Eden Local Plan Examination programme and timetable – week commencing Monday 9 May 2016

This document provides the anticipated programme and timetable for a first series of hearings to examine the Eden Local Plan. It should be noted that a second series of hearings – dates and programme yet to be advised – are envisaged for other policies and certain ‘site-specific’ topics and the Programme Officer will be in contact with relevant representors in due course.

This first series of hearings is expected to be completed within the week commencing Monday 9 May at the Council Chamber, Town Hall, Penrith, starting at 10.00am on the Monday but at 9.30am on subsequent days. A lunch break between 1.00pm and 2.00pm is planned but there may be some flexibility in the precise timing; additionally short morning and afternoon breaks are anticipated. With the assistance of participants it is hoped that daily sessions will finish by 5.00pm or shortly thereafter.

Details of participants are given below the respective headings in the remainder of this document. The Council will also participate in all sessions. The topics for discussion will largely follow the Inspector’s previous Issues and Questions (library reference EL1.004b) and have been incorporated into this document.

The following timetable is envisaged:

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Topic</th>
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</thead>
<tbody>
<tr>
<td>Monday</td>
<td>9th am</td>
<td>Inspector’s Opening Remarks, Eden Council Opening Statement, Legal Soundness, Duty to Cooperate, Overall Plan, Policy LS1</td>
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<tr>
<td>Monday</td>
<td>pm</td>
<td>Policy LS1 (cont); Policy DEV5 (inclusion of DEV5 subject to time being available)</td>
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<tr>
<td>Tuesday</td>
<td>am</td>
<td>Policies LS2; ENV5</td>
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<tr>
<td>Tuesday</td>
<td>pm</td>
<td>Policies HS1, HS2</td>
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<tr>
<td>Wednesday</td>
<td>am/pm</td>
<td>Policies COM2; DEV1-DEV4; EC1</td>
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<tr>
<td>Thursday</td>
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<td>reserve day, to also incorporate any unfinished business from previous days; Policy RUR2 (this item may be brought forward in the programme)</td>
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It is currently planned to defer hearings regarding the following policies until the second series of hearings:

ENV6 Renewable Energy
ENV10 Historic Environment
HS7 Gypsy and Traveller sites
EC4 Tourism Accommodation and Facilities

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1. Inspector’s Opening Remarks

2. Eden Council’s Opening Statement

3. Legal Soundness questions:
The Inspector’s Legal Soundness questions, as below, are addressed to the Council.

- Has the Plan been prepared in accordance with the Local Development Scheme?
- Is the Plan in general accordance with the Statement of Community Involvement and public consultation requirements?
- Has the Plan been subjected to Sustainability Appraisal?
- Has the Plan had regard to appropriate national policy?
- Has a Habitat Regulations Assessment been prepared? Have its conclusions been taken into account in the Plan?
- Has the Council fulfilled the requirements of the duty to cooperate?

Other Soundness issues

A. Duty to cooperate

52 Home Builders Federation ('HBF') [further statement EL2.004]
65 Barton Willmore for Story Homes [EL2.006a]

Has the Council satisfactorily fulfilled its requirements under the Duty to Cooperate?

B. Overall Plan

52 HBF [EL2.004]
65 Barton Willmore for Story Homes [EL2.006b]

Is the plan justified and supported by a sound and credible evidence base?

C. Policy LS1 – Locational Strategy

Is this policy justified, effective and consistent with national policy?

22 Haydn Morris [EL2.001] and others regarding Sockbridge & Tirril (Judith Morris, Dr Phil Greening [EL2.005], Dr Richard Gravill [EL2.002b], Martin Ratledge, David Gate; note – some also appear in a personal capacity below)
36 Judith Morris
46 Dr Phil Greening [EL2.005]
52 HBF [EL2.004]
65 Barton Willmore for Story Homes [EL2.006c]
68 John Innerdale
Penrith

Should the plan identify areas for further development to be used in the period after 2032?

Market Towns

Should Alston be treated as a Market Town for the purposes of distributing new development? [see the recently added library item EL3.004a].

Key Hubs

What is/are the fundamental purpose(s) behind the need to designate Key Hubs?

Is there a justification for 28?

Would the scale of development that 20% of all development (720 dwellings), divided between 28 different places, would achieve, realistically protect local services in all of the villages, let alone enhance them?

Do the criteria and methodology now being used to identify Key Hubs reflect national policy and are they appropriate in the context of Eden District?

Are settlements that only contain community facilities sustainable and are such settlements appropriate for selection as Key Hubs?

Are settlements without public transport appropriate for selection as Key Hubs?

The only criterion being used to determine the scale of development in Key Hubs is 10% of the existing size of the village on a single new site. Is this a sound approach i.e. is it justified and effective?

Is 10% a justifiable limit on new housing development within Key Hubs on a single site?

What evidence is there to suggest that the proposed treatment of Key Hubs would not undermine Objective 6 (page 17 of the Plan), which seeks to concentrate development within or adjacent to the main towns, with only 20% of residential development within the Key Hubs?

Does the Policy provide clarity as to the level of development overall that would be acceptable in each of the Key Hubs over the life of the plan and how would this be regulated?
Should a cap on the amount of development within Key Hubs be introduced?

Should the list of Key Hubs be reviewed during the plan period?

Is the failure to identify sites for at least some of the development proposed to be located within Key Hubs appropriate and consistent with National Policy?

Should the policy refer to the desirability of producing Neighbourhood Plans for the Key Hubs?

Has the Council correctly interpreted the facilities that currently exist at Sockbridge and Tirril?

Smaller Villages and Hamlets

Are the two criteria that seek to control development in the Smaller Villages and Hamlets mutually exclusive?

What is the justification for restricting development on greenfield sites to that which meets local demand only whilst not applying such a restriction to previously-developed land?

How is local demand to be defined?

Should infill sites and rounding off be defined?

Should market led housing development be promoted in the Smaller Villages and Hamlets?

Should the policy specifically refer to and define the nature of infill development within the Smaller Villages and Hamlets?

Should market development be allowed on infill sites within the Smaller Villages and Hamlets?

Rural Area

How does the policy cater for the provision of new dwellings in the rural area to meet the needs of essential rural workers who do not require affordable accommodation?

Do the results produce a sound approach for the location of new housing development within the rural area as a whole?
D. LS2 - Housing Targets and Distribution

Has this policy been positively prepared, is it justified and effective and is it consistent with national policy?

46 Dr Phil Greening [EL2.005]
52 HBF [EL2.004]
65 Barton Willmore for Story Homes [EL2.006]
70 Persimmon Homes

Does the provision of 3600 additional dwellings between 2014 and 2032 represent the Full Objectively Assessed Need for Eden District?

Would a target of 200 dwellings per annum facilitate a significant boost to the supply of housing within Eden District?

Is the distributional strategy sound, particularly with regard to the distribution of residential development between the different tiers in the settlement hierarchy?

How much previously developed land suitable for housing is there in the Smaller Villages and Hamlets?

Is there a need for 360 dwellings in the Smaller Villages and Hamlets during the plan period?

Would the criteria in Policy HS2 facilitate the building of 360 dwellings during the plan period?

Should the footnotes to Policy LS2 confirm that the housing provision figures are net of demolitions?

Have the Council used the correct methodology and assumptions when calculating the five year housing requirement?
E. RUR2 - Re-use of Redundant Buildings in Rural Areas

Is this policy sound and in particular consistent with National Policy and Guidance?

F. DEV1 - General Approach to new Development

Is this policy sound and in particular consistent with National Policy and Guidance?

36 Judith Morris
65 Barton Willmore for Story Homes [EL2.006e]
59 Cumbria County Council

G. DEV2 - Water Management and Flood Risk

Is this policy effective and consistent with National Policy and Guidance?

35 TC Bell
65 Barton Willmore for Story Homes [EL2.006f]
70 Persimmon Homes
59 Cumbria County Council

Is the policy sufficiently precise in its treatment of Sustainable Drainage Systems?

Does the policy adequately avoid risks to the water supply?

H. Policy DEV3 - Transport, Accessibility and Rights of Way

Is this policy effective and consistent with National Policy and Guidance?

65 Barton Willmore for Story Homes [EL2.006g]
59 Cumbria County Council

Is the policy in conflict with the Development Strategy advanced under Policy LS1 in the context of the designation of Key Hubs?

How is “significant amounts of travel” to be defined?

I. Policy DEV4 - Infrastructure and Implementation

Is this policy justified, effective and consistent with National Policy and Guidance?

59 Cumbria County Council
65 Barton Willmore for Story Homes [EL2.006h]

Does the plan need to identify infrastructure requirements, particularly where these will need to be funded by developers?

Should the requirement for planning obligations be set out in the plan?

In the context of the proposed Development Strategy, the likely requirement for developer contributions to fund off-site infrastructure and the introduction of limits to pooled infrastructure contributions, is the decision not to introduce a Community Infrastructure Levy justified?
J. Policy DEV5 - Design for New Development

Is this policy consistent with National Policy and Guidance?

52 HBF [EL2.004]
65 Barton Willmore for Story Homes [EL2.006i]
70 Persimmon Homes

Are the references to the “Building for Life Guidelines” consistent with National Guidance?

Does the Policy adequately reflect the need to conserve and enhance the historic environment, heritage assets and their setting?

K. Policy HS1 - Affordable Housing

Is this policy justified, effective and consistent with National Policy and Guidance?

52 HBF [EL2.004]
65 Barton Willmore for Story Homes [EL2.006j]
70 Persimmon Homes

Will the policy and the overall Development Strategy result in the requirement for affordable homes within Eden District being satisfied?

Is the seeking of 30% of all new housing as affordable homes a viable and effective solution to the need to provide affordable housing?

Is the site threshold of four units viable and appropriate?

What impact is the Starter Homes Initiative likely to have on the provision of affordable housing?

On what basis is the financial contribution to be derived?

Is a discount of 40% on market value viable and effective?

Is the Local Occupancy Criteria set out in Policy HS1 sufficiently clear and unambiguous?

Should dwellings provided as Affordable Housing remain so in perpetuity?
L. Policy HS2 - Housing to Meet Local Demand
   Is this policy justified and effective?

   52 HBF [EL2.004]
   65 Barton Willmore for Story Homes [EL2.006k]

Is the policy sufficiently flexible to facilitate the construction of 360 dwellings within the Small Villages and Hamlets?

How is “infilling” and “rounding off” to be defined?

What is the justification for the 150m² limit on dwelling size?

Is the local connection criteria justified?

M. Policy HS7 – Gypsy and Traveller Sites (see page 1 – hearing date to be advised)

Does the policy provide adequate protection for the historic environment?

Is bullet point 5 effective?

N. Policy EC1 - Employment Land Provision

   42 PFK Planning
   65 Barton Willmore for Story Homes
   59 Cumbria County Council

Is the proposed employment land provision consistent with Objective 9 (page 18 of the Plan)?

O. Policy EC4 - Tourism Accommodation and Facilities (see page 1 – Hearing date to be advised)

Does the policy provide adequate protection for the historic environment?

P. ENV5 - Environmentally Sustainable Design

   52 HBF [EL2.004]
   65 Barton Willmore for Story Homes
   70 Persimmon Homes

Is this policy justified and consistent with current National Guidance?
Q. Policy ENV6 - Renewable Energy (see page 1 – hearing date to be advised)

Is this policy justified, effective and consistent with National Policy and Guidance?

Is the designated area consistent with National Guidance?

Does the designated area avoid the potential for proposals being formulated that would affect the setting of the National Parks or the Area of Outstanding Natural Beauty?

Does the policy provide adequate protection for the historic environment?

Has there been adequate public consultation on the definition of the “Suitable areas for wind energy development”?

R. Policy ENV10 - The Historic Environment (see page 1 – hearing date to be advised)

35 TC Bell

Is the Policy consistent with National Policy and Guidance?

S. Policy COM2 - Protection of Open Space, Sport, Leisure and Recreation Facilities

4 Dr & Mrs R Gravill [EL2.002a]
35 TC Bell
59 Cumbria County Council

Does the Policy reflect National Policy and Guidance?