaflet.pdf
Mendip Hills	198 sq km	20,000
	http://www.mendiphillsaonb.org.uk/	http://www.mendiphillsaonb.org.uk/
Solway Coast	115 sq km	3400
	http://www.allerdale.gov.uk/downloads/Solway_Coast_AONB_Management_Plan_2015-15.pdf PAGE 3	http://www.allerdale.gov.uk/downloads/Solway_Coast_AONB_Management_Plan_2015-15.pdf PAGE 59
Howardian Hills	204 sq km	6100
	http://www.howardianhills.org.uk/wp-content/uploads/2015/08/Howardian-Hills-AONB-Management-Plan_2014-19.pdf PAGE 4	http://www.howardianhills.org.uk/wp-content/uploads/2015/08/Howardian-Hills-AONB-Management-Plan_2014-19.pdf PAGE 4

Paragraph 1.3.13

This paragraph of the DPD sets out that the relevant parts of the South Lakeland Local Plan include the Core Strategy 2010, which sets out the overall development strategy and vision for the district. This includes identifying Arnside as a Local Service Centre. It is welcomed that Arnside is indicated as a Local Service Centre by Policy AS01.

Arnside is one of the largest villages in Cumbria and the largest within the AONB. At the 2011 Census it had a population of 2,235. Over 40% of the population are over 65. This is compared to 17.7% as a national (UK) average in 2014. We would question whether the sites put forward later in the document really meet the needs of the community (their effectiveness) and whether they are likely to result in any new house building being brought forward within the AONB given the limited number of sites put forward and the constraints associated with them, some of which are derived from policies within this document (e.g. the affordable housing target).

Paragraph 1.3.15

This paragraph points out that the statutory AONB Management Plan is a critical document. It accepts that the document is not part of the Local Plan for the area but that it is a material consideration in making planning decisions. With regard to this it is again emphasised that while this is an important material consideration, it is not part of the Development Plan and the Core Strategy that indicates Arnside as a Local Service Centre is. We feel there is an imbalance between the emphasis upon the AONB Management Plan and the existing Core Strategy for the area. It is

important that the AONB designation has not changed in its legislative position or level of protection since the Core Strategy was adopted in 2010. Consequently the effectiveness and compliance of the Plan with the NPPF is questioned.

Paragraph 2.1.2

Under section 2 of the Plan Vision and Objectives, paragraph 2.1.2 considers that the vision of the AONB DPD is to reflect and supplement the adopted Management Plan Vision as well as the two relevant Local Plans, national policy and the evidence gathered and the wider context. The text in the box below paragraph 2.1.2 considers that within the Arnside & Silverdale AONB:

- housing, employment, services, infrastructure and other development has managed to contribute towards meeting the needs of those who live in, work and visit the area in a way that conserves and enhances the landscape, natural beauty and the special qualities of the AONB;
- creates vibrant, diverse and sustainable communities with a strong sense of place; and
- maintains a thriving local economy.

With regard to this part of the vision the Plan does not meet the needs of those who live, work and visit the area in a way that will create vibrant, diverse and sustainable communities. We are of the view that the allocations put forward within the document will not be brought forward and therefore this vision will not be achieved and neither would the aspiration of maintaining a thriving local economy with a vibrant, diverse and sustainable community.

Paragraph 2.2.1

Under this paragraph, Objectives, the fourth objective is to provide a sufficient supply and mix of high quality housing to contribute to meeting the needs of the AONB's communities, with an emphasis on affordable housing and protecting the landscape character. However, given the limited number of allocated sites and the policy requirements (affordable housing) it is considered that the allocations put forward will not meet the objective to provide a sufficient supply and mix of high quality housing and therefore cannot be deemed to be positively prepared or effective.

Policy AS01, Development Strategy

In terms of this policy the reference to Local Service Centres within the policy is welcomed. The policy itself considers that to promote vibrant local communities and to support services small scale growth and investment will be supported in the identified Local Service Centres where it closely reflects identified local needs within the AONB and conserves and enhances landscape and settlement character. The reference to Arnside being a Local Service Centre is welcomed. However, there is some concern about the definition of small scale growth and what this means when such a definition is not included within policy CS1.2, the development strategy of South Lakeland District Council's Core Strategy document. Reference to policy CS1.2 of the Core Strategy considers that the exact scale and level of development supported will be dependent upon individual character, impacts on environmental capacity and infrastructure provision. We are of the view that this element of Core Strategy policy CS1.2 should be contained within policy AS01, Development Strategy, so that the DPD is consistent with the Core Strategy and also to ensure that decisions are based on the characteristics of a particular development project rather than a reference to "small scale" which is not a defined concept.

Paragraph 3.1.3 to 3.1.7

These paragraphs relate to objectively assessed needs and the text points out that it is difficult to apportion a specific figure to the AONB as a whole or in line with the two Authority parts, and that no precedent exists for such an approach.

Paragraph 3.1.4 considers that it is not necessary to identify a specific housing requirement for the AONB and that an emphasis should be placed on meeting identified affordable and other local housing needs within the capacity of the landscape.

The conclusion of the approach to housing is that the difficulties in apportioning the OAN, and the limited capacity of the landscape to accommodate development, means that the Councils have not identified a specific housing requirement for the AONB. Interestingly, despite this the Guidance Notes for this consultation note that to be positively prepared the DPD should be based upon a strategy that seeks to meet objectively assessed development and infrastructure requirements. However, regardless of the need for the Plan to meet the OAN or not it must still fulfil its objectives of creating vibrant, diverse and sustainable communities and also maintaining a thriving local economy.

The restrictive approach to housing does not, in our view, achieve that given the restrictive policies and the cumulative policy impacts upon viability. Consequently, the effectiveness and compliance of the Plan is questioned given that the NPPF is overtly focused upon growth, while accepting that this must be filtered by paragraph 115 of the NPPF.

In the light of the information presented above about the age structure of the population of the AONB there is a particular issue with regard to the ageing population and there will be a continuing requirement for a range of services to meet the needs of that elderly population. This can only be based upon new development to maintain a working age population, including new houses that will create a sustainable population to meet those needs. The primary school also needs to be sustained into the future and the level of growth allowed for is unlikely to assist this.

The Plan must be compatible with the South Lakeland Core Strategy and the vision within that Core Strategy for the eastern part of the district. However the DPD appears to lean heavily towards the Management Plan as opposed to the Core Strategy. Again it is emphasised that the Management Plan is not a land use planning document.

Paragraph 3.1.7 notes that the Councils have not sought to set targets for the amount of development to be achieved but that this should be achieved within what can be accommodated without harm to landscape, whilst maintaining a positive approach. Without a clear picture of what the specific needs are within the AONB we feel that the wider approach of the plan in relation to the allocation of sites is overly restrictive. Work that we have carried out on 2 sites in Arnside indicates that there would not be any unacceptable harm to the landscape of the AONB. The key point is that they are both located within the Local Service Centre of Arnside where the approach would anticipate development in principle. However, despite the professional landscape evidence put forward the sites have been designated as Key Settlement Landscapes.

Policy AS02, Landscape

With regard to this policy we have noted that certain changes have been made since our last representation and would generally welcome those changes. However, from the final criteria of this policy it appears that a landscape assessment could be required for any level of development and in our view reference should be made within this to whether one will be required or not, as it should be proportionate to the scale of the proposal and the level of impact as well as the scale of development, indicating the scale of the landscape study required. It may be disproportionate to ask

for a landscape study for, for instance, an infill plot or a house extension. Officer discretion needs to be allowed.

Policy AS03, Housing Provision

The comments in relation to the nature of the population within the AONB and whether the Plan meets the needs of the area as a sustainable community moving forward goes to the heart of policy AS03.

This policy stipulates that proposals for new housing development will be supported where they deliver no less than 50% affordable housing and that only where this is demonstrably unachievable will a lower percentage be acceptable. The policy considers that affordable housing needs are forecast to apply over a period of time and that not all of the identified need is required straightway and that, consequently, this should be phased in line with demand. However, we consider that a 50% requirement is not viable and sets very high expectations within local communities that should not be raised. My client, Russell Armer, as a developer within Cumbria and North Lancashire for a number of years, does not see anything in the Plan that would sponsor this level of provision. The specific site constraints and the number of houses that can be achieved from each site allocated, in our view, strongly mitigates against any aspiration to provide 50% affordable. An approach via a Supplementary Planning Document called I-Path was introduced in South Lakeland some years ago which required 50% affordable housing. However this policy was abandoned and any such approach would now be further compounded by the requirements of the Community Infrastructure Levy which would apply within the South Lakeland part of the AONB, in which Arnside is located.

Paragraph 4.1.3

This paragraph notes that a requirement for 50% of new homes to be affordable is justified because the AONB is a sensitive landscape protected at a national level. It is considered inappropriate to use those sites that are suitable for development in the AONB to deliver development that does not help to meet local affordable or other local needs. The paragraph goes on to note that doing so would mean that those needs would remain unmet and the most sensitive sites would have to be developed in order to meet the affordable needs.

We have particular concern about this because it appears that a landscape approach is being used to identify the level of affordable housing provision as opposed to a viability approach. It is our view that the housing policy and strategy would fail with such a high level of affordable requirement, but it appears from the policy that this is being justified on landscape grounds rather than viability grounds. This creates a clear tension between the aspirations of the document to serve the landscape character and to provide a high level of affordable housing.

We noted that the viability report originally produced by HDH in support of the Draft Plan recognised that no sites would be viable under a 50% affordable policy. It was further noted at the time by HDH that even under the Council's current adopted target of 35% in the South Lakeland District a number of sites would not be viable. In terms of the original HDH viability report it was noted that South Lakeland District Council achieves 35% affordable housing on almost all target sites. However, we would have some concerns for the following reasons:

- The sites achieving 35% are generally large scale, greenfield sites providing economies of scale.
- Much of this track record of achieving 35% is prior to the introduction of the Community Infrastructure Levy (CIL).

- The larger sites often have fewer constraints than those put forward by the AONB DPD.
- Drainage requirements are becoming stricter and this has a significant impact on viability.

With regard to viability we have concerns as to why the HDH report considers that no sites were viable under a 50% affordable housing policy, but the latest viability study contained within the DPD document library considers that 50% affordable even with CIL is considered to be viable.

The conclusions are based on a broad set of assumptions and typologies for the sites put forward. However, my client's experience on a site by site basis as a developer that has a long history of working in the area and within the challenging landscapes and topographies associated with it, is that this broad based approach does not take account of the reality of developing particular sites.

For instance, many of the sites within the AONB that are allocated have some difficult topography, access or drainage requirements.

It is noted that in paragraph 4.71 of the Aspinall Verdi report that the TLVs are for higher level plan viability purposes. The report does emphasise that the adoption of a particular TLV in no way implies that this figure can be used by applicants to negotiate site specific applications. It goes on to note that where sites have obvious abnormal costs (e.g. retaining walls for sloping sites) these costs should be deducted from the value of the land. We would question where this assumption comes from given that it is the Council's role to provide a supply of and policies for housing within any given area. We are concerned about the statement that costs for abnormal should be deducted from the value of the land and we would disagree with this approach given it is the Local Authorities responsibility to provide appropriate housing policies. However, we have been in discussions on a number of sites elsewhere where the view of the Local Authority is that the pain of abnormal costs should be shared across all parties, including the affordable housing percentage, landowner and developer profits. However, simply directing abnormal to a reduction in the value of the land will, again, result in proposals not being brought forward.

We have concerns that the build costs will not necessarily reflect the higher quality required within the AONB. We also have concern that the affordable housing prices are based on a low specification and not a high specification that would be required within the AONB.

We note that originally the viability appraisals were run at 17.5% profit to the developer, but this has been raised to 20%. We do not see why 20% should necessarily be an upper limit but in our view this should be a minimal margin. In addition 20% would be an OMV only. On affordable housing we understand that this would be 6%, giving a blended rate across a site at well below 20%.

We would also point out that the allocations put forward largely rely upon small and medium sized developers bringing sites forward. The sites would be likely to attract small or medium sized builders who do not have the economies of scale of medium and larger sized developers and, consequently, we would question the practical deliverability of the sites other than in theoretical plan form. This questions whether the Plan is positively prepared and effective in bringing housing development forward.

Paragraph 4.2.8

This paragraph states that all planning applications will need to be accompanied by ecological surveys that are proportionate to the nature and scale of the development. However, it will be the case that some very small scale developments that require planning permission would clearly not need an ecological survey and this should be made clear either in the policy or the text supporting it.

Policy AS08, Design

With regard to this policy there are no particular comments but the requirements would appear to be in excess of those required throughout South Lakeland and we would ask for evidence that this has been factored into the viability considerations outlined above.

Proposed Development Allocations:

I have, on behalf of my client, had previous correspondence pointing out that Russell Armer have an interest two sites that have not been allocated for development in Arnside. One is at Redhills Road, where we currently have in a planning application for 5 homes, and the other at Station Road. My client considers that the sites could accommodate housing in a sustainable manner. Despite the plan allocating neither site for development we were aware that Arnside Parish Council felt that some limited development may be appropriate at the Redhills Road site. This reflects their comment upon our current planning application.

It is of concern to us that both sites were put forward as suitable for housing by South Lakeland District Council at the examination of the Land Allocations DPD for the whole of the district. This inferred the acceptability of housing on both sites. The AONB DPD takes a different view and we are concerned that the sites put forward by SLDC on the back of a landscape evidence base at that time in 2012/2013 are now being rejected on landscape grounds. The landscape character of these sites has not changed over this time and neither has the overarching policy requirement relating to protected landscapes. Consequently, we ask for evidence of what has changed.

The site at Station Road is subject to a Key Settlement Landscape designation A18 and the site at Redhills Road is subject to the same designation, reference A15. This severely restricts development opportunity in Arnside, which is regarded by the South Lakeland District Council Core Strategy and the DPD itself as a Local Service Centre. We regard both sites as being sustainable sites within the settlement with the one at Station Road being next to an important public transport facility and, in our view, the lack of allocation of this sites is failing to create a vibrant, diverse and sustainable community at Arnside into the future on sites that have not previously been subject to concerns about landscape.

Site AS17, land off Queens Drive, is allocated for approximately 6 dwellings. However, the site is likely to yield as a maximum 6 dwellings and it is in effect a brownfield site with an existing garage block. On top of this presumably 50% affordable housing would be required. We simply do not see this as being deliverable with the 50% affordable housing policy and CIL.

Site AS18 may be developable but with 50% affordable housing requirement as well as the CIL, taken together with 6 dwellings being ambitious if the rear part of the site is not be used, we have concerns about deliverability.

Site AS19, Briery Bank, the same concerns apply to this site.

Policy AS23

This policy allocates Station Yard, Arnside, for mixed uses including some potential for residential live/work units, but this is noted as just potential so cannot be regarded as a housing allocation that will yield any particular number of units.

In our view, given the constraints identified, the effective allocation of housing for Arnside for the plan period is probably something in the order of 14 homes and we would question whether any can be delivered under the current affordable housing policy.

To turn to the lack of allocation of my client's two sites, in an attempt to understand why my client's sites have not been allocated a Landscape Analysis has been commissioned from the Landscape Agency.

From the start we have had concerns about comments that the sites are not suitable in landscape terms because they form part of the settlement and form the next logical areas for extension, with good access and infrastructure available and are sites that have development adjacent and are in part enclosed by it.

The Redhills Road site, A15, is a contained site bounded by residential development and the wooded slopes on the opposite side of the site. The constrained nature of the site limits the opportunities to appreciate this landscape within the wider context of Redhills Road, Arnside Knott and the AONB.

The site itself is open though, given the contained nature of it, the open site makes only a limited contribution to defining open space in the wider context due to its overlooked character.

In the light of the above the site has very limited wider visual connectivity with Redhills Road, Arnside Knott and the AONB, and that the experience of the site is overlooked by residential development. The loss of this space within the wider AONB and setting of Arnside would have a very limited visual impact on the character of the village. This is presumably why it was suggested for allocation by South Lakeland District Council in the first place during the 2012/2013 Land Allocations process.

We are encouraged by the fact that the Parish Council considered that some limited development can be accommodated at the site. We are also aware of a consultation response from a local resident who considers this site much more appropriate for development than one of the allocated sites.

A number of interventions could be made to assist with the development of any housing at the site. A generous open corridor could be maintained adjacent to the public right of way and properties could be set back from the Redhills Road frontage to maintain the line of development on Redhills Road.

Any development could ensure a high quality gable end to enhance property facing Redhills Road to provide a positive character to the street scene, which is highly visible in this location.

In addition it would be possible to maintain clear lines of sight along the green corridor, allowing additional tree planting to ensure that the existing woodland canopy is a dominant feature. This has the potential of offering the illusion of a more generous, uncluttered corridor and of course would also have ecological benefits.

An application is currently being considered for 5 dwellings at the west of the site; however, this does not preclude further development and given the previous landscape evidence we consider that the site remains to be suitable for allocations for a larger scheme.

In summary the visual containment of the site presents a good opportunity for residential development and the access opportunities are already there. At the western end of the site it is clear that there was an intention to extend into this area by the way in which development is terminated. Consequently, given the limitation of the sites allocated in terms of their overall numbers and quantum of development, taken together with their associated difficulties, it would seem perfectly reasonable to allocate at least part of this site for residential development.

With regard to the Station Road site you will be aware that Russell Armer have explored how this might be developed with South Lakeland District Council.

My client commissioned the Landscape Agency to prepare a response to the LVFSS recommendation and the finding of this response could allow South Lakeland District Council/Lancaster City Council to support the inclusion of site A24 for residential development.

As has been pointed out previously the site is essentially located within a developed area. Development is to four sides including Station Road and Ashleigh Court, Ashleigh Road and the southern farmstead. This existing development creates a strong sense of enclosure to the site and that anyone visiting has already arrived at Arnside. The character of development varies along these boundaries in scale, age and form which provides a disjointed and uncohesive character. We consider that this is not a strong representation of the built or landscape character of Arnside in this location for the following reasons:

- Ashleigh Court is a dominating structure within this view and is not characteristic to the scale of Arnside or its location.
- Existing development has already broken the natural skyline.
- A public right of way dissects the site connecting residential areas with the station.
- A distant view from the Station is only permitted in the south west over the rising fields between the developed edges of the site.
- The field view from the south west corner of the site is partially bounded with residential development which breaks the natural skyline.
- Views from B5282 are restricted by mature hedgerows and a high quantity of on street parking associated with the station.
- Views from the B5282 are limited to immediately adjacent to the site due to the dense development along the road. The volume of views from the B5282 are limited and experienced only briefly.
- Views from the station and footbridge are elevated. Views from this vantage point of the distant south west fields are a strong feature and development at low level would not obscure these views.

The Landscape Agency have made a number of recommendations which could bring benefits to the site in addition to the obvious provision of housing.

The low lying fields within site A24 would not restrict views of the distant farmland landscape to the south west from the railway station and therefore maintain the intrinsic existing urban pasture landscape character of the site.

The cohesive rounding off of the existing incremental stages of historic development and softening of the less characteristic development scale of Ashleigh Court will be a key benefit.

Positive reinforcement of the Station Road character by active frontages to the street would provide strategic opportunities to provide views of the distant fields between development.

This would also ensure that the Plan is justified, effective and consistent with national policy.

Development of the site could provide a stronger arrival experience for train users and for the general arrival experience to Arnside.

The key message from this consultation response is that we feel the document is generally over restrictive and, as it stands, fails to meet the needs of the local communities within the area, with particular reference to how the plan in its current form can create vibrant, diverse and sustainable communities with a strong sense of place and how it can maintain a thriving local economy.

Both of the above aspirations require some level of growth to ensure that as a place the AONB is sustainable into the future.

The AONB needs future growth to maintain the local economy and prevent further imbalance of the age structure within the area. We are not arguing that this should be at a cost to the purpose of conserving and enhancing the AONB but in our view the key challenge of such a document is to ensure how that growth fits within the context of protecting and enhancing the landscape and surely this should be the innovative approach, rather than the innovative approach being one of restriction.