

WEST KENDAL ACTION GROUP (WKAG)

From: Mrs Margot Harvey, ~~XXXXXXXXXX~~, ~~XXXXXXXXXX~~ on behalf of WKAG

July 13th 2012

I wish to confirm that WKAG would like to be represented at any future hearing.

Submission of the WKAG on the degree to which the SLDC Land Allocations DPD is in conformity with the NPPF

The following represents the views of over a hundred residents in the western part of Kendal in the vicinity of Greenside, Beast Banks Underbarrow and Brigsteer Roads, and Stainbank Green. The points made in this submission are made, as appropriate, with reference to the whole plan; those parts which concern Kendal; and those parts which specifically affect the allocation of sites E33, R129M and R103M -mod in the western part of Kendal.

In general terms the view of WKAG is that although the aspirational principles set out in the Core Strategy of the LDF are broadly in line with those of the NPPF, the development strategy as set out in the DPD is not sustainable and therefore not in conformity with the NPPF.

We contend that the DPD is not in conformity with the NPPF as follows: (paragraph numbers relate to the NPPF)

The presumption in favour of sustainable development and core planning principles (para 6-17)

Para 14:

States that Local Authorities should meet objectively assessed needs, yet SLDC describe targets as 'ambitious' and 'challenging' because in fact they exceed need, and are based on optimistic projections of growth rather than the factual evidence of population trends. The inclusion of aspiration in the assessment of need (SHMA survey) has given inflated figures of real need.

Para 17:

- Although SLDC's planning is certainly 'plan-led' that plan has not empowered local people to shape their surroundings. It has simply empowered planners, developers and land owners. The views of local residents, Town and Parish councils, and other concerned bodies, despite protracted "consultation", have not been taken into account. Even the submission of Kendal Town Council was rejected. SLDC has dismissed the genuine concern of residents as 'nimbyism' whereas in fact what lies at stake is the viability of that part of the South Lakeland District covered by the LDF and in particular, Kendal.
- The DPD does not represent a 'creative exercise to enhance and improve the places in which people live their lives'. In the case of Kendal, in allocating a ring of green field sites for development, the plan encourages urban sprawl onto the hillsides of the rural hinterland, thus failing to protect the natural environment and seeks to increase the population without first improving the infrastructure to support those new developments and population. This is not sustainable development as it worsens the lives of existing residents while creating a future urban environment which will inherit the problems of the present. Although the Development Briefs may well create pleasant sustainable living spaces within the new developments they will not address the resulting problems, outside the sites, of increased traffic congestion, fuel consumption, noise, and air pollution; increased pressure on schools that are already oversubscribed; increased pressure on health services which are, as a result of health reforms, shrinking not expanding; increased pressure on a town centre which is constrained by its physical as well as urban geography and already cannot accommodate the parking provision which might do something to stimulate economic activity.

Ensuring the vitality of town centres (paras 23-27)

Para 23:

With reference to Kendal in the DPD, the problems of the town centre have not been recognised (number of empty properties, high turn-over rate of businesses, high proportion of charity shops within the central area) and there is no positive plan to stimulate economic activity within the existing town centre. Additionally the residential land allocations, while increasing the potential consumer base, will also increase the problems of congestion and emissions within the town centre so decreasing its attractiveness as a retail hub.

Promoting sustainable transport (paras 29-41)

Para 29:

In allocating residential development on edge of town green field sites the local authority has increased the need to travel, and not supported a pattern of development which facilitates the use of sustainable modes of transport. Cycling and walking which might be feasible in an area of low relief (as on the north-south axis in Kendal) become unrealistic where steep gradients exacerbate the increased distances to and from the town centre. Five times as much energy is required to cycle a distance of 1 km with a rise of 75m as compared to a flat surface.^[1] This is particularly noticeable in the case of developments to the steep western side of Kendal off Underbarrow (R129M) and Brigsteer (R103M-mod) Roads where access from the town centre involve average gradients of 1:15 but include local gradients greater than 1:6.

Para 30:

The allocation of edge of town sites increases the need to travel, so increasing fuel consumption and green house gas emissions, and increasing congestion. This is exacerbated by the need to travel up steep slopes (see Para 29 above). Four times as much fuel is required in a car rising 75m over a distance of 1km compared to a flat surface.^[1]

Para 32 & 34:

Although the DPD sets out the requirement for a Transport Assessment and Travel Plan for significant developments, in some cases sites for those developments have been allocated without any evidence of their potential impact on the transport network. This applies to R103M and R129M where the latter has been excluded from all Transport Studies (Atkins 2009 and subsequent Cumbria CC reports) even though traffic from this area will affect the most congested junctions within the Kendal network. Additionally the impact of residential development in conjunction with planned adjacent industrial development in the Boundary Bank and Kendal Fell Quarry areas has not been assessed either for impact on the local area where there is no proof that "safe or suitable access to the sites can be achieved", or on the transport network of Kendal. [This is an example of an area where "development should be prevented or refused on transport grounds as the residual cumulative impacts of development are severe".]

Para 40:

There is no provision in the DPD for measures which seek to improve the quality of parking in Kendal even though it is generally perceived to be a crucial factor in the apparent economic decline of the town centre.

[Note 1: Research carried out by Small World Consulting Ltd and based on the model from 'Sustainability Without the Hot Air', David Mac Kay 2009.];

Delivering a wide choice of high quality homes (paras 47-55)

Para 50:

- Despite the targets set in CS6.2 the DPD does not include a plan for a mix of housing based on current and future demographic trends as required by the NPPF and in particular does not specify provision for older residents despite having a population structure heavily skewed to the older age groups. Instead it plans for homes to accommodate a more balanced population for which there is no sound evidence.
- The targets for affordable housing are identified in the Core Strategy in CS6.3 but the DPD relies on just one policy to address this problem: the provision of affordable housing as part of market housing developments in the ratio of 35% to 65%. As a result of the allocation of land for residential development mainly on large prime green field sites it is predictable that the majority of affordable homes produced will be intermediate housing for sale at a discount even though the recommended that 60% of affordable housing should be rented. The viability of this policy is questionable as it depends on developers achieving high enough profits to subsidise the provision of affordable homes. Those profits can only be achieved after:
 1. paying the high prices that prime green field sites command;
 2. paying the proposed Community Infrastructure Levy,which will be likely to lead to higher prices for housing in the open market with fewer available in the lower quartile price range (contravening the recommendation for 25% in the SHMA). And so exacerbating the need for affordable homes.
- Additionally in allocating green field sites on the edge of settlements, particularly in Kendal, locations have been chosen which are least suitable for the 2 groups most in need – those who cannot afford market housing including young families, and the elderly – both in terms of inaccessibility to basic services and the cost of access to them.

Para 51:

There is no provision for a rigorous policy of bringing empty homes into use, or for the conversion of other empty buildings even though the district, and Kendal in particular offers many opportunities for this as it contains both houses and commercial buildings such as the Kendal Bowman Inn which have been empty for many years.

Para 52:

The potential for the development of new settlements has not been considered even though, through consultation, opportunities were presented to the SLDC. The opportunity for employment development at Jct 36 on the M6 was dismissed by the LA on sustainability grounds and the creation of a new sustainable settlement here was not even considered.

Promoting healthy communities (paras 69-78)

Para 70:

There is no policy to "plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". Developments are simply tacked onto existing settlements where they will make use of existing services by travelling to reach them.

Para 72:

The DPD does not proactively address the issue of school places and has allocated sites for development for example at R129M and R103M where the nearest schools are already oversubscribed.

Para 74:

The DPD does not conform, in allocating R129M and R103M for building, because these areas, as a result of their location adjacent to and viewable from the Lake District National Park, cannot be replaced by an "equivalent or better". Instead these areas hold a "particular significance because of their beauty, tranquility, and richness of wildlife" and as such, they should be protected as Local Green Spaces. They have also historically functioned as an informal green belt to check the unrestricted urban sprawl from Kendal towards the National Park. (Para 77)

Para 76:

Local communities have not been given the opportunity to identify green spaces for protection and during the consultation process representations arguing for the protection of green spaces have been ignored. In the case of R129M the area of green space allocated for development was doubled despite the views of the local community.

Meeting the challenge of climate change flooding and coastal change (paras 93-108)

Para 95:

In planning for new developments in edge of town green field locations SLDC has not sought to reduce greenhouse gas emissions as these locations increase the need to travel by car to reach existing services. In addition the influence of slope has been ignored. (See Para 30 above)

Paras 99/100:

Although the DPD addresses the problem of flood risk on a general scale it does not take into account the increased risk of flooding within proposed developments which lie outside flood plains. For example within R129M the flood risk to existing properties which lie in the path of natural subterranean drainage systems which surface during periods of heavy rain, would be exacerbated by development, particularly within the context of the more extreme weather conditions which are symptomatic of climate change. There is no recognition of this in the DPD (LA 2.8).

Conserving and enhancing the natural environment (paras 109-125)

Para 111:

By allocating green field sites SLDC is not following a policy of re-using brownfield land. Its stated target of 28% new housing on brownfield sites is not supported by actual land allocations.

Para 115:

In allocating sites (R129M & R103M) and industrial site E33 adjacent to the Lake District National Park, SLDC is ignoring the impact of urban encroachment on the scenic beauty of this area.

Para 121:

In allocating R129M the LA did not take into account but merely left for later review, the Environmental Protection Act 1990 (F31678A) as this area is in close proximity to a landfill site on Kendal Fell which is known to contain waste which is now considered hazardous and therefore can be deemed to be 'Contaminated Land'. It is also now known there is evidence of health risk to those living close to a

landfill containing hazardous waste.[2]

Para 123:

In allocating R129M & E33 SLDC has not recognised the impact of noise on a tranquil area which is prized for its recreational and amenity value (Serpentine Woods and the Golf Course). Allocating both housing and industry to this area will put at risk the quality of life of local residents and visitors.

Para 124:

The DPD recognises but does not address the impact of planned developments in Kendal on the AQMA in the town centre where air quality is already below EU limit values. The DPD does not contain measures which can be shown to improve air quality within the centre of Kendal. The updated transport plan for Kendal produced by Cumbria County Council in January 2012 suggests 6 mitigation measures to alleviate congestion but even these could at best only achieve 'nil detriment'. However, we know that 3 of them will not go ahead in the medium term and therefore a decline in air quality would be an inevitable consequence of the DPD. (See below para 162)

Para 125:

The allocation of edge of town green field sites increases light pollution in the rural hinterland which is particularly important on the western side of Kendal within the LDNP.

*[Note 2. Health Effects of Residence Near Hazardous Waste Landfill Sites by Martine Vrijheid
Department of Public Health and Policy, London School of Hygiene and Tropical Medicine]*

Local Plans (paras 150-157)

Para 155:

A 'meaningful' engagement with a wide section of the community has not been achieved as the results of consultation have not essentially changed the planning by SLDC, and the current Local Plan does not reflect a collective vision, as not even the views of Kendal Town Council, Kendal Civic Society or Friends of the Lake District, or 3844 signatories to a petition have had any significant effect on the DPD.

Paras 156 & 157:

The Local Plan does not set out strategic priorities, or plan positively for the provision of infrastructure, particularly of transport, or for the development of the required community infrastructure but assumes it will be in place as required. There is little evidence of jointly prepared strategies with Cumbria CC; with Utility Companies; or indeed the Primary Care Trust.

Using a proportionate evidence base (paras 158-177)

Para 162:

Assessments of the quality and capacity of infrastructure for transport in Kendal have taken place but have been incomplete and have raised more questions and challenges than they have provided solutions. The DPD states under Infrastructure Issues in Kendal Para 3.7 :

"Cumbria County Council has examined the traffic impacts of the proposed land allocations and put forward a series of mitigating measures to ensure that congestion and air quality impacts are minimised."

but in fact in the latest Transport Study of Kendal (Jan 2012) Cumbria County Council admits that the proposed mitigation measures, two of which are prohibitively expensive and would involve demolishing existing housing, will not solve the problems of congestion and air pollution in Kendal:

8. It should be noted that although these schemes are required to achieve nil-detriment, these improvements are only demonstrated to offer marginal benefits to the performance of junctions in Kendal. These infrastructure schemes would be expensive and may not be a cost-effective solution to congestion in Kendal town centre.
9. Furthermore, even with the implementation of these improvement schemes, it is important to note that a large proportion of the key junctions would continue to operate above capacity, and therefore experience congestion and extensive queuing in the 2022 base situation. This situation would be compounded by the LDF development traffic.

The fact that not all DPD developments notably R129M and R103M have been included in the Transport Studies means that the capacity of the transport network to support the full impact of these developments has not even been assessed as key junctions were excluded from the studies. (Notably the Glebe Rd and Vicarage Drive junctions with Milnthorpe Rd have been excluded from the latest transport studies).

Para 173:

There are no significant costings within the DPD and consequently the viability and deliverability of the

plan is questionable. This applies particularly to the provision of infrastructure, as in (para 175) the Community Infrastructure Levy Charges have not been "worked up and tested alongside the Local Plan"

Planning strategically across local boundaries (paras 178-181)

Paras: 178-181

Instead of working cooperatively across boundaries the establishment of the LDF to cover only that part of South Lakeland District which is not in the National Parks has created artificial barriers that also cut across travel-to-work areas, and which have put undue pressure on the LDF area while at the same time denying those rural communities within the National Parks, which might well benefit from small scale development of both housing and employment, the opportunity to do so.

There is no evidence of cooperation between the LDNPA, Cumbria CC and SLDC in specific areas where all 3 authorities have a role to play. In the DPD whereas Cumbria County Council plans for household waste management and National Park Authority plans for Kendal Fell Quarry on land adjacent to Underbarrow Road, are referred to (DPD 3.38) there is no recognition of the need for a joint overall plan in conjunction with the proposed housing at R129M and industrial development at E33. The cumulative impact of these developments on this neighbourhood of Kendal and the Lake District National Park, as well as the local transport network cannot be underestimated.

Summary

Overall the LDF conforms to the NPPF in terms of the principles set out in the Core Strategy but fails to do so in the DPD, which sets a clear path for development, BUT that development is **not sustainable** because:

1. it is to the detriment of existing residents in South Lakeland;
2. it fails to recognise the constraints imposed by the physical and human geography of the area;
3. it attempts to superimpose a plan designed for an urban area of gentle relief onto a rural landscape of high relief;
4. it assumes unrealistic growth rates which do not reflect the actual demographic profile of the area;
5. it creates increased problems of traffic congestion, air pollution, and pressure on resources which will be to the detriment of future generations.

