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SENT BY EMAIL  
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19/12/2022

Dear Planning Policy Team,

### **COPELAND LOCAL PLAN: INSPECTORS MATTERS, ISSUES AND QUESTIONS**

1. Thank you for consulting with the Home Builders Federation (HBF) on the Copeland Local Plan Inspectors Matters, Issues and Questions.
2. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.
3. The HBF would like to submit the following comments on selected questions posed within the Inspector's Matters, Issues and Questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanne Harding', is positioned below the text 'Yours sincerely,'.

**Joanne Harding**  
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## **Matter 3-The Development Strategy**

*Issue: Whether the development strategy is justified, effective and consistent with national policy*

*Relevant Policies: SP DS1PU; SP DS2PU; SP DS3PU; DS4PU*

### **3.1 Is it necessary for Policy DS1PU to repeat the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework)?**

1. The HBF does not consider that it is necessary for Policy DS1PU to repeat the presumption in favour of sustainable development set out in the NPPF.

### **3.2 Does Policy DS2PU provide an effective framework to reduce the impacts of development on climate change? Has the potential effect of the policy on the viability of development been assessed?**

2. This policy states that the Council will support development proposals where they make a positive contribution towards achieving the Cumbria wide goal of net zero by 2037. It goes on to promote active and low carbon travel and increased use of electric vehicles, increasing resilience to the effects of climate change, making the most efficient use of land, and requiring biodiversity net gain as part of all appropriate developments.
3. The HBF generally supports sustainable development and considers that the homebuilding industry can help to address the climate change emergency challenges identified by the Council. However, the HBF considers that this policy is more of a statement of intent or vision rather than a policy and do not consider that it is necessary, and it repeats a lot of the elements of the policies that are detailed elsewhere in the Plan. The HBF does not consider this to be consistent with the NPPF which states that Plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area and should contain policies that are clearly written and unambiguous so it is evident how a decision maker should react to development proposals<sup>1</sup>. The HBF recommends that this policy is deleted.
4. The HBF believes the move towards net zero should be set via a nationally consistent set of standards and timetable, which is universally understood and technically implementable. This prevents the potential risk to viability of development, which may see development being more forthcoming in other local authorities areas in the region, which could have implications for sustainability with increased commuting, vehicle congestion and associated emissions.

### **3.3 Is there evidence to support the proposed higher National Housing Standard for water conservation and BREEAM rating of excellent in new non-domestic buildings as proposed in suggested Main Modification MA-LP14?**

5. The HBF does not consider that there is evidence to support the proposed higher national housing standard for water conservation.
6. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand

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<sup>1</sup> NPPF 2021 paragraph 16.

management measure. The Optional Technical Housing Standard is 110 litres per day per person.

7. As set out in the NPPF<sup>2</sup>, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG<sup>3</sup> states that where there is a *'clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day'*. PPG<sup>4</sup> also states the *'it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement'*. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Copeland are not considered to be an area of Water Stress as identified by the Environment Agency<sup>5</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

*3.4 Is the methodology set out in the Settlement Hierarchy and Development Strategy Paper (updated) and Village Services Survey sound? Do they provide an appropriate basis to inform the settlement hierarchy in Strategic Policy DS3PU? How does it differ from the approach taken in the Copeland Local Plan 2013-2028 Core Strategy and Development Management Policies (the Core Strategy) 2013?*

*3.5 Does Policy DS3PU provide an appropriate Framework to guide development in the Principal Town, Key Service Centres, Local Service Centres, Sustainable Rural Villages and Rural Villages?*

***3.6 Is it clear the scale of development which will be allowed within each tier of the hierarchy? Does the level of growth proposed in each area reflect the housing and employment needs in the different parts of the Borough?***

8. Policy H4PU along with the accompanying table provides the distribution of housing, it sets out the proportion / amount of development expected in each hierarchy tier. The policy states that the amount of housing identified within the Sustainable Villages and Rural Villages is limited to the amounts shown in the table. However, the Council have proposed modifications to this policy (MALP102) which would delete this sentence from the policy. The HBF considers that this proposed modification is appropriate as the previous policy would have created a moratoria, which is not in line with the NPPF<sup>6</sup> and the Government's aim to boost the supply of housing. The HBF considers that the Councils proposed modification is necessary for soundness and appropriate.

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<sup>2</sup> Paragraph 31

<sup>3</sup> ID: 56-014-20150327

<sup>4</sup> ID: 56-015-20150327

<sup>5</sup> 2021 Assessment of Water Stress Areas Update: <https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

<sup>6</sup> NPPF 2021 Paragraph 60

*3.7 Are the suggested Main Modifications to Policy DS3PU justified? Are they necessary in the interests of soundness?*

*3.8 What is the basis of the proposed settlement clusters?*

*3.9 Is the methodology for the review and definition of detailed settlement boundaries robust? Have the criteria and judgements used to inform the choice of settlement boundaries been applied consistently?*

*3.10 Are the proposed settlement boundaries justified on the basis of proportionate evidence?*

*3.11 Will the settlement boundaries defined on the draft Proposals Map be effective in enabling further windfall sites to come forward to meet any residual housing need?*

**3.12 Does Strategic Policy DS4PU provide an appropriate basis to manage development within and adjacent to settlement boundaries and beyond in the open countryside?**

9. The HBF is concerned that Policy DS4PU does not provide an appropriate basis to manage development adjacent to or well-related to settlement boundaries. This policy generally supports development within the settlement boundaries, whilst generally looking to restrict development outside of settlement boundaries except in certain circumstances. For housing development to be accepted it has to directly adjoin the settlement boundary for a town or local service centre; and have safe pedestrian links to the settlement; and the Council need to be unable to demonstrate a five-year supply or to have had 3 years of under-delivery of housing or be for a specific type of housing supported by Policies H15,16 or 17 (Rural Exceptions, Dwellings for Rural Workers and Replacement Dwellings).

10. The HBF supports the Council in supporting development within settlement boundaries. The HBF also supports the Council in identifying that there may be circumstances in which it is acceptable to build homes outside of the settlement boundaries. However, the HBF is concerned that the current criteria provided are too limited and may not provide the flexibility the Council require to ensure that their housing needs are met and to ensure that sustainable developments come forward. The HBF considers that limitations proposed are contrary to the Government's objective to significantly boost the supply of homes, to ensure a sufficient amount and variety of land can come forward to meet the needs of groups with specific housing requirements, including those who require affordable housing, families with children and older people<sup>7</sup>. And would not promote sustainable development in rural areas where housing should be located to maintain the vitality of rural communities, allowing opportunities for villages to grow and thrive and support local services<sup>8</sup>.

11. The HBF recommends that the policy is amended to state:

*'Where the proposal is for housing and;*

- i. the site **is well related to a settlement** ~~directly adjoins the settlement boundary of a town or local service centre; and~~*
- ii. the site is or can be physically connected to the existing settlement by safe pedestrian links; ~~and~~*
- iii. ~~the Council is unable to demonstrate a 5-year supply of deliverable housing sites; or~~*

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<sup>7</sup> NPPF 2021 paragraphs 60-62.

<sup>8</sup> NPPF 2021 paragraph 79

~~there has been previous under-delivery of housing against the requirement for 3 years or more~~  
~~the proposal is for a specific type of housing supported by Policies H14, H15 or H17.'~~

**3.13 Overall, is the development strategy justified? Does it represent an appropriate strategy when considered against the reasonable alternatives available? What alternative options were considered as part of the Plans preparation and why were they discounted?**

## **Matter 4 The Housing Requirement**

*Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the overall provision for housing and the housing requirement?*

Relevant Policy: SP H2PU

### **4.1 Is the calculation of the local housing need set out in the Five-Year Housing Land Supply Statement 2021/22 consistent with the standard methodology set out in national guidance?**

1. The HBF considers that the local housing need (LHN) calculation as set out in the five-year housing land supply statement September 2022 is appropriate and consistent with the standard method. The calculation identifies a local housing need of 5 dwellings per annum (dpa), rounded up from 4.1.
2. It should be noted that the local housing need figures calculated by the standard method are the minimum starting point in determining the number of homes needed in the area, it does not produce a housing requirement figure. It should also be noted that the Government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. Circumstances where housing need may be higher, include where there are growth strategies; strategic infrastructure improvements; meeting an unmet need; where previous levels of housing delivery are higher; or previous assessments of need, which may mean that housing requirement should be a higher figure than the LHN indicated by the standard method.

### **4.2 How does the Local Housing Need calculation compare to the calculation of housing need set out in the Strategic Housing Market Assessment Update (SHMA) 2021?**

3. The Strategic Housing Market Assessment (SHMA) 2021 identifies a range of potential housing need<sup>9</sup> from 61dpa the Cambridge Econometrics baseline scenario, to 278dpa in the Growth Scenario, with the Experian baseline of 146dpa and the Growth Scenario-midpoint of 191dpa in the middle.

### **4.3 Is the methodology for calculating housing need in the SHMA appropriate and does it provide a robust basis for establishing housing need?**

4. The HBF considers that the methodology for calculating the housing need in the SHMA is generally appropriate and provides a robust basis for establishing housing need.

*4.4 What is the demographic basis for the assessment? Are the demographic assumptions justified?*

*4.5 Are the assumptions relating to household representative rates justified?*

*4.6 Are the assumptions relating to migration justified?*

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<sup>9</sup> SHMA 2021 Figure 1 & 6.1

*4.7 What evidence is there in relation to future economic/jobs growth? How have economic/jobs forecasts and changes to working age population been taken into account?*

*4.8 Is it appropriate to select the midpoint economic forecast?*

*4.9 Are the economic growth assumptions upon which the proposed housing requirement is based deliverable?*

**4.10 Is it appropriate to plan for a higher figure than the standard method indicates? Is it appropriate to include a range? Should the 5 year land supply be based on the minimum housing requirement as opposed to the planned 3,400 dwellings?**

5. The HBF considers that it is appropriate to plan for a higher figure than the standard method indicates as set out in the PPG<sup>10</sup>. The HBF does not consider that it is appropriate to include a range as the housing requirement, the HBF considers that a range would reduce the clarity of the policy, and could potentially limit development as the top end may be seen as a cap. The HBF considers that the five-year housing land supply should be based on the housing requirement set out in the strategic policies of the Plan in line with the requirements of the NPPF<sup>11</sup>.

**4.11 How does the proposed requirement compare to previous levels of delivery in the Borough? Is it deliverable?**

6. The net additional dwellings over the last ten years, as shown in Table 1 below, shows an average of 139 dwellings per annum (dpa). This is very similar to the proposed housing requirement of 146dpa, and suggests that the housing requirement is deliverable.

Table 1: Net additional dwellings										
	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Copeland	159	146	129	128	154	132	117	165	107	154

*4.12 How have other factors been taken into account? What do they show?*

**4.13 In overall terms, is the housing requirement of 2,482 net additional dwellings for the Plan period or 146 dwellings per annum in Copeland appropriate and justified? Is it appropriate to plan for 3,400 dwellings or 200 dwellings per annum? Is there a basis to arrive at an alternative figure and if so what?**

7. This policy sets out that the housing requirement is for a minimum of 2,482 net additional dwellings (an average of 146 dwellings per annum (dpa)) to be provided between 2021 and 2038.

8. The HBF is generally supportive of the Council utilising a figure over and above the local housing need (LHN) identified by the current standard method.

<sup>10</sup> PPG ID: 2a-010-20201216

<sup>11</sup> NPPF 2021 paragraph 74

9. The HBF is generally supportive of a plan seeking to align job growth and housing needs and would suggest that the housing requirement for Copeland is higher than the figure currently proposed.



## Matter 5: Other Housing Requirements

*Issue: Whether the Local Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to the provision for other housing requirements.*

Relevant Policies: Policies H7PU; SP H8PU; SP H9PU; H10PU; H12PU

### Housing Density and Mix (H7PU)

**5.1 What is the evidence in relation to housing mix?**

**5.2 Does Policy H7PU provide sufficient guidance to developers in terms of housing mix?**

**5.3 Is Policy H7PU justified, effective and consistent with national policy, particularly in terms of the approach to densities?**

### Specialist and Older Persons Housing (H12PU)

**5.4 What is the evidence in relation to the need for specialist and older persons housing in the Borough?**

**5.5 Does Policy H12PU provide sufficient guidance to developers in terms of specialist and older persons housing?**

**5.6 Is Policy H12PU justified, effective and consistent with national policy?**

### Affordable Housing (SP H8PU)

**5.7 What is the evidence in terms of affordable housing need and what does it show?**

1. The Strategic Housing Market Assessment (SHMA)<sup>12</sup> identifies an affordable housing need of 99 dwellings per annum.

**5.8 What are the past trends in affordable housing in terms of completions and forms of delivery? How is this likely to change in the future?**

2. Table 2 below, shows that the average number of affordable housing completions over the last 10 years have been 23 dpa. Other data also taken from DLUHC<sup>13</sup> (Live Table 1011) suggests that during the same 10-year period that 18 dwellings were provided through S106 with nil grant.

	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Copeland	55	60	65	15	4	0	0	0	26	2

<sup>12</sup> Copeland SHMA 2021 Figure 5.16 page 84

<sup>13</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

<sup>14</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

**5.9 Is the site size threshold for seeking affordable housing in Policy SP H8PU justified and consistent with national policy? Is the lower threshold of 5 units within the Whitehaven Rural sub-area supported by evidence and justified?**

3. The NPPF<sup>15</sup> states that the provision of affordable homes should not be sought for residential developments that are not major developments, other than in designated rural areas. The Local Plan suggests that both Whitehaven Town and Whitehaven Rural are identified in the Housing Needs Study as a priority for affordable housing, however, a lower threshold would be unviable in Whitehaven Town. The evidence and justification for the 5 unit threshold for Whitehaven rural is not covered in any further detail in the Local Plan or in the SHMA.

**5.10 What is the evidence in relation to the viability of delivering affordable housing as part of market housing schemes? What does it show and does it justify the 10% requirement set out in Policy SP H8PU?**

4. The HBF is concerned that the viability evidence provided in Chapter 7 of the Viability Assessment shows that there are a significant number of schemes where viability is an issue with the 10% affordable requirement, this is summarised in Table 7.5 for the allocations and in the following tables for windfall developments.

**5.11 What is the basis for the tenure split set out in Policy SP H8PU? Is this justified?**

5. This policy looks for sites of 10 or more dwellings, or 5 or more within the Whitehaven Rural sub-area, to provide at least 10% of the homes as affordable. It goes on to set the tenure split with 40% identified as being discounted market sales, starter homes or other affordable home ownership routes the Council have also added a requirement for at least 25% of these to meet the definition of First Homes. The other 60% should be for affordable or social rent.
6. The NPPF<sup>16</sup> states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. The Council will need to consider how this will work with where the affordable housing target is 10% and the proposed tenure split is 40% affordable home ownership and 60% affordable / social rent. If the Council does not intend to meet the 10% affordable home ownership requirement, then this will need to be evidenced.
7. The PPG states that First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The HBF considers that the 40% affordable home ownership split should allow for this provision and the reference to First Homes should highlight this requirement. However, the clarity of the policy could be improved as it is assumed that to be in line with the Government requirements the 25% should refer to the whole affordable housing requirement rather than just 25% of the 40% affordable home ownership routes. The HBF considers that the proposed modification (MALP119) provides an improvement in clarity separating out the First Homes requirement.

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<sup>15</sup> NPPF 2021 Paragraph 64

<sup>16</sup> Paragraph 65 NPPF 2021

**5.12 Is there evidence to support the approach to not require 10% of homes within major developments to be made available for affordable home ownership as required by paragraph 65 of the Framework?**

8. The HBF considers that the SHMA provides evidence relating to the affordable need in Copeland, and the Viability Assessment provides evidence in relation to the viability of development when the affordable housing requirement is considered. However, the HBF is concerned that there is limited justification or evidence from the Council in relation to how they have struck an appropriate balance between the provision of affordable homes for ownership and other affordable homes in terms of the viability of market provision or provision from elsewhere. It may be that overall provision could be greater if it was possible to gain more affordable home ownership homes through market provision with more social rent or affordable rent homes through grant provision.

**5.13 Is the policy sufficiently flexible in relation to viability and the potential for off-site provision?**

9. The HBF is concerned that given the known viability issues, as evidenced by the Council's Viability Assessment, that this policy is not sufficiently flexible. The HBF does not consider that it is appropriate to state that a lower proportion of affordable housing or an alternative tenure split will only be accepted in **exceptional circumstances**. It is evident from the information already collated in the Viability Assessment that under current circumstances many schemes are not viable, it seems completely inappropriate to suggest that knowing this, the Council would require a developer to demonstrate exceptional circumstances.
10. The HBF recommends that the policy is amended as follows:  
*"A lower proportion of affordable housing or an alternative tenure split will ~~only~~ be accepted ~~in exceptional circumstances. In such cases~~ **where** developers ~~must~~ demonstrate, to the Council's satisfaction, why the current site specific circumstances mean that meeting the requirements of this policy would render the development unviable. This should be in the form of a clear, bespoke viability assessment."*

**5.14 Are suggested Main Modifications MA LP117-MA LP121 required in the interests of soundness?**

11. As above the HBF considers that proposed modification MA-LP119 in relation to the tenure split of the affordable housing provision provides more clarity than the previous version of the policy. However, the HBF still has concerns in relation to the proposed split and the justification and evidence in relation to affordable home ownership.

**5.15 In overall terms, is Policy SP H8PU justified, effective and consistent with national policy?**

12. The HBF does not consider that this policy is justified, effective or consistent with national policy, for the reasons set out above.

## **Matter 10 Natural Environment**

*Issue – Whether the approach towards the natural environment is justified, effective and consistent with national policy?*

Relevant policies: SP N1PU-N4PU; N5PU; SP N6PU-N12PU; N13PU; N14PU

Conserving and Enhancing Biodiversity and Geodiversity (SP Policy N1PU)

10.1 Does Policy N1PU provide an effective basis for the consideration of the effect of development on biodiversity and geodiversity? Is the policy justified, effective and consistent with national policy? Are suggested modifications MA-LP150-151 necessary in the interests of soundness?

Local Nature Recovery Networks (SP N2PU)

10.2 Is it appropriate for Policy N2PU to refer to Local Nature Recovery Networks which extend beyond the borough's boundaries? Is the policy justified, effective and consistent with national policy?

Biodiversity Net Gain (SP N3PU)

10.3 Is the approach to biodiversity net gain set out in Policy SP N3PU in accordance with the Environment Act 2021 and national policy?

10.4 Is the proposed hierarchical approach to off-site provision effective and justified?

10.5 Is the approach to monitoring and management effective and justified?

10.6 Is it appropriate to have a baseline date of 30th January 2020 where there is evidence that the baseline has been intentionally lowered or should the baseline date be consistent with the Environment Act (time of application)?

Marine Planning (SP N4PU)

10.7 Does SP N4PU provide an effective basis for the protection of the marine environment? Is it justified and consistent with national policy?

### **Protection of Water Resources (Policy N5PU)**

***10.8 Does Policy N5PU provide an effective basis for the protection of water resources?***

1. The first section of this policy suggests that new development must seek to protect or improve the quality of surface and groundwater. The HBF considers that it is not appropriate for the Council to require new developments to look to improve the quality of surface and ground water, this wording should be amended to protecting or maintaining the quality.

***10.9 Do the suggested amendments to the Policy and supporting text, proposed through the Addendum (July 2022), provide an effective basis to consider the effect of development on nutrient neutrality? What response has been received to consultation?***

2. The newly added section of the policy in relation to the need for nutrient neutrality whilst a useful acknowledgement that the Council will be considering nutrients does little to add to the existing Habitats Regulations Assessment (HRA) process. The HBF is also

concerned in relation to the implications of this policy, and particularly in relation to the viability of development, and considers that this may need further consideration.

3. The HBF would also suggest that the Council may want to further consider the role of the water industry in the protection of water resources and nutrient neutrality. This policy places a lot of emphasis on the development industry to protect water quality, to ensure water resources, to protect the environment and to create nutrient neutrality, whereas most of the actual responsibility for these elements will be reliant on the work of the water industry.
4. The Council will be aware that the Government published a written ministerial statement (WMS) in relation to improving water quality during the consultation period for this addendum. The WMS announces a package of measures that the Government will introduce to tackle the challenge of nutrient pollution. It proposes an amendment to the Levelling Up and Regeneration Bill that will place a new statutory duty of water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030. This will also need to be taken into consideration.

**10.10 Overall, is the policy justified, effective and consistent with national policy?**

5. The HBF does not consider that the policy is justified, effective and consistent with national policy for the reasons set out above.

Landscape Protection (SP N6PU)

10.11 Do the criteria set out in Policy SP N6PU provide an effective basis for the consideration of the impact of development on the borough's landscape?

10.12 Does the approach set out in the Policy provide an effective basis to ensure that the statutory purposes of Lake District National Park are fulfilled? Does the policy adequately reflect the need to ensure that development outside the National Park do not adversely affect its setting?

10.13 In overall terms, is the policy justified, effective and consistent with national policy?

St Bees and Whitehaven Heritage Coast (SP Policy N7PU)

10.14 Does Policy SP N7PU provide an effective basis for the consideration of the effect of development on the St Bees and Whitehaven Heritage Coast? Is the policy justified, effective and consistent with national policy?

The Undeveloped Coast (Policy N8PU)

10.15 Is Policy N8PU justified, effective and consistent with national policy?

Green Infrastructure (Policies SP N9PU; SP N10PU; SP N11PU; SP N12PU)

10.16 Does SP N9PU provide an effective strategic framework for the provision of green infrastructure in the Borough?

10.17 How were the Green Wedges referred to in Policy SP N10PU and shown on the draft Proposals Map, defined?. What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

10.18 How were the Protected Green Spaces shown on the draft Proposals Map and referred to in Policy SP N11PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

10.19 How were the Local Green Spaces shown on the draft proposals map and referred to in Policy SP N12PU defined? What evidence is there to support their designation? Is the Policy justified, effective and consistent with national policy?

Trees, Woodland and Hedgerows (Policy N13PU)

10.20 Do the criteria set out in Policy N13PU provide an effective basis to protect woodlands, trees and hedgerows?

Community Growing Spaces (Policy N14PU)

10.21 Is Policy N14PU justified, effective and consistent with national policy?

## **Matter 13 Connectivity**

*Issue – Whether the approach towards connectivity is justified, effective and consistent with national policy?*

Relevant Policies: SP CO1PU; SP CO2PU; SP CO3PU; SP CO4PU; CO5PU; CO6PU; CO7PU

### **Parking Standards (Policy CO7PU)**

#### **13.6 What's the basis for the parking standards referred to in Policy CO7PU? Should they form part of the Local Plan?**

1. The first part of this policy states that new development will be required to provide adequate parking provision in accordance with the Cumbria Development Design Guide (or any document that replaces it). The HBF considers that this policy wording should not be interpreted by the Council's Development Management Officers as conveying the weight of a Development Plan Document onto this guidance, which has not been subject to examination and does not form part of the Local plan. The Town and Country Planning (Local Planning) (England) Regulations 2012 are clear that development management policies, which are intended to guide the determination of applications for planning permission should be set out in policy in the Local Plan. To ensure a policy is effective, it should be clearly written and unambiguous so it is evident how a decision maker should react to development proposals. The Council's requirements should be set out in sufficient detail to determine a planning application without relying on, other criteria or guidelines set out in separate guidance.

#### **13.7 Bearing in mind part S of The Building Regulations 2010 which took effect 15 June 2022, is the third paragraph of Policy CO7PU relating to Electric Vehicle Charging Infrastructure necessary?**

2. The third paragraph of this policy requires new residential developments to provide one charging point per dwellings with off street parking, it also states that where off-street parking is not provided, a commuted sum will be required to provide charging facilities in the immediate vicinity.
3. The HBF is supportive of encouragement for the use of electric and hybrid vehicles via a national standardised approach implemented through the Building Regulations to ensure a consistent approach to future proofing the housing stock. Part S of the Building Regulations 'Infrastructure for the charging of electric vehicles' has now been published and took effect from 15<sup>th</sup> June 2022. This document provides guidance on the installation and location of electric vehicle charge points (EVCPs). It states that a new residential building with associated parking must have access to EVCPs. It states that the total number of EVCPs must be equal to the number of parking spaces if there are fewer parking spaces than dwellings, or the equal to the number of dwellings where there are more parking spaces. The Regulations also set technical requirements for the charging points these include having a nominal output of 7kW and being fitted with a universal socket. The Government has estimated installation of such charging points add on an additional cost of approximately £976.

4. The Regulations do, however, include a cost cap of £3,600 for the average cost of installation and allow for other exceptions. The costs of installing the cables and the charge point hardware will vary considerably based on site-specific conditions in relation to the local grid. The introduction of EVCPs in new buildings will impact on the electricity demand from these buildings especially for multi-dwelling buildings. A requirement for large numbers of EVCPs will require a larger connection to the development and will introduce a power supply requirement, which may otherwise not be needed. The level of upgrade needed is dependent on the capacity available in the local network resulting in additional costs in relation to charge point instalment. The Government recognises that the cost of installing charge points will be higher in areas where significant electrical capacity reinforcements are needed. In certain cases, the need to install charge points could necessitate significant grid upgrades, which will be costly for the developer. Some costs would also fall on the distribution network operator.
5. In conclusion, it is not necessary for the Council to specify provision of EVCPs because of the Government's changes to Building Regulations.



## Matter 14 Development Standards

*Issue – Whether the approach towards development standards is justified, effective and consistent with national policy?*

Relevant policies: SP DS5PU; DS6PU; DS7PU; SP DS8PU; DS9PU; DS10PU; DS11PU

Planning Obligations (DS5PU)

14.1 Is the approach to infrastructure provision/enhancements and planning obligations effective? Is it clear as to when contributions for the enhancement of existing or provision of new infrastructure would be sought?

14.2 Does it provide an appropriate level of flexibility in terms of the impact on the viability of development proposals? Is it justified and consistent with national policy?

### **Design and Development Standards (Policy DS6PU)**

***14.3 What is the evidence in terms of the need for the higher water use efficiency standard as proposed in suggested Main Modification MA-LP36? How has the effect of this standard on viability been taken into account?***

1. The Council are proposing to add an additional criterion which states ‘developments must include water efficiency measures such as rainwater recycling measure, green roofs and water butts where possible’. The HBF does not consider that this policy, is justified and consistent with national policy.
2. The Building Regulations require all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard represents an effective demand management measure. The Optional Technical Housing Standard is 110 litres per day per person, this optional standard or measure equivalent to it, should not be brought in without appropriate justification and evidence.
3. As set out in the NPPF<sup>17</sup>, all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. Therefore, a policy requirement for the optional water efficiency standard must be justified by credible and robust evidence. If the Council wishes to adopt the optional standard for water efficiency of 110 litres per person per day, then the Council should justify doing so by applying the criteria set out in the PPG. PPG<sup>18</sup> states that where there is a ‘*clear local need, Local Planning Authorities (LPA) can set out Local Plan Policies requiring new dwellings to meet tighter Building Regulations optional requirement of 110 litres per person per day*’. PPG<sup>19</sup> also states the ‘*it will be for a LPA to establish a clear need based on existing sources of evidence, consultations with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a*

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<sup>17</sup> Paragraph 31

<sup>18</sup> ID: 56-014-20150327

<sup>19</sup> ID: 56-015-20150327

*requirement*'. The Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The North West and Copeland are not considered to be an area of Water Stress as identified by the Environment Agency<sup>20</sup>. Therefore, the HBF considers that requirement for optional water efficiency standard is not justified nor consistent with national policy in relation to need or viability and should be deleted.

14.4 Are the various suggested Main Modifications (MA-LP26-MA-LP37) to Policy DS6PU necessary in the interests of soundness?

14.5 In overall terms, is Policy DS6PU justified, effective and consistent with national policy?

Hard and Soft Landscaping (Policy DS7PU)

14.6 Does Policy DS7PU provide an effective basis for the consideration of hard and soft landscaping within development proposals? Is it justified and consistent with national policy?

Reducing Flood Risk (Policy SP DS8PU)

14.7 What evidence is there in relation to flood risk and how has this informed the Local Plan?

14.8 Does Policy SP DS8PU provide an effective basis for the consideration of flood risk? Is it consistent with national policy?

14.9 Are the suggested Main Modifications (MA-LP41-LP44) necessary in the interests of soundness?

Sustainable Drainage (Policy DS9PU)

14.10 Is Policy justified, effective and consistent with national policy?

Soils, Contamination and Land Stability (Policy DS10PU)

14.11 Is Policy DS9PU justified, effective and consistent with national policy?

Protecting Air Quality (Policy DS11PU)

14.12 Does Policy DS11PU provide an effective basis for protecting air quality? Is it justified and consistent with national policy?

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<sup>20</sup> 2021 Assessment of Water Stress Areas Update:  
<https://www.gov.uk/government/publications/water-stressed-areas-2021-classification>

## **Matter 17 The Supply and Delivery of Housing Land**

*Issue-Whether the approach towards the supply and delivery of housing land is justified, effective and consistent with national policy.*

Relevant policy: H3PU

### **17.1 What is the estimated total supply of new housing in the plan period 2021-2038 and how does this compare with the requirement?**

1. The Local Plan Appendix E suggests that there is a total supply of 4,881 dwellings for the period 2021/22 to 2037/38. Policy H2PU sets a housing requirement of a minimum of 2,482 dwellings.

### **17.2 What is the estimated total supply in the plan period from:**

**a) Completions since 31 March 2021**

**b) Sites under-construction**

**c) Planning permissions**

**d) Proposed allocations**

**e) Windfall sites**

2. The Local Plan Appendix E has a base date of 31<sup>st</sup> March 2021, but Table 2 sets out the supply as considered by the Council.

### **17.3 What are the assumptions about the scale and timing of supply and annual rates of delivery from these various sources? Are these realistic? How do they compare to previous rates?**

3. Table 1 of the Local Plan Appendix E sets out the assumptions that the Council has made in relation to the scale and timing of the housing land supply, and the annual rates of delivery. The HBF has assumed that the Council has and will work closely with developers to ensure that the assumptions are realistic, and appropriate for each site.

### **17.4 How has flexibility been provided in terms of the housing land supply? Are there other potential sources of supply not specifically identified? Can this be specified?**

4. The HBF considers that this is a question for the Council.

### **17.5 In overall terms, would the Local Plan realistically deliver the number of houses required over the Plan period?**

5. The HBF does not wish to comment upon the acceptability or otherwise of individual sites. However, the HBF considers it is important that all the sites contained within the plan are deliverable over the plan period and planned to an appropriate strategy. The HBF would expect the Council to have the evidence to support the proposed delivery of these sites.

### **17.6 Has there been persistent under delivery of housing? In terms of a buffer for a five-year supply of housing sites, should this be 5% or 20% in relation to para 47 of the NPPF?**

6. The NPPF<sup>21</sup> makes it clear that a buffer is required as part of the supply of specific deliverable sites, the 5% requirement is the minimum requirement and applies where the Council is not wishing to demonstrate a five-year supply of deliverable sites through a recently adopted plan (where a 10% buffer would apply) and there has not been a significant under delivery of housing over the previous three years (where a 20% buffer would apply). The NPPF<sup>22</sup> states that under delivery will be measured against the Housing Delivery Test (HDT), where this indicates that delivery was below 85% of the housing requirement. The HDT score for Copeland in 2021 was 932%. Therefore, the 20% buffer does not apply.

**17.7 How would any shortfall since 2021 be dealt with?**

7. The PPG<sup>23</sup> states that to ensure that there is a realistic prospect of achieving the planned level of housing supply, the local planning authority should always add an appropriate buffer applied to the requirement in the first five years (including any shortfall) (the Sedgfield approach). Therefore, the HBF considers that the Council should ensure that they deal with any shortfall within the five-year supply. The Council identify within the five-year housing land supply document that 144 net additional dwellings have been provided in the year 2021/22, this is 2 dwellings less than the proposed housing requirement of 146dpa, and is likely to have a minimal difference to the calculation of the five-year housing land supply.

**17.8 What would the requirement be for a five-year supply including a buffer and accommodating any shortfall since 2021?**

8. Using the proposed housing requirement of 146dpa, incorporating the shortfall of 2 dwellings and the 5% buffer, the five-year supply requirement would be 769 dwellings<sup>24</sup>.

**17.9 Would the Local Plan realistically provide for a five-year supply on adoption? Will a five-year supply be maintained?**

9. The HBF has not scrutinised the housing land supply and so is not in a position to comment as to whether the Local Plan would provide a five-year supply on adoption.

**17.10 Is Policy SP H3PU justified, effective and consistent with national policy?**

6. This policy sets out what the Council will do if housing development is not being delivered as anticipated. The HBF is not convinced that most of the content of this policy, is necessary to be policy, it reads much more as a statement of intent than a policy.
7. The policy also states that where housing delivery has exceeded expectations within a particular tier of the settlement hierarchy the Council will consider carrying a review of the Plan. The HBF does not consider that this is appropriate and considers that additional housing development should continue to be supported once the housing requirement figures have been met for the lower tiers of the settlement hierarchy, this would be in line with the NPPF<sup>25</sup> which seeks to boost housing supply.

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<sup>21</sup> Paragraph 74 of the NPPF 2021

<sup>22</sup> Footnote 41 of the NPPF 2021

<sup>23</sup> PPG ID: 68-022-20190722 & ID: 68-031-20190722

<sup>24</sup>  $((146 \times 5) + 2) + (732 \times 0.05)$

<sup>25</sup> NPPF 2021 Paragraph 60

8. The policy also suggests that in order to plan positively the plan will provide a supply of housing sites, which will provide a minimum of 3,400 dwellings over the plan period (average of 200dpa). The HBF would generally support a level of housing land supply which would identify a sufficient number of sites to meet the housing requirement plus an additional 20%, to create flexibility and choice within the range of sites, and would help to ensure that the housing requirement can be met. However, as the HBF considers that the housing requirement is likely to be higher than the figure currently proposed, this may also mean that the level of supply also has to increase proportionately.

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## **Matter 18 Housing Development Policies**

*Issue-Whether the approach towards housing development is justified, effective and consistent with national policy.*

Relevant Policies: SP H1PU; H6PU; H11PU; H13PU; H14PU; H15PU; H16PU; H17PU; H18PU; H19PU; H20PU

### **Improving the Housing Offer (Policy SP H1PU)**

#### ***18.1 Is the approach set out in Policy SP H1PU effective, justified and consistent with national policy?***

1. The HBF generally supports this policy which sets out how the Council will make Copeland a more attractive place to live, including allocation a range of housing sites to meet local needs and aspirations and approving housing development on appropriate windfall sites.

New Housing Development (Policy H6PU)

18.2 Is the approach set out in Policy H6PU effective, justified and consistent with national policy?

### **Custom and Self-build housing (Policy H11PU)**

#### ***18.3 What is the evidence in relation to the need for custom build and self-build housing?***

2. The Council identify within the Local Plan that there are 20 people on the self-build register.

#### ***18.4 Will the approach in Policy H11PU be effective in delivering the identified need? Is it justified and consistent with national policy?***

3. The HBF supports the Council in supporting self and custom build homes. The PPG<sup>26</sup> sets out how relevant authorities can increase the number of planning permissions which are suitable for self-build and custom-build housebuilding.

Conversion and sub-division of buildings to residential uses including large HMOs (H13PU)

18.5 How would an 'over-concentration of HMO's' be practically assessed?

18.6 Overall, does Policy H13PU provide an effective basis for the consideration of proposals for conversion and subdivision of properties, including large HMOs?

Domestic Extensions and Alterations (Policy H14PU)

18.7 Is Policy H14PU justified, effective and consistent with national policy?

New Housing in the Countryside (Policies H15PU; H16PU)

18.8 Is Policy H15PU justified, effective and consistent with national policy?

18.9 Is Policy H16PU justified, effective and consistent with national policy?

Conversion of Rural Buildings to Residential Use in the Open Countryside (Policy H17PU)

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<sup>26</sup> PPG ID: 57-025-20210508

18.10 Is Policy H17PU justified, effective and consistent with national policy?

Replacement Dwellings in the Open Countryside (Policy H18PU)

18.11 Is Policy H18PU justified, effective and consistent with national policy?

Beach Bungalows (Policy H19PU)

18.12 Is Policy H19PU justified, effective and consistent with national policy?

Removal of Occupancy Conditions (H20PU)

18.13 Is the technical note regarding 'local occupancy' referred to in paragraph 13.21.3 available?

18.14 Is Policy H20PU justified, effective and consistent with national policy?

Residential Caravans (Policy H21PU)

18.15 Is Policy H21PU justified, effective and consistent with national policy?

## **Matter 19-Implementation and Viability**

*Issue- Taking account of the cumulative scale of obligations and policy requirements, is the Plan deliverable?*

Relevant policy: DS5PU

**19.1 Has Stage 2 Local Plan Viability Study (EVA2) 2022 (and predecessor documents) been subject to consultation/stakeholder engagement to ‘sense check’ the assumptions and approach used? How has any feedback been taken into account?**

1. The HBF considers that this is a question for the Council.

**19.2 Are the financial appraisal assumptions set out in Section 6 and Tables 6.7 and 6.10 of the EVA2 realistic and based on robust evidence?**

2. The HBF is concerned by some of the assumptions set out in tables 6.7, these include in relation to the cost of an EV Charging Point and the BNG contribution. It is noted that Cushman and Wakefield provided a more detailed response at Regulation 19 in relation to the viability assessment on behalf of a number of HBF members.

**19.3 Are the site assessments set out in section 7 robust? How have the costs per dwelling been arrived at?**

3. The HBF considers that this is a question for the Council.

**19.4 Overall, taking into account the cumulative scale of obligations and policy requirements, is the Plan deliverable?**

The HBF continues to have concerns in relation to the numbers of sites that are identified as potentially being unviable or marginal. The HBF is concerned that this could lead to issues with the deliverability of the Plan.