

Committee: Cabinet

Date of meeting: 17 December 2020

Title of Report: Response to Copeland Borough Council Local Plan 2017 – 2035 Preferred Options Consultation

Report by: Angela Jones, Executive Director – Economy and Infrastructure

Cabinet Member: Celia Tibble, Cabinet Member for Environment

What is the Report About? (Executive Summary)

1. Copeland Borough Council has developed the Preferred Options draft of the new Copeland Local Plan for public consultation between 21 September and 15 November 2020 (extended to 30 November 2020).
2. The purpose of this report is to seek Cabinet approval to the Council's consultation response to the Preferred Options for the new Copeland Local Plan as set out in Appendix 1 and the other supporting appendices. A draft response to the Preferred Options consultation was shared with Copeland Borough Council on 30 November 2020, but this is subject to change and to Cabinet approval.
3. A presentation on the Local Plan was provided to Members at a special meeting of the Copeland Local Committee members on 3 November 2018. Feedback from Members is attached at Appendix 4. Member feedback has been incorporated into the full technical response (Appendix 1).

Recommendation of the Executive Director

4. It is recommended that Cabinet approves the technical response contained in Appendix 1 and the site-specific highway and drainage comments (Appendices 2 and 3) of this report for formal submission to Copeland Borough Council.

Background to the Proposals

5. The planning system in England is 'plan led', whereby there is a statutory duty for all Local Planning Authorities to prepare a Local Plan for their area. In a two-tier area this responsibility is with district councils. Under the 'Duty to Cooperate' the Government requires that district councils work with the upper tier authority during the development of the Local Plan. This is to ensure that County Council interests as a planning authority and infrastructure and service provider are appropriately considered in the development of policy. The co-operation between Cumbria County Council and Copeland Borough Council is captured in a joint 'Statement of Intent' that reflects the commitment to work together in relation to the Local Plan.

6. The new draft Copeland Local Plan 2017-2035, which covers the district of Copeland outside the Lake District National Park (which is covered by its own local plan), will:
 - Identify how much development should take place and where it should go
 - Provide guidance for high quality developments and the infrastructure required to support them
 - Allocate sites for housing, regeneration and employment
 - Identify areas which should be protected from development
7. Alongside the Preferred Options document, a draft Infrastructure Delivery Plan (IDP) referred to as Stage 1 – Evidence and Capacity, has been prepared to support the consultation. This identifies known constraints or shortfalls in the current infrastructure, including highways, transport, education provision. Stage 2 of the IDP will include details of the infrastructure requirements necessary to support delivery of the Local Plan and will also include an Infrastructure Delivery Schedule. The IDP has a clear role for securing developer contributions and the County Council and Copeland Borough Council, in line with the Statement of Intent, will need to work together on the prioritisation and planning for delivery of this essential infrastructure.
8. Following the current ‘Preferred Options’ consultation, and consideration of all responses, Copeland Borough Council will prepare a Publication (Pre-Submission) version of the Local Plan for public consultation. When the Borough Council has responded to comments received on the Publication Local Plan, it will prepare a Submission Local Plan which will be submitted to the Secretary of State. The Secretary of State will appoint an Inspector whose role will be to determine whether this Plan is legally compliant and meets the tests of ‘soundness’ through an Examination in Public. Following Examination, the Inspector may publish modifications to the Plan which would be subject to consultation. Subject to the successful completion of this process, the Borough Council would then be able to adopt the Plan. Adoption of the Copeland Local Plan is scheduled for Summer 2022.
9. The County Council has engaged with Copeland Borough Council in the development of the plan to date and through the development process. Officers provided comments in response to the Issues and Options consultation in January 2020.
10. The County Council and Copeland Borough Council have signed a Joint Statement of Intent, which sets out how both Councils will work together to identify, prioritise and fund the infrastructure necessary to support development proposed in the Local Plan. This includes working together to prepare an Infrastructure Delivery Plan; to identify funding from various sources to deliver infrastructure; and to collaborate on prioritisation of schemes to support developments as they come forward through the planning process.
11. The County Council’s proposed response to this consultation is contained in Appendix 1 to this report. The key issues covered are summarised below:

- 11.1 The Whitehaven Relief Road needs to be seen as a longer-term proposal to support later phases of growth towards the end of the plan period. The earliest this project could be delivered is around 2030.
- 11.2 The Cumbria Coastal Railway Line provides important connectivity for West Cumbria and an Outline Business Case is currently under development to identify the capacity improvements that are required to support growth in West Cumbria. Securing the delivery funding for this has potential to make a positive contribution to support the economic growth ambitions of the Local Plan.
- 11.3 It is suggested that the Local Plan should aim to deliver around 170 dwellings per year, which is mid-way between the range identified by Copeland Borough Council in the draft plan. This provides for an ambitious, but credible level of growth.
- 11.4 Sites should be available for extra care housing and delivered as part of new housing developments. There should be strategic alignment with the County Council's Extra Care Housing Development Programme.
- 11.5 The distribution of housing in accordance with the settlement hierarchy with 40% of new development being directed to Whitehaven (Principal Town); 30% to the three Key Service Centres (Cleator Moor, Egremont and Millom); 20% to the ten Local Centres; 10% to the 6 Sustainable villages; with the remaining 3% to other rural villages is supported.
- 11.6 Five strategic regeneration sites have been identified across the Borough which will require on and off-site infrastructure improvements to be delivered and this will need to be reflected in the next stage of the IDP.
- 11.7 The identification of infrastructure requirements needs to be on a site-specific basis and the local plan needs to ensure that sites are deliverable when infrastructure needs have been taken into account.
- 11.8 The Local Plan proposes identification of a new strategic high-quality employment site along a 'Growth Corridor' to the East of Whitehaven, where the Borough Council's aspirations can be realised in terms of providing the right land to deliver a new high-quality Strategic Employment Site. However, the realisation of this ambition is highly dependent upon the delivery of the A595 Whitehaven Relief Road and it is suggested that this proposal be considered over the longer term and as part of a possible "broad location" for future opportunities to the east of the town.
- 11.9 The starting point for growth should be the regeneration of town centres and the creation of places where people want to live and work. This work is already planned with funding identified through various Government funded Place initiatives.
- 11.10 There is need for the local plan to address climate change through encouraging sustainable forms of development that can be accessed and serviced with low carbon forms transport, particularly rail and active

modes. This should align with the strategy that is being developed through the Cumbria Transport Infrastructure Plan. The plan should also support clean growth and renewable energy opportunities and build resilience and adaptability into new development.

11.11 Provision of full-fibre to the premises should be a requirement in all new residential and commercial development.

11.12 Nuclear policies need to be amended to reflect the County Council's role as waste planning authority.

Options Considered and Risks Identified

Option (a)

- The strategic response outlined in this report, together with the technical response in the supporting appendices, are agreed and provided to Copeland Borough Council.

Option (b)

- Cabinet adds further comments to the strategic response outlined in this report before it is provided to Copeland Borough Council.

Option (c)

- Do not respond. However, this would undermine any opportunities to influence the drafting of the Local Plan and its evidence in line with the Duty to Cooperate and the Joint Statement of Intent.

Risks

The risk of not responding to the consultation is that opportunities to influence the content of the Local Plan and secure the necessary infrastructure to support new development are missed.

Reasons for the recommendation/Key benefits

- It will help to ensure the Council's interests and priorities are reflected within the Local Plan.
- It will ensure the integration of Local Plan growth and infrastructure planning.
- It will help to ensure the deliverability of the Local Plan.
- It will help to ensure that the Local Plan maximises economic growth opportunities.

Financial – What Resources will be needed and how will it be Funded?

12. There are no direct financial implications arising from the recommendation contained in this report.
13. However, the Local Plan 'Preferred Options' consultation identifies the known constraints and shortfalls in the current infrastructure. The next stage will

include details of the infrastructure requirements that are necessary to support the Local Plan and there are likely to be financial implications as a result of these.

Legal Aspects – What needs to be considered?

14. There are no direct legal implications arising from the recommendations proposed, however, if adopted, the Copeland Local Plan will have implications for the planning applications made in the areas covered by the Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, a robust response to consultation on Local Plan documents is essential to ensure the Council's objectives for economic growth, infrastructure and service delivery and environmental protection are supported. It is a function of the Cabinet to agree responses to agree consultation responses where appropriate. This is provided for at paragraph 2.1.(m) of Part 2B of the Constitution.

Health and Safety Aspects – What needs to be considered?

15. The County Council has a responsibility under the Health & Safety at Work Act 1974 and associated Management of Health & Safety at Work Regulations to ensure, as far as is reasonably practicable, that there are arrangements in place to ensure a healthy and safe working environment for all services for which it has responsibility
16. Although there are no direct health and safety implications arising from this report which focuses on the County Council response to the consultation, any future projects as part of the Infrastructure Delivery Plan for example will be subject to Construction & Design Management (CDM 2015) regulations. Health and safety obligations for the County Council and any contractors working on its behalf will follow the commitments outlined in the Corporate Health and Safety Policy Statement last agreed by Cabinet in September 2020.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council's Stated Outcomes? (Outcomes - People in Cumbria are Healthy and Safe, Places in Cumbria are well connected and thriving, the Economy in Cumbria is growing and benefits everyone)

17. Supporting the development of the Local Plan will contribute to delivery of these priorities, by supporting the delivery of economic growth, by ensuring that the infrastructure needed to accommodate the impact of growth is in place and by encouraging sustainable forms of development.

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

18. Local Plan preparation follows detailed procedures for public engagement that Copeland Borough Council must adhere to.

Appendices and Background Documents

Appendix 1 – Technical Response.

Appendix 2 – Highway and Drainage comments on allocated Housing Sites.

Appendix 3 – Annotated comments on key regeneration and employment sites

Appendix 4 – Local Member Comments

Key Facts

Electoral Division(s): All Electoral Divisions in Copeland, excluding the Lake District National Park.

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Yes	No	No	No	No	No	No

Approved by the relevant Cabinet Member/s on 3 December 2020.

Previous relevant Council or Executive decisions

No

Consideration by Overview & Scrutiny

No

Background Papers

None

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