

**Carlisle District Local Plan:
Proposed Submission Draft –
February 2015**

**Response by Smiths Gore on behalf
of The Church Commissioners for
England**

Date: March 2015

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Introduction

We are responding to the Carlisle City Local Plan Proposed Submission Draft consultation on behalf of our client, the Church Commissioners for England, who have significant landholdings throughout the District, particularly around the settlements of Carlisle (South), Wetheral and Dalston.

This is the final representations stage for the Local Plan before it is submitted to the Secretary of State for independent examination by a Planning Inspector. The Inspector will consider the comments received alongside the submitted Local Plan to consider whether the Local Plan is capable of being adopted. Representations may be to either support or object on the grounds of whether the Local Plan is 'legally compliant' and 'sound'. As such, please see below our comments relating to the Local Plan Proposed Submission Draft consultation and the changes we consider necessary before it can be considered suitable for submission to the Secretary of State for Examination as to whether it is 'sound' for adoption.

In summary, we particularly support the future allocation of Site R20 'Land West of Steele's Bank, Wetheral', however, we do question the reduced capacity to that proposed from the previous Preferred Options (Stage 2) Consultation. The capacity has now been reduced from an indicative yield from 50 units down to 40 units. Whilst we acknowledge that the proposed yield is indicative, it is considered that the site can comfortably accommodate the original capacity of 50 units whilst providing onsite attenuation / SUDs pond as well as public open space and significant landscaping along the northern and eastern boundaries to avoid any adverse impact on the existing dwellings on both Ashgate Lane and Steele's Bank. Please see our comments below for further detail regarding this allocation.

This response is also made in respect of the Commissioners' site at South Morton which has outline planning permission (application reference 09/0413) for residential development (with associated employment and open space uses) and has been the subject of two subsequent applications for Reserved Matters approval (application references 12/0692 and 13/0207). It should be noted that a first phase of development (referred to as Phase 1A) was identified and work commenced on the site in November 2013 with the demolition of the Cummersdale Grange Farm buildings. The Authority subsequently confirmed that the planning permission has been implemented by virtue of permission reference 14/0008 and is therefore secure for future development. As yet, due mainly to the current economic climate, none of the 825 units of housing that have outline consent have been delivered on site. However, an application (reference 15/0207) to discharge Condition 2 (Phasing Plan) is currently pending consideration and this, when approved, will allow for the installation of significant infrastructure works that will facilitate the development of the site.

Duty to Cooperate

It is considered that the Council has complied with the Duty to Cooperate and as such we have no further comments on this matter.

Policy SP1 'Sustainable Development'

We support the inclusion of Policy SP1 as it follows the requirements set out by the Planning Inspectorate and the overall aim of the National Planning Policy Framework (NPPF). It is vital

that the Plan is prepared positively and that development needs are met during the plan period.

The NPPF seeks that development proposals which accord with the development plan should be approved without delay, unless material considerations indicate otherwise. Based upon a 'Plan Positively' agenda, policies must not contain too many restrictive and unduly onerous conditions which may result in unviable and, ultimately, undeliverable development sites. We reiterate the importance of this in several other policies set out below. However, we consider Policy SP1 to be 'sound' in principle.

Policy SP2 'Strategic Growth and Distribution'

We particularly support criterion 7 of Policy SP2 (page 35 of the consultation document) which states that *"within the districts rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive"*. It is considered that this criterion is in line with The Framework (NPPF) and particular accords with paragraphs 54 and 55 of the NPPF. Furthermore, as set out in the National Planning Policy Guidance (NPPG), it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. As such, we consider criterion 7 of Policy SP2 to be 'sound'.

However, before we can consider the entire policy sound, we note that the annual housing figure over the plan period has dropped from 665 dwellings per annum to 565 dwellings per annum; a 100 unit per annum reduction (1,500 over the plan period). Whilst we note that the policy does state '**at least** 565 net new homes' (which we support), the reduction in housing numbers does raise concern. We do note, however, that there is a windfall allowance of 100 dwellings per annum across the plan period (1,500 units) and as such, the Local Plan target could be exceeded. It is therefore assumed that the 100 unit reduction is balanced by the inclusion of the 100 dwelling per annum windfall allowance. If including a windfall allowance, cognisance should be had to The Framework at paragraph 48 which states that – "Local Planning Authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply". If the Council is confident that it has sufficient evidence to support the policy then we would consider it to be sound, albeit that this should be demonstrated within the evidence base for the Local Plan and made clear in the subsequent plan. In addition, we would appreciate confirmation from the Council as to the relationship between the 100 unit reduction and the windfall allowance before we can fully support Policy SP2.

We also note within the supporting text of Policy SP2, at paragraph 3.15 and 3.16 that a review of the housing element of the strategy would be instigated if evidence used to determine the housing requirements change. We fully support the proposal to review the evidence base and delivery rates to ensure that the Council is meeting the housing needs and demands identified throughout the district. However, to ensure that this is being monitored correctly, it is considered that greater detail should be included within section 11 (pages 209 – 211 of the consultation document) and Appendix 2 of the consultation document to ensure that the housing provision is being monitored regularly and the trigger is clear with regard to reviewing the Housing Delivery Strategy aspects of the Local Plan (e.g. how often will the housing trajectory be monitored and what degree of deviation from the housing trajectory would need to occur for the review to take place?).

Finally, we do continue to question the ratio of development with regard to urban and rural development. As it stands, the Policy states that 70% of the annual development will be in urban Carlisle, with 30% in the rest of the rural area, including Brampton and Longtown. As the Council is proposing to promote sustainable development in rural areas, in line with the NPPF, where new housing will help to enhance or maintain the vitality of rural communities, there is concern that this ratio of 70:30 is potentially too restrictive. Due to the rural nature of the district, an amended ratio would be considered more appropriate – e.g. 60:40.

Subject to further clarification regarding the reduction in housing numbers and the proposed ratio we may be in a position to support the policy in its entirety and find it 'sound'.

Policy SP3 'Broad Location for Growth: Carlisle South'

We note the intention of Policy SP3 to focus growth in the south of Carlisle, with this urban extension phased for delivery from 2025 onwards. This direction for growth is in line with the development of the Commissioners' site at South Morton which is the subject of an existing implemented planning consent (reference 09/0413). We believe that development of the South Morton site, sitting as it does at the heart of the South Morton Masterplan area, will serve to act as a catalyst for growth in the south-west of Carlisle.

We would, however, have concerns should individual sites in the south of Carlisle come forward prior to 2025 as they could prejudice the delivery of the Commissioners' site at South Morton, as well as raise infrastructure capacity concerns. As such, we are supportive in particular of the third paragraph within Policy SP3 which states that – "Piecemeal development proposals within the area which are likely to prejudice its delivery including the large scale infrastructure required for the area will not be permitted". As such, whilst welcoming the direction of growth set out within this policy, the Commissioners would urge that applications being submitted in this broad location within the first ten years of the plan period are treated as being premature on the basis that the planned delivery of sites benefitting from existing planning permissions or proposed land allocations is put at risk.

The Commissioners would welcome the opportunity for further involvement in the wider masterplanning of Carlisle South and would request that any masterplan produced in accordance with Policy SP3 take into account the presence of the South Morton site (and the wider District Centre) and recognise its key role in driving development in this part of the city.

Policy SP6 'Securing Good Design'

As it is considered to be in accordance with Core Principle 7 of the NPPF, we support Policy SP6 as good design is essential to ensure that development complements and enhances the existing environment whilst utilising a site to help address development needs and demands. As set out in the NPPG, achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. As such, we find this policy 'sound'.

It is vital, however, that schemes remain deliverable and that the Council does not place too many onerous requirements on a scheme when assessing a proposal for development.

Policy EC1 'Employment Land Allocations'

The Commissioners support this allocation and consider that it is complementary to the land within their ownership at South Morton that has committed approval for residential development (reference 09/0413). It should be noted that the delivery of this allocation now rests with the City Council following the signing of a land swap agreement between the Council and the Commissioners.

Policy EC4 'Morton District Centre'

The food store is an important component in the creation of a District Centre for South Morton and the Commissioners are therefore supportive of Policy EC4.

Policy EC11 'Rural Diversification'

The Local Plan should enable existing and new rural businesses to expand in order to reflect the changing role of agriculture and the need for new employment uses. This will enhance the sustainability of rural areas.

The Commissioners therefore support the inclusion of Policy EC11 in the Local Plan, as it is considered that there is a need to strengthen the rural economy by supporting the growth and expansion of all types of business and enterprise in rural areas. This is in line with Core Principle 3, paragraph 28, of The Framework. As such, the Commissioners consider Policy EC11 'sound'.

Policy EC12 'Agricultural Buildings'

It is important that the necessary agricultural buildings required to support a working agricultural business / farm are supported to ensure a continued viable business. As such, we support Policy EC12 in principle and, in line with our previous comment to the earlier consultation in July 2013 and April 2014, we support the inclusion of text which refers to the General Permitted Development Order (GPDO). As such, the Commissioners consider Policy EC11 'sound'.

Policy HO1 'Housing Strategy and Delivery'

It is vital that the Local Plan housing strategy meets the housing needs of both the City of Carlisle and its more rural areas.

The housing target should be exactly that; a target rather than a capped figure. This will ensure that the policy is in accordance with the NPPF and NPPG and the need to boost significantly housing development throughout the district.

With regard to housing types, although it is important to plan for a wide range of housing mix throughout the district to ensure that all needs are catered for, it can be unviable to dictate housing mix on smaller development sites and potentially lead to a site becoming undeliverable. Therefore, large scale developments being promoted within the next plan period should utilise the evidence provided by the SHMA, ensuring a mix of housing is being provided, - although should not be dictated by it - whilst allowing small housing sites to come forward independently as these sites can easily become unviable if too many onerous requirements and planning obligations are placed up on them.

We note that Policy HO1 includes the following housing allocation: **Site R20 – Land West of Steele's Bank, Wetheral.**

Site R20 – Land West of Steele's Bank, Wetheral

We fully support the Council's proposed allocation of Site R20 which will address housing need and demand in Wetheral. It is considered that Site R20 (as identified on page 99 of the consultation document) is a suitable, achievable and deliverable site. However, before we can fully support the Policy we do have comments to make with regard to the proposed indicative yield.

The site (1.6 ha) is located south-west of the built up area of Wetheral and is in close proximity to a wide range of existing local services and facilities, including a doctors' surgery, church, hotel, restaurant, shop, playing fields and railway station. This site is surrounded by

residential development to the north and east and, open countryside to the south and west. Development of the site would round off the south-west of the settlement with access available directly from the existing highway.

The site is currently used for grazing and is within a single ownership. The site has no physical or other constraints with regard to its future development for housing and has access to a range of services and infrastructure.

High quality, sensitively designed properties would not have an adverse impact on the existing settlement and would offer a greater housing choice for the local residents.

Carlisle City Council, alongside the Commission for Architecture and the Built Environment (CABE), has been working with Parish Councils and rural communities in many of the larger villages and small towns to help determine future options for the location of housing and other development in the rural areas. This process has been identified as 'Rural Masterplanning'. Wetheral is one of the small towns which has been subject to the process and it is pleasing to note that some residents of Wetheral identified our client's land as an area for possible expansion for residential development.

As set out in the Rural Masterplanning documents for Wetheral, it is an attractive large settlement located five miles east of the City of Carlisle. The Commissioners' land is located on the immediate edge of the built up environment, in close proximity to the village centre (including the village green, village hall, local shop with Post Office, the Crown Hotel (including leisure and conference facilities) and Holy Trinity and St Catherine's Church).

Development of this site is considered to 'round off' development to the south west of the settlement whilst utilising land which is outside the identified area of Landscape of County Importance and outside the River Floodplain. This site is also some distance from any heritage assets such as listed buildings or the Conservation Area.

The site (Site R20) has also received previous support from the Policy team for early release during the previous Interim Housing Planning Policy review.

Please see below support received to date in respect of the future development of the site. The italicised text reflects comments received by the City Council and other statutory consultees.

1. Carlisle City Council Planning Policy Team:

"... The site is well related to Wetheral and adjacent to a residential area. Subject to consideration against the criteria in Policy H1 of the Carlisle District Local Plan 2001-2016 and other relevant policies in the Plan, development of the site would be acceptable in principle..."

Any scheme should have regard to planning policies in the Local Plan together with the Council's Supplementary Planning Document "Achieving Well Designed Housing". In addition, paragraph 56 of the NPPF imposes great importance to the design of the built environment and any scheme should reflect this.

Prior to the submission of any application, I would advise that further preliminary discussions are held with regard to a draft scheme."

As such, in respect of the principle of development we support the Councils proposal to identify the site for residential development.

2. Highways comments:

"I've no fundamental issue with the proposed development site as outlined in red from the highways and transport perspective, depending on the number/type of dwellings it is likely there would be an education contribution, but otherwise it would just be a normal cul-de-sac estate road as per the Cumbria Design Guide. For >20 <50 dwellings this would typically be a 4.8m width cul-de-sac, with a single 1.8m footway. We have recently secured an extension of the footway on the east side of the B6263 to the prospective Hall and sporting facilities, approximately opposite, so this level of development would not require any 'off site mitigations' It should be possible to get the bellmouth towards the southern end of the site - I'll be looking for 90m Sth x 2.4m x 70m Nth @ 1.05m visibility splays".

As such, in respect of the highways it is considered that the scheme is deliverable and supported in principle by the County Council.

3. County Ecologist comments:

"Thank you for your email below seeking thoughts with respect to ecology and residential development. I'm afraid that I do not know the site and am not in a position to provide formal advice on the scheme. As the county council's ecologist I do not have a role with respect to advising on matters that are determined by Carlisle City Council.

I have taken a few minutes though to have a quick look at the aerial photo and note that as intensively farmed land this is unlikely to have significant intrinsic wildlife interest. You will need, as you have identified, to ensure that all trees are protected. The boundaries of the land may be of significance for foraging or commuting bats and bat activity surveys will be required, with mitigation proposed as necessary, prior to submission of any planning application. Planning policy seeks biodiversity enhancements and these should be specifically incorporated into the development".

Further to these initial comments raised by the County Ecologist, we have also undertaken a recent Extended Phase 1 Habitats Survey which confirms that habitats on site are considered to be of low ecological value, largely comprising improved pasture, and species poor, defunct hedgerows. The churchyard adjacent to the site (northwest of the site) is likely to be of higher value, but will not be directly affected by the proposals. As such, the site is not susceptible to high ecological value and is therefore considered suitable for residential development.

4. Tree Constraints

In addition to undertaking an initial ecology report, we have appointed a consultant to undertake an arboricultural report. The report confirms that there are no trees within the proposed development area, but there are several important trees in the cemetery grounds which should be afforded protection. As such, any new development on Site R20 will not impact on the existing trees within the adjacent cemetery.

Furthermore, we can confirm that the trees surveyed are not protected by a Tree Preservation Order or within a Conservation Area.

It is therefore considered that, in respect of arboricultural matters, the site is suitable for residential development.

5. Geo-Environmental Desk Top Assessment

The Commissioners also instructed a consultant to undertake a Desk Top Assessment of the site. This report confirms that the site is low risk in respect of contamination and therefore, once again, suitable for residential development.

6. Mining Risk

In addition to the above Desk Top Assessment, it can also be confirmed via conversations with the British Gypsums Company that it does not own the minerals under the land, neither does it have planning consent for mineral extraction. The nearest mine workings are approximately 1km south west of the proposed development and were carried out in 1966 at a depth of approximately 140 metres. The mine was formally abandoned in 1967 and the site restored. Based on the discussions with British Gypsum, Carlisle City Council has confirmed that the Development Management Planning Department does not consider this to be a material consideration, and therefore no further work on this matter is required.

7. Archaeology

The Commissioners have also commissioned an archaeologist to undertake a desk top assessment along with some trial trenching with regard to potential archaeological interest of the area.

It can be confirmed that there are no certain archaeological remains present within the site and that any additional investigation could be dealt with by means of a planning condition placed on an application and no further work is required to be undertaken prior to the submission of a planning application.

8. Flood Risk and Drainage Assessment

The Commissioners also instructed a consultant to prepare a Flood Risk and Drainage Assessment. As part of this work it has been demonstrated that 50 units can be accommodated on the site and that the site, at this increased capacity, is still able to accommodate an onsite SUD's / attenuation pond which would discharge to a watercourse, in line with draft Policy CC5 'Surface Water Management and Sustainable Drainage Systems' as set out in the consultation document.

As such, in light of the above technical work completed to date, it is confirmed that there are no adverse implications with regard to the delivery of the site for residential development of up to 50 homes. Following discussions with the consultees as set out above, and the supporting surveys which have been undertaken, we consider this site to be acceptable for future residential development and should therefore continue to be allocated for housing development in the new Local Plan.

Whilst we fully support the future allocation of the site for housing our only concern is with regard to the revised yield suggested in the Proposed Submission Draft. We have subsequently demonstrated through this submission and supporting technical investigations that the site can accommodate 50 units (rather than the proposed reduced yield of 40 units). We have instructed consultants to prepare an initial masterplan (prepared for indicative purposes only at this time) to illustrate that the site is capable of accommodating 50 units. This includes a green buffer to North and East of the site so that future development will not have an adverse impact on the existing properties along Ashcroft Lane and Steele's Bank. Furthermore, 50 units can still be accommodated after accommodating onsite Public Open Space and an onsite attenuation / SUD's pond. As such, the indicative masterplan demonstrated how up to 50 dwellings could be suitably accommodated onsite along with the other development requirements.

Increasing the yield to 'up to 50 units' would provide greater flexibility to help ensure the deliverability of the scheme

Furthermore, Site R19 'Wetheral South' relies on adjacent landowners land to address drainage and other physical constraints / issues associated with development. In addition, as raised by the National Trust during the previous consultation, Site R19 is close to the Conservation Area and designated listed buildings. Our client's land is therefore considered the most appropriate and sequentially sustainable site to be brought forward for development. We therefore suggest the reduction of units proposed for Site R19 back down to 50 units following its recent increase to 60 units and increase the unit provision at Site R20 from 40 to 50 units as identified on the plan below.

Moreover, Site R19 is to be delivered in years 6 – 10 of the plan period, whereas Site R20 is within the 0 – 5 year period. We fully support this assertion, however, we would like to emphasise that Site R20 will contribute to the 5 year housing land supply and this is vital in terms of delivery and ensuring that the Plan is in line with the Framework. The Commissioners are fully supportive of addressing the housing need and would like to work closely with the Council to help meet such targets.

We consider that an appropriate layout and design reflecting the location of the site on the edge of the village can be achieved on the site with up to 50 dwellings. As such, whilst we continue to fully support the allocation of Site R20 for residential development, we respectfully request that the Council consider the further information provided within this submission, with a view to revisiting the indicative yield and reinstating it to 50 units as proposed in the Preferred Options (Stage 2) Consultation.

We would welcome further detailed discussions with the relevant planning officers in respect of the delivery of the site in due course.

Indicative Masterplan



Policy HO2 'Windfall Housing Development'

We support this policy, in principle, in respect of small scale housing sites as it provides the flexibility required to address the housing need and demand throughout the district, including the necessary growth required to meet need and demand in the more rural settlements. However, development on non-allocated sites should not come forward where it threatens the delivery of larger sites with existing permissions or land allocation. Care should therefore be exercised in the application of this policy.

As set out in the National Planning Policy Guidance (NPPG), it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the NPPF, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

Housing development on non-allocated land will help provide a wider choice of housing for a greater number of communities. As such, we find Policy HO2 'sound'.

Policy HO4 'Affordable Housing'

We do not contest that affordable housing is an important element of the Local Plan and that there is a need which the Council will aim to meet during the Plan period. However, it is vital for a Local Planning Authority to give consideration to the cumulative impact of policies such as design standards, affordable housing, infrastructure requirements (CIL) and sustainability measures, among others.

The Viability Testing Local Plans (June 2012) paper seeks that Local Plans provide a high level assurance that the policies within the plan are set in a way that is compatible with economic viability of the development required within the plan. It is pleasing to note that the Council has made reference to this guidance within the justification text associated with Policy HO4. Furthermore, the Council should avoid opportunities to impede the delivery of development and its associated viability. Reference should also be made to the RICS Guidance Note 'Financial Viability in Planning' (August 2012); recommended good practice guide.

Consideration is also necessary in terms of the treatment of threshold land values - the value at which a typical willing landowner is likely to release land for development added to landowner expectations. The Framework at paragraph 173 requires Local Planning Authorities to take account of the level of 'competitive return' to a willing landowner and all additional costs. If not addressed there is a risk of a low level of housing land release and an unsound plan which is unable to meet its housing targets over the plan period.

What is clear is that ensuring the viability of housing sites is critical to housing delivery over the plan period. The opportunity to negotiate the numbers of affordable units with the Council, in respect of the viability of sites coming forward, is crucial to take account of site specifics and we support that there is this opportunity included within the Policy. Viability is a critical concern for all sites in the current economic climate. In particular though, viability is often marginal for smaller sites and, set against other requirements of the plan (open space provision, etc.) a blanket affordable housing requirement is likely to be an obstruction to delivery on sites of a smaller scale.

Furthermore, we support the reference with regard to thresholds which replicate the guidance given in the NPPG regarding affordable housing thresholds of 10 or fewer units.

This policy should be underpinned by reference to viability testing on a site-by-site basis. The Council should avoid a situation where policy stifles the delivery of housing in the more rural areas and on smaller sites. Notwithstanding the above, we consider Policy HO4 to be 'sound'.

Policy HO5 'Rural Exception Sites'

We have previously questioned the viability of retaining the element of the policy which refers to 100% affordable housing sites. In the past, Local Planning Authorities have relied too heavily on affordable housing being delivered on 'exception sites' and this has led to an undersupply as limited rural exception sites have been brought forward. Our experience of this tells us that the value of the site does not often present a competitive return to the landowner, as identified in the NPPF and referred to earlier in this response.

A reduction in HCA grant funding means that new ways to bring forward affordable housing needs to be explored. We therefore fully support the element of the Policy where it states that a proportion of market housing can be introduced into such schemes to ensure their viability and deliverability. This is also in accordance with the NPPF as paragraph 54 states that "Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs".

However, it is important to note that this will still remain a limited way to provide affordable housing through the Local Plan. Without market value properties, it is assumed that landowners will be reluctant to release land for development for "exception" sites if it does not meet expectations and requirements for a competitive return. Reference should be made to the Local Housing Delivery Group (Viability Testing Local Plans, June 2012) document and paragraphs 173 and 174 of the NPPF.

Furthermore, we do have concerns that, following the removal of development limits in the smaller towns and villages there will be confusion as to what constitutes sustainable market housing development as set out in paragraph 55 of the NPPF and those sites which should be considered suitable for rural exception sites.

Policy HO6 'Other Housing in the Open Countryside'

It is considered that this policy is in accordance with previous (Annex A of PPS7) and current (NPPF) national planning guidance. We therefore support Policy HO6 in principle, particularly the flexibility introduced as to what constitutes a rural worker (as set out in paragraph 5.47 – 5.48).

As such, we support the inclusion of Policy HO6 in the Local Plan, as it is considered that the policy would allow many traditional, underused agricultural buildings to be converted, preventing them being susceptible to deterioration and falling into a state of disrepair due to the policy being overly restrictive.

To ensure the conservation and long term protection of unused traditional agricultural buildings, their conversion into a suitable alternative use (e.g. residential use), should be supported as it is in this policy. It is not viable to leave buildings in poor, underused conditions as this would inevitably lead to their deterioration over time due to lack of use. We therefore support the Council's acknowledgment that, if such buildings are not converted, the district could end up losing its historic (albeit not designated) rural buildings through dereliction.

Keeping buildings in an appropriate use also avoids the consumption of building materials and energy and the generation of waste from the construction of replacement buildings. We therefore support Policy HO6.

Notwithstanding this, the new permitted development rights adopted in May 2013, and on 6 April 2014, support the future change of use of rural buildings. Therefore, in line with the intentions set out by Central Government, in respect of delivering housing, particularly in rural areas, Policy HO6 should be amended to reflect this. Upon these suggested amendments, we would consider the policy sound. However, until these amendments are made the policy is 'unsound' as it is not in line with National Guidance.

Policy IP SW8 'Planning Obligations'

We note that the introduction of a Community Infrastructure Levy (CIL) is currently still under review, however, flexibility is required with regard to developer contributions to ensure that a scheme remains viable following potential Section 106 agreements and / or CIL requirements. The Council must assess each scheme on its individual merits to ensure development can and will take place.

Whilst we fully recognise the need for the provision of developer contributions, it is essential that the policy goes further to ensure that Carlisle City Council will seek to 'strike a balance' between the level of contribution to ensure sustainable development and the realities of economic viability. Reference should be made to the Local Housing Delivery Group (Viability Testing Local Plans, June 2012) document and paragraphs 173 and 174 of the NPPF.

As stated in the NPPG, obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Please refer to The Community Infrastructure Levy Regulations (2010) for further detail.

Policy IP SW8 must affirm that the Council will ensure that the addition of developer contributions and / or CIL will not put the overall development across the District at risk due to viability.

Conclusion

It is considered that there is land within our clients' landholding which would provide suitable, deliverable sites for development, particularly for residential use, during this Plan period.

Our client would like to work closely and in partnership with the Council to support and help deliver sustainable growth in Carlisle district, particularly in the Carlisle (South), Wetheral and Dalston areas.

We therefore fully support the allocation of Site R20 'Land West of Steele's Bank, Wetheral' for residential development and we would welcome the opportunity to discuss this site in greater detail with the Council in due course.

Furthermore, the Commissioners' support the continuing employment land allocation (Policy EC1) and proposed food store at Morton (Policy EC4) as these are considered complementary to the South Morton housing development and the wider masterplan for the area.

Whilst the Commissioners' have general support for the identification of Carlisle South as the broad location for development from 2025 onwards, they would reinforce the importance of the Council being robust in ensuring that development is not brought forward in advance of 2025. It should be recognised that the housing element of the Commissioners' site is fundamental to the delivery of the South Morton masterplan and it is hoped that the delivery of the site will act as a catalyst for development in the south of the city. However, any move to bring sites forward in South Carlisle prior to 2025 could prejudice the delivery of this masterplan. It should therefore be recognised that the Commissioners' consent has been

implemented and, as such, nothing should be allowed to compete with or impede the sites progress.

We would be pleased if these comments were taken into account during the preparation of the Local Plan and would ask that we are kept informed of all future consultations during the Plan process.