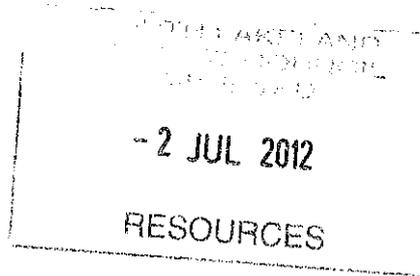


The Development Strategy Manager
South Lakeland District Council
South Lakeland House
Lowther Street
Kendal
LA9 4DL



27th June 2012

For the attention of the Inspector

Dear Sir

South Lakeland Local Development Framework - Invitation for submissions on the conformity of the 'DPD' with the National Planning Policy Framework ('NPPF')

I have written a number of times to the SLDC as part of the consultation process to set out my views on why the process has been flawed and why in particular it was incorrect and illogical to include site R121M in the DPD. You should be in possession of these letters as part of your review process and so I have not repeated my previous points in this letter.

I understand that the public has been invited to submit comments on whether the SLDC Land Allocations DPD is in conformity with the NPPF.

I have used proposed development site R121M as an example below in order to illustrate my various points. In summary, R121M is an attractive rural area which is actively farmed, visible from one of the main approach roads into Kendal and highly prominent within the Kendal valley. It contains a wide range of wildlife, access is difficult and it is prone to flooding. I have tried to illustrate in this letter how proper application of the NPPF should have resulted in this site being deemed unsuitable for residential development.

It is my view that the SLDC DPD does not conform with the NPPF for the following reasons:

1. NPPF paras. 7 and 9 - the DPD fails to meet the environmental requirements which form a critical part of the NPPF's 3-pronged approach to planning. For example on site R121M protected wildlife including great crested newts live in the area proposed for development and there will be a significant loss of bio-diversity if this development goes ahead.
2. NPPF para. 17 – the DPD has not been prepared fully in accordance with the NPPF's core planning principles. The DPD does not 'take account of the different roles and character of different areas' as required. A number of sites which would appear to be more suited to residential development have been discarded as the DPD process proceeded but a number of apparently unsuitable sites have ended up being included in the final DPD. This does not suggest to me that the differing roles and character of different areas have been fully taken into account. Similarly, the NPPF requires the DPD to recognise that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon

storage, or food production) – this is very appropriate in respect of R121M and again suggests that the NPPF has not been followed to the extent required.

3. NPPF para. 32 – the NPPF requires that all developments which generate significant amounts of movement should, inter alia, ensure that safe and suitable access to the site can be achieved for all people. Again taking R121M as an example, no serious thought appears to have been given to how safe access will be provided. SLDC has changed its mind during the process about vehicular access to the site and it would appear that this has been a desktop exercise rather than a detailed study. The method of access to R121M as presently proposed by SLDC will be dangerous and inappropriate. Presumably the same methodology has been applied to other proposed sites within the DPD and I would question whether this selection process meets the NPPF requirements.
4. NPPF paras. 69 and 76 – the NPPF requires SLDC to create a shared vision with the local community of the residential environment and facilities they wish to see, and all sections of the community should be involved in the development of local plans. Whilst SLDC has undoubtedly consulted, I have two reservations about the process – firstly, SLDC broke up the overall process into small elements and required new consultation in respect of each element, thereby encouraging a fall-off in responses as the process proceeded; and secondly, the conclusions drawn by the SLDC on occasions appeared to take no account whatsoever of the results of the consultation. It is all very well to consult with the local population but it is a flawed process if little or no account is taken of the results of that consultation.
5. NPPF section 10, paras. 93 to 104 – I believe that SLDC has failed to follow the NPPF requirements in respect of site R121M and possibly other sites in the DPD which are at risk of flooding. R121M is a sloping site which takes run-off from the hills on the East side of Kendal. The flooding problem in an adjacent part of Kendal was addressed by a multi-million pound flood alleviation scheme, the Stock Beck scheme, but this did not have a beneficial effect on the area covered by R121M or on the houses which sit below R121M, which are regularly at risk of flooding from the run-off from R121M. This was a well known problem before consultation started on the SLDC DPD and has been pointed out forcefully by local residents at each stage of the consultation process. The SLDC's response has always been that any flooding attenuation issues would be dealt with at the planning application stage. When a known flooding problem, which would inevitably be exacerbated by development of the site, is dealt with during the DPD process by pushing it into the future and making it somebody else's problem, then this seems to me to be a flawed approach which is at odds with the NPPF. In particular, I would suggest that:
 - the SLDC has failed to adopt a proactive strategy which takes full account of flood risk (NPPF paras. 94 and 99);
 - what is being proposed in the DPD regarding R121M constitutes 'inappropriate development in areas of flooding', which NPPF para. 100 says should be avoided;
 - there is no evidence that SLDC has developed or intends to apply a 'sequential, risk-based approach to the location of development in order to avoid where possible flood risk to people or property...', as required in NPPF para. 100; and

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- NPPF para. 101 requires SLDC to steer new development areas to areas with the lowest possibility of flooding. Given that apparently suitable sites have been ruled out of the DPD as part of the consultation process and that R121M, which brings with it a significant risk of flooding, remains in the DPD, then this seems to me to be evidence that SLDC's DPD is not adequately in conformity with the NPPF.

Yours sincerely



Michael Waterton

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