

AGENDA

Executive

Monday, 01 July 2013 AT 16:00

In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

**Decisions made at this meeting, if not subject to call-in, will
become live on 11 July 2013**

PART A

To be considered when the Public and Press are present

A.1 FOOD LAW ENFORCEMENT SERVICE PLAN

7 - 52

(Key Decision - KD.04/13)

Pursuant to Minute EX.40/13, the Director of Local Environment to submit a report concerning the Environmental Health Section's inspection and educational priorities for improving food safety in Carlisle during 2013/14. The Community Overview and Scrutiny Panel received Report LE.17/13 for information only.

(Copy Report LE.16/13 herewith)

Background Papers - Reports LE.11/13 and LE.17/13 are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.2 SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES AND DISABLED FACILITIES GRANTS)

53 - 68

(Key Decision - KD.08/13)

Pursuant to Minute EX.41/13, the Director of Community Engagement to submit a report presenting a revised Scheme of Assistance, including empty property grants and loans. The Community Overview and Scrutiny Panel considered the matter on 30 May 2013.

(Copy Report CD.33/13 and Minute Excerpt herewith)

Background Papers - Reports CD.31/13 and CD.34/13 are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.3 TREASURY MANAGEMENT COUNTERPARTIES

69 - 76

(Key Decision - KD.013/13)

Pursuant to Minute EX.42/13, the Director of Resources to submit a report seeking approval to amend the limits which can be invested with different counterparties. The Resources Overview and Scrutiny Panel considered the matter on 6 June 2013.

(Copy Report RD.08/13 and Minute Excerpt herewith)

Background Papers - Reports RD.08/13 are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.4 CARLISLE DISTRICT LOCAL PLAN 2015 - 2030 - PREFERRED OPTIONS 77 - 334

(Key Decision - KD.014/13)

Pursuant to Minute EX.55/13, the Director of Economic Development to submit a report providing details of the Preferred Options stage of the Carlisle District Local Plan. The Environment and Economy Overview and Scrutiny Panel considered the matter on 13 June 2013.

(Copy Report ED.17/13 herewith / Minute Excerpt to follow)

Background Papers - Reports ED.11/13 and ED.13/13 are available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

A.5 ARTS CENTRE DEVELOPMENT 335 - 348

(Key Decision - KD.015/13)

The Director of Community Engagement to submit a report concerning a proposed venue for an Arts Centre for Carlisle.

(Copy Report CD.37/13 herewith)

A.6 Notice of Executive Key Decisions

(Non Key Decision)

The Notice of Executive Key Decisions, published on 31 May 2013, is submitted for information.

A.7 SCHEDULE OF DECISIONS TAKEN BY OFFICERS 349 - 350

(Non Key Decision)

A Schedule of Decisions taken by Officers under delegated powers is attached for information.

(Copy Schedule herewith)

A.8	<u>JOINT MANAGEMENT TEAM</u>	351 - 352
	(Non Key Decision)	
	The Minutes of the meeting of the Joint Management Team held on 15 May 2013 are submitted for information. (Copy Minutes herewith)	
A.9	<u>MARKET MANAGEMENT GROUP</u>	353 - 354
	(Non Key Decision)	
	The Minutes of the meeting of the Market Management Group held on 22 April 2013 are submitted for information. (Copy Minutes herewith)	
A.10	<u>2012/13 SUMMARY OF SERVICE STANDARDS</u>	355 - 366
	(Non Key Decision)	
	The Policy and Communications Manager to submit the end of year performance report against the 2012/13 Service Standards. The matter was considered by the Community Overview and Scrutiny Panel on 30 May; the Resources Overview and Scrutiny Panel on 6 June; and the Environment and Economy Overview and Scrutiny Panel on 13 June 2013*. (Copy Report PC.10/13 and Minute Excerpts herewith/to follow*)	
	Background Papers - Reports PC.11/13, PC.12/13 and PC.13/13 are available on the Council's website - http://cmis.carlisle.gov.uk/cmis/	
A.11	<u>RAFFLES REDEVELOPMENT SCHEME - LAND DISPOSAL</u>	367 - 374
	(Non Key Decision)	
	The Director of Resources to submit a report outlining a proposal to vary the Lovell Partnership Agreement at Raffles to enable the release and disposal of land to the Riverside Group for the provision of social rented housing at Thomlinson Avenue, Raffles. (Copy Report RD.19A/13 herewith)	

A.12 CALL-IN - REPRESENTATIVES ON OUTSIDE BODIES

**375 -
380**

(Non Key Decision)

Pursuant to Minute EX.60/13, to consider a reference back from the special meeting of the Community Overview and Scrutiny Panel held on 20 June 2013 concerning Representatives on Outside Bodies.

(Copy Minute Excerpt EX.60/13 herewith / Excerpt from the Community Overview and Scrutiny Panel to follow)

Background Papers - Report GD.28/13 is available on the Council's website - <http://cmis.carlisle.gov.uk/cmis/>

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 RAFFLES RE-DEVELOPMENT SCHEME - LAND DISPOSAL

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

B.2 INTERNET CONNECTION UPGRADE

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Enquiries to: Morag Durham ext 7036

Notes to Members: Decisions made at this meeting, if not subject to call-in, will become live on 11 July 2013

Report to Executive

Agenda
Item:

A.1

Meeting Date: 1st July 2013
Portfolio: Environment and Transport
Key Decision: Yes
Within Policy and
Budget Framework YES
Public / Private Public

Title: FOOD LAW ENFORCEMENT SERVICE PLAN
Report of: The Director of Local Environment
Report Number: LE 16/13

Purpose / Summary:

The Environmental Health Service Plan and the Food Safety Enforcement Policy comprise the Food law Enforcement Plan and set out how the Environmental Health Service will deploy its resources in 2013 to 2014 to prevent food borne diseases and help people live healthier lives. It seeks to target intervention to tackle local issues whilst ensuring Carlisle City Council achieves its national responsibilities.

Recommendations:

That the Executive:

- i. Agree the key actions of the Environmental Health Service Plan with respect to Food Safety and approve the Food Law Enforcement Policy.
- ii. Refer the said plans to Council for approval in accordance with the Council's Budget & Policy Framework

Tracking

Executive:	1 st July 2013 (Decision)
Overview and Scrutiny:	30 th May 2013
Council:	16 th July 2013

1. BACKGROUND

- 1.1 The Food Law Enforcement Plan (the Plan) sets out how the Environmental Health Service will protect food safety in Carlisle during 2013 to 2014. As part of the Food Law Enforcement Plan the “Food Safety Service Plan” (Appendix.1- pages 9 to 12) sits within the full Environmental Health Service Plan and links to the key priority actions of the Carlisle Plan (page.3.). The Service Plan seeks to direct resources into achieving the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). The second part of the Food Law Enforcement Plan is the “Food Safety Enforcement Policy” (Appendix.2.) which outlines the decision process the Environmental Health Officers will go through when breaches of Food Safety Legislation are found. The Food Safety Enforcement Policy is written with regard to the Food Standard Agency’s Framework Agreement with local authorities, the Enforcement Concordant and the Regulator’s Compliance Code.
- 1.2 In improving food standards the Environmental Health Service is contributing to ensuring a safe, healthy and sustainable food chain for the benefit of consumers. Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans help local authorities to:
- follow the principles of good regulation;
 - focus on key delivery issues and outcomes;
 - provide an essential link with corporate and financial planning;
 - set objectives for the future, and identify major issues that cross service boundaries;
 - provide a means of managing performance and making performance comparisons;
 - Provide information on an authority’s service delivery to stakeholders, including businesses and consumers.
- 1.3 The Food Standards Agency’s (FSA) Food Law Codes of Practice (2012) details national food policy but allows local authorities flexibility over how to deliver the national food controls. The Plan sets out how and at what level official food controls will be provided, in accordance with the Codes of Practice. The “Framework Agreement on Official Feed and Food Controls by Local Authorities” (2010) sets out

what the Food Standard Agency expects from Carlisle City Council in delivering official controls on feed and food law.

- 1.4 In 2012 the Food Standard's Agency carried out a review on the delivery of "Official Controls for Food Safety." The FSA have concluded that although under pressure the Local Authorities are able to deliver a food safety service. The FSA Board confirmed the strategic importance of the delivery of official controls and the relationship between the FSA and local authorities. The Government is presently consulting on amending the Regulators Compliance Code making it explicit that in carrying out its duties as a regulator the local authority's role is both to ensure compliance and assist businesses to grow.
- 1.5 To help to ensure local transparency and accountability, and to show the Service's contribution to the authority's Carlisle Plan, the Framework Agreement recommends that food service plans are approved at the relevant level established for that local authority. The Food Law Enforcement Plan is in Carlisle City Council's Policy Framework in Article 4 of the Constitution.
- 1.6 The Plan covers the period 1st April 2013 to the 31st March 2014 and includes targeted educational and promotional work under taken by the section along with the required food premise inspections.

2. PROPOSALS

- 2.1 That the Executive:
 - i. Agree the key actions of the Environmental Health Service Plan with respect to Food Safety and approve the Food Law Enforcement Policy.
 - ii. Refer the said plans to Council for approval in accordance with the Council's Budget & Policy Framework.

3. CONSULTATION

- 3.1 Consultation to Date. - The Plan has been drafted in consultation with Officers in the Environmental Health Service.
- 3.2 Consultation proposed. - The Plan was considered by the Community Overview and Scrutiny Committee on the 30th May 2013.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** The recommended key actions have been identified following consultation and reflect the resources available to the Environmental Health Service in the financial year 2013 to 2014.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 Priority 1: Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

- A key requirement of the regulators compliance code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. Through its Service Plan and Enforcement Policy the Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.

Priority 3: Working more effectively through partnerships

- In delivering its food safety responsibilities the Environmental Health Service operates within guidelines and national agreements with partner organisations including: the Food Standards Agency; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- The Food Safety Team work in partnership in delivering projects with organisations such as: Public Health England; Trading Standards; Defra and other Local Authorities.

Priority 5: Making Carlisle Clean and tidy together

- The Environmental Health Service tackles the safe storage of waste. The Food Safety team ensures commercial food waste is stored and disposed of correctly.

Contact Officer: Angela Culleton

Ext: Ex 7325

Appendices **Appendix.1. – Environmental Health Service Plan 2013 to 2014**
attached to report: **Appendix.2. – Food Safety Enforcement Policy**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –

Community Engagement –

Economic Development –

Governance – The Council has a Food Law Enforcement Service Plan in accordance with the Food Standard Agency's Framework Agreement which applies to local enforcement of all feed and food laws, and incorporates the latest guidance and standards on feed and food law enforcement. As stated in the report, the Service Plan forms part of the Council's revised Policy Framework and, as such, requires consideration by the relevant Overview & Scrutiny Panel before being referred for approval to Council by the Executive.

Local Environment –

Resources – The implementation of the Food Law Enforcement Service Plan can be met from within existing base budgets for 2013/14.

Environmental Health

Service Plan

2013 to 2014

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Structure

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Scope of Service

The Environmental Health Service provides a range of mandatory and discretionary activities that protect the health and well being of the citizens of Carlisle. This Service links directly to some of the key priority actions of the Carlisle Plan.

Link to the Carlisle Plan

Priority 1: Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

- A key requirement of the regulators compliance code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance. The Environmental Health Service provides free and impartial advice to business on both legal and technical matters relevant to their trade.

Priority 3: Working more effectively through partnerships

- We operate within guidelines and national agreements with partner organisations which include: The Food Standards Agency; the Health and Safety Executive; the Department for Environment and Rural Affairs (Defra); and Public Health England.
- We work in partnership in delivering projects with organisations such as: Cumbria Constabulary; the Environment Agency; Trading Standards; the Dogs Trust; Keep Britain Tidy

Priority 5: Making Carlisle Clean and tidy together

- The Environmental Health teams tackle the safe storage of waste. The Environmental Quality and Food Safety teams ensure domestic and commercial waste is not a public health concern; the

Education and Enforcement team tackles illegal practices such as fly tipping, dog fouling and littering.

The Service seeks to achieve the priority outcomes for regulatory services as detailed in the Better Regulation Delivery Office document “Priority Regulatory Outcomes – A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services” (November 2011). Regulators must take into account and give due weight to the priority outcomes when developing policies and operational procedures, setting standards or giving guidance on enforcement.

Regulatory Priority Outcomes: 1. Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment. **(Direct Link to the Carlisle Plan)**

2. Improve quality of life and well being by ensuring clean and safe neighbourhoods **(Direct Link to the Carlisle Plan)**

3. Help people live healthier lives by preventing ill health and harm and promoting public health.

4. Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy

The “**Regulators Compliance Code**” applies to all the activities delivered by the Environmental Health Service. A consultation document on amending the Regulators Compliance Code giving greater emphasis to business support is presently taking place (March 2013). We will implement the requirements of the revised Compliance Code.

Key Facts from 2012/2013

Key Services	Key Facts	Key Actions
Food Premises registration	1175 food businesses in Carlisle	
Food and Health and Safety Business Inspections (and follow-up visits)	2079 Carlisle premises regulated under local Authority Health and Safety legislation. 497 Food inspections 4 Health, Safety and Welfare inspections	5 Hygiene Improvement Notices on food businesses. 0 Food detention Notices 2 Health and Safety Improvement Notices
Investigations into cases and outbreaks of infectious diseases	Total of 120 cases	
Respond to Food Alerts issued by the Food Standards Agency	114 food alerts	
Food Sampling	200 samples of local food checked.	
Pest Control	55 contracts 534 notifications of rats 187 wasp notifications	
Workplace accident investigations	94 workplace accidents reported 56 investigated.	
Response to incidents affecting public health	3978 service requests ranging from complaints about noisy neighbours to requests for pest control treatments.	16 Abatement Notices issued protecting the public's health and welfare. 40 PFN issued for littering, 11 for waste receptacle offences and 24 for Fly Posting.
Drinking Water Safety	407 Private water supplies. 11 Supplies risk assessed 113 samples taken 54 parameter failure, 40 wholesomeness failures.	17 notices – re boil water and for improvement of supply
Undertaking of promotional and educational campaigns		Noise Action Week – May Food Safety Week Love Parks Week - July Healthy Cities Week – Sept

Environmental Health Service Plan 2013 to 2014

Inspection for and remediation of 'Contaminated Land'(Part IIA definition) with reference to the Strategy	1214 sites with previous industrial use to be risk rated.	Approximately 5 sites risk rated this year (totalling 500 to date) leaving 750 to rate.
To assess and manage local Air Quality	50 Carlisle sites monitored monthly for Nitrogen dioxide and two sites continually monitored. 1 site monitored continually for Benzene 1 site monitored continually for particulate matter (PM10 and PM 2.5) 6 Air Quality Management Areas	2011 Progress report completed and accepted by DEFRA Updating and screening assessment submitted to DEFRA April 2012 Action Plan submitted to Defra September 2012
To ensure all Prescribed Processes are properly permitted and monitored	68 permitted industrial processes 52 inspections to ensure safe emissions to air.	5 Notices served
To arrange for the funeral of deceased persons where no other arrangements have been made		Advised on 3 funerals 8 funerals organised and deaths registered.
Enforce all relevant dog control legislation and provide a stray dog collection service.	437 stray dogs collected 17 fixed penalty notices for dogs off leads	10 prosecutions for stray dog offences. 37 FPN issued for dog fouling 2 prosecutions
Provision of expert advice to the Development Control Section	226 consultations	
Statutory consultee to the Licensing Section for public nuisance and health and safety	13 consultations and applications for Premises Licences	
Licensed Premises	22 caravan sites registered 2 camping sites registered (tents only) 13 Pet Shops licensed 4 Dog Breeding Establishments 21 Animal Boarding Establishments	
Statistical reporting		Statutory returns for Defra (LAPPC); Drinking Water Inspectorate (Private Water Supplies); Food Standards Agency (LAEMs - food inspections); Health and Safety Executive. Returns for noise complaints also made to the Chartered Institute of Environmental Health.

General Service Plan

Outcome	Key Action	2012/13 Performance:	Target 2013/14	Progress:
<ul style="list-style-type: none"> Support Economic Growth 	Use the Department's face to face contact with Carlisle Businesses to promote business information.	Not recorded	80 % Satisfaction of businesses with Regulatory service Progress recording of business satisfaction in line with former indicator 182.	
	Improve communication between the County's Regulatory Services and the Local Enterprise Partnerships through working through Cumbria's Public Protection Group.	Full representation at Public Protection Group Meetings.	Full representation and contribution at Public Protection Group Meetings. Through the Public Protection Group engage with the LEP.	
	Review the Council's Web Site to ensure information to the public is relevant and accessible and facilitates e-government for accessing application forms etc and specifying service provision and charges.	Front pages reviewed. Work progressed on other pages	December 2013 All pages reviewed and refreshed.	

Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> • Healthier Lives 	Work with the Healthy Communities Working Group on actions in delivering the Healthy Cities Improvement Action Plan.	Contributions to Healthy Cities Week and Food Safety training	At least one coordinated campaign	
<ul style="list-style-type: none"> • Support Economic Growth • Clean and Safe Neighbourhoods • Healthier lives • Sustainable food change 	To respond to all service requests within 5 working days	92%	100%	
	Respond to consultations from Licensing and Planning within 28 days.	99%	100%	
	Contribute to the Multi Agency “Problem Solving Groups”	Attendance at meetings and contributions made	Active assistance to the Licensing Best Bar None Scheme	
	Provide an informal public health out of hour’s service where circumstances necessitate.			Arrangements made for food hygiene inspections and special events Environmental Health Manager on the Emergency contact lists: Public Health England: Fire; Emergency Planning

Food Law Enforcement Service Plan

The City Council operates its food law enforcement following the “Framework Agreement” with the Food Standard Agency who is the lead national authority on Food Law. The Council also operates within the “Codes of Practice” issued by the Food Standards Agency.

The Council has partnership agreements with Public Health England regarding response to infectious disease incidents.

Outcome	Key Actions	2012/13 Performance:	Target 2013/14	Progress:
Sustainable Food Chain Healthier lives	Inspect 100% food businesses at intervals in accordance with the Food Standard’s Agencies Code of Practice and educate and enforce where necessary.	97%	100%	
	Work toward increasing the number of “broadly compliant” food businesses	93.5%	95%	Corporate Indicator LE050
	Continue to work with and promote the National Food Hygiene Rating System.	Successful transfer 99% of local authorities in England are in the National Food Hygiene	Continued compliance with the Food Standard Agencies branding agreement	Ongoing – food.gov.uk/ratings

Environmental Health Service Plan 2013 to 2014

		Rating System.		
Sustainable Food Chain Healthier lives	To sample foodstuffs for microbiological safety in accordance with local and national need	100%	100%	
	To actively take part in Cumbria Food Liaison Group plan of work	Full Contribution and Attendance at meetings and development of Action Plan	Full Contribution and Attendance at meetings and development of Action Plan Ensure link to Health and Well being Board obesity agenda – Healthy Eating Award progress	
	Undertake basic food hygiene training for hard to reach groups	2 training events completed with 100% pass rate	2 training events for hard to reach groups	
	Participate in “public health” related activity as requested by partners such as the County Council, Public Health	Food Safety Week and Healthy Cities initiatives	At least one campaign per year. Food Safety Week 17 June 2013	

Environmental Health Service Plan 2013 to 2014

	England and the Food Standards Agency.			
	Review and refresh the Food Enforcement Policy		Draft to May Executive New Policy Adopted	

Health and Safety Service Plan

Carlisle City Council has responsibility for health, safety and well being regulation at most retail, leisure and storage businesses. 2012 saw the Health and Safety Executive given the authority to direct Carlisle City Council on how it undertakes its responsibilities.

Outcome	Key Action	2012/13 Performance:	Target 2013/14	Progress:
Healthier lives	To review & implement an Alternative Intervention Strategy for those businesses that do not require inspection (in accordance with LAC 67/2 Rev 3 & Cumbria H&SLG)	H&S Intervention Plan complete	Jan 13 - Strategy Produced Monitor progress of Intervention strategy generally and by complaints, accidents, injuries etc.	
	Inspect premises and investigate accidents in compliance with legal responsibilities, and educate, encourage and only enforce in line with the Enforcement Policy			

Environmental Health Service Plan 2013 to 2014

	To contribute & work in partnership by carrying out work as per the Cumbria Health and Safety Liaison Group work plan	<p>Carlisle priorities agreed:</p> <ul style="list-style-type: none"> • Animal contact • Underground LPG storage • Asbestos • Workplace temperatures • Noise at work • Smoking • Warehousing (esp falls and manual handling) 	Progression of action plan – number of initiatives.	
	Work with the Public Health England to improve the safety of skin piercers in Carlisle.	Joint publicity and leaflet produced for the April North Lakes Tattoo show.	Deliver project highlighting risks associated with (non-registered) tattooists.	

Environmental Quality Service Plan

Most of the work undertaken by the Environmental Quality Section is directed by the Department of Environment and Rural Affairs (Defra).

Activity	Key Action	2012/13 Performance:	Target 2013/14	Progress
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<ul style="list-style-type: none"> • Healthier lives • Clean and safe Neighbourhoods 	Air Quality			
	Review Carlisle's Local Air Quality and prepare an Update and Screening Assessment for submission to DEFRA.	Update and Screening Assessment accepted by Defra June 2012	Progress Report completed May 2013 Assess the effectiveness of the Northern Development Route July 2013 Liaise with County Council on promoting alternatives to vehicle use.	
	Progress the Air Quality Action Plan for the 7 Air Quality Management Areas.	Action Plan agreed by Defra	Produce a summary of actions progressed in 2013.	
	Promoting campaign encouraging reducing		Produce a summary of actions progressed in	

Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> • Healthier lives • Clean and safe Neighbourhoods 	transport pollutants		2013.	
	Local Air Pollution Prevention and Control			
	Inspect 100% of permitted processes in accordance with DEFRA's inspection strategy.	100 % inspection achieved	100% inspection target Review permits to comply with the Industrial Emissions Directive view charges due to the implied permit structure	
	Contaminated Land			
	Address and prioritise contaminated land	5 sites assessed and prioritised. Strategy Updated.	50 potential sites per year assessed and prioritised. work with the Planning Department to ensure housing and other developments only take place on land suitable for use Respond to enquiries regarding possible land contamination	
	Noise and Nuisance			

Environmental Health Service Plan 2013 to 2014

<ul style="list-style-type: none"> • Healthier lives • Clean and safe Neighbourhoods 	Revise strategies for dealing with noise nuisances	<p>Attendance at Landlords Forum</p> <p>Advice sheets forwarded for distribution to the Housing Team.</p>	<p>Continue to work with landlords via liaison with the housing team.</p> <p>Raise public awareness regarding noise from dogs etc</p> <p>Attend the Carlisle and Eden crime and disorder partnership meetings</p> <p>Review the procedure for domestic noise investigations.</p>	
	Private Water Supplies			
	Sample and assess 100% of private water supplies in accordance with the DWI Technical Manual.	100%	100%	
	Pest Control	<p>Produced a targeted sewer baiting strategy</p> <p>Identified areas generating greatest rat</p>	Raise awareness of the service and encourage new contracts	

Environmental Health Service Plan 2013 to 2014

		complaints		
	Seagull Control	<ol style="list-style-type: none"> 1. Leaflet Produced 2. Premises where roosting was a concern identified and written to 3. Press releases 	<ul style="list-style-type: none"> • Follow up visits to premises written to in 2012.(April / May2013) • Assessment of controls (June) • Review follow up actions (June) 	Directorate Action
	Fees and Charges Review		<ul style="list-style-type: none"> • Review the pest control fees and charges making recommendations for implementation in 2014/15. 	Directorate Action August
	Licensed Premises			
	Review the web information on application for licences.	100% of Caravan sites had a fire risk assessment		

Education and Enforcement Teams Enforcement Plan

Activity	Key Action	2012/13 Performance:	Target 2013/14	Progress:
<ul style="list-style-type: none"> • Clean and safe Neighbourhoods • Healthier lives 	Progress the Clean Neighbourhood Enforcement Plan	2012/13 Enforcement Plan produced and followed. 37 FPN issued for dog fouling and 2 prosecutions 40 PFN issued for littering, 11 for waste receptacle offences and 24 for Fly Posting	Reduction in dog fouling incidents and complaints compared to 2011/12 benchmark.	
	Deliver a Educational Campaign for dog fouling and littering	1400 delivered educational message on dog fouling and littering	Deliver message to all year 7's	
	Review and update policies.	Fly posting, Fly tipping and litter procedures reviewed.	Introduce orders for abandoned shopping trolleys and illegal distribution of free material Review the procedures for dealing	Directorate Action

Environmental Health Service Plan 2013 to 2014

			with Graffiti offences.	
	Develop a strategy with partner organisations to tackle environmental crimes.	Riverside and PCSO trained for the issuing of FPN.	Attend PSG East and West and CD&ASB – continue to develop partnership working with Riverside and Impact	
	Produce a Strategy and Action Plan for continuing the work of “Clean Up Carlisle and Love Where You Live”			Directorate Action
	Produce working procedures for the revised CCTV System			Directorate Action

ENVIRONMENTAL HEALTH

SCOTT BURNS
Environmental Health Manager

JANET BLAIR
1x FTE Principal EHO
Environmental Quality

1 FTE x Environmental Health Officer
Graeme Little
1 x FTE Pre Reg Environmental Health Officer
Mathew Proudfoot

2 FTE x Technical Officers
Aileen Shiels

Pest Control

1 FTE x Senior Pest Control Operative
Martin Russell-Bromley
2 FTE x Pest Control Operatives
Barry Edmondson
Garry McArthur

MORVEN ANSON
1x FTE Education and Enforcement
Team Leader

Education and Enforcement Officers
X 2 FTE
Jane Rimmer
Michael Saint

CNEO

1.2 FTE x Clean Neighbourhood Enforcement Officers
Andrew Allison 1x PT post
Ray Howie 1 x PT post
(Temp increase in hours to 1.8FTE due to Clean up Carlisle)

Administration
3 x FTE Technical Clerks
Sharon Loryman
Sarah James
Eileen Edwards
Vacant
Diane Thwaites
Lesley Bowron

Temp CCTV Supervisor
Until August 2013
John Nugent

DAVE EDWARDS
1x FTE Principal EHO
Food and Occupational Health

5 FTE x District Environmental Health Officers
Stuart Strange
Margaret Moir
Michael Cunningham
Rebecca McKee
Donna Hastie

FOOD SAFETY ENFORCEMENT POLICY

Carlisle City Council

Environmental Health Service

Local Environment

1.0 POLICY STATEMENT

- 1.1 Carlisle City Council aims to ensure that food and drink intended for human consumption, that is produced, stored, distributed, handled or sold within the Council's area, is without risk to the health or safety of the consumer. In carrying out its Food Law enforcement the City Council will encourage food businesses and regulated bodies to comply with their food safety obligations and grow as businesses.
- 1.2 This Policy has been written having regard to the Food Standards Agency's Framework Agreement, the Enforcement Concordat and the Regulator's Compliance Code (April 2008). Officers will therefore have regard to and implement the principles of proportionality, consistency, transparency and targeting.
- 1.3 Inspections of food businesses and other food safety activities will be in accordance with legislation, statutory Codes of Practice and guidance issued by the Food Standards Agency and the Better Regulation Delivery Office.
- 1.4 The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action is in strict accordance with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984 (as amended).
- 1.5 The Council recognises that the particular interests of different consumers within its area will need to be taken account of to ensure that legislation is enforced fairly and consistently. Interpreters will be used where there is difficulty in understanding the English language. Where possible, translated advisory leaflets will be made available. Any visits that are required out of hours will be undertaken as necessary.
- 1.6 We are fully committed to the Home Authority Principle and the Primary Authority Scheme and will utilise the principle whenever enforcement activity is considered, especially where the issue has national implications. We will use inspection plans created under Primary Authority when inspecting relevant businesses.

*The Home Authority Principle and the Primary Authority Scheme are supported by food and trading standards services throughout the UK. The Primary Authority Scheme has been made under The Regulatory Enforcement & Sanctions Act 2008. A local authority acting as a home or originating authority will place special emphasis on the legality of goods and services originating within its area. It aims to prevent infringements by offering advice and guidance at source in order to maintain high standards of public protection at minimum cost. The Home Authority is the authority where the relevant decision making base of an enterprise is located. The Originating Authority is an authority in whose decentralized enterprise produces goods and services.

- 1.7 All enforcement action will be based on the risk to health and in accordance with this policy. Any departure from this policy must be justified to the appropriate line manager with delegated authority under the Council's constitution. The reasons for any departure will be fully documented and a copy retained on the premises file.
- 1.8 This Policy supports service delivery and intervention plans and procedures, and it will be actively brought to the attention of all relevant staff. The policy is supported in certain areas by additional procedural guidance. A copy of this policy will be made available at Council offices and to any person that requests one. The Policy will also be made available on the Council's website.
- 1.9 This Policy has been drawn up following consultation with stakeholder representatives and has been approved by the Food safety Team, and Members.
- 1.10 This Policy will be reviewed at least every 3 years or when there are changes in legislation or guidance, which make this necessary.

2.0 ENFORCEMENT OPTIONS

2.1 Authorised officers will consider the most appropriate course of action, which should be taken following inspection or investigation. These include:

- No action
- Informal action and advice
- Formal letter known as informal written notice
- Statutory Notices – Hygiene Improvement Notices, Detention of Food Notices, Remedial Action Notices and Hygiene Emergency Prohibition Notices.
- Issuing and revoking approvals including suspensions and conditional approvals
- Prohibiting operations and processes
- Simple caution (commonly known as formal cautions)
- Prosecution

2.2 No Action

There will be occasions when it is appropriate to take no further action on completion of the inspection or investigation. This will be the case where the risk to health is insignificant and /or the premises, is low risk in nature i.e. no food preparation. A report of inspection should be left on-site or sent soon after the inspection highlighting that the standards of compliance are satisfactory.

2.3 Informal Action

Informal action includes verbal advice, requesting others to act, letters containing recommendations of good hygienic practice, accepting the voluntary surrender of food and the issuing of reports of inspection in accordance with the Food Standards Agency Food Law Code of Practice (England) 2008 (FLCOP), issued under Section 40 of the Food Safety Act 1990.

Informal action will be appropriate in the following circumstances:

- (i) The act or omission is not serious enough to warrant formal action.
- (ii) From the past history, it can be reasonably expected that informal action will achieve compliance.
- (iii) The consequences of non-compliance will not pose a significant threat to food safety. Or
- (iv) The food business is operated by a voluntary organization and information is likely to be more helpful and effective than a formal approach.

Verbal advice will be offered where practices do not constitute a breach of the legislation or where advice on good practice, for example within industry guides, good manufacturing practice (GMP) or trade association guidance, has not been followed. Officers providing verbal advice will ensure that they clearly differentiate between those items that are legal requirements and those that are recommendations of good practice.

Verbal advice will be confirmed in writing. This may form part of the Report of Inspection, which is normally left at the end of the visit or sent afterwards.

2.4 Formal letters

Formal letters will be considered appropriate in the following circumstances:

- Where the act or omission is not serious enough to warrant the service of a statutory notice;
- The history or track record of the individual or company means that it can be reasonably expected that a formal letter will achieve compliance;
- The consequences of non-compliance will not pose a significant threat to food safety; or
- The food business is operated by a voluntary organization and a formal letter is likely to be more helpful and effective than statutory notices or legal proceedings.
- If the food business is compliant

Any letters shall be written in accordance with FLCOP and practical guidance issued by the Food Standards Agency and other government agencies. They will contain all the information necessary to understand what work is required and why it is necessary. They will indicate the Regulations contravened and the measures, which will enable compliance.

Letters will clearly differentiate between matters, which are necessary to meet statutory requirements and those which are recommendations.

The opportunity to discuss the contents of the letter with the officer and/or the PEHO will be made available and both contact details will be clearly visible in the letter.

Letters should be sent to the food business operator within a target date maximum of 10 working days from the inspection/visit.

2.5 Statutory Notices

In certain circumstances, the service of a statutory notice will be appropriate. A range of notices may be used:

- Hygiene Improvement Notices
- Hygiene Emergency Prohibition Notices
- Detention and Condemnation of Food Notices
- Remedial Action Notices
- Warrants to enter premises
- PACE Code B Notices
- Other relevant notices under current Official Food and Feed Regulations, and the Products of Animal Origin Regulations.

(i) Hygiene Improvement Notices

The following factors determine the use of Hygiene Improvement Notices in accordance with the FLCOP.

- a. There are significant contraventions of legislation
- b. There is a lack of confidence that the food business operator or company will respond to an informal approach
- c. There is a history of non-compliance with informal action or formal letters, history of poor risk scores and award scheme ratings
- d. Standards are generally poor with little management awareness of statutory requirements

- e. The consequences of non-compliance could be potentially serious to public health
- f. Effective action needs to be taken as quickly as possible to remedy conditions, which are serious, or deteriorating, even though it is intended to prosecute.

The use of Hygiene Improvement Notices will be related to risk to health and they will not be used for minor contraventions of the legislation. They will not be used where the contraventions might be a continuing one or in transient situations i.e. cleaning and record keeping.

Officers issuing Hygiene Improvement Notices will discuss with the food business operator the works to be undertaken and realistic time limits for the completion of the works. The officer will consider alternative solutions of equal effect put forward by the food business operator.

An authorised officer will check compliance on the date of expiry of the notice or at the latest, the following day as there may be a challenge if there is any delay i.e. the operator may claim that they complied within the timescale for instance, the provision of hot water.

Failure to comply with a Hygiene Improvement Notice will result in the instigation of legal proceedings in the majority of cases.

The officer will consider all reasonable written requests for an extension of time of the notice where these are made within the existing time scale.

For notices relating to Article 5 and training requirements, a minimum of 12 weeks timescale will be given to the operator. The timescale for all other legal requirements will be at the discretion of the authorised officer.

The officer will advise the Primary Authority and Home/Lead Authority where relevant, of any actions intended and seek written agreement. Officers should refer to the Local Better Regulation Office (LBRO) website for details of Primary Authority arrangements, <http://www.lbro.org.uk/pa-becoming-a-primary-authority.html>

(ii) Hygiene Emergency Prohibition Notices

The use of Hygiene Emergency Prohibition Notices will be deemed appropriate where there is an imminent risk of injury to health and where for example, the circumstances outlined in the FLCOP (England) and practical guidance are fulfilled. Examples are as follows:

- The failure of a process within premises;
- The premises contravene food safety legislation and have been or are involved with an outbreak of food poisoning or present an imminent risk of food poisoning; or
- There is a serious infestation by rats, mice, cockroaches or other vermin (including birds) or a combination of these infestations resulting in actual food contamination or an imminent risk of food contamination; or
- There are poor structural conditions or poor equipment and/or poor maintenance of routine cleaning and/or serious accumulations of refuse, filth or other extraneous matter resulting in actual food contamination; or
- There are serious drainage defects or flooding of the premises leading to actual food contamination or an imminent risk of food contamination; or

Any combination of the above or the cumulative effect of contravention, which together represent an imminent risk of injury to health.

In addition, the following matters will warrant the service of a Hygiene Emergency Prohibition Notice:

- a. The consequences of not taking immediate and decisive action to protect the public health would be unacceptable;
- b. There is a demonstrable imminent risk of injury to health
- c. There is no confidence that an unprompted offer by a food business operator to voluntarily close the premises or cease the use of any equipment, process or treatment will be carried out;
- d. The food business operator is unwilling to confirm in writing his/her unprompted offer of voluntary closure.

(iii) Detention and Condemnation of Food Notices

Authorised officers will use powers to inspect, detain, seize and arrange for the condemnation of food if they have reasonable grounds that the food does not comply with the food safety requirements in the Food Safety Act 1990 and Article 14 of EC Regulation 178/2002. This is an offence under Regulation 27 of the Food Hygiene (England) Regulations 2006.

The procedure for detaining, seizing and arranging for the condemnation of food will be in accordance with FLCOP (England) and Practical Guidance.

A person in charge of food that has been detained or seized for the purposes of condemnation by a Magistrate may be eligible for compensation if:

- The detention of food notice is withdrawn; or
- The magistrate fails to condemn the food; and
- The food has deteriorated in value resulting from the action.

(iv) Remedial Action Notices (RANS)

It is only appropriate to use these notices for requiring works in food premises approved under EC Regulation 853/2004. A documented procedure covers use of these notices and this must be followed.

(v) Warrants to Enter Premises

The Council will apply to the Magistrates Court for a warrant to enter premises if:

- Necessary entry is required at an unreasonable time; and/or
- Entry to a premises is refused; and/or
- Entry is expected to be refused; and/or
- The premises are vacant and entry is required.

(vi) PACE Code B Notices

Notices will be served where it is necessary to search premises to investigate an alleged offence. This is only appropriate in circumstances where Officers have serious grounds for suspecting an offence has already been committed before they visit the premises or act on information provided by another agency. The procedure on service of Code B notices must be referred to by Officers and legal advice sought before use.

2.6 Legal Proceedings – Simple cautions and Prosecutions

Carlisle City Council will consider instigating legal proceedings where there is admissible, substantive and reliable evidence that an identifiable person or company has committed an offence and there is a realistic prospect of conviction. The following circumstances may warrant the institution of legal proceedings:

- The offence involves flagrant breaches of the law, such that public health, safety or well being is put at risk;
- The offence involves a failure to correct an identified potential risk to food safety arising from the processing, cooking, handling or storage of food, having given the offender a reasonable opportunity to comply with the lawful requirements of an authorised officer;
- The offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- Offences have resulted in the service of a Hygiene Prohibition Notice;
- There is a history of similar offences related to risks to the safety of food.

In deciding whether formal action should be taken, Officers should complete the matrix in Appendix I (matrix to determine informal or formal action) and document their decision with the involvement of the appropriate line manager. Once the officer

is of the opinion that legal proceedings may be instigated, the case is considered in the light of the following factors:

- a. The seriousness of the offence:
 - The risk to public health
 - The number of identifiable victims
 - Failure to comply with a statutory notice served for a significant breach of legislation
 - Disregard for the public health for financial reward
- b. The previous history of the food business operator or company:
 - The offences follow a previous history of similar offences
 - Failure to respond positively to past written notices and warnings
 - Failure to comply with statutory notices
- c. The likelihood of the defendant being able to establish a due diligence defence:
 - Practical steps taken or due diligence defence available but there is doubt about its legal validity
 - Practical steps taken but there is doubt that the due diligence defence has been achieved
 - Practical steps have been taken that are not totally effective, therefore due diligence has not been proved
 - No practical step taken, therefore there is no possibility of proving due diligence
- d. The ability of witnesses and their willingness to co-operate:
 - Witnesses would rather not be involved in prosecution but might be willing if encouraged
 - Witness would require summons to attend
 - Witness would be willing to attend court but may not be effective under cross examination
 - Witness would be willing to attend and will be effective
- e. The willingness of the food business operator or company concerned to prevent a recurrence of the problem:
 - Steps have been taken to prevent a recurrence and there is confidence that these will be effective
 - Steps have been taken to prevent a recurrence but there are doubts that these will be effective
 - Steps to prevent a recurrence have been promised but confidence is low that the promises will be fulfilled

- The food business operator or company are not willing to prevent a recurrence and there is no confidence that the food business operator is capable of preventing a recurrence
- f. The public benefit and interest of a prosecution and the importance of the case for:
- The likely penalty upon conviction
 - The offender's age and state of health
 - The offender's attitude to the offence
 - Whether it might establish a legal precedent
- g. Any explanation offered by the food business operator or the company:
- Explanation is satisfactory, factors appear to be beyond the control of the defendant
 - Explanation shows that prevention was possible but necessary steps had not been taken
 - Explanation poor, blatant failure to control circumstances leading to offence
 - No explanation offered, willful disregard for public health

Authorised officers must complete the matrix in Appendix III (decision whether to prosecute or issue a simple caution) when any of the circumstances outlined in Appendix II are encountered.

Types of Legal Proceedings

On completion of the matrix in Appendix I, and II, and where formal action is considered to be necessary, legal proceedings may take the form of either a simple caution or a prosecution. The officer, the appropriate line manager, and a legal representative should agree the final decision. On completion of the determination matrix, the officer(s) should follow the standard forms to instruct legal to consider the case with a summary of the facts and initial information. If a PACE interview has occurred as part of the initial decision making process, a transcript should be given to legal along with the initial information. An update on legal opinion should be sought within 2 weeks of this instruction.

Simple Cautions

The Council will offer simple cautions as an alternative to prosecutions in order to:

- Deal quickly and simply with less serious offences
- To divert less serious offences away from the Courts and
- To reduce the chances of repeat offences

The Council will only make the offer of a simple caution where:

- There is sufficient evidence of the offender's guilt for a realistic prospect of conviction
- The offender admits the offence and
- The offender clearly understands the significance of a simple caution and gives informed consent to being cautioned.

Where a food business operator declines the offer of a simple caution, the Council will proceed with a prosecution.

3.0 DECISION MAKING AND AUTHORISATION

- 3.1** All Officers who undertake the enforcement options in this policy will have the necessary qualifications, training, experience and competence to do so. All actions will be in accordance with FLCOP (England) 2008.

All officers will be issued with a formal written record of their authorisation, signed by either the Director of Local Environment or the Environmental Health Manager. Officers will also be issued with an "Authority to Enter" card with a summary of their available powers of entry.

The enforcement options and levels of authorisation are outlined in Appendix IV.

4.0 WORKING WITH OTHERS TO SECURE COMPLIANCE

Officers will work closely with others to secure compliance with food safety legislation. Discussion and liaison may be necessary with the following:

➤ **Consumers and businesses**

The views of our stakeholders are essential in obtaining effective compliance with the legislation. The need to protect the health of the consumer whilst acknowledging the concerns of businesses are recognised and are implicit within this policy and the requirements of the Enforcement Concordat and the Regulators Compliance Code.

➤ **Food Standards Agency**

The FSA will be notified of all approvals or any variations issued under product-specific legislation. Under the Food Alert system, the FSA will be notified of any issues, which have a wider concern or where there is a serious localised incident.

➤ **Primary Authority Scheme/Home Authority**

If the premises under inspection or investigation are linked to a Primary, Home or Originating Authority, when officers are considering formal action, they will liaise with the identified authority. Where there is an imminent risk to health, action will be taken immediately and the relevant authority will be notified at the earliest available opportunity.

➤ **Public Health Information**

Infection control advice and epidemiological support will be requested as necessary.

➤ **Health Protection Agency (HPA) and County Analyst**

The expert advice of colleagues within the HPA and the County Analyst may be required in determining the relevant enforcement option. Other specialist organisations e.g. Campden and Chorleywood Food Research Association may assist in investigations.

5.0 Complaints

Carlisle City Council has an effective complaints procedure and will endeavor to resolve any complaint as quickly as possible. complaints about the service can either be made direct to the Environmental Health Manager by:

Email – environmentalhealth@carlisle.gov.uk or

Telephone – 01228 817559

Or through the City Council's official complaints procedure:

Telephone – 01228 817000

In writing – Free post YGCX – YEYB – Carlisle City Council, Civic Centre, Carlisle, CA3 8QG

Email – complaints@carlisle.gov.uk

MATRIX TO DETERMINE FORMAL OR INFORMAL ACTION

CRITERION	SCORE	WTG	TOTAL
Risk to health			
No risk to health	1	5	
Risk to health possible but unlikely	2	5	
Caused minor ill health, potential for more serious effect in more vulnerable groups	3	5	
Identified or potential serious medical effect	4	5	
Previous history			
Reacted to previous advice, change usually effective	1	4	
Reacts to advice, change not always effective, moderate confidence in management	2	4	
Compliance with previous advice patchy, low confidence in management	3	4	
Failure to respond to previous advice	4	4	
Likelihood of being able to prove due diligence			
Practical steps taken, due diligence possible, some doubt	1	5	
Practical steps taken, but doubt about due diligence	2	5	
Practical steps taken are not totally effective, no due diligence	3	5	
No possibility of proving due diligence	4	5	
Ability of witnesses			
Witness would require summons to attend	1	1	
Witness would rather not attend court but might be persuaded	2	1	
Witness willing to attend but may not be effective under cross examination	3	1	
Witness willing to attend and will be effective	4	1	
Willingness to prevent a recurrence			
Steps taken to prevent a recurrence, confidence that these will be effective	1	2	

Steps taken to prevent recurrence, doubts that these will be effective	2	2	
Steps promised to prevent recurrence, but confidence is low that promise will be fulfilled	3	2	
Not willing to prevent recurrence, no confidence that food business operator is capable of preventing recurrence	4	2	
Probable public benefit			
Publicity is likely to embarrass Council	1	1	
Penalty/publicity will have limited value	2	1	
Penalty/publicity will ensure improvement in the case in question	3	1	
Penalty/publicity will prevent other similar offences	4	1	
Explanation offered by defendant			
Explanation satisfactory, factors appear to have been beyond defendant's control	1	3	
Explanation shows that prevention was possible but that necessary steps had not been taken	2	3	
Explanation poor, blatant failure to control circumstances leading to offence	3	3	
No explanation offered, willful disregard for public health	4	3	

NOTES

The weighting is to be used as a multiplier. A separate assessment should be completed for each offence and each food business operator. In many cases the investigating officer may be the only witness and this section should be scored accordingly.

A decision of informal action will follow where the score is between 0 and 34. A decision of formal action will normally follow where the score is between 35 and 84

RECOMMENDATION OF INVESTIGATING OFFICER/PEHO

INFORMAL /FORMAL ACTION

Signed:

Date:

ENVIRONMENTAL HEALTH MANAGER

AGREE/DISAGREE

Signed:

Date:

DECISION OF LEGAL REPRESENTATIVE

Comments:

Signed:

Date:

Criteria leading to Formal Action

Where any one of the following circumstances apply, officers must complete the matrix in Appendix III, where a decision will be made as to whether a simple caution will be offered or the offender will be prosecuted.

1. Premises confirmed to be associated with an outbreak of food poisoning, which resulted in serious illness and/or death.
2. Repeated breaches giving rise to significant risk, or persistent and significant poor compliance.
3. Management of food safety is poor and gives rise to significant risk.
4. Following the service of a Hygiene Emergency Prohibition Notice/Order.
5. Following the voluntary closure of premises.
6. Repetition of breach that was subject to Simple Caution.
7. False information supplied wilfully, intent to deceive in relation to a matter giving rise to significant risk.
8. Obstruction of an officer.
9. Formal action is required as a means of drawing attention to the need for compliance with the law and to act as a deterrent to others.

DECISION WHETHER TO PROSECUTE OR ISSUE A SIMPLE CAUTION

CRITERION	PROSECUTE	OFFER CAUTION
Is the offence serious?	Yes	No
Is the offender an older or disabled person?	No	Yes
Has the offender a previous history of offending?	Yes	No/Unknown
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest?	Yes	No
Is the case likely to establish a legal precedent?	Yes	No
Has the offender offered a reasonable explanation?	No	Yes
TOTAL		

Note

Ring the appropriate response to each criterion and then total the number of rings in each column.

The decision will be based on the total number of rings

RECOMMENDATION OF INVESTIGATING OFFICER/PEHO

INFORMAL / FORMAL ACTION

Signed:

Date:

DECISION OF ENVIRONMENTAL HEALTH MANAGER

AGREE/DISAGREE

Signed:

Date:

DECISION OF LEGAL REPRESENTATIVE

Comments:

Signed:

Date:.....

APPENDIX IV

DECISION MAKING AREA	OFFICERS AUTHORISED TO ACT	OFFICERS WHO MUST BE CONSULTED
Informal action and formal letters	Technical Assistants Environmental Health Officers Principal Environmental Health Officer – Environmental Health Manager Assistant Director – Local Environment	Principal Environmental Health Officer –to monitor and audit periodically
Hygiene Improvement Notices	Environmental Health Officers Principal Environmental Health Officer	Environmental Health Officers Principal Environmental Health Officer
Hygiene Emergency Prohibition Notices	Environmental Health Officers* Principal Environmental Health Officer * Environmental Health Manager*	Principal Environmental Health Officer – Environmental Health Manager Legal representative
Simple/ 'Formal' Caution	Environmental Health Officers Principal Environmental Health Officer Environmental Health Manager	Principal Environmental Health Officer Environmental Health Manager Legal representative
Prosecution	Environmental Health Officers* Principal Environmental Health Officer* Environmental Health Manager*	Principal Environmental Health Officer Environmental Health Manager Legal representative

* Minimum 2 years post qualification experience of food safety and currently involved in food safety enforcement.

Report to Executive

Agenda
Item:

A.2

Meeting Date: 1st July 2013
Portfolio: Communities and Housing
Key Decision: Yes: Recorded in the Notice Ref: KD 08/13
Within Policy and Budget Framework YES
Public / Private Public

Title: SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES & DISABLED FACILITIES GRANT)
Report of: The Director of Community Engagement
Report Number: CD 33/13

Purpose / Summary:

The current scheme of housing assistance has been updated to reflect new services that Carlisle City Council can offer to private sector landlords on the back of successful funding bids to bring empty properties back into use. A revised scheme of assistance including empty property grants and loans is attached to this report (Appendix 1). The updated policy re-states the position with regard to Disabled Facilities Grants which remain mandatory.

Recommendations:

- That Members of the Executive agree the new Policy for Housing Assistance and the use of funds as described in Appendix 2 and recommend it to Council in accordance with the Council's Budget and Policy Framework.
- It is recommended that the use of the funds as outlined at Appendix 2 and granting of grants and loans will be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources.
- That a decision to proceed with future Empty Property schemes be delegated to the Portfolio Holder.

Tracking

Executive:	1 July 2013	
Overview and Scrutiny:	30 May 2013	
Council:	16 July 2013	

1. BACKGROUND

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a housing assistance policy for the private sector. The RRO was adopted by Carlisle City Council on 9th September 2003. The policy has been amended since its adoption to allow actions to be taken by officers relating to the Private Housing Sector.

2. HOUSING ASSISTANCE

- 2.1 Under the proposed Housing Assistance Policy, Disabled Facilities Grants will continue to be available. These grants are mandatory and funded via a separate funding stream. Any other grants and loans that the Council proposes to offer are discretionary and depend on the availability of resources.
- 2.2 Since April 2012 no housing assistance has been available in Carlisle for anything other than Disabled Facilities Grants. However successful bids for external funding in recent months have secured the finance necessary to enable assistance to be offered to the owners of empty homes to bring them back into use.
- 2.3 The funding must be used in accordance with the prescribed criteria but can be used to provide grants and loans. Most of the schemes currently being progressed have a finite lifespan with a cut-off date of March 2014. The conditions attached to the funding streams are included in the proposed housing assistance policy document in Appendix 1.
- 2.4 Approving the amended Housing Assistance Policy will enable the Council to offer financial incentives to empty property owners to bring those properties back into use and therefore increase the availability of much needed housing accommodation in the area. Appendix 2 summarises the sources of funding obtained and the match funding requirements for the current schemes.
- 2.5 Opportunities to bid for empty property funding often arise at short notice and delivery of such schemes is expected within a short timescale. It is therefore advantageous to build flexibility into the housing assistance policy.

2. PROPOSALS

- 2.1** To enable the provision of loans and grants to the owners of empty property to enable them to be brought back into use. To continue with the provision of Disabled Facilities Grants as described in the Housing Assistance Policy.

3. CONSULTATION

- 3.1** Consultation has taken place with primary stakeholders, including landlords and managing agents.

- 3.2** Community Overview and Scrutiny panel also received a report on the draft policy on 30 May. Their main concern was about the quality of work to potential properties. This will be addressed by:

- Having a clearly designated officer with responsibility for working proactively with owners and landlords to bring empty properties back into use. To date, over twenty applicants have confirmed their interest in the cluster bid scheme. The empty property officer provides technical advice and information and in doing so, incentivises participation and choice while minimising the risk of poor quality work.
- Establishing clear standards that the property must achieve on completion of the works. The draft policy proposes that properties must be free from significant defects and category 1 hazards and comply with the Housing Health and Safety Rating System where cluster bid grants are awarded; and meet the Decent Homes Standard, where a loan is required in addition to a cluster bid grant.
- Embedding a staged and targeted payment regime – where grant and loan finance, if required, is released on inspection and as a proportion of completed work. This will ensure that properties meet the required standard and public funding is used appropriately
- Establishing security over the property, where cluster bid loans are awarded to protect the Council's position.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** The revised housing assistance policy will enable the provision of loans and grants to be made to the owners of empty property and assist in bringing them back into use.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** The proposals will help support the Carlisle Plan priority to address Carlisle's current and future housing needs.

Contact Officer: Keith Gerrard

Ext: 7350

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Community Engagement –

Economic Development –

Governance As stated in the Report, the ability of the Council to exercise its power to provide assistance for people to acquire, adapt or repair accommodation etc is dependent on the adoption of a relevant Policy pursuant to The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. Such a policy was adopted by the Council and it forms part of the authority's budget and policy framework, therefore, any proposed amendment must be available for scrutiny before the Executive make a final recommendation to Council.

Local Environment –

Resources - Disabled Facilities grants funding from the Government in 2013/14 is estimated at £663,000 with the Council contributing a further £200,000.

The assistance schemes outlined in the report, to enable empty properties to be brought back into use, are backed by funding from the Homes and Communities agency (HCA). The Cluster Bid totals £254,000 with the funding being used to provide various grants and loans to property owners and will be registered as a land charge against the property. The

Director of Resources will have delegated authority to set an appropriate interest rate for the Cluster Bid loans.

It is recommended that the use of the funds as outlined at Appendix 2 and granting of grants and loans will be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources

HOUSING RENEWAL ASSISTANCE

POLICY DOCUMENT

2013

Private Sector Housing
Community Engagement Directorate
Carlisle City Council
The Civic Centre
Carlisle
CA3 8QG

Introduction

The Regulatory Reform (Housing Assistance) Order 2002 equipped local authorities with a new wide ranging power to provide assistance for housing renewal based on the principle that repairs are fundamentally the responsibility of the property owner, and grant assistance should only be given in particular circumstances.

Poor quality housing can have an adverse effect on the health and well being of the occupants in an area and the presence of long term empty properties can be a blight on the neighbourhood and a waste of a precious resource.

The Council recognises that assistance cannot be made available to all residents. Disabled Facilities Grants will continue to be offered to applicants who meet the eligibility criteria. All forms of assistance beyond Disabled Facilities Grants are dependent on the availability of external funding. Carlisle has been successful in obtaining funding from a variety of sources which will enable assistance in the form of grants, loans or a combination of both to be made available to the owners of long term empty properties to improve the existing built environment, provide good quality affordable housing and to increase housing choice.

Types of assistance

Disabled Facilities Grants

The provisions governing mandatory Disabled Facilities Grant (DFG) are contained in the Housing Grants, Construction and Regeneration Act 1996 (the 1996 Act), as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order extended mandatory DFG eligibility to those occupying park homes and houseboats.

Provided they meet the defined criteria, all owner-occupiers and tenants, licensees or occupiers are eligible for DFG. Landlords may also apply for a DFG on behalf of a disabled tenant but must also satisfy the relevant requirements. Housing Association tenants are eligible to apply for DFG and are assessed for needs on the same basis as private owners and tenants and under the same means testing arrangements.

Riverside (Carlisle) pay for DFG adaptations to their own properties where the cost of the work does not exceed £7,000. Where works exceed £7,000 limit, Riverside will refer the application to Carlisle City Council who will process through the usual DFG route. On completion the £7,000 contribution from Riverside will be recovered.

It is the Council's policy to place a Land Charge on every property which is subject to a Disabled Facilities Grant. If such a property is sold within a 10 year period, starting on the date of completion of the work, the Council will use its discretion to reclaim the funding that exceeds £5,000, but may not require a repayment exceeding £10,000. In applying its discretion, the following criteria will be considered:

- The extent to which the recipient would suffer financial hardship if the grant were reclaimed

- Whether the disposal of the property was to enable the recipient to take up employment, or change the location of their employment
- Whether the disposal of the property is made for reasons of the recipient's mental or physical health or well being
- Whether the disposal is made to enable the recipient to live with, or near, any person who will provide care for the recipient by reason of their disability

Any decision on repayment will be made by the Director of Community Engagement in consultation with the appropriate Portfolio Holder.

Discretionary payments may be made where the maximum grant level has already been reached and

- Unforeseen works have arisen once work has commenced on site. For example discovering drain or sewers on the site which could not have been foreseen, major works to foundations etc.
- A change in an applicants circumstances has arisen between grant approval being given and works being completed making it unreasonable to expect a contribution from the applicant. For example, relationship breakdown between the original joint applicants, the death of a joint applicant.

In ensuring that the funding available for Disabled Facility Grants can benefit the maximum number of recipients, a scheme of re-commissioning items of key equipment such as shower room pods, stairlifts etc., will be applied.

The Council will charge professional fees for providing services for owners or occupiers of dwellings which are subject to DFG applications. These fees will be assessed in relation to individual grant applications.

Other housing assistance

The following types of grant assistance may also be available, depending on the availability of external funding:

Empty Property Grants

Grants will be made available to allow the delivery of the Clusters of Empty Homes programme between £2,000 and £5,000 to owners of properties which have been empty for longer than 6 months and in areas where there are clusters of empty properties, as a 'quick fix' incentive for the owner to re-let the property.

The property, on completion of works, must be free from Category 1 Hazards under the Housing Health and Safety Rating System (HHSRS) and must be re-let, at an affordable rent, within 12 weeks of completion of the works, for a minimum period of 12 months.

Repayment of the grant will be required if these conditions are contravened.

Empty Property Loans

These loans are available to eligible owners to assist with bringing empty properties, which have been vacant for more than 6 months, back into use for residential occupation. These will be made available to contribute towards the cost of carrying out an agreed package of works to properties. It will normally be expected that the property will be brought up to the Decent Homes Standard as defined in Schedule 1.

Contribution to the Community Grant Programme

The Community Grant programme managed by the YMCA, offers grants to property owners to assist them in bringing long term empty properties back in to use. In return for the grant, the applicant must agree to lease the property to the YMCA for a 5 or 10 year term.

The Council is supporting this programme by providing technical assistance with the grant process, identifying properties suitable for the scheme and carrying out initial negotiations with property owners.

Cluster Bid Loans

Alongside the Empty Homes grants described above, Carlisle in conjunction with Allerdale and Copeland, have secured Cluster Loan funding from the Homes and Communities Agency. This is available in areas where clusters of empty properties have been identified. The loans may be used for individual dwellings, to bring empty residential accommodation above commercial premises, (such as flats above shops) into use and to convert commercial property to residential accommodation. On completion of the works, the property must achieve the Decent Homes Standard.

Landlords must re-let their property within 4 months of the work being completed, otherwise immediate repayment of the loan will be required. The landlord will be required to set up a payment plan to repay the loan. It is expected that loans will be in the region of £8,000 to £10,000. The maximum loan payable will be £15,000. A variable rate of interest determined by the Director of Resources will be applied. A condition of the loan will be that the property is re-let for a minimum period of 5 years.

Under this scheme, the repaid loan money will be recycled and ring fenced for empty homes to ensure that long term empty property intervention measures continue to be delivered.

Conditions attached to grants and loans

All grants and loans which have been paid will be registered as a Local Land Charge. Immediate repayment of grant will be required if grant conditions are not met. Immediate repayment of loan will be required if loan conditions are not complied with.

Decent Homes Standard

For the purposes of awarding Decent Homes, the following failures shall be considered:

- Dwellings containing one or more hazards assessed as serious ('Category 1') under the HHSRS.
- Dwellings not in a reasonable state of repair due to **either** one or more of the key building components are old and, because of their condition, need replacing or major repair; **or** two or more of the other building components are old and, because of their condition, need replacing or major repair.
- Dwellings without reasonably modern facilities and services, by virtue of lacking three or more of the following:
 - ◆ a reasonably modern kitchen (20 years old or less);
 - ◆ a kitchen with adequate space and layout;
 - ◆ a reasonably modern bathroom (30 years old or less);
 - ◆ an appropriately located bathroom and WC;
 - ◆ adequate insulation against external noise (where external noise is a problem);
 - ◆ adequate size and layout of common areas for blocks of flats.
 - ◆ A home lacking two or fewer of the above is still classed as decent, therefore it is not necessary to modernise kitchens and bathrooms if a home meets the remaining criteria;
- Dwellings that do not provide a reasonable degree of thermal comfort by virtue of not having both effective insulation and efficient heating;

More detailed definitions of the reasons for failure of the Decent Homes Standard can be found in the Department for Communities and Local Government publication *Decent Homes, definition and guidance for implementation: June 2006 update*.

Housing Assistance Policy – Financial Information

External Funding Source	Funding Bid	Match funding	Estimated number of empty homes made ready for occupation
Cluster Bid – awarded to Carlisle City Council by the HCA for designated streets within designated wards, including empty properties within the Settle to Carlisle Conservation Area	£254,000	Empty Homes Officer - Year 1 £36,800 Empty Homes Officer - Year 2 £37,200 Housing Apprentice - Year 1 £5,700 Housing Apprentice - Year 2 £9,600 From DFG Department of Health £109,400 Conservation Rolling fund £75,000 ----- Total £273,700	Up to 45 properties by March 2015

EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 30 MAY 2013

COSP.39/13 SCHEME OF HOUSING ASSISTANCE (EMPTY PROPERTIES DISABLED FACILITIES GRANTS)

The Director of Community Engagement submitted report CD.34/13 that provided an updated housing scheme of assistance that reflected services that the Council undertook in relation to dealing with empty property and Disabled Facilities Grants (DFGs) in the private rented sector.

The report had previously been considered by the Executive on 7 May 2013 who had decided:

1. That the Executive approved the new Policy for Housing Assistance and the use of funds as described in Appendix 2 to Report CD.31/13.
2. That the use of funds, as outlined in Appendix 2 and granting of grants and loans, would be the responsibility of Officers and as such delegated to the Director of Community Engagement and Director of Resources.
3. That a decision to proceed with future Empty Property Schemes be delegated to the Portfolio Holder.

The Director of Community Engagement that the report would enable the Council to make loans to private landlords to bring empty properties back into use. There would potentially be an impact on homelessness and improve the environmental quality of Carlisle. The work could be undertaken following a successful application to the Government and would work in parallel with the Government to support grants to DFGs. The Communities, Housing and Health Manager and the Housing and health Services Manager had worked on the report and the Director acknowledged the amount of work they had undertaken in preparation of the report.

By way of background, the Communities, Housing and Health Manager reminded Members that the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) placed a duty on local authorities to publish a Housing Assistance Policy for the private sector. The RRO had been adopted by the City Council on 9 September 2003 and subsequently amended to allow actions to be taken by Officers in relation to the private housing sector.

Se added that Disabled Facilities Grants, which were mandatory and funded via a separate funding stream, would continue to be available under the proposed Housing Assistance Policy. Any other grants and loans which the Council proposed to offer would be discretionary and dependant upon the availability of resources.

Since April 2012 no housing assistance had been available in Carlisle for anything other than Disabled Facilities Grants. However, in recent months, successful bids for external funding had secured the finance necessary to enable assistance to be offered to the owners of empty homes to bring them back into use.

The funding had to be used in accordance with the prescribed criteria, but could be used to provide grants and loans. Most of the schemes currently being progressed had a finite lifespan with a cut off date of March 2014. The conditions attached to the funding streams were included in the proposed Housing Assistance Policy document (Appendix 1).

The report emphasised that approval of the amended Housing Assistance Policy would enable the Council to offer financial incentives to empty property owners to bring those properties back into use, and in so doing increase the availability of much needed housing accommodation in the area. A summary of the sources of funding obtained and the match funding requirements was provided at Appendix 2 to report CD.31/13 that had been considered by the Executive at their meeting on 7 May 2013. .

Opportunities to bid for empty property funding often arose at short notice and delivery of such schemes was expected within a short timescale. It was therefore advantageous to build flexibility into the Housing Assistance Policy.

The report also outlined the circumstances in which the Council could reclaim the grant and who would make that decision ie the Director and the Portfolio Holder.

Any work would have to be to a minimum standard and where there was a larger amount of work Officers would want to ensure a higher than basic decent homes standard.

The proposal would enable the Council to hold a recyclable loan fund which would enable the Council to do more work as there would be more funds available and that would be in line with Government policy to provide a recyclable loan policy. The Communities, Housing and Health Manager confirmed that the loan rate had not yet been set.

In considering the update Members raised the following comments and questions:

- *How many empty properties were there in Carlisle?*

The Communities, Housing and Health Manager advised that there were up to 45 houses at present and there had been a number of applications from the owners of properties with a cluster of bids operating in various areas of the City.

- *Would the Council require a list of work to be undertaken before approval of a loan?*

The responsibility for the work would be on the owner of the property. The Council could prescribe the standard of the work but not the actual work to be undertaken. The property would be checked before work commenced by the Empty Properties Officer

and advice on consents given. The property would again be inspected on completion of the work by the Empty Properties Officer who would be qualified to inspect the property. The reputation of contractors would be the responsibility of the owners of the properties and if the work was not completed to standard the loan would not be paid.

- *The loan would be needed for the work to be undertaken and therefore the loan would be spent before substandard work was identified. Therefore there needed to be sanctions if the work was not to standard.*

The Communities, Housing and Health Manager confirmed that the loan would be backed up by a charge on the property so the Council's position would be protected.

- *There may be some private landlords who may try to take advantage of the loan.*

The Communities, Housing and Health Manager was confident that procedures would be in place to safeguard the Council. Officers would work with landlords and the interest rate would be attractive to the Council.

- *Officers would not be able to determine whether the work was to standard until the work was completed and the Council could not realise any charge to the property until the property was sold.*

The Communities, Housing and Health Manager explained that Officers would need to look at the timing of loans. The Director advised that there would be a phased payment of the loan to reduce that risk which he believed to be modest and would not have a significant impact on the Council. In most cases Officers had a good relationship with the landlords or contractors and payment would be made in stages.

- *The Council would need to ensure that good quality work was provided as the loan was public money. Would it be possible to provide a list of approved contractors?*

The Communities, Housing and Health Manager advised that if the Council produced an approved list of contractors it would take on the liability that the work would be completed to an acceptable standard. Officers could signpost people to contracts used by the Council but could not produce an approved list.

- *How would the empty properties be identified?*

The Communities, Housing and Health Manager explained that Officers were working with colleagues in Revenues and benefits to identify empty properties from the annual return of the Council Tax list. Officers would go out and inspect properties that had been empty for 6 months or more.

The Private Sector Housing Technical Team Manager advised that the funding was only available in certain wards and did not relate to all properties. For example only part of Brompton town was included. The funding would be provided to areas where 10% of the properties were empty. Individual properties in rural areas would be excluded but there was scope to find other funding streams.

- *After a property had been empty for 6 months rates became payable. How often were the records updated?*

The Communities, Housing and Health Manager advised that some of the properties identified were not actually empty and Officers were working with other agencies and had identified 40 properties from the list only 2 of which were actually empty. Officers would continue to check the properties. When the scheme was promoted a lot of people made enquiries and if more funding was available the Council would have targeted other areas. However the scheme had been useful to a lot of people within Carlisle.

- *It was imperative that contractors were vetted in some way. A contract had recently been awarded for work at the Botcherby Community Centre and whilst the contract was not the cheapest the Member believed the work would be to a good standard.*

The Communities, Housing and Health Manager thanked Members for their feedback which had been useful. She confirmed that she would look at monitoring the quality of contractors and build that into the process.

The Council had dedicated Officers who worked with landlords and inspected the properties. They would specify the standard of work and the message would be clear about what standard the Council would accept.

- *Some small business do not complete relevant forms because of the bureaucracy attached to them and therefore would not be included in any list of contractors. It would be a shame for such businesses to be excluded.*
- *A recommended list could include smaller businesses. By keeping checks on the work and being clear how the process would work, including staged payments, would be a common sense approach.*

The Communities, Housing and Health Manager advised that at present the DFG payments were staged and the empty homes payments would be implemented in a similar manner.

- *Would the project refer to the Community Grant Project?*

The YMCA had successfully applied for funding from the Homes and Communities Agency for empty homes. The Council would provide the technical information and there were currently 12 referrals to the YMCA.

The Private Sector Housing Technical Team Manager confirmed that properties would need to be re-let within 4 months of completion of any work undertaken. The Communities, Housing and Health Manager advised that anyone undertaking work would need to provide a scope of works and that would be agreed with the builder. Once work was completed the owner would have 4 months to re-let the property. If the

work did not meet the required standard on completion sanctions could be taken. There would be a charge on the property that would enable the Council to recover the loan.

The Portfolio Holder confirmed that any decision on repayment would be made by the Director of Community Engagement and the Portfolio Holder which was the current policy.

- *Funding pockets were available regarding fuel poverty. Would such funding assist the empty properties scheme?*

The Communities, Housing and Health Manager confirmed that other products could be brought in where relevant but a lot would depend upon the circumstances of the owner of the property.

RESOLVED – 1) That Members were concerned about the quality of potential work to be undertaken on empty properties

2) That the Communities, Housing and Health Manager would monitor the work and follow up the issues raised

Report to Executive

Agenda
Item:

A.3

Meeting Date: 1 July 2013
Portfolio: Finance, Governance and Resources
Key Decision: Yes: KD.013/13
Within Policy and
Budget Framework YES
Public / Private Public

Title: TREASURY MANAGEMENT COUNTERPARTIES
Report of: DIRECTOR OF RESOURCES
Report Number: RD08/13

Purpose / Summary:

This report was previously considered by the Executive on 7 May, and has since been considered by ROSP on 6 June.

This report requests approval to amend the limits that can be invested with different counterparties.

Recommendations:

The Executive is asked to:

- (i) Consider any responses from ROSP with regard to changes to the Counterparty limits;
- (ii) approve the investment counterparty limits as outlined at Appendix A and set out in paragraph 2.7, for recommendation to Council;
- (iii) note that the contract for Treasury Management Advisory Services has been re-tendered and awarded under powers delegated to the Director of Resources.

Tracking

Executive:	7th May 2013 and 1st July 2013
Overview and Scrutiny:	6th June 2013
Council:	16th July 2013

1. BACKGROUND

- 1.1 The Treasury Management Strategy for 2013/14 was approved at Council on 5 February. Since this date, average investment balances have increased as a result of assets sales, and there have been significant changes to investment return interest rates. As a result of these changes, this report requests approval to amend the limits that can be invested with different counterparties.

2. PROPOSALS

- 2.1 As the Government backed banks, Lloyds Group and RBS have the security of Government backing, the current limit with these institutions is set at £8m. The investment strategy being followed is to place as much of the core cash balances of the Council with these two institutions in order to maximise returns whilst minimising the risk. Typical 1-year returns from these 2 institutions have fallen dramatically over the past 6 months from 3% to 1.1% as a result of the Bank of England's strategy of making funds available to the banks. As a result of this all banks are offering lower rates for investments as they have easier access to capital from the Bank of England.
- 2.2 Other credit rated banks that fall within the criteria set out in the Treasury Management Strategy Statement have a limit of £4m. This includes the Council's own bank, HSBC.
- 2.3 The Council has recently opened an overnight deposit account with HSBC that attracts a rate of 0.50%; typical overnight rates offered by other institutions, including Money Market Funds (MMF's) are around 0.40%. The Council has in the past used MMF's quite extensively for overnight deposits as the rates offered were close to 0.80%, but again, as a result of more capital in the banking system, rates have fallen. The added benefit of using the HSBC account is that there are no transaction charges for placing the funds in the account which are incurred when sending funds to other institutions.
- 2.4 HSBC is one of the largest global banks and has the highest short term credit rating of F1+ from Fitch and P1 from Moody's.
- 2.5 Therefore, it is proposed that the counterparty limit with HSBC be maintained at £4m for investments up to 3 years in duration but that an additional £2m be allowed for additional investments that are for less than 1 month in duration. This would give an overall limit of £6m which could be placed with HSBC at any one time, but that £2m would have a duration of less than 1 month.

The Council has approached its Treasury advisors, Sector, regarding these proposals and they have indicated that the strategy does not put the Council's investments at any additional risk.

2.6 Non credit rated institutions that have assets over £1bn be limited to investments of £2m. This would include the Cumberland Building Society.

2.7 The revised limits and investment criteria are set out at **Appendix A**, and in summary would be as follows:

Lloyds Group/ RBS	£8million
HSBC	£6million (split £4m long term, £2million less than 1 month)
Other Credit Rated banks/institutions	£4million
Non Credit Rated Banks/Building Societies	£2million

2.8 A further review of counterparty limits will be undertaken later in the year to ensure limits continue to best meet the investment needs. Officers attended a Treasury seminar on 25th April where alternative investments instruments were discussed such as corporate bonds; all alternatives will continue to be reviewed.

2.9 Under delegated powers, the Director of Resources has re-tendered and awarded the contract for Treasury Management Advisory Services for a two year period, with an option to extend for a further two years.

3. CONSULTATION

3.1 The Council's Treasury Advisers have been involved in the Strategy and proposals contained within this report.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 The Executive is asked to:

- (i) approve the investment counterparty limits as outlined at Appendix A and set out in paragraph 2.7, for recommendation to Council;
- (ii) note that the contract for Treasury Management Advisory Services has been re-tendered and awarded under powers delegated to the Director of Resources.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1 To ensure that the Council's investments are in line with appropriate policies including the Treasury Management Strategy Statement.

Contact Officer: Steven Tickner

Ext: 7280

Appendices attached to report: Appendix A - Approved investment instruments

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's – n/a

Community Engagement – n/a

Economic Development – n/a

Governance – The Council's Treasury Management Strategy is defined in Article 4 of the Constitution as being part of the authority's "Budget". As such, it is correct for the matter to be considered by Overview & Scrutiny prior to recommendation to the Council by the Executive.

Local Environment – n/a

Resources – Contained within the report

APPROVED INVESTMENT INSTRUMENTS

Specified Investments

All such investments will be sterling denominated, with **maturities up to maximum of 1 year**, meeting the minimum 'high' rating criteria where applicable. **A maximum of £4m of the investment portfolio** will be placed with any one counterparty or banking group, or a maximum of **£8m of the investment portfolio for Lloyds Group banks and RBS Group Banks and £6m with HSBC Bank (with £2m being limited to investments less than 1 month in duration)** whether by way of specified or non-specified investments except for building societies without a credit rating where **the limit will be £2m**.

Fixed Term Deposits with fixed rates and maturities:-	Minimum 'High' Credit Criteria	Use
Debt Management Agency Deposit Facility	Government backed	In-house
Term deposits – local authorities	--High level of security	In-house
Term deposits – U K banks**	Short-term F1 (Fitch) or P1(Moodys)	In-house
Term Deposits – UK building societies**	Short Term F1 (Fitch) or P1 (Moodys) or as determined by the Director of Resources	In-house
Fixed term deposits with variable rate and variable maturities: -	Minimum 'High' Credit Criteria	Use
Callable deposits	Short-term F1 (Fitch) or P1 (Moodys)	In-house
Certificates of deposits issued by UK banks and building societies	Short-term F1 (Fitch) or P1 (Moodys)	In-house buy and hold
UK Government Gilts	Government backed	In-house buy and hold
Bonds issued by multilateral development banks	AAA	In-house on a 'buy-and-hold' basis.
Bonds issued by a financial institution which is guaranteed by the UK government	AAA	In-house on a 'buy-and-hold' basis.
Collective Investment Schemes structured as Open Ended Investment Companies (OEICs): -	Minimum 'High' Credit Criteria	Use
1. Money Market Funds	Short-term AAA	In-house
2. Enhanced Cash Funds	Short-term AAA	In-house
3. Government Liquidity Funds	Short-term AAA	In-house

** If forward deposits are to be made, the forward period plus the deal period should not exceed one year in aggregate.

Non-Specified Investments:

A maximum of 50% will be held in aggregate in non-specified investments

1. Maturities of ANY period.

	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Term deposits with non credit rated UK Building Societies	As approved by the Director of Resources. Minimum asset base of £1bn	In-house	50	364 days

2. Maturities in excess of 1 year

	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Term deposits – local authorities	Any authority	In-house	50	3 Years
Term deposits – UK banks and building societies	Long-term A (Fitch) or A2 (Moody's)	In-house	50	3 Years
Fixed term deposits with variable rate and variable maturities	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
Certificates of deposits issued by UK banks and building societies	Long-term A (Fitch) or A2 (Moody's)	In house on a 'buy and hold basis'	50	3 Years
UK Government Gilts	Government backed	In house on a 'buy and hold basis'	50	3 Years
Bonds issued by multilateral development banks	AAA	In-house on a 'buy-and-hold' basis.	50	3 Years
Bonds issued by a financial institution which is guaranteed by the UK government	AAA	In-house on a 'buy-and-hold' basis.	50	3 Years
Collective Investment Schemes structured as Open Ended Investment Companies (OEICs)	Minimum Credit Criteria	Use	Max % of total investments	Max. maturity period
1. Bond Funds	Long-term AAA	In-house	50	3 Years
2. Gilt Funds	Long-term AAA	In-house	50	3 Years

The Council uses Fitch (primarily) or Moody's ratings to derive its counterparty criteria. All credit ratings will be monitored monthly. The Council is alerted to changes in credit ratings through its use of the Sector creditworthiness service. If a downgrade results in the counterparty/investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.

EXCERPT FROM THE MINUTES OF THE RESOURCES OVERVIEW AND SCRUTINY PANEL HELD ON 6 JUNE 2013

ROSP.38/13 TREASURY MANAGEMENT COUNTERPARTIES

The Director of Resources submitted report RD.08/13 concerning Treasury Management Counterparties.

The Director reminded Members that the Treasury Management Strategy for 2013/14 had been approved by Council on 5 February 2013. However, since that date average investment balances had increased as a result of asset sales, in addition to which there had been significant changes to investment return interest rates.

As a result of the above the Director of Resources outlined a proposal to amend the limits which could be invested with different counterparties. He further summarised the revised limits and investment criteria (as set out at Appendix A), namely:

Lloyds Group / RBS	£8 million
HSBC	£6 million (split £4 million long term, £2 million less than 1 month)
Other Credit Rated Banks/institutions	£4 million
Non Credit Rated Banks/Building Societies	£2 million

A further review of counterparty limits would be undertaken later in the year to ensure limits continued to best meet the investment needs.

The Executive had on 7 May 2013 (EX.43/13) considered the report and decided:

“That the Executive:

1. Approved the investment counterparty limits as outlined at Appendix A and set out in paragraph 2.7 of Report RD.08/13 for recommendation to Council.
2. Noted that the contract for Treasury Management Advisory Services had been re-tendered and awarded under powers delegated to the Director of Resources.”

RESOLVED – That the Treasury Management Counterparties report (RD.08/13) be noted.

Report to Executive

**Agenda
Item:
A.4**

Meeting Date: *1st July 2013*

Portfolio: *Economy and Enterprise*

Key Decision: *Yes: Recorded in the Notice Ref:KD*

Within Policy and Budget
Framework *YES*

Public / Private *Public*

Title: *CARLISLE DISTRICT LOCAL PLAN 2015-2030 PREFERRED
OPTIONS CONSULTATION – POLICIES*

Report of: *Director of Economic Development*

Report Number: *ED.17/13*

Purpose / Summary:

This report details the policy content of the draft Preferred Options stage Carlisle District Local Plan. These policies alongside the site allocations brought before Executive on 17th June, will provide the framework for development in Carlisle District for the period 2015-2030.

Recommendations:

That Executive

1. Consider the feedback from Economy and Environment Overview and Scrutiny Panel and the table of minor amendments.
2. Refer the draft Preferred Options stage Carlisle District Local Plan to Council on 16th July for approval for public consultation.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

1.1 As detailed in the previous report to Executive ED.11/13 preparation of the Carlisle District Local Plan has been ongoing since 2010, with two consultation documents and extensive public engagement: The Core Strategy Key Issues Paper (January-March 2011) and the Issues and Options Paper (September-October 2011). Feedback from these consultations has helped to inform the policies set out within this report.

1.2 The introduction of the National Planning Policy Framework (NPPF) in March 2012 resulted in a shift away from the requirement for Councils to produce the multi document Local Development Framework(LDF) back to the Local Plan system where only one all encompassing policy document is produced.

1.3 In line with the National Planning Policy Framework (NPPF) we have taken opportunity to develop a Local Plan enabling us to both bring forward a complete plan containing up to date strategic and non strategic development management policies as well as site allocations (being considered alongside the policies at separate Committee meeting in this cycle). It is considered that the provision of an all encompassing Local Plan will help provide greater certainty for developers and communities about the future development of Carlisle and will enable the delivery of much needed homes, businesses, infrastructure and cultural offer.

1.4 Members of Executive considered report ED 11/13 on the (31st May 2013) on the policies of this draft plan. The document has since been before Economy and Environment Overview and Scrutiny Panel for consideration at their meeting on the 13th June. The feedback from Overview and Scrutiny Panel is discussed below. Table 1 sets out the suggested changes from O&S alongside minor amendments that have come to light as Officers have continued to refine the policies during this Committee cycle.

2. PROPOSALS

2.1 Overall Overview and Scrutiny Panel were pleased with the work that had been undertaken on the draft policies with the majority of policies requiring little discussion. Useful points such as additional references for inclusion in the glossary were highlighted and officers have continued to proof read the document to identify and amend any grammatical or typographical errors.

2.2 Some discussion took place regarding policy 49- Educational Needs and the wording of part of the policy and supporting text. It was considered that the policy should be

amended to reflect the fact that its not limited only to schools sites but a broader range of educational facilities, and the supporting text be amended to remove the reference to schooling issues in the rural area.

2.3 Officers present at the Panel reported that no other significant changes were suggested to the document. Minutes of the meeting were not available at the time of writing this report however should any additional comments be noted in the minutes Members will be verbally updated at Committee.

2.4 The table below identifies, along with the Overview and Scrutiny comment on Policy 49-Educational Needs, the minor changes to the draft Plan identified by Officers.

Table - Amendments to Policies/supporting text

Policy or Para	Action taken
1.19	Delete bullet point relating to Carlisle South Masterplan because it is not going to be developed until later in the Plan period.
1.19	Add reference to the Local Transport Plan to list of supporting documents and evidence base.
Policy S6 Carlisle Airport	Reference to policy removed, airport/airport related uses moved to revised policy 1 being covered under allocations reports.
4.64	4th sentence amended to include camping and chalet sites aswell as caravan sites.
4.65	Paragraph amended to include camping and chalet sites aswell as caravan sites as they also require site licenses.
Policy 15 Rural Diversificaiton	Policy amended to include criterion 4 - 'not to lead to an increase in traffic levels beyond the capacity of the surrouning local highway network.
4.78	Added in 'structures of a certain scale' as large developments may require full planning permission.
Policy 47 Sustainable Drainage Systems	in the policy box state the full words first sustainable drainage systems instead of just SUDs
Policy 48 Doctors' Surgeries and Health Centres	change the word endure to ensure
8.4	Add - In addition to this, for the rural area, there has been an indication that a site for a medical centre will be required in Brampton over the course of the plan period. As such a site located off Carlisle Road has been identified for this purpose. It is expected that this will come forward through the delivery of new housing adjacent to the site.

Policy 49 - Educational Needs	change the last sentence of policy to "suitable new education sites" as the policy doesn't just talk about school sites
8.7	remove part of text that says there are no significant schooling issues in the rural area. This was part of information provided by Cumbria County Council for the Infrastructure Delivery Plan.
Policy 51- Access, Mobility & Inclusion	add a colon to second paragraph 'it should';
Policy 53 - Safeguarding Zones	removed the word policies from the maps in policy 53 p188 and added in the appendix name to the policy and para 8.41.
Policy 53 - Safeguarding Zones	added in the Coal Authority safeguarding area.
8.44-8.56	remove the Policy 54 (a), (b), (c), (d), (e)
created Appendix 2	added an appendix to show safeguarding zones maps.

*additionally all policy numbers and appendix titles have been updated.

3. CONSULTATION

3.1 A seven week public consultation is proposed to take place between 29th July - 16th September 2013 (extended from the previously proposed six week period). A consultation strategy has been drawn up with the Communications Team to ensure a wide variety of opportunities to engage with the public are identified.

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

4.1 Approval of the preferred options policies, along with the site allocations, will enable continued progress on the development of the Local Plan in line with the timescales set out in the Local Plan project plan. Having an up to date Local Plan in place is a requirement set out by central Government and is essential in providing the Council with the tools for an effective Planning Service and to ensure that Council and community aspirations for Carlisle District are met.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

5.1 The Local Plan will deliver the key elements of the vision of the Carlisle Plan in particular: "We will support the growth of more high quality business and employment opportunities", "We will address Carlisle's current and future housing needs" and "We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle".

Contact Officer: Helen Jackson

Ext: 7182

Appendices attached Appendix 1 - Carlisle District Local Plan 2015-2030 preferred options
to report: Summer 2013

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- ED.11/13, ED.13/13, ED.14/13

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - The Local Plan will help to deliver the objectives of the Carlisle Plan

Community Engagement – The Local Plan policies will help deliver the housing strategy and address community issues when development proposals are considered.

Economic Development – The Local Plan provides the basis for delivering economic growth and guiding development proposals throughout the District.

Governance – The Local Plan is prepared under the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008 (as amended by the Localism Act 2011).

Local Environment – The protection of green space and the delivery of the Green Infrastructure Strategy will be addressed through the Local Plan as well as tackling a number of local environmental issues.

Resources - The preferred options report is produced within the Council's own planning policy resources with the use of existing budgets to undertake the required evidence base.

Carlisle District Local Plan 2015-2030

PLANNING CARLISLE'S FUTURE

Preferred Options Consultation Summer 2013

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1 Introduction

The New Local Plan

1.1 This new Local Plan is central to the future development of Carlisle District. It sets out the long term spatial vision of the District for the next 15 years and beyond, including our strategic objectives, spatial strategy and Development Management policies. The Local Plan will indicate in broad terms what development will be delivered in the District, and where.

1.2 The Plan seeks to set the policy framework to support the development of a thriving economy in Carlisle District whilst protecting those things that are important to us all. With a drive for the District to grow, the plan identifies a number of sites for new employment, new housing and new infrastructure to accommodate the growth needed to achieve the vision and objectives of this plan.

1.3 The Plan identifies the Council's preferred location of new development across the towns and villages of Carlisle District and the detailed planning policies that will be used to determine planning applications. We acknowledge that the Plan is ambitious but we know from the supporting evidence that it needs to be.

1.4 The following sections in the introduction set out how the Plan has developed, how it fits into the national context, how we have evidenced our approach, how we have engaged with neighbouring Councils, and, importantly, how you can be involved as the Plan evolves.

1.5 To date, working to the requirements of the 2004 Planning and Compulsory Purchase Act, the preparation of the Plan has focused on the development of a 'Core Strategy'. This has included strategic policies to define the quantity and distribution of new development across the District and identify strategic development sites essential to the delivery of the Plan as a whole. We have now modified this approach, taking the opportunity to develop a Local Plan as recommended by the National Planning Policy Framework. This opportunity has made it possible for us to adopt an innovative approach to plan preparation, to both accelerate the detail of the Plan and to provide greater certainty for developers and communities. Your responses to both the Key Issues and Issues and Options Consultations have been taken on board and used to inform this Preferred Options document.

1.6 Whilst the Carlisle District Local Plan still provides a new framework for development to 2030, it now includes a comprehensive range of policies to determine planning applications as well as identifying strategic development sites essential to the delivery of the Plan and other non-strategic allocations. This revised approach will ensure that the Plan will be finalised at the earliest possible opportunity, and that deliverable development sites will be available across the

District to deliver the Plan as soon as it is adopted. It also embraces the concept of Localism, should local communities wish to promote additional development through Neighbourhood Development Plans.

1.7 The Plan identifies a clear strategy for Carlisle centred upon the ambition to make sure that the District's economy is strong and able to generate employment opportunities and high quality jobs. Active community involvement at each key stage of plan preparation has helped to mould the Plan and previous consultation responses can be viewed on our website at www.carlisle.gov.uk/localplan

The Localism Act and the National Planning Policy Framework

1.8 The Localism Act has introduced a number of important reforms to the planning system. The National Planning Policy Framework is a streamlined framework replacing the previous Planning Policy Guidance Notes and Statements. The Carlisle Local Plan embraces and reflects these changes.

The Localism Act 2011

1.9 The Act set out its intention to abolish all regional level plans. The North West Regional Spatial Strategy (RSS) has now been revoked (20th May 2013).

1.10 The Act also introduces the concept of Neighbourhood Planning for smaller areas. The Development Plan will therefore now comprise the Carlisle District Local Plan (i.e. this Local Plan), any Neighbourhood Plans that may be prepared by parish councils, or in un-parished areas by Neighbourhood Forums and also the Cumbria Minerals and Waste Local Plan (MWLP). They allow communities to develop a vision of what their area should be like and make decisions on where certain types of development should go. They go through a formal preparation process but importantly need to be in line with the strategic policies of the Carlisle Local Plan and are about facilitating development, not stopping it.

1.11 The Localism Act introduces a Duty to Co-operate, requiring the Council to work with neighbouring authorities on cross boundary planning issues and issues of common concern (see paragraphs 1.11-1.12).

The National Planning Policy Framework

1.12 The National Planning Policy Framework (NPPF) (2012) states that each local authority should produce a Local Plan for its area which can be reviewed in whole or in part. Additional planning documents should only be used where justified. This is different from the previous Local Development Framework system with its suite of

documents and an overarching Core Strategy. The NPPF does however, reiterate that planning should be genuinely ‘plan led’ when determining planning applications.

The Duty to Cooperate

1.13 The Duty to Cooperate ensures that local authorities undertake a wide range of engagement and discussions with relevant local authorities and public organisations to ensure that there has been in the past, and will be in the future a high level of cooperation in the plan making process. Regular liaison meetings have been held with consultees to ensure that issues of common concern continue to be taken into account as the Plan evolves. Notably, the Council has and will continue to work with all neighbouring authorities, Cumbria County Council and other relevant organisations such as the Environment Agency and United Utilities.

1.14 As an outcome of this cooperation the Plan seeks to recognise the economic, social and environmental linkages with neighbouring areas and has provided opportunities for joint working and policy development. At the end of the process a duty to cooperate statement will be published.

Supporting Documents and Evidence Base

1.15 The Carlisle Local Plan Preferred Options is accompanied by a number of other documents, some of which are essential to the delivery of the Plan.

1.16 The Draft Infrastructure Delivery Plan identifies the strategic and local infrastructure necessary to deliver the development proposals in the Carlisle District Local Plan. New development is often dependent on the delivery of essential infrastructure including flood prevention, transport improvements and sewage treatment works. Similarly, the development of new sustainable communities requires the provision of health, education and community facilities as well as access to jobs, to create sustainable communities for the future. The Infrastructure Delivery Plan will be reviewed and updated throughout the lifetime of the Plan to identify and ensure the timely delivery of essential infrastructure.

1.17 Section 206 of the Planning Act 2008 (The Act) confers the power to charge Community Infrastructure Levy (CIL) on certain bodies known as charging authorities and came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010 (now amended by the Community Infrastructure Levy (Amendment) Regulations 2011). This provides the enabling powers for Local Authorities to apply CIL to development proposals to support infrastructure delivery which in turn will support delivery of this Development Plan.

1.18 The Council is yet to make a judgement as to whether a CIL should be adopted. Any final decisions will be subject to viability studies being undertaken and an Examination in Public.

1.19 A number of supporting documents and evidence papers have contributed to the preparation of the Plan. Further information can be found on the Evidence Base page of the Council's website on the following publications:

- Duty to Co-operate (Ongoing);
- The Sustainability Appraisal of the Plan (ongoing);
- Rural Proofing of the Plan (ongoing);
- Habitat Regulations Assessment of the Plan (ongoing);
- Housing Needs and Demand Study (2011);
- Affordable Housing Economic Viability Assessment (2013)
- Strategic Housing Land Availability Assessment (ongoing);
- Employment Land Review (2010);
- Strategic Flood Risk Assessment (2011);
- Green Infrastructure Strategy (2012);
- Cumbria Landscape Character Guidance Toolkit (2011);
- Retail Study (2012);
- Cumbria Renewable Energy Capacity & Deployment Study (2011);
- Sports Facilities, Recreation, Open Space Strategy (Draft 2013);
- Gypsy & Traveller Accommodation for Cumbria (due for completion July 2013);
- City Centre Master Plan (ongoing);
- Infrastructure Delivery Plan (ongoing);
- Carlisle South Masterplan (ongoing);
- Statement of Community Involvement (updated 2013);
- Viability Assessment of Local Plan;
- Cumbria Surface Water Management Plan;
- Health Impact Assessment;
- Equality Impact Assessment;
- Economic Potential Study;
- Rural Masterplanning
- Cumbria Local Transport Plan 3

Rural Masterplanning

1.20 The City Council has been working with Parish Councils and rural communities in 22 of the larger villages and small towns to help determine future options for the location of housing and other new development in our rural areas. The work has

been carried out in collaboration with the Commission for Architecture and the Built Environment (CABE). Detailed settlement profiles are being or have been drawn up for each village. Residents of the villages and the surrounding area have been given the opportunity to contribute their aspirations for future development within their village.

1.21 The profiles look at existing services and their capacity, for example the number on the school roll, frequency of bus services, viability of the shop/pub etc. We have also been looking at how villages relate to each other, for example, where the children go to primary school, access to public transport and health care, and where the nearest shop is located. The surrounding landscape is also assessed and important views into and out of villages identified, together with areas of wider landscape which frame the edge of the village and are unlikely to be suitable for development. This information has been used to inform this plan and will continue to be a useful tool when assessing planning applications. Settlement profiles are available on our website.

Sustainability Appraisal

1.22 Sustainability Appraisal (SA) is a statutory process integrated into the preparation of all aspects of the Carlisle District Local Plan. The process measures the potential impacts of the Plan on a range of economic, social and environmental considerations, and includes the requirements of Strategic Environmental Assessment legislation.

1.23 At the Issues and Options stage, the Plan was subject to a scoping SA. The results of this exercise were used to inform the preparation of this Preferred Option document. Furthermore all policies and proposals in the Preferred Options Local Plan have been subject to SA and where appropriate changes made to incorporate SA recommendations. Where the recommendations have not been incorporated into the Plan an explanation is provided.

1.24 The detailed SA appraisal will be published on the Councils website for consultation concurrently with this stage of the Plan.

Habitat Regulation Assessment

1.25 Habitats Regulation Assessment (HRA) is integral to the development of land use plans such as the Carlisle Local Plan as it provides a statutory process to assess the potential impact on Natura 2000 sites. Natura 2000 sites are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within Europe: they include Special Protection Areas (SPAs) designated under the European Union 'Wild Birds' Directive; Special Areas of Conservation

(SACs) designated under the EU 'Habitats Directive'; European Marine Sites (EMS) and Ramsar Sites. As the Habitats Directive applies the precautionary principle, plans can only be adopted if no adverse impact on the integrity of site(s) in question is proven. To ascertain this a Screening Assessment, followed by an Appropriate Assessment, where necessary, will be undertaken.

1.26 In order to comply with the requirements of the Habitat Regulations a Screening Assessment was undertaken at the Issues and Options stage of the Core Strategy. This not only informed the Screening Assessment of the Preferred Options, but also identified areas that would require Appropriate Assessment. The draft Final HRA Report which accompanies this Plan presents the Screening and Appropriate Assessment of its policies and allocations.

Equality Impact Assessment

1.27 Undertaking an Equality Impact Assessment (EQIA) ensures that everything we do promotes equality and allows us to assess any risk of discrimination before introducing new policies. We will continue to incorporate the principles of EQIA into all elements of the Plan as it develops. An Equality Impact Assessment on the Preferred Options Local Plan is available to view alongside this consultation, together with a report into 'Rural Proofing'.

Health Impact Assessment

1. 28 A Health Impact Assessment (HIA) seeks to measure the potential health impacts of a policy, programme or project on the wider population. Carrying out a HIA on the Local Plan has helped to ensure that the proposals outlined in the plan have been judged against the effects it may have on the health of the population. Ultimately the HIA aimed to reduce health inequalities, contribute to improved health and contribute to better decision making. As planning has a key role to play in the delivery of healthy sustainable communities it is important that it has been assessed against health principles. We will continue to incorporate the principles of HIA into all elements of the Plan as it develops.

Monitoring

1.29 Following the introduction of the Localism Act Councils have greater freedom to establish their own set of indicators which are appropriate to their area. Many of the existing indicators, previously reported within the Annual Monitoring Reports, will be retained but others are deemed as less useful and are proposed to be removed or replaced. The report builds upon the traditional monitoring of house building and employment sites and monitors the Council's performance against the Local Development Scheme.

1.30 The Annual Monitoring Report is produced once per year. A series of indicators have been identified to assess the relative effectiveness of each policy, specific to Carlisle. The report covers the financial year prior to its publication and includes contextual information regarding the current picture of development across the District.

Stages of Plan Preparation and Next Steps

1.31 Preparation of the Carlisle Local Plan has been ongoing since 2010, starting with the collection of a comprehensive evidence base. We subsequently published two consultation documents and undertook extensive public engagement.

1.32 The Core Strategy Key Issues Paper (January-March 2011) consulted the local community and a variety of stakeholders and on the Council's initial thinking on the issues facing Carlisle and those that the Core Strategy could try to address. We had a fantastic response to the consultation, with over 1500 representations made.

1.33 Responses to the Key Issues Consultation then fed into the production of the Issues and Options Paper which we consulted on between September and October 2011. Contained within the document we asked a number of questions and provided a range of options as to how we should address some of the issues you identified as being the most important for Carlisle to address. It also set out the spatial vision for the District which has been used to guide this Preferred Options stage. We had over 100 responses to this consultation.

1.34 We have also engaged throughout the plan preparation process with stakeholders and the public and have continued to attend public meetings and receive comments outside of formal consultation periods. This has included attending and presenting at Parish Council meetings and providing updates to the public through the Councils' residents magazine and consultees through our Localism in Action Newsletter.

1.35 All of the comments we have received have been used to inform each subsequent stage of the Plan, including this Preferred Options document. Once the consultation on the Preferred Options is complete the comments received will again be assessed and, where appropriate, changes will be made and incorporated into the next version of the Plan.

Next Steps

1.36 The project plan for the preparation of the Carlisle District Local Plan 2015-2030 is available in our published Local Development Scheme available on our website.

1.37 Following consultation on the Preferred Options between July and September 2013 and in order to give sufficient time to consider the responses, which may include significant numbers of representations on proposed housing sites and other plan policies, the Publication document will be published in March 2014.

1.38 Following a six week publication period which provides an opportunity for formal representations to be made to the inspector about the plan's soundness, it will be formally submitted to the Secretary of State in May 2014 with the Examination in Public to follow and thereafter the Adoption of the plan.

Getting Involved

1.39 The Council's Statement of Community Involvement sets out how the Council will undertake consultation on the Carlisle District Plan to ensure it reflects the views of stakeholders and the community.

1.40 The Preferred Options document is where the Council, for the first time, identifies the scope and content of the preferred plan in detail. This consultation is the main participation opportunity for you to get involved in shaping the emerging plan. The Plan has been refined as a consequence of the feedback you gave us at each previous consultation stage. Details of and responses to all comments at the previous consultation stages are available on our website.

How can I give my views?

1.41 You can send your responses in a number of ways, but we would like to encourage you to submit your views online, via the Local Plan consultation feedback form at: www.carlisle.gov.uk/localplan.

1.42 This method should save you time and it will allow us to process and consider your comments more quickly.

1.43 You can also send us your comments by e-mail to: lpc@carlisle.gov.uk.

1.44 As well as being available on our website this document is also available to view at all local libraries and inside the Civic Centre. Paper copies of the document and response forms are available on request using the contact details below:

1.45 For enquiries and to request copies of the document, including in an alternative format such as large print, Braille, audio tape or another language, please contact the Investment and Policy Team on the details below.;

Investment and Policy
Carlisle City Council
Civic Centre
Carlisle
Cumbria
CA3 8QG
Email: edadmin@carlisle.gov.uk
Tel: 01228 817193

1.46 All comments and completed response forms should be received by: Sept 16th 2013

2 Vision and Objectives

Vision

By 2030 Carlisle will have an established prominence in the region with a good supply of quality houses, businesses, accessible services and a wide cultural offer. This will lead to enhanced health and wellbeing of the population and a strong sense of community. Carlisle will be a more sustainable District providing those who live in, work in or visit the area with a vibrant City surrounded by high quality urban and rural environments with prosperous market towns and thriving villages. As Carlisle continues to grow the District's heritage assets, important natural landscapes and wildlife species will be protected and enhanced.

Objectives

Sustainable Development- To promote a sustainable pattern of well designed development to support the vision for managed growth.

Infrastructure- To ensure the provision of efficient and integrated infrastructure networks needed to support new and existing development, facilitate economic growth and deliver the plan strategy.

Green Infrastructure– To enhance and improve the quality of the green and blue infrastructure of the District whilst protecting biodiversity and sensitive landscapes for the benefit of Carlisle's citizens and tourists whilst meeting the need for future development.

Health and Wellbeing– To create a thriving, successful and healthy community for all.

Housing– To enable the development of a range of high quality, energy efficient housing, in a variety of locations, to meet the aspirations of the existing community and those wishing to move to the area, and which will help build communities and support economic growth.

Economy – To create opportunities for economic growth by increasing the working age population, the skills available, the diversity of the economy and the physical infrastructure to deliver it.

Heritage– To conserve, enhance and promote Carlisle's heritage and opportunities provided by the historic landscape to generate maximum social and economic benefit whilst ensuring that proposals are sympathetic to the elements that make Carlisle and Cumbria special.

Climate Change and Flood Risk– To ensure Carlisle is more resilient and less vulnerable to the impacts arising from Climate Change through avoiding inappropriate development in areas at greatest risk of flooding whilst embracing the principles of renewable energy and energy efficiency.

Spatial Portrait

2.1 This spatial portrait aims to describe the District's geography, environment, economy, social and cultural characteristics and movement patterns i.e. a snapshot of the District as it is now. It also highlights the key issues associated with the District as a whole.

2.2 Carlisle's identity is largely shaped by its extensive rural hinterland. It has an important agricultural economy, its setting in an area of high landscape value, including a coastal and upland landscape recognised as being of national importance. The historic core of the city traversed by rivers that are internationally important for biodiversity, and a World Heritage Site which strides across the District.

2.3 The District of Carlisle covers an area of approximately 1,042 sq km and is situated in the far north of the County of Cumbria, bounded by the Scottish border to the north, Northumberland to the east, Allerdale to the west and Eden to the south. The City of Carlisle forms the principal urban area and lies within the south western part of the District. The remainder of the District is predominantly rural in nature, with the exception of Longtown to the north and Brampton to the east, and a number of smaller villages which are scattered predominantly to the west and east of the city.

Local Character and Distinctiveness

2.4 Carlisle has an attractive and varied landscape. The District includes two Areas of Outstanding Natural Beauty (AONB), (Solway Coast and the North Pennines) as well as five main rivers the Eden, Esk, Caldew, Petteril and Lyne, and many becks and burns. The North Pennines AONB is also a European Geopark. The River Eden and its tributaries are of international importance for their biodiversity, being designated as both a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). Carlisle has a range of other sites of European nature conservation importance including the Upper Solway Flats and Marshes Ramsar site and Special Protection Area (SPA), the Solway Firth (SAC), the Irthinghead Ramsar site and the North Pennine Moors (SPA). These form part of a network of internationally important wildlife sites within the European Union known as Natura 2000.

2.5 In addition, the District is home to many rare and endangered species such as the red squirrel, great crested newt and otters, as well as habitats such as lowland raised bogs, blanket bogs and upland hay meadows.

2.6 The landscape and wildlife in Carlisle and surrounding districts underpins the economy of the area, through people's work and leisure activities, and their sense of local identity. Delivery of targeted biodiversity and landscape enhancements, therefore, has a significant contribution to make towards social inclusion and

sustainable economic development, and logically forms an integral part of all aspects of the Sustainable Community Strategy (The Community Plan for Carlisle).

2.7 The District has approximately 455 ha of public open space, which ranges from amenity open space (land which is recognised as making a contribution to the visual amenity and enjoyment of an area), to natural/semi natural greenspace, parks/gardens, allotments, play areas and outdoor sports facilities. Within the centre of the city, and located immediately next to the River Eden are two linked and important urban parks, Rickerby Park and Bitts Park. Rickerby Park is a natural park with mature trees and grazed by sheep and cattle. Bitts Park has a more formal layout with landscaped beds and trees, together with playing pitches, children's play area and tennis courts etc.

2.8 The District is rich in heritage ranging from Hadrian's Wall World Heritage site which crosses the district from Gilsland in the East to Burgh by Sands in the West, to the City walls, Carlisle Cathedral and Tullie House which are all Grade I Listed Buildings. In addition to these there are approximately another 1550 Listed Buildings and 19 Conservation Areas including areas within the City, Brampton, Longtown and Dalston as well as some of the smaller villages.

Social Characteristics

2.9 Population data collated from the 2011 Census, released in July 2012, showed that the usual resident population of the District had risen by 6.7% since 2001 to 107,500. Whilst the rate was slower than the average for England and Wales it was the highest in Cumbria.

2.10 In line with national trends, growth in Carlisle will most notably be seen in the number of older people living in the District where it is predicted that there will be a 57% increase by 2032. Approximately 68% of the population currently live within the urban area of Carlisle. In the rural areas a key feature is the sparse distribution of residents; on average there are 97 people per hectare in Carlisle's rural areas (compared to 477 regionally and 378 nationally).

Movement Patterns

2.11 The M6 motorway runs through the District linking the City of Carlisle to southwest Scotland, Northwest England and beyond. Carlisle benefits from three motorway junctions at Carleton (J42), Rosehill (J43) and Kingstown (J44). Additionally the Carlisle Northern Development Route (CNDR) provides a western link from the A595 to the M6 at junction 44. It also provides a combined pedestrian and cycle route along its 8.25km length.

2.12 From Carlisle City there is a network of 'A' roads including the A69 which links the District to Newcastle in the North East, the A7 to the Scottish Borders to

Edinburgh and the A595 to Workington and Cockermouth on the West Coast of Cumbria.

2.13 In terms of rail travel, the West Coast Main Line provides the only north/south high speed rail link serving the City, as well as links via Northern Rail to Manchester Airport. There are rail links to Newcastle and the west coast and also the historic Carlisle/Settle line which is important for tourists, commuters and freight.

2.14 Travel to work is heavily dependent on private car usage with 54.3 % people working in Carlisle District choosing to drive to work (Source: Office of National Statistics (ONS) Census 2001) despite the fact that nearly 55% of people travel less than 5km to their place of work. This level of car usage is partly due to accessibility to public transport across the District which varies considerably outside the urban area, with a number of areas having a very limited service or no service at all.

Housing

2.15 Housing Stock as of 31 March 2010 was 48,120. Nearly 85% belong to the private sector at 40,694 with the Housing Associations holding a stock of 7,402 and as the local authority housing was transferred to a Housing Association in December 2002 the local authority now only owns 24 properties.

2.16 From the 2001 census owner occupation within the district was 71% which was slightly below the Cumbrian percentage of 72% but higher than that of the North West which was 69%. The percentage living in social rented properties were 18%, 16% and 20% with the private rented sector accounting for 8%, 12% and 8% respectively.

2.17 A house condition survey undertaken in 2005 and Registered Social Landlord data 2009 identified 27% of the private sector and 12% of the social sector dwellings failed the decency standard in the urban area and 43% and 10% respectively in the rural area.

2.18 Housing in Carlisle is generally more affordable in respect of house price/earning ratio at 5% than is the case nationally which is 6.5%. However, variations in average house prices across the District identify parts of the rural area where average house prices are in excess of ten times the annual income, creating problems of housing need due to affordability.

2.19 Average household as determined from the 2001 census consisted of 2.3 persons within the district which is the same for the County.

Economy

2.20 Carlisle is a free standing city which is not directly influenced by a major conurbation. It acts as a significant employment base and the main professional centre for Cumbria as well as parts of south west Scotland.

2.21 Historically, the economy of Carlisle was based around easy access to a railway network and the textile industry which has over time declined and been replaced by other forms of manufacturing. A large proportion of Carlisle's working population are still employed in the manufacturing sector. However, the wholesale/retail trade provides employment for the largest proportion of the workforce. Employment in non-service industries, such as agriculture, manufacturing and construction are all higher than the national average. Carlisle is an important centre for agricultural services. Carlisle lies at the centre of a large rural livestock market. Within the rural area Brampton and Longtown act as employment hubs along with Dalston to a lesser extent. All three settlements have industrial estates which provide employment opportunities for people within their locality as well as the wider area.

2.22 Whilst Carlisle benefits from good connections to the M6 as well as being situated on the West Coast Main Line, there can still be a perception by businesses from outside the area of remoteness and isolation which may detract from Carlisle's attractiveness as a business location. This is further compounded by a gap in skills partially as a result of underperformance in education and low aspirations as well as a poor level of retention of graduates.

Tourism, Culture and Heritage

2.23 Tourism is of major importance to Carlisle as a generator of economic prosperity and employment. It is essential that the tourism potential of the District is promoted and exploited to maximise the benefits it can bring to the area. Carlisle's heritage is central to its attractiveness as a tourist location with Hadrian's Wall Path National Trail crossing the District.

2.24 Carlisle lies at the heart of a wealth of historic and modern attractions. From Roman remains to Norman stronghold, medieval market town to contemporary city, Carlisle has museums, art galleries, national sporting events, outdoor and indoor recreation, heritage tours, award-winning parks and nature reserves. Carlisle Racecourse lies on the edge of Carlisle, whilst in the wider rural area are a wealth of historic churches, Talkin Tarn country Park, Lanercost Priory founded in 1197 as an Augustinian Priory, and stunning countryside including the two Areas of Outstanding Natural Beauty.

2.25 Protecting heritage whilst supporting economic growth is something that the City Council is actively engaged in. The historic core of the city includes Carlisle Castle, Tullie House Museum, Carlisle Cathedral precinct, the City Walls, the Courts,

the Market Cross, the Old Town Hall and the Guildhall. The high quality environment in and around Carlisle District contributes towards Carlisle's appeal as a visitor destination and provides potential for economic diversification within the rural area; opportunities of this nature are already being supported along the route of the Hadrian's Wall Path National Trail with the development of accommodation and refreshment facilities.

Education

2.26 Education levels within the District are lower than the rest of the country at all levels. However, there has been investment made in respect of the education offer in the district which is hoped to improve this standing over the plan period.

Post 11 years

2.27 Over the last few years significant changes and investment have been made which has resulted in all post eleven education in the city, which was managed by the County Council, now having Academy Status.

Further Education

2.28 Carlisle College is the main provider of further education but also provides education opportunities for students aged over 14 with vocational and skills training for a growing number of young and mature students. It is helping to expand the skills base locally.

2.29 Outdated buildings have been replaced over the last few years with investment of around £20m. Carlisle College also provides courses in collaboration with the College of the Arts based at Brampton Road Campus of the University of Cumbria.

Higher Education

2.30 The University of Cumbria was established August 2007. There was a peak in applications in 2011, a year when there was an 'application boom' in the Higher Education marketplace nationally due to the changes in student fees. Since then, there has been a slight decrease of -3% but, compared to 2010, a much more representative year for applications, the university has seen a rise of +2.4% overall.

Social

2.31 The English Indices of Deprivation 2010¹ (which updated the 2007 indices) Carlisle District is 109th out of 326 nationally (with 1 being the highest) with 5 Lower Super Output Areas² in the 10% worst nationally which indicates great disparity

¹ <http://www.communities.gov.uk/publications/corporate/statistics/indices2010>

² **Lower Super Output Areas** – are homogenous small areas of relatively even size (around 1,500 people) of which there are 32,482 in England.

throughout the district and a slightly worsening position from the 2007 indices (ranked 122nd out of 354 nationally).

2.32 The Green Infrastructure Study March 2011 further supports the inequality across the District as it identified that the 10 most deprived super output areas of the District have on average 27% less green infrastructure cover than the 10 least deprived.

Health

2.33 Carlisle became a World Health Organisation Healthy City in 2009. Since then, the City Council has worked closely with organisations such as the NHS, Riverside and Carlisle Leisure and has gained from the Healthy City approach and network. A healthy city is one that continually creates and improves its physical and social environments and expands the community resources that enable people to mutually support each other in performing all the functions of life and developing to their maximum potential.

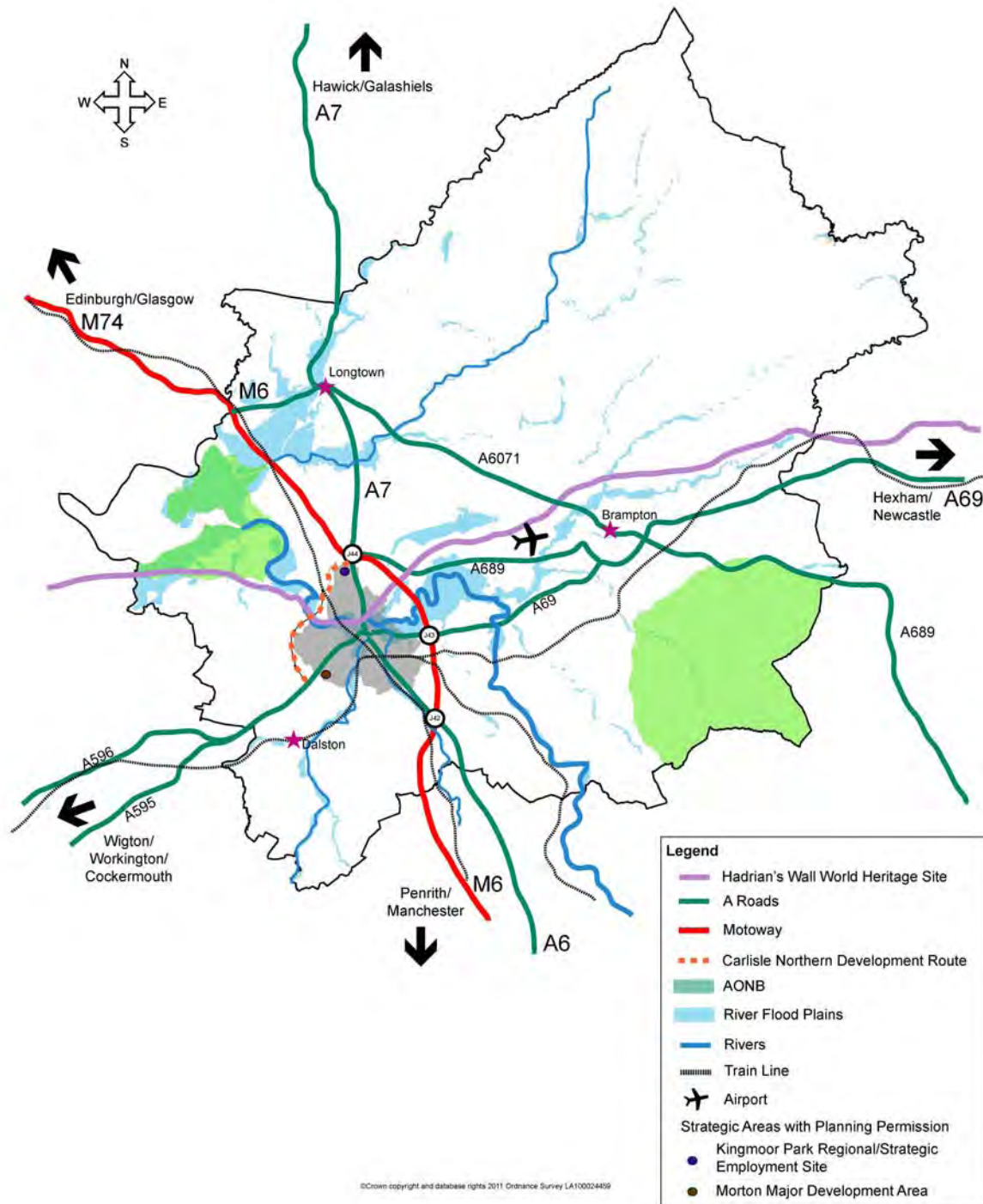
Flooding and Climate Change

2.34 The position of Carlisle at the meeting point of three rivers makes it vulnerable to the risk of flooding. In 2005 the District experienced the worst floods since 1822 which resulted in the death of 3 people and severely affected many homes and businesses. Flood defences have recently been completed offering a good level of defence against future flood risk. However, caution must still be taken when considering proposals for development in high risk areas benefitting from defences.

2.35 Specific data for the impacts of climate change on Carlisle are not readily available, but information is available on a regional basis that gives a good indication of the potential impacts. Between now and 2080, if we continue to discharge high amounts of greenhouse gases, the District could expect an impact on the following:

- more extreme weather conditions causing disruption to front line services like refuse/ recycling collections;
- higher energy costs for buildings and transport as climate change impacts on markets and trade;
- health related problems for example waterborne diseases linked to warm weather impacting on health services;
- drier summers could lead to droughts affecting parks, allotments and nature reserves putting pressure on water resources and local biodiversity;
- drier weather patterns in the summer affecting the agricultural economy through impact on crop and grass growth.

Key Diagram



3 Spatial Strategy and Strategic Policies

Sustainable Development

Objective

To promote a sustainable pattern of development to support the vision for managed growth.

Sustainable Development

What you told us:

The Issues and Options paper did not ask a specific question on sustainable development. However, the spatial distribution of growth objective is to promote a sustainable pattern of development, and sustainability in its economic, environmental and social sense should be integral to a range of policies. The following range of comments were received in relation to sustainability:

- strong support for increased cycleways, footpaths, bus routes, sustainable transport options in the rural and urban areas;
- the plan needs to have a commitment to address climate change and its impacts, particularly by promoting sustainable transport, energy sources, design and construction and reducing flood risk;
- biodiversity and landscape enhancements have a significant contribution to make to sustainability;
- the plan needs to establish health and wellbeing links to enable Carlisle to be a more sustainable community;
- the University has a role to play in achieving the sustainable growth ambitions of the city;
- sustainable building techniques are important;
- employment should be focussed in sustainable locations;
- sustainable development can take place outside settlement boundaries;
- support for re-using redundant rural buildings;
- to keep rural settlements sustainable, need to develop close to a range of local services and facilities, and employment opportunities and recognise that villages work in clusters;
- need to produce more food locally.

Policy S1 - Sustainable Development

When considering development proposals the Carlisle City Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved

wherever possible, and to secure development that improves the economic, social and environmental conditions of the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

Justification

3.1 The principle of sustainable development was first defined in 1987 in ‘Our Common Future’ also known as the Brundtland Report. This Report formed the basis of the 1992 Earth Summit in Rio. Rio+20 took place in June 2012, and the commitment to sustainable development was renewed in order to ensure the promotion of economically, socially and environmentally sustainable future for the planet and for present and future generations.

3.2 The current United Kingdom Sustainable Development Strategy (Securing the Future), sets out five guiding principles of sustainable development:

- living within the planet’s environmental limits;
- ensuring a strong, healthy and just society;
- achieving a sustainable economy;
- promoting good governance;
- using sound science responsibly.

3.3 The NPPF draws out the three dimensions to sustainable development:

- an economic role – contributing to building a strong, responsive and competitive economy; and
- a social role – supporting strong, vibrant and healthy communities; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

3.4 These roles are interdependent, and to achieve sustainable development, economic, environmental and social gains will be achieved through all aspects of planning. The Local Plan therefore guides new development to sustainable locations, and seeks to ensure that all new development results in an enhanced quality to the built, natural and historic environment, as well as to overall quality of life for everyone.

3.5 The purpose of planning is therefore to help achieve sustainable development. The presumption in favour of sustainable development will be implemented through the development management process. However, policies protecting AONB, Sites of Special Scientific Interest, and the intrinsic value and beauty of the countryside etc can not be over ridden by the presumption.

Alternative Option

3.6 The NPPF states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (paragraph 15). This clear expectation in the NPPF that Local Plans should provide a policy to reflect the presumption in favour of sustainable development therefore means that a policy is required therefore there are no reasonable alternative options in respect of this policy.

Which Local Plan policy is superseded:

3.7 This policy supersedes Policy DP1 – Sustainable Development Locations in the Carlisle District Local Plan 2001 – 2016.

Policy S2 - Spatial Strategy

- This policy will follow with the land allocations

Design

Consultation so far/What you told us:

Local character was a strategic overarching issue that was consulted upon as part of the Issues and Options consultation and over 90% of respondents felt that new development should be influenced by local character in order to maintain and enhance the District's distinctiveness. This highlighted the importance that should be placed on achieving high quality design in all development proposals.

Policy S3 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

1. respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
2. take into consideration any important landscape or topographical features and respect local landscape character;
3. reinforce local architectural features to promote and respect local character and distinctiveness;
4. ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping are well related to one another to ensure a well integrated, successful and attractive development;
5. ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
6. ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put into place and on-site replacement of those features will be sought;
7. include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
8. ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
9. ensure that the layout and design incorporates adequate space for waste and

recycling bin storage and collection; and

10. seek to utilise locally sourced traditional materials to help to retain and enhance the local character of existing and new buildings and their environments. The reinstatement of existing traditional materials will also be sought following repairs to roads, pavements, kerbs and underground services.

Justification

3.8 Good design should be the aim of everyone involved in the development process. It is essential to improving environmental quality by producing attractive, vibrant and sustainable places with a strong sense of place, in which people want to live, work and recreate. These principles will help to ensure that the development itself is not only well designed, but also complements and enhances the existing environment. Developments should also seek to encourage a healthy lifestyle through the provision of opportunities for walking and cycling, and safe places to play where these are appropriate.

3.9 Applicants will be required to demonstrate how design matters have influenced the detail of their scheme.

The use of locally sourced materials can help new developments to integrate more successfully into the local surroundings. The encouragement to utilise such materials does not seek to stifle opportunities for innovative design but respond appropriately to local character.

3.10 Surface materials can have a significant impact upon the character of an area (particularly within conservation areas), and can be an important design element of a new development. Roads, footpaths and other areas of hard landscaping should be designed to cultivate a 'sense of place' and to contribute positively to the character of an area. Retention and/or reinstatement of materials such as setts, cobbles, sandstone kerbs and flags will therefore be expected where works are carried out on roads and pavements in order to not degrade the character and quality of the area.

3.11 The inclusion of a landscaping scheme should be treated as an essential consideration in the design process, not an afterthought. Landscaping schemes can take two forms: soft landscaping which includes tree and shrub planting; and hard landscaping concerning paving, walls etc. Where appropriate, the Council may require the partial implementation of a landscaping scheme prior to the completion of the development in order to reduce the impact of the construction works on site in the interim period. The proposed development should be situated to reflect the mature growth of species above ground and landscaping schemes should take account of the position of underground services.

3.12 In areas where there are no significant local traditions or where positive character elements are lacking, proposals should seek to create a strong and attractive local identity through intelligent, innovative and imaginative design.

3.13 In addition to this policy consideration must also be given to any additional design guidance/policies or site specific supplementary planning documents including those set out in Neighbourhood Plans.

Alternative Options

3.14 The Government attached great importance to good design as it is a key aspect of sustainable development. The NPPF states that Local Plans should develop robust and comprehensive policies that set out the quality of development that will be expected. Therefore the alternative option to have no policy would not meet the policy objectives of the NPPF.

Which Local Plan policies are superseded?

3.15 Policies CP5 Design and CP7 Use of Traditional Materials have been combined and refreshed in this new design policy.

Green Infrastructure

What you told us:

Consultation on the Core Strategy Issues and Options revealed strong support for seeking developer contributions to secure the inclusion of green and blue infrastructure within all new development, where possible, and the enhancement of existing networks within a locality. Concern was expressed that the Council needs to be sure that contribution requirements are not excessive and don't stifle growth by making new development unviable.

This was the only formal question asked during the consultation; however, a number of other messages relating to green infrastructure came forward during the process. These included the idea of promoting the protection of and provision for biodiversity through on site and local blue and green infrastructure projects, ensuring that any Sustainable Drainage Schemes to be included on a site are well integrated with local blue and green infrastructure networks, and the need to ensure the continued upkeep and maintenance of existing green infrastructure routes and links. A number of requests for the Council to secure better access to open space and countryside were also received.

Policy S4 - Green Infrastructure

Appropriate and viable conditions, legal agreements and developer contributions will be used to secure new and integrated provision of green and blue infrastructure on, or associated with, new development. Existing assets will be protected in order to establish a holistic, healthy and accessible green and blue infrastructure network.

New development will work towards delivering, where appropriate and achievable, outcomes of The Big Green City Green Infrastructure Strategy for Carlisle.

Wherever possible new development will be expected, either on site or through contributions to assets elsewhere, to:

1. be well connected to and accessible by existing green infrastructure links such as footpaths, bridleways and cycle routes and seek to connect settlements through the creation of new links and green corridors or through the enhancement of existing ones;
2. not compromise the routes of existing green infrastructure links. Where route diversions are required the Council, in consultation with the Cumbria Transport Authority, shall ensure that they are appropriate and of similar or better quality than the original;
3. protect and enhance key ecological habitats and wildlife corridors, including watercourses, wetlands, woodlands and parklands;
4. improve the urban environment through appropriate and sensitive landscaping on site;
5. include provision for biodiversity through species-appropriate landscaping, suitable levels of lighting, the installation of artificial shelters (such as bird boxes) or other forms of habitat creation, enhancement, restoration and maintenance; and
6. ensure that any Sustainable Drainage Systems (SUDS) are designed to compliment and integrate with existing green and blue infrastructure on a site and within the wider area.

The lines of disused railways which have potential for future recreation/green transport use will be protected.

Key projects which would significantly contribute to the green and blue infrastructure network across the District and beyond will be supported.

Local Green Space:

Local communities wishing to designate highly valued areas as Local Green Space will be supported. Local Green Spaces designations will need to demonstrate local significance in terms of their beauty, historic significance, recreational use, tranquility or richness of wildlife. They will also need to be closely located to the community they serve and not cover excessively extensive tracts of land. Once designated, Local Green Spaces will be protected from development unless exceptional, overriding need or public interest can be demonstrated.

Justification

3.16 The NPPF expects planning authorities to plan positively for the creation, protection, enhancement and management of green infrastructure and ecological networks, such as habitats, green spaces and connecting corridors and sustainable transport links.

3.17 Green Infrastructure should be planned into new development, particularly development which may be vulnerable to the impacts of climate change, in order to assist with adaption and mitigation measures.

3.18 Access to good quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Local communities are encouraged to identify and protect green (and blue) areas of particular importance and value to them through the local plan process and the designation of land as Local Green Space – such designations would then be protected from harmful development other than in exceptional circumstances. A Local Green Space must be closely related to the community that wishes to protect it. Communities will be expected to demonstrate that the site is of local significance, due to either its; natural beauty and how it improves the character of a settlement or neighbourhood; historical significance; frequent recreational use; tranquil atmosphere; or its richness of wildlife, particularly if it provides key habitat for endangered species. Proposals for the designation of a Local Green Space solely as a means to prevent development will not be accepted.

3.19 The Carlisle Green Infrastructure (GI) Strategy (2011) looks at the green infrastructure assets within the district council's boundary and proposes a number of ways they may be capitalised upon for the benefit of the environmental, social and economic sectors. New development should make the most of the district's rich natural environment and its excellent access to both the countryside and urban green spaces alike. New development, be it residential, commercial or industrial, should have elements of green infrastructure integrated into the design. Provision should be made on site for green infrastructure through

landscaping and open space provision and connectivity to existing green spaces and the wider green infrastructure network should be ensured.

3.20 Where development is needed on the edge of the city care should be taken at the planning stages to ensure that aspects of green infrastructure are well integrated into the design and that the development reflects, enhances and capitalises on the open and semi-rural nature of such locations.

3.21 The strategy highlights a particular lack of accessible green space within the city centre, emphasising the value this places on those green spaces that are present and the importance of ensuring that they are protected and enhanced wherever possible. Beyond the city centre, those communities with the greatest deficit of high quality green space or with the greatest need for such areas should be a priority in terms of establishing local connections to the Green Infrastructure network and in terms of creating new open spaces and enhancing existing ones.

3.22 In terms of blue infrastructure within the urban area, there are 3 rivers that run through the City. These waterways tend to be hidden from view however. Methods of opening up views of the rivers and incorporating them, where possible (such as through the development of river features like Holme Head Weir) into future development should be explored.

3.23 Productive landscapes also fall under the definition of green infrastructure. These landscapes can help power the rural economy through forestry, agriculture and tourism will be protected from inappropriate development.

3.24 The strategy highlights the importance of biodiversity in ensuring a high quality natural environment within Carlisle, and in some instances the urban landscape can be just as species rich as parts of the open countryside, if not more so. Through planning, the protection of biodiversity should be a key consideration with measures to enhance and create habitat included within development where possible and appropriate. Green connections and corridors, particularly along the river banks, between wildlife sites should be enhanced and established where the opportunity arises.

Alternative Option

Do not include a Green Infrastructure policy within the Local Plan

3.25 This option is not considered reasonable as it would not be in accordance with national policy. Not having a policy would fail to recognise the importance of Green Infrastructure within the Carlisle plan area and could lead to the unacceptable and avoidable loss of natural assets. It is also contrary to comments received during issues and options consultation which request the Council to proactively consider green infrastructure within strategic planning policy.

Which Local Plan Policies are superseded?

- 3.26** For the most part this is a new policy. Policies LC9 – disused railway lines and LE4 – River Corridors have been incorporated into the green infrastructure policy.

Policy S5 - Regeneration and Strategic Retail in the City Centre and Botchergate

- This will follow with the City Centre Master Plan

University Development

What you told us:

During the consultation on the Core Strategy we recognised that the University of Cumbria will play a significant part in the local economy over the lifetime of this local plan. There was clear support for allowing the rationalisation and redevelopment of existing sites to accommodate their future needs. There was also a recognition that should they wish to expand this should relate well to the urban area with a variety of existing vacant sites referred to for teaching space or student accommodation.

Policy S6- University Development

Proposals for the expansion of University education in Carlisle will be acceptable providing that:

1. it is of a scale that reflects the surrounding area; or
2. it results in the refurbishment of a vacant building; and
3. does not detract from the amenity and quality of the surrounding environment; and
4. satisfactory access can be achieved.

Justification

3.27 The University of Cumbria has now become well established in Carlisle having brought together previous further education offers in Carlisle. They continue to operate from the original premises around the City rather than a single campus. In order to develop a future strategy for higher education the University of Cumbria have been reviewing their existing operations and the use of premises as part of a new Masterplan for their presence in Carlisle. This policy protects the existing sites for their continued use but also makes provision for expansion as a key facilitator of raising skills and educational attainment in Carlisle.

Alternative Options

No university development policy

3.28 This option would mean a lack of support for the future plans for the University of Cumbria and a lack of recognition of the important role they play as part of the local economy. It is important that the university is allowed to grow however in recent years with the introduction of fees it is more difficult to confirm exact plans as this has had an impact on student numbers nationally. Nevertheless a lack of policy could stifle the future role the University will perform in the City.

Which Local Plan Policy is Superseded:

3.29 This policy supersedes Policy DP8 in the Carlisle District Local Plan 2001-2016.

4 Economy

Objective

To create opportunities for economic growth by increasing the working age population, the skills available, the diversity of the economy and the physical infrastructure to deliver it.

4.1 For some time the City Council has been committed to delivering economic growth for its residents, businesses and visitors. This has been reinforced in the Council's corporate "Carlisle Plan" setting out key priorities for the City Council. This Local Plan will be one of the mechanisms to help deliver economic growth by ensuring that the planning regime is supportive of existing businesses and provides the environment for businesses to invest and expand.

4.2 The Carlisle Employments Sites Study along with work on the Local Economic Assessment and Economic Potential identify the strengths of the local economy along with indicators of where improvements are required to sustain economic growth. One of the key issues has been the quality and choice of employment locations for companies to invest. This plan will address the longer term needs and ensure that appropriate sites are brought forward to strengthen the local economy as well as providing for investment and redevelopment for existing businesses.

Policy 1 Employment and Commercial Growth Land Allocations

- To follow with the allocations part of the plan. Carlisle Airport and airport related development is included within this policy.

Primary Employment Areas

What you told us:

There was a mixed response to the future of existing employment areas with the majority clearly wanting them retained but an acknowledgement that they also need to allow for investment particularly from existing businesses who may want to expand in the longer term. A lot of responses recognised the need for investment in those areas and some redevelopment may be required. There was no single existing employment area identified for wholesale redevelopment but there was a recognition that uses wider than the traditional employment Use Classes of B1/B2 and B8 should be allowed. In summary, the response indicated that a combination of factors were needed for the future of existing employment areas.

The specific question asked about the existing policy which recognised the traditional employment uses but was restrictive in its guidance. The responses set no single direction for future policy but neither did they stringently adhere to the existing policy. It is therefore the first option to consider whether the policy can be adapted to reflect the views of the consultation.

Policy 2 Primary Employment Areas

Within Primary Employment Areas proposals for B1, B2 and B8 Uses will be acceptable.

Permission will be given for redevelopment or change of use where the site adversely affects neighbouring residential properties or local amenity and this adverse effect is removed. Permission will only be granted where the proposed alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent premises would not be prejudiced.

Trade counters and retailing from employment premises will be restricted to that ancillary for the main operation of the B1/B2/B8 business. Planning conditions may be imposed to ensure that the use remains ancillary to the main operation. Use Class A1 premises will not be allowed on primary employment areas unless it is a small component of a servicing area for that employment area e.g. Kingmoor Park Hub or have been well-established in the existing employment area. Other Class A premises will be restricted in scale and permitted development rights to change to A1 may be removed.

Sui generis uses may be appropriate in Primary Employment Areas dependent upon the nature of use but only where there would be no negative impact on other existing business premises.

In the Sandysike/Whitesyke areas proposals for the redevelopment and extension to existing industrial and warehousing premises will be acceptable provided that:

1. the proposal does not have an adverse impact on the landscape; and
2. the proposal does not involve the loss of existing tree cover; and
3. where appropriate, opportunities are taken to reinforce existing landscaping; and
4. adequate access and appropriate parking are provided.

Justification

4.3 Primary Employment Areas are the existing employment areas particularly in Carlisle, Bampton, Longtown and Dalston along with smaller sites in the rural area. They are typically the industrial and business estates already established and home to a variety of local employment. The wide variety and nature of these areas means that it is difficult to treat them all with equal policy direction. However, they all have varying degrees of similar issues particularly when there is interest from non-traditional employment uses and alternative sites are limited.

4.4 The National Planning Policy Framework contains a clear direction to secure economic growth and support from the planning system. This policy is designed to ensure that business located in employment areas can expand and invest and if required reconfigure their sites to help provide further employment opportunities. It also recognises that other types of uses can co-exist to make the areas more sustainable.

4.5 The NPPF recognises that Local Plans should support existing business sectors taking into account where they are expanding or contracting. This policy will recognise employment first in primary employment areas but also recognises the NPPF reference in paragraph 22 that different land uses can support sustainable local communities.

4.6 The Carlisle Employment Sites Study of June 2010 acknowledged the great variety in the quality of employment sites with some performing more sustainable functions than others. The consultation on the Key issues did not reveal a desire to remove any particular employment area at the moment although some sites were less attractive and less sustainable. This policy will help to encourage investment in all employment areas with the key aim of retaining employment uses to provide the wide variety of sites required for existing business in Carlisle district.

Alternative Option

Relaxation of Primary Employment Areas

4.7 Whilst the NPPF does recognise that some employment allocations may need to change over time, this option would mean that piecemeal change could occur across the whole of the employment areas throughout the district. This random policy could have harmful effects on all employment areas and those which currently rate as attractive and sustainable could be undermined by higher value uses driving out employment. This would be harmful upon the economy and limit the opportunity for existing business to confidently invest in their area. This would be contrary to supporting economic growth and could affect the sustainability of existing employment sites.

Which Local Plan Policy is Superseded:

4.8 This policy supersedes Policy EC1 Primary Employment Areas in the Carlisle District Local Plan 2001-2016.

Mixed Commercial Areas

What you told us:

There were no specific questions relating to mixed commercial areas in the last consultation on the Core Strategy Issues and Options. Some of the general responses to primary employment areas recognised that allowing uses other than B1/B2 and B8 could be useful. Mixed Commercial Areas perform that type of function and are found around the edges of the city centre and industrial areas and in smaller locations where a variety of uses co-exist without one dominant type.

Policy 3 Mixed Commercial Areas

Within Mixed Commercial Areas, proposals for B1 (Business), B2 (General Industrial) and B8 (Warehousing) uses will generally be acceptable. A1 (Retail) and A2 (Financial and Professional) will only be acceptable if a sequentially preferable location within a Primary Retail Area is either not available or suitable for the proposed use, and that the proposed site can be defined as an edge-of-centre location. In all cases the following criteria must be met:

1. the relationship of the site to the highway network is satisfactory; and
2. access to the site is satisfactory; and
3. appropriate parking provision can be provided; and
4. the scale of development is appropriate in relation to the site and the amenity of adjacent uses is not prejudiced.

Proposals for residential development may be acceptable, subject to a satisfactory relationship with existing uses, and provided that there would be no unacceptable loss of employment land.

Justification

4.9 The NPPF contains a clear direction to secure economic growth and support from the planning system. It is not specific about any single type of employment. Neither does it restrict its definition of supporting economic growth to only the B class uses of development. It is therefore anticipated that other uses will seek to create employment opportunities during the plan period. As a consequence they must have somewhere to locate and have access to a wide range of services. The Mixed Commercial areas provide a wide range of uses without being too prescriptive over the type of business which should be carried out in those locations.

4.10 Rather than having fixed employment uses in these areas it allows the areas to change. This change includes the potential to revert to residential use as long as this doesn't impact on the businesses remaining in the area through impact on amenity or business operation such as conflicts arising from noise or transport. A change to residential use in some areas may help improve those communities and provide the necessary footfall required to maintain some of the existing businesses.

Alternative Option

No mixed commercial areas

4.11 This option would mean a lack of policy direction for a large area of mixed uses without safeguarding existing businesses. Whilst the NPPF recognises that long term protection should not prevent businesses from being able to move or redevelop in an area neither is it intended to have negative impacts on existing businesses as a consequence. Without this policy piecemeal redevelopment of areas could be detrimental to those businesses remaining in an area and this policy allows a mix to develop in the context of surrounding uses.

Which Local Plan Policy is Superseded:

4.12 This policy supersedes Policy EC2 – Mixed Commercial Areas in the Carlisle District Local Plan 2001-2016.

Primary Retail Areas

What you told us:

There were no specific questions relating to the primary retail area although there were questions relating to the city centre in the Core Strategy consultation. The response about City centre shopping was clear that this should be retained as much as possible. There was a recognition that this is changing with the advance of out of town supermarkets and internet shopping and that the city centre may contract but it should remain a destination for retail as well as combining it with its historic attractiveness and tourism potential. The key was seen to be not allowing further out-of-town development and help to strengthen the offer in the centre. The main aim is to support the maintenance and enhancement of the vitality and viability of city and town centres through encouraging an appropriate balance and diversity of uses within each Centre, including the retention of a suitable level of retail activity.

Policy 4 Primary Retail Areas

Proposals for the redevelopment, refurbishment or adaptation of existing shop premises within the Primary Retail Area will be permitted provided that

1. proposals are complementary to, enhance, or do not adversely affect the townscape of the area; and
2. traffic generated by proposals can be satisfactorily accommodated on the surrounding road network; and
3. satisfactory access for service vehicles can be provided, should the scale of the proposal require such provision.

Any change of use which is permitted should make provision for views into the building or for a window display in keeping with the character of the frontage;

Within the Primary Retail Area planning permission will not be granted for the change of use of ground floor shops to non-retail uses where this would lead to an unacceptable concentration of such uses undermining the vitality and viability of streets as shopping streets.

The primary retail area is to be used as the main town centre reference for any sequential test to be undertaken.

Justification

4.13 The NPPF specifically mentions that emphasis should be retaining the vitality of town centres. The Government has supported this through additional research and review from Mary Portas on how town centres can meet the challenges of modern shopping demands.

4.14 The Carlisle Retail Study 2012 also recognised that the City Centre must remain the key focus for retail development and that its sub-regional role as a shopping destination should be strengthened. Although survey work indicated that it has a strong attraction and high retentive rate of spend in the local area a modest enhancement will help secure its long term attractiveness. To this end the city centre retail area must be protected and ensure that it can adapt to changing trends.

4.15 The main policy objective within the primary retail area is to maintain its vitality and viability with high levels of representation of retailing at ground floor level. Changes of use which could result in concentrations of non-retail uses and the creation of lengths of "dead" frontage are contrary to this objective. The City Council will therefore resist proposals for changes of use or the conversion of retail premises to other uses. Restaurants and cafes may be permitted because of their contribution to vitality of the primary retail area.

Alternative Option

No defined primary retail area and policy

4.16 This option would mean that it would be difficult to resist changes to the city centre that detracted from Carlisle's well established strong position as a retailing sub-regional centre with a wide catchment area for north Cumbria and Southern Scotland. Whilst it is recognised that retailing is changing and there will be changes to the city centre make up of business premises, it is important to retain the vitality and viability of the city centre. As a consequence any proposals to change away from the retailing dominance should demonstrate that they would not adversely impact on city centre vitality and viability.

Which Local Plan Policy is Superseded:

4.17 This policy supersedes Policy EC4 – Primary Retail Area in the Carlisle District Local Plan 2001-2016.

Primary Shopping Frontages

What you told us:

There was no direct question relating to primary shopping frontages in the Core Strategy Issues and Options consultation (October 2011). However, the vitality of the city centre, and the importance of the retail offer, was often mentioned in comments submitted by consultees. Many responses mentioned the need to ensure the city centre provided an attractive environment for major, quality retailers to establish a presence there. There was also a consistent concern of the loss of shops to bars, restaurants and takeaways, particularly where vacancies were present, although there was still recognition of the changing nature of the retail sector with the growth of online retailing reducing the relevance of the high street as the dominant retail environment.

Policy 5 Primary Shopping Frontages

Within the Primary Retail Area, Primary Shopping Frontages are defined on the Policy Map. At street level proposals should aim to continue A1 retail use as much as possible in order to retain the vitality and viability of the Primary Retail Area. Other uses, including Business Use (B1), Financial and Professional Services (A2), Restaurants and Cafes (A3) and Drinking Establishments (A4) or other leisure uses suitable for the city centre can be considered within Primary Shopping Frontages where it can be demonstrated that A1 retail is not a viable continued use and where they would not impact upon the viability of the city centre as the primary retail area. Any changes of use within the Primary Shopping Frontage area should aim to either retain, enhance or replace to improve as much of the shop front design and layout as possible.

Justification

4.18 This policy is inline with the NPPF and allows for the positive, promotion of a competitive town centre environment and outlining a strategy for the management and growth of the city centre over the next 15 years. The extent of the city centres and primary shopping areas is defined on the policies map.

4.19 The continued vitality and viability of the city centre is paramount. Maintaining areas of clearly defined primary shopping frontages will plays a part role in this, but there also needs to be recognition of recent changes in the retail sector with the growth of online retailing and the impact of past out-of-town retail parks and the affect this has had on the high street as a retail destination. In order to ensure the continued vitality and viability of the city centre it is becoming apparent that a more flexible approach is required as centres increase their role as destinations for leisure related uses, i.e. eating, drinking and socialising.

4.20 A1 retail uses currently dominate the ground floor of the primary retail area and Carlisle is still the premier retailing destination for Cumbria and indeed parts of south west Scotland. However, there are a number of vacant units within the city centre, including within the

designated primary frontage area. Vacancies within the primary retail frontage are on a downwards trend but it must still be taken into consideration that these vacant units can represent a vulnerability to the primary retail area if left vacant for a significant amount of time, especially within primary shopping frontages. The primary shopping frontage policy must therefore allow for possible alternative uses of a unit where continued A1 use is no longer viable and unlikely to be viable in the long term, provided that the alternate use, be it for a bar, cafe, restaurant, or any other leisure/commercial use, is appropriate to the city centre and would not jeopardise Carlisle's position as the primary retail destination for the County and beyond.

Alternative Options

1) No primary shopping frontages policy within the Core Strategy

4.21 This is not a realistic alternative option. Having no policy on this in the Local Plan would remove the Planning Authority's ability to protect primary shopping frontages in the primary retail area and could cause severe harm to the vitality and vibrancy of the city centre.

2) Increase restrictions on converting primary shopping uses to restrict A3 and A4 uses (bars and restaurants) within the city centre

4.22 This option would fail to take into account the changing nature of the city centre as a retail destination and could impact upon its viability and vitality if vacant units are unable to change to alternative, yet city centre appropriate, uses. As such, it is not considered a suitable option.

Which Local Plan Policy is Superseded:

4.23 This policy supersedes Policy EC6 – Primary Shopping Frontages in the Carlisle District Local Plan 2001-2016

Retail Proposals outside the Primary Retail Area

What you told us:

We asked questions about where future comparison shopping should be located and the response was clear that the sale of comparison goods should remain focussed on the city centre to ensure that it remains the prime location for development.

Some responses recognised the need for larger operators but wanted to see how that could be reconciled with the city centre. Although not a planning policy matter several comments were about free parking in the city centre which would then put the city centre on an equal footing for retail parks. How the car parks are managed is integral to how attractive the centre remains as well as the retail offer it provides. There was limited support for increasing the range of goods sold at non city centre stores.

There was one question relating specifically to comparison shopping and this supported the policy of retaining the focus on the city centre and strengthen the offer.

Policy 6 - Retail Proposals outside the Primary Retail Area

Proposals for retail use will not be permitted outside the city centre except on sites allocated in this Plan. Outside of those allocations, if a qualitative and quantitative need can be demonstrated and it can be shown that no more sequentially preferable site exists, development may be permitted only where all of the following criteria are met:

1. there is an essential requirement to transfer bulky customer loads from store to car;
2. the site is widely accessible by public transport;
3. the proposal is of a scale which will not seriously affect the viability, vitality or regeneration of the City Centre;
4. additional traffic can be satisfactorily accommodated within the surrounding road network;
5. there will be no harm to the visual character of the area or the amenities of adjoining land uses; and
6. there will be no unacceptable effect on overall travel patterns.

Proposals for the extension of floorspace (including the use of a mezzanine floor) at existing larger stores or retail warehouses will also be considered in relation to the above criteria.

This policy will apply to any retail proposals over 200m².

Justification

4.24 The NPPF mentions large stores in paragraph 26 when it considers that proposals for retail, leisure and office development should undertake a sequential test. The aim of section 2 of the NPPF is to ensure that the vitality of town centres remains. For Carlisle this means that the city centre should remain the main focus of retail development.

4.25 The Carlisle Retail Study 2012 found that there was limited spare capacity in the initial years of the plan period and therefore any development should aim to reinforce the city centre as the prime retail location. In order to achieve this with the limited capacity available, the threshold to introduce the sequential test should be considerably reduced, so that smaller units should consider the city centre first. The threshold should be set at 200m².

4.26 In order to ensure that the city centre remains the focus it is therefore important that sufficient sites are set aside in the plan through allocations to allow for the growth envisaged by the retail study. With these locations identified it is therefore possible to provide the stronger policy to resist development in inappropriate locations.

Alternative Option

Allow out of centre growth for comparison retail

4.27 The retail study identified capacity for comparison goods post 2021. It would be possible to allow out of centre expansion of retail parks and their redevelopment to provide a stronger competitive edge to the likes of Gretna retail park. Whilst this is feasible it would lead to the deterioration of the city centre. Carlisle has only limited retail park development and has focused over many years on protecting and enhancing the city centre offer. This has to provide a strong and resilient city centre which although struggling in the current economic climate has remained a desirable retail destination. It would be inappropriate to allow that to deteriorate by allowing piecemeal retail development expanding the remit of existing retail bulky goods stores or further out of town development.

Which Local Plan Policy is Superseded:

4.28 This policy supersedes Policy EC5 Large Stores and Retail Warehouses in the Carlisle District Local Plan 2001-2016.

Neighbourhood Shopping Parades

What you told us:

Although there were no direct questions about the role and function of neighbourhood shopping parades within the Core Strategy Issues and Options consultation, one question in the retail chapter of the document did touch on this issue. Consultees were asked what the future strategy for planning for food stores in the Local Plan should be. Options for responses included: a) a freeze on large retail stores until a review in 2021; b) allowing for a new superstore in the City Centre; c) allowing for existing superstores to extend their current size to cater for future growth; or d) of most relevance to this policy, allow smaller food stores to develop in smaller neighbourhoods. The majority of responses (33) to this question supported the option to plan for smaller food stores within smaller neighbourhood areas, followed closely, with 31 responses, by the option to stop allowing large retail superstores to be built until at least 2021. This indicates a desire from local communities to support established neighbourhood centres and protect them from competition with large superstores.

Policy 7 - Neighbourhood Shopping Parades

Proposals for small scale retail development within defined neighbourhood shopping parades will be acceptable providing that:

1. it is well related to existing shopping provision; and
2. it does not adversely affect the amenity of any adjacent residential areas; and
3. appropriate access, parking and security arrangements can be achieved; and
4. the design of any new development is attractive and in keeping with the character of the locality; and
5. it would not affect the viability or vitality of the city centre

Proposals for small scale commercial uses other than local convenience and comparison retailing and local services will be acceptable where it can be demonstrated that they are needed to support an existing retail use.

Justification

4.29 The NPPF is keen to promote the idea of healthy communities, which involves ensuring neighbourhoods provide the local services and facilities that the community needs to meet its day to day requirements.

4.30 The NPPF states that to service the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and neighbourhood shops.

4.31 The Carlisle Retail Study was produced in autumn 2012. Whilst its main focus was on the retail sector within the city centre, it also considered the role of small neighbourhood shopping parades within the urban area which serve the immediate day to day shopping needs of the community at a neighbourhood level.

4.32 Neighbourhood shopping centres are identified as performing a shopping top-up function for local residents. The Council should seek to maintain the convenience offer within these local centres as appropriate. The exact boundaries of local centres have been identified on the policies map.

4.33 The following neighbourhood shopping parades have been identified within the city:

- Petteril Bank Road, Upperby Bridge;
- Central Drive/Pennine Way, Harraby;
- Blackwell Road, Currock;
- Boundary Road/Upperby Road, Upperby;
- Wigton Road, Caldewgate;
- Stonegarth, Morton;
- Newlaithes Avenue, Morton;
- Holmbrook Road, Whernside;
- Shady Grove Road, Raffles;
- Warwick Road;
- Scotland Road, Knowefield;
- Victoria Road, Botcherby;
- Denton Street;
- Orton Road/Wigton Road, Morton.

4.34 In 2012, Department for Communities and Local Government published a report into the role of neighbourhood centres – *Parades of Shops: Towards an understanding of performance & prospects*. This report attempted to analyse the performance of neighbourhood shopping parades across the country, drawing from a number of case studies. The recommendations in that report have informed this policy. Planning for neighbourhood shopping parades is flexible, recognising the integral role they play in within local communities – not just for their retail or service offer, but also for their social function, as well as allowing businesses to adapt to changing circumstances and grow into areas other than retail, such as small scale manufacturing and other more commercial land uses (maintenance/repair shops, workshops, dress makers, etc). Neighbourhood shopping parades also play an important role in place shaping, as the appearance of a parade has an important impact on the perception of the local neighbourhood itself. Run down and poorly maintained parades can lead to perceptions of anti-social behaviour, crime and deprivation.

There is evidence that investment in the public realm, Closed Circuit TV, parking provision and other amenity improvements in and around neighbourhood centres can improve the economic performance and social perceptions of the area.

Alternative Options

No neighbourhood shopping parades policy within the Local Plan

4.35 This option would rely on national policy, which does not provide local context in terms of identifying and subsequently protecting and enabling the enhancement of neighbourhood shopping parades within the city.

Which Local Plan Policy is Superseded:

4.36 This policy supersedes Policy EC7 – Neighbourhood Facilities in the Carlisle District Local Plan 2001-2016.

Policy 8 - Morton District Centre

- This policy will follow with the allocations part of the plan.

Shop Fronts

What you told us:

There were no specific questions relating to shop fronts in the consultation on the Core Strategy Issues and Options. Though some of the general responses to the Local Character chapter mentioned the need to protect and preserve historic and well designed aspects of the townscape, which would include consideration of the design of shop fronts within town centres.

Policy 9 - Shop Fronts

Well designed and appropriate shop fronts whether original or reproduction should be retained wherever practicable and if necessary restored when the opportunity arises and it is considered pertinent to do so by the Local Planning Authority. New shop fronts should create a strong sense of place with a local context and relate in scale, proportion, materials and decorative treatment to the relevant façade of the building and, where appropriate, to adjacent buildings and/or shop fronts, with consideration being given to Supplementary Planning Guidance 'Shopfronts Design Guide' or successor documents.

Within a conservation area changes to shop fronts and new shop fronts will be acceptable only where the design contributes to the preservation and enhancement of the area's character, appearance and setting, and provided the following criteria are met:

1. any original or period features are to be retained or restored;
2. the proposal relates well in scale, height, proportions, materials and detailing to other parts of the building, adjoining shop fronts and the street scene generally;
3. the proposal does not involve a single shop front spanning two or more frontages; and
4. Does not involve the use of inappropriate modern shop front features

In the Botchergate Conservation Area, the Council shall support proposals for shop front renovation, restoration and new shop fronts that are in line with the Botchergate Conservation Area Management Plan and that actively work towards enhancing the street scene within that area.

Justification

4.37 The NPPF does not specifically mention shop fronts within policy. It does however place great emphasis on how local planning authorities should aim to achieve high standards of design within public spaces. Development, such as the creation of a new shop front or which would impact upon an existing, high quality shop front, should seek to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. It should also respond to local character and

history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation.

4.38 There are a number of well designed and traditional shop fronts in the plan area, particularly in the City Centre, Botchergate, Brampton, Longtown and Dalston. Special care is needed when dealing with proposals which might detract from the character of a building and, where it is considered appropriate and pertinent, the traditional features of well designed and high quality shop fronts should be retained whenever alterations are being carried out.

4.39 The Council has also produced Supplementary Planning Guidance on the design of shop fronts. Published in 1994 the guidance is still relevant and offers useful information on how people wishing to install new shop fronts or alter existing ones can do so in keeping with the traditional styles of frontages across the city and wider district. Applicants will be encouraged to have regard to the document, and any future successor documents when planning new development of this type.

4.40 The Botchergate Conservation Area Management Plan was published in June 2012. It highlights the Botchergate conservation area in particular as an area which could benefit from the protection of traditional shop fronts and the restoration of fronts that have fallen into disrepair or been lost through unsympathetic refurbishment. It also highlights how past schemes to redevelop areas with poor shop fronts have successfully brought back a traditional aesthetic to parts of the conservation area, such as the shops on the ground floor of Stanley Hall, as well as areas of low architectural value that could provide opportunities to reintroduce well designed, high quality shop fronts to help improve the visual amenity of Botchergate as a whole. Weight should be given to the approach set out in this document when considering applications concerning shop fronts within Botchergate.

Alternative Option

No shop fronts policy within the Local Plan

4.41 This option would mean that planning for shop fronts would have to rely on generic design guidance within the NPPF, which would not provide local context or specific policy to encourage the development of new high quality shop fronts and the preservation and restoration of existing fronts of value.

Which Local Plan Policy is Superseded:

4.42 This policy supersedes Policy EC8 – Shopfronts in the Carlisle District Local Plan 2001-2016.

Food and Drink

What you told us:

There were no direct questions posed to the community on eating and drinking establishments during consultation on the Core Strategy Issues and Options. However, a number of responses did broadly mention it when addressing the importance of ensuring the viability and vitality of the city centre. Some comments said that the Council should look at ways of helping the city centre function outside of the standard nine to five culture, particularly around the pedestrianised area of the centre. The recent Retail Study included surveys that sought the opinion of members of the general public on the city centre. One of the issues that came through particularly negatively was the perception of Botchergate being dominated by pubs and bars. This suggests that it is important to ensure that an area does not come to be saturated by one particular use type, with diversity being key to ensuring vitality and a pleasant evening environment within the city centre. This was mirrored during the Issues and Options consultation with a number of responses expressing strong concern of the over saturation of takeaway food outlets in and around Botchergate.

Policy 10 - Food and Drink

The Council shall aim to facilitate the creation of a vibrant and viable food and drink sector within Carlisle City Centre and other district centres.

Within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

1. the proposal does not and will not involve unacceptable disturbance to occupiers of nearby residential property; and
2. the proposal would not cause unacceptable levels of traffic generation or highway obstruction, particularly where customers are collecting food from takeaways; and
3. the proposal does not involve unacceptable intrusion into open countryside; and
4. the proposal, whether new development or conversion, compliments surrounding development or the character of the existing building; and
5. throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and possibility of disturbance to residential areas; and
6. the proposal could not be considered to be contributing towards an oversaturation of a particular use or business type within a locality

Proposals for A3, A4 and A5 related uses should be situated in accessible locations within or adjacent to existing centers in line with the sequential approach outlined in the NPPF unless material considerations dictate otherwise.

Justification

4.43 The NPPF states that planning policies should support the viability and vitality of town centres and encourage competition and greater provision of customer choice. Local planning authorities should seek to facilitate appropriate growth and diversification of pubs, bars, restaurants, takeaways, nightclubs and other town centre leisure attractions, in order to improve the range of activities available within a town centre, particularly in the evening.

4.44 The NPPF also looks at the importance of safeguarding community facilities, both in rural and urban areas. It states that planning authorities should plan positively for the provision of shared space, community facilities (such as public houses) and other local services to enhance the sustainability of communities and residential environments. Policies should guard against the loss of valued facilities and services and also ensure that established ones are able to develop and modernise in a sustainable way.

4.45 The primary evidence base document for this policy is the Carlisle Retail Study published in October 2012. It highlights how the Vue Cinema on Botchergate is a key anchor for the evening leisure offer in the city centre and currently meets the need for cinema facilities within the district. It states that whilst there is an existing restaurant sector that is informally emerging within the city centre, there exists capacity to expand this restaurant offer, with an eye to attracting larger, nationally recognised restaurant chains perhaps through the creation of a new restaurant quarter within or well related to the city centre. It also recommends that the Council should aim to maintain and effectively manage the existing provision of pubs and other late night establishments within the city through the planning process. Some environmental management concerns are highlighted around the dominance of hot food takeaways in and around Botchergate.

4.46 The Retail Study did not explore food and drink policies outside of the city, namely in the main service centres of Brampton and Longtown. In these areas the food and drink offer is largely made up of cafes and pubs during the day, whilst the evening economy largely revolves solely around small town public houses. The Campaign for Real Ale (CAMRA) has carried out extensive research into the decline of public houses in rural areas. It is against this backdrop that planning policies should aim to facilitate the development of appropriate evening service in these towns. This policy looks to enable the new development of pubs and other services within the city and other service centres, reference should therefore be made to Policy 49 Sustaining Rural Facilities and Services when considering the need to retain public houses.

Alternative Options

1) No food and drink policy within the Local Plan

4.47 This option would rely on national policy, which currently provides only general comment on ensuring the vitality and viability of town centres. It does not mention the evening economy specifically and would therefore not be inline with the Council's aims to create a better and more vibrant environment within Botchergate, the City Centre and beyond.

2) Introduce a ban on new hot food takeaways within 400m of a school, park, youth centre or other youth orientated facility

4.48 This is an option that has been explored by other planning authorities across the country as a means of tackling childhood obesity. Whilst the principle is commendable, it remains to be seen just how effective such a policy could be and therefore the practicalities of such an approach are questionable. Should consultation on this issue see a desire for a policy along these lines then the Council shall undertake further evidence to assess the viability of including wording to this effect.

3) Restrict new A5 uses within Botchergate

4.49 There was strong community feedback during consultation from the Issues and Options and in the recent Carlisle Retail Study suggesting that Botchergate has become significantly oversaturated with hot food takeaways. Wording could be included in policy to restrict the development of new A5 uses within the area. However, this could be overly restrictive and it may be better to allow the market to regulate itself, letting competition and demand control the number of hot food takeaways along Botchergate.

Which Local Plan Policy is superseded:

4.50 This policy supersedes Policy EC10 – Food and Drink in the Carlisle District Local Plan 2001-2016.

Leisure Development

What you told us:

Most comments received during the Issues and Options consultation on the Core Strategy supported the idea of focusing leisure development within the city centre, but not on one specific large site as this could rule out other suitable sites. There were a number of calls to improve the leisure offer within the city, particularly for a new theatre. It was recognised that boosting the district's leisure offer would in turn attract more visitors to the area and thus bolster the local economy.

Policy 11 - Leisure Development

Proposals for leisure development will be acceptable provided that:

1. the development is of an appropriate scale for the locality;
2. if the proposal is for land outside of a town centre, a sequential test has been applied and assessed and no central sites are deemed available or appropriate; and
3. there will be no unacceptable impact upon existing town centres;
4. the site is accessible by public transport, walking and cycling; and
5. appropriate car parking and satisfactory access can be achieved; and
6. the proposal does not have an adverse impact on the amenity of the surrounding area and land uses.

Justification

4.51 The NPPF considers leisure use to be a main town centre use and, as such, provided it is over 2,500sqm in floor space, any proposals outside of a town centre for leisure development should be subjected to a sequential test in order to establish that there are no suitable, more centrally located sites available to accommodate the proposed development.

4.52 Leisure development covered by this policy could include improvements to or the development of private outdoor facilities including the development of clubs or gymnasias, and hotel related facilities as well as the development of cultural facilities such as a theatre, art gallery, museum or library. Such proposals, provided they meet the above criteria, will improve the standard and variety of leisure provision in the District.

4.53 In rural areas, favourable consideration will be given to leisure development which aids rural diversification. However, such development should be of a suitable scale, and be

designed and sited with great care and sensitivity to its rural location. Use of land on the periphery of villages for open space purposes is likely to be acceptable.

4.54 New leisure development should normally be accessible by public transport, walking and cycling. However, for some developments in the rural area this may not be possible, especially if associated with a diversification scheme in an area with poor public transport links.

Alternative Option

No leisure development policy in the Local Plan

4.55 This would require policy to defer to national guidance, which only discusses the need for leisure development within towns and cities to be sequentially tested. The preferred option builds on this and provides criteria and context for proposals to be assessed against, it also allows for leisure development outside of towns and cities to be considered where appropriate. To defer to national guidance would mean losing this context.

Which Local Plan policies are superseded?

4.56 Policy LC1 – Leisure Development in the Carlisle District Local Plan 2001-2016.

Arts, Culture and Tourism Development

What you told us:

The Issues and Options Paper asked a number of questions relating to tourism, generating the following comments:

- encourage continued growth, development and diversity of tourism opportunities available, especially to families and recognise the contribution tourism makes to the District's economy;
- Carlisle should be branded 'ultimate day out in the north of England' focused on shopping, Tullie House and the Castle;
- need to promote tourism in Carlisle more in line with York, Cambridge and Chester;
- Carlisle should be branded as a contemporary city as well as a historical city with better facilities, e.g. first class city centre hotels;
- ensure the preservation and protection of architectural features of period buildings and protection of old buildings and sympathetic planning and design in conservation areas;
- the natural environment and green infrastructure should be promoted as a tourist draw - River Eden, Rockcliffe Marsh, RSBP reserve at Geltsdale, Solway Coast AONB, The Pennines, the Lake District National Park; and
- focus on enhancing the rural tourist based opportunities.

Policy 12 - Arts, Culture and Tourism Development

Proposals will be supported where they contribute towards the arts, cultural and tourism offer of the District and support the economy of the area provided that the following criteria are met:

1. the scale and design of the development are compatible with the surrounding area; and
2. there would be no unacceptable adverse impact on the landscape/townscape; and
3. adequate access by a choice of means of transport, including sustainable modes of travel such as cycling or long distance walking, and appropriate car parking can be achieved; and
4. the distinctive environment, culture and history of the area are safeguarded.

Hadrian's Wall World Heritage Site (WHS) is a major attraction for sustainable tourism and proposals for new tourism development which aim to promote the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.

Justification

4.57 Tourism, arts and cultural development is of major importance to Carlisle as a generator of economic prosperity and employment. It is essential that the tourism potential of the District is promoted and exploited to maximise the benefits it can bring to the area. Carlisle's heritage is central to its attractiveness as a tourist location with Hadrian's Wall Path National Trail crossing the District.

4.58 The NPPF recognises the importance of arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities) as main town centre uses and as such the Council will encourage this type of development within Carlisle City Centre. In addition, it supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors. In particular where they respect the character of the countryside, including supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

4.59 Tourism development will be considered favourably where it will assist in the economic and physical regeneration of an area and be of benefit to the local

community. Opportunities should be taken for tourism development to promote the distinctive environment, culture and history of the area as a tourist attraction. Proposals for tourism development in the rural area should seek to conserve and enhance the special features and diversity of the different landscape character areas.

4.60 The tourist industry is of major importance both at a national and local level generating economic prosperity and employment. Carlisle City Council recognises the value of these sectors and actively seeks to promote arts, culture and tourism. However, it must be recognised that to ensure sustainability, care must be taken to protect the broader fabric upon which the tourist industry depends such as our heritage, culture and natural landscape. Therefore, proposals will generally be most acceptable where they have the least environmental impact and maximum economic benefit.

Alternative Option

No Arts, Cultural and Tourism Development policy in the Local Plan

4.61 By not including a policy on this in the Local Plan, applications for development must be assessed against the NPPF. Whilst the NPPF supports this type of development, it is considered that this policy helps to add detail for development specifically within Carlisle District.

Which Local Plan policies are superseded?

4.62 This policy supersedes Policy EC15: Tourism Development in the Carlisle District Local Plan 2001-2016.

Caravan, camping and chalet Sites

What you told us:

There was not a specific question about caravan, camping and chalets in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 13 Caravan, Camping and Chalet Sites

Proposals for the development of caravan, camping and chalet sites will be acceptable provided that:

1. The siting and scale of the proposal does not have an unacceptable adverse effect on the character of the local landscape; and
2. The site is adequately landscaped; and
3. The site is contained within existing landscape features; and
4. Adequate access and appropriate car parking can be provided; and
5. The potential implications of flood risk have been taken into account within a site specific Flood Risk Assessment where necessary.

In addition, the Council will consider the need to impose seasonal restrictions through the use of planning conditions to avoid continual residential use of a site.

Justification

4.63 There are 13 existing licensed caravan sites in the District as well as a number of camping pitches and chalet sites. Most of the sites are used for short stays by those visiting the District to explore the range of attractions on offer, from Hadrian's Wall which crosses the District to Carlisle Castle in the heart of the City. Caravan, camping sites and chalets are therefore a valuable tourist facility.

4.64 Proposals for both static and touring caravan sites as well as chalets will be judged against the above criteria. In certain circumstances, seasonal restrictions will be applied by the use of planning conditions to avoid the continual residential use of a site. The scale, siting and proposed landscaping of the proposal will be particularly important in determining its acceptability. Where caravan, camping and chalet sites are to be located next to rivers, the implications of potential flooding will need to be properly addressed.

4.65 In addition to the need to obtain planning permission, caravan, camping and chalet site operators must obtain a site licence. The site licence covers such matters as the number and standard of spacing of the caravans and hygiene. The City Council's Environmental Health Section issues site licences. In addition it is important that all consents relating to water management (e.g. drainage, discharge and abstraction) are in place before caravan sites become operational.

4.66 This policy reiterates support for the sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, in line with the NPPF. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Alternative Option

No Caravan, camping and chalet Sites policy in the Local Plan

4.67 By not including a policy on caravan, camping and chalet sites in the Local Plan, this would mean that applications for this type of development would only be assessed against the NPPF. It is not considered that there is enough detail contained within the NPPF to ensure that tourism caravan sites are appropriately located or serviced.

Which Local Plan policies are superseded?

4.68 This policy supersedes Policy EC15: Tourism Caravan Sites in the Carlisle District Local Plan 2001-2016.

Rural Diversification

What you told us:

The Issues and Options consultation asked if there were any new opportunities for rural employment that we should address. The majority of people responded yes to this question, providing the following comments;

- It is recognised that there may be opportunities within the rural area as a result of farm diversification/rural crafts;
- Opportunities should be sought and encouraged within the rural area, i.e. opportunities for walking, outdoor pursuits, cycling and roman heritage in the area.

Policy 14- Rural Diversification

Development proposals to diversify and expand upon the range of sustainable economic activities undertaken in rural areas will be supported and encouraged both through the conversion of existing buildings and well designed new buildings. Any new building must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting. Proposals should:

1. Be compatible with existing agricultural operations in the rural area; and
2. Be in scale and character with its surrounding landscape and buildings; and
3. Be capable of providing adequate access and parking arrangements;
4. Not to lead to an increase in traffic levels beyond the capacity of the surrounding local highway network.

Justification

4.69 Whilst the preferred location for new development will be in villages, changes in agriculture over recent decades have resulted in a decline in farm-related jobs. As a result there is now a need to strengthen the economy in rural areas by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas. There are often opportunities for reusing or adapting surplus existing rural land and buildings for commercial, industrial, recreational or environmental uses such as guesthouses, farm shops, rural workshops or other business premises, helping the countryside to diversify, flourish and sustain itself. The City Council recognises the important and changing role of agriculture and the need for new employment in the rural area.

4.70 The use of surplus rural buildings for the provision of tourist holiday accommodation can help to retain the buildings in the countryside whilst helping to boost the rural economy. Conversion of rural buildings to holiday accommodation can, when skilfully undertaken, involve minimal alteration and therefore have little impact on the surrounding countryside. Nevertheless schemes must be sensitive to their environments and measures must be taken

to mitigate any potential environmental impacts. The NPPF supports sustainable rural tourism and leisure developments where they respect the character of the countryside. This type of development is important in areas where identified needs are not met by existing facilities in rural service centres.

4.71 Traditional, redundant and underused buildings may provide habitats for wildlife such as bats or barn owls. For those species protected by the Wildlife and Countryside Act 1981, the City Council will seek to ensure a survey is carried out and suitable precautions taken for the protection of the species and their habitat before permission will be granted. Other environmental diversification schemes may help to improve the ecological value of the rural area whilst helping to provide local employment such as schemes to implement the Cumbria Local Biodiversity Action Plan.

Alternative Option

No Rural Diversification policy in the Local Plan

4.72 By not including a policy within the Local Plan on rural diversification, the NPPF would be used to determine any applications for this type of development in the rural area. It is considered that a policy is required to reaffirm the importance of protecting the rural area from inappropriate development and as such a criteria based policy will be used to assess the appropriateness of the development in the location.

Which Local Plan policies are superseded?

4.73 This policy supersedes Policy EC11: Rural Diversification in the Carlisle District Local Plan 2001-2016.

Farm Shops

What you told us:

There was not a specific question about farm shops in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 15- Farm Shops

Proposals for the establishment of, or extension to, farm shops will be permitted provided that:

1. The enterprise would not undermine the viability and vitality of existing village shops/facilities; and
2. The range of goods sold are restricted to ensure the operation remains as a farm shop which is agricultural in character; and
3. The retail use has to be in association with an established agricultural holding; and
4. The scale, design and landscaping of new or converted facilities respects local landscape character; and
5. Such facilities are capable of being developed within the curtilage of an existing group of buildings; and
6. Adequate access and highway safety will not be compromised.

Justification

4.74 Carlisle has a vast rural hinterland and as such agricultural operations provide opportunities to sell locally produced goods. Farm shops can provide opportunities to diversify and support existing agricultural holdings in the rural area and help meet a demand for local produce in a sustainable way. It is, however, necessary to safeguard existing rural shops and services. Proposals will be considered acceptable where it can be demonstrated that no adverse impact will be generated as a result of a farm shop scheme and provided it meets the requirements set out within the policy.

4.75 The NPPF recognises the importance of planning in contributing towards supporting a prosperous rural economy through its reference to the promotion of the development and diversification of agricultural and other land-based rural businesses.

Alternative Option

No Farm Shops policy in the Local Plan

4.76 It is not considered that there is enough guidance contained within the NPPF to determine applications of this type adequately for Carlisle as it does not adequately reflect the importance of agriculture to our District. Therefore a policy is required on this.

Which Local Plan policies are superseded?

4.77 This policy supersedes Policy EC14: Farm Shops in the Carlisle District Local Plan 2001-2016.

Agricultural Buildings

What you told us:

Although there was not a specific question about agricultural buildings in the issues and options paper, the following comments were received during the Key Issues Consultation concerning;

- The negative effects that intensification of agricultural methods can have on the landscape

Policy 16 – Agricultural Buildings

Proposals for new farm buildings and extensions to existing agricultural buildings or other structures will be permitted provided that;

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. The design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable impact on any adjacent properties.

Justification

4.78 The development of farm buildings and other structures of a certain scale not requiring full planning permission instead require an 'Agricultural Determination' from the City Council. The purpose of this arrangement is to enable the Council to comment on the siting and design of particular proposals, whilst not obliging farmers to submit formal applications for planning permission.

4.79 The siting of a new agricultural building can have a considerable impact on the surrounding landscape. New buildings should therefore, where possible, integrate with both the surrounding landscape and farmstead as a whole. It may be possible to do this by using natural contours in the land or existing natural screening such as woodland, trees or mature hedgerows. The aim is not to hide a new building from sight, but to soften its outline and integrate it with the surrounding landscape. Any new planting should therefore reflect the vegetation type already existing in the locality.

4.80 New buildings should normally form part of a group rather than stand on their own and should relate to existing buildings in scale and colour. However, there may be occasions when a large building of modern design is required on a farm largely comprising traditional buildings. To avoid visual conflict, such buildings should be designed to minimise their impact by such measures as breaks in roof slope or differing roof heights and by linking the building into the landscape by planting groups of trees to soften its outline. In exceptional circumstances such buildings may be better sited away from the group.

4.81 In sensitive areas such as within the setting of a listed building, in a conservation area or AONB, it will normally be appropriate to use traditional or sympathetic materials and the colours chosen should be compatible with the setting or surrounding countryside. Many traditional buildings are important for protected species including bats and barn owls. Where such species are thought to be present in or adjacent to the existing buildings, a survey should be undertaken to determine whether bats or barn owls are present. The adopted North Pennines AONB Building Design Guide 2011 and Planning Guidelines 2011 provide further information on development of agricultural buildings in the rural area.

Alternative Option

No agricultural buildings policy in the Local Plan

4.82 It is considered that this policy is important as a basis for assessing and determining applications for agricultural determinations, as this is not fully covered by the NPPF.

Which Local Plan policies are superseded?

4.83 This policy supersedes Policy LE25: Agricultural Buildings in the Carlisle District Local Plan 2001-2016.

Equestrian Development

What you told us:

There was not a specific question on equestrian development in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 17 - Equestrian Development

Schemes relating to the development of stables, horse riding arenas and/or riding centres in the rural area will be permitted provided that:

1. There will be no unacceptable impact upon the landscape and character of the area; and
2. Adequate access arrangements and car parking can be achieved; and
3. The scheme will be well contained within existing landscape features.

Additionally the development of horse riding arenas and/or riding centres should ensure that;

1. The scheme will not have a detrimental effect upon nearby properties or surrounding land uses; and
2. The scheme reuses an existing building(s) where possible and any associated new build, where necessary and appropriate, should be located within or adjacent to an existing building or group of buildings; and
3. The surrounding roads and bridleways are adequate and safe for the increased use by horseriders, with the roads being suitable for all users; and
4. Any lighting requirement will not impact on surrounding uses; and,
5. The intensity of use is appropriate for the character of the area.

Justification

4.84 Horse riding and keeping are popular leisure activities attracting a wide range of people, as well as being an intrinsic part of rural life. Carlisle District has seen an increase in the number of proposals for equestrian development; this trend is likely to continue due to changes in the rural economy providing scope for diversification in rural businesses. The NPPF supports sustainable rural tourism and leisure developments where they respect the character of the countryside.

4.85 Horse keeping can be an appropriate use in the countryside provided that care is taken over the siting and location of buildings and that access to roads and bridleways is

adequate. As with all developments care must be taken to ensure the design of the development is appropriate. Associated buildings should be situated in one block or a tight grouping to reduce visual impact on the landscape and means of enclosure should reflect local characteristics. Proposals likely to damage sensitive areas, such as important habitats or landscapes, will not be acceptable.

4.86 Conditions may be imposed upon applicants to ensure that jumps and other equipment are removed and stored out of site to help reduce the visual impact, of the operation, on the landscape. High standards of maintenance and management are required to ensure that the activities do not adversely effect the countryside and that the horses are well accommodated and cared for. Additionally, in some cases personal consents may be placed on this type of development to restrict their use to that of the applicant

4.87 There is a highways safety issue associated with increasing levels of horse riders on the roads, therefore schemes which would give rise to excessive numbers of horses on the surrounding roads will not be favourably considered.

Alternative Option

No Equestrian Development policy in the Local Plan

4.88 Without a policy relating to equestrian development, applications for development would relay on the NPPF. It is considered that due to the rural nature of the District it is valuable to have a policy focussing on this use in order to guide this type of development.

Which Local Plan policies are superseded?

4.89 This policy supersedes Policy LE24: Equestrian Development in the Carlisle District Local Plan 2001-2016.

Advertisements

Consultation so far/What you told us:

There were no specific questions on Advertisements in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 18- Advertisements

Proposals for advertisements within the district will be permitted providing they are not detrimental to visual amenity and do not prejudice public or highway safety. All of the following criteria will be used to assess suitability:

1. Size;
2. Location;
3. Illumination;
4. Design
5. Materials
6. Means of fixture; and
7. Impact upon the street scene/local environment/landscape

Proposals for the display of advertisements within conservation areas will need to demonstrate how the historical aesthetic has been taken into consideration in the design of the advertisement. Proposals which are of an inappropriate scale, illumination or material, would lead to clutter or obstruct or detract from the character or appearance of the conservation area or the architectural features of the buildings on which they are displayed will not be permitted.

Discontinuance action will be taken to remove posters and other material considered to cause substantial injury to the character or appearance of a conservation area.

In addition, proposals for the display of advertisements outside of Carlisle, Brampton or Longtown fall under the Area of Special Control of Advertisements designation. Within the Area of Special Control proposals for advertisements will be permitted providing:

1. They comply with Regulation 21 of the Advertisement Regulations (2007); and
2. They respect the high environmental value of the Plan area; and
3. Where appropriate the complement and enhance significant areas of townscape importance

Justification

4.90 The NPPF states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

4.91 Legislation for the control of adverts comes from the Town and Country Planning (Control of Advertisements) (England) Regulations (2007). The act provided a definition of what was meant by advertisements. This included:

- Hoardings
- Balloons
- Blinds and canopies with lettering
- Flags with logos
- Fascia signs and projecting signs on shops
- Pole signs at petrol-filling stations
- Sign boards at factories
- Advance signs and billboards alongside the highway
- Menu boards at restaurants and cafes
- Posters
- Notices announcing the visit of a travelling fair or circus

4.92 Advertisements can be of high importance to the local economy and are essential to commercial activity. When well designed they can also contribute to a sense of vibrancy within a town or city centre. However, they can also run the risk of being overly dominant of the street scene and, in some instances, lead to issues with highway safety if road signs are obscured. Care within conservation areas must also be taken to ensure that advertisements have taken the historic character of the area into account and do not damage its historic integrity. The Council will require evidence of how the impact on a heritage asset has been taken into account be demonstrated.

4.93 The Town and Country Planning (Control of Advertisements) (England) Regulations (2007) state that applications for the display of adverts should be assessed according to their location and siting, dominance in the street scene, style and size, materials, colour and finish, and, where appropriate, levels of illumination.

4.94 The Area of Special Control of Advertisements covers the entire plan area, excluding Carlisle, Longtown and Brampton. Regulation 21 in the Town and Country Planning (Control of Advertisements) (England) Regulations (2007) sets out the range and type of adverts that can be displayed in an area of special control. Within this area the range and type of advertisements which may be displayed without express consent is more restricted and greater controls will be exercised over the design and materials used to respect the high environmental quality and unspoilt character of the rural area. In particular, the use of

traditional materials should be considered and where lighting is appropriate or necessary it should be subdued and concentrated directly on the sign or advertisement rather than lighting a wider area or angled up to the sky.

Alternative Option

No advertisements policy in the Local Plan

4.95 This would require policy to defer to national guidance which offers only general principles for the control of advertisements. The preferred option above is considered to provide more local context and provide clarity as to how advertisement proposals will be assessed.

Which Local Plan Policies are superseded?

4.96 Policies EC17 – Advertisements and EC18 – Areas of Special Control of Advertisements in the Carlisle District Local Plan 2001-2016.

5 Housing

Objective:

To enable the development of a range of high quality, energy efficient housing, in a variety of locations, to meet the aspirations of the existing community and those wishing to move to the area, and which will help build communities and support economic growth.

5.1 The Local Plan housing strategy aims to meet the housing needs for the District for both open market, affordable and special needs housing. It does this with reference to the evidence set out in the Housing Needs and Demand Study Nov 2011 (HNDS) on current and future demographic trends, market trends and the needs of different groups in the community. To deliver the strategy, the Plan focuses housing delivery on the City of Carlisle, whilst also allowing a proportion of housing to come forward in the rural areas. The Plan aims to achieve this through allocating specific sites for housing across the district, and setting out a policy based approach for housing on non-allocated sites.

Policy 19 - Residential Land Allocations

- To follow with the allocations part of the plan.

Housing strategy and delivery

What you told us:

A number of questions were asked in the Issues and Options paper, and through a series of workshops, which give important feedback on the level of new housing growth that the community would like to see in the district, and how and where that housing growth is to be accommodated, as follows:

District Housing Target

There were 67 responses to H1 in the Issues and Options paper, which asked whether the overall housing target should average 600/yr, 400/yr, or select a lower target which would only aim to meet the broad range of local housing needs. The replies were very evenly spread, with a third opting for each option.

In addition, through the 3 Local Development Framework (LDF) stakeholder workshops (May, Sept and Nov 2011) you told us:

- flexibility is key, the figure should be a target, not a cap;
- the focus of delivery should be in the urban area;
- the availability of housing land will influence housing targets;
- need to achieve a balance/mixed housing supply;
- an urban extension to the south of the city is needed to provide for a wide range of uses to address the imbalance between the north and south of the city and fund necessary infrastructure;
- aim for a target of 600 to meet need;
- the housing target should be more cautious than 600;
- what comes first, housing or employment?;
- the relationship between housing and economic growth/infrastructure to be emphasised;
- too much focus on the Local and Key Service Centres in the rural area. Housing should be targeted across the whole of the rural area.

Proportion of Housing Target Allocated To Urban And Rural Areas

Question H2 in the Issues and Options Paper asked about the proposed split of the district housing target between the City and the rural area.

65 people responded to this question and the majority (60%) wanted to see a higher proportion of housing allocated to the urban areas. 26% thought the distribution should be evenly split, whilst only 13% thought a higher proportion should go to the rural area.

Feedback also pointed to the current population split which is approximately 70/30% urban/rural, and that this should mirror the proposed housing distribution to avoid any reduction in new builds in the rural area. Many responses favoured a higher proportion of houses in the urban area due to access to services and community facilities, to take up opportunities for regeneration and to prevent negative impact on the character of rural areas.

In addition, through the three LDF stakeholder workshops (May, September and November 2011) you told us:

- new housing development should be focussed in the urban area;
- distribution should be based on the availability of housing land;
- there is a lack of affordable and first time buyer homes in the rural area;
- restricting housing in the rural area can prevent communities from becoming sustainable.

THE LOCATION OF NEW URBAN HOUSING DEVELOPMENT (Including Housing Allocations).

Specific site allocations were not consulted on at the Issues and Options stage of the Plan. However, a broader question was asked about the location of new urban housing development, (QH3). In addition the Council's Strategic Housing Land Availability Assessment (SHLAA) has been the subject of two separate consultations November 2010 and May-July 2012.

In relation to the location of new urban housing development we asked whether we should a) aim for new housing land allocations to be evenly dispersed across the city, or b) should new housing allocations be concentrated in a maximum of two or three different locations of a significant size on the edge of the city?

61 people responded to this question through the consultation on the Issues and Options paper. Of these, 48 chose option a) and 13 chose option b).

Additional comments submitted highlighted that:

- scattered growth does not deliver necessary infrastructure to support it;
- developing greenfield sites on the edge of the city adds to the carbon footprint and pressure on the road system;

- new housing should not be built at the expense of good quality existing homes where residents already have a sustainable community;
- the potentially surplus parts of the University estate offer an opportunity to deliver further housing in a sustainable urban location;
- another option should be added which allocates land at junction 42 of the M6;
- neither option should be chosen, but that all new housing should have a good relationship with existing employment areas and be well served by existing infrastructure;
- Blackwell village should be included within the settlement boundary for Carlisle and the Core Strategy should introduce a framework for the release of land for residential development around Blackwell;
- the Taylor Review (2008) says there will be greater opportunity for the provision of decent infrastructure by taking a 'hub and spoke' approach to new development rather than a doughnut pattern (gradually building around the edge of the City). Creating self-contained satellite neighbourhoods results in better quality environments;

In addition, through the 3 LDF stakeholder workshops (May, Sept and Nov 2011) you told us:

- mismatch between current concentrations of employment land to the north of the City and housing land to the south;
- choosing option b) provides opportunity for larger developments to cater for needs, requirements and access to services;
- clearer links need to be made between development and employment in the City;
- it is easier to build houses near employment by piecemeal development in small phases, rather than try to get a large employment site nearer housing;
- it is considered that the document would benefit from drawing greater linkages to the importance of economic growth and infrastructure. These elements are all essential to sustainable and balanced growth and are closely interlinked. Infrastructure is essential to delivery of housing. It is considered that acknowledging these linkages in more detail would be beneficial to the robustness of this document;
- the Council should be open to balanced, mixed development when meeting housing demand – lessons could be learned from Europe, where mixed developments encourage community cohesion, especially through family support.

Hierarchy of Settlements

Question H7 in the Issues and Options Paper which gave the following three options concerning the hierarchy of settlements within the district:

- a) continue with the existing settlement hierarchy of Carlisle (City), Brampton and Longtown (Key Service Centres) and larger villages (Local Service Centres);
- b) Dalston to be added to the list of Key Service Centres (KSC) to reflect the wide range

- of services and facilities within the village;
- c) redefine the list of Local Service Centres (LSCs) dependant on whether they meet a specified range of services and facilities.

(To some extent the relevance of this question has been superseded by the introduction of new policy in the NPPF regarding location of new housing development in rural areas. The NPPF moves away from the conventional planning model of a hierarchy of settlements in the rural areas, and instead advocates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby).

30 people chose option a), 14 chose option b) and 19 chose option c).

Additional comments made in response to this question are as follows:

Three responses voiced concerns that Dalston should retain its rural identity and remain a LSC rather than become a KSC. These people were also concerned that Cummersdale might become absorbed by urban sprawl.

One response highlighted that Thurstonfield has no local services but is classed as a LSC.

A number of responses wanted to see new development in villages having regard to the environment and landscape character, and be of a scale appropriate to the settlement and its needs.

Allerdale Borough Council agree with the approach of trying to ensure the sustainability of rural communities by recognising that villages work in clusters around a range of shared services, including those across administrative boundaries.

A number of responses named villages which they thought were capable of accommodating some development, and included site plans with their responses.

It was also highlighted that the opening of the CNDR could lead to increased demand for housing in the villages to the west of Carlisle.

In addition, through the three LDF stakeholder workshops (May, September and November 2011) you told us:

- there is a lack of service provision to support rural residents;
- diminishing rural population in more remote settlements;
- the current hierarchy of services centres may be out of date;
- there is a loss of rural services/facilities;
- the sustainable justification for developing in LSCs is recognised, but this approach may not be catering for smaller villages needs;
- a combination of approaches is preferred in order to cater for the needs of smaller villages and areas, including housing and service needs that are not justified under the current policy approach;
- transport connections, and distance to Carlisle and KSCs are important;

- do we consider Brampton and Longtown in isolation as stand alone settlements, or as satellites of Carlisle? There is too much focus on KSCs. Housing should be targeted across the rural area;
- consider allowing open market housing on rural exception sites to enable an element of affordable housing to come forward. Parish Councils can help sell the message – we need to support and educate parish councils and members on local issues, to break down political barriers, and get away from ‘yes we need housing in the city but not on my doorstep’;
- the LDF process is taking too long, and the Local Plan places restrictions on housing developments. Planning boundaries in rural areas stop people doing what is needed to make communities sustainable. Some S106 agreements are constraining affordable housing delivery, and making schemes unviable.

Policy 21- Housing Strategy and Delivery

Planning permission will be granted for housing proposals that will:

1. *Contribute to achieving an average annual district housing target of 550 - 650 houses per year;*
2. *70% of all new housing development will be located in the urban area of Carlisle, and 30% in the rural area;*
3. *Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities;*
4. *Provide specialist housing for vulnerable people including for the ageing population such as extra-care accommodation in sustainable locations, taking account of the need to provide for a variety of care needs and flexibility to accommodate differing requirements of ageing care;*
5. *Contribute to the development of brownfield sites which are in sustainable locations;*

Allocations:

Table to follow.

Justification

5.2 The delivery of housing across the district is linked to three important issues of both national and local significance – how to accommodate an ageing population whilst retaining mixed communities, how to promote sustainable growth, and how to provide the physical and social infrastructure that is required to support housing growth.

5.3 This policy has taken into account the following factors:

- the Council has maximised its opportunities for developing brownfield land, and the number of brownfield sites remaining is diminishing;

- a peripheral scattered approach to new housing around the edge of Carlisle may not be the most sustainable option as some sites may be a considerable distance from the centre;
- choosing a strategic location for new housing development can deliver integrated community, retail, employment and education infrastructure;
- providing housing development within or on the edge of the city enables good access to existing services and public transport;
- whilst a small number of housing sites within the Strategic Housing Land Availability Assessment are located within the City, the majority are on the periphery, with one or two very large sites.

5.4 One of the key issues facing the district is the provision of a range of new housing to help meet the needs of the whole community. Planning for a range of housing types (including for the elderly) will enable more balanced communities with a mix of people creating opportunities for better neighbourhoods.

5.5 This Policy identifies an annual average housing target across the district of 550 – 650 to ensure an adequate supply of new homes, including affordable homes, to meet the needs of the community. In meeting these requirements the focus must be on delivering attractive and sustainable communities and neighbourhoods where people want to live. To achieve this, account must be taken of the implications for infrastructure and services across the whole district.

5.6 To assess the housing capacity of the City, and in accordance with Government requirements, the City Council has prepared a Strategic Housing Land Availability Assessment (SHLAA).

5.7 The SHLAA currently demonstrates that there is land available which has the potential to deliver 8212 houses.

5.8 The National Planning Policy Framework (NPPF) states that local planning authorities should:

- boost significantly the supply of housing;
- deliver a wide choice of high quality homes;
- widen opportunities for home ownership;
- create sustainable, inclusive and mixed communities;
- ensure the local plan meets the full, objectively assessed needs for market and affordable housing, identify key sites which are critical to the delivery of the housing strategy over the plan period, and identify a supply of specific, developable sites, or broad locations for growth for years 6-10 and where possible 11-15.

5.9 The housing target is based on evidence from the Housing Needs and Demand Study 2011 (HNDS) and the SHLAA.

5.10 The HNDS concludes that an estimated 545 homes per annum are required to 2025 just to maintain stable employment levels. In the longer term it is expected that economic

growth would drive additional net in-migration to the district. Projected housing requirements driven by trend based economic growth would result in a higher housing requirement at around 665 per annum.

5.11 Therefore given the need to plan for employment growth, and to provide housing to meet a broad range of needs, the Local Plan has set an appropriately ambitious housing target.

Which Local Plan Policy is superseded?

5.12 This Policy supersedes Local Plan Policy H1: Location of New Housing Development and Proposal H16: Residential Allocations in the Carlisle District Local Plan 2001 – 2016.

Housing Development (not on allocated sites)

What you told us:

The feedback you have given us regarding this policy area is mainly in response to QH4 in the Issues and Options paper regarding the location of rural housing development, Q H6 regarding local needs housing, Q H7 regarding the hierarchy of settlements and QH9 regarding settlement boundaries.

The Issues and Options paper did not have a question on the location of new urban housing development other than as part of an allocated site.

Feedback as follows:

There were 70 responses to Q H4 in the Issues and Options paper which gave the following four options to a question about the location of rural housing development:

- a) Continue with the current approach?
- b) Identify land for housing in the larger rural settlements e.g. Brampton, Longtown, Dalston, Scotby, Wetheral, and have a policy which allows housing in the remainder of the Local Service Centres (LSCs)?
- c) Redefine the list of LSCs, recognising that villages often work in clusters and are reliant upon the services each other provides?
- d) Include smaller villages as suitable locations for development, provided they have good public transport, cycle and footpath connections?

11 people chose option a), 20 chose option b), 17 chose option c) and 22 chose option d).

There were 63 responses to Q H7 which gave the following three options to a question about the hierarchy of settlements in the district:

- a) Continue with the existing settlement hierarchy (Carlisle, (City) Brampton, Longtown (Key Service Centres) and the 20 local service centres);
- b) Dalston to be added to the list of Key Service Centres to reflect the range of service/facilities;
- c) Redefine the list of Local Service Centres dependant on whether they meet a specified range of services/facilities.

30 people chose option a), 14 chose option b) and 19 chose option c).

Question H9 in the Issues and Options paper asked whether settlement boundaries should be:

- a) kept as they are;
- b) redefined to allow for some growth;
- c) be removed, and any proposals for new development be assessed against a list of criteria including measures to protect settlement form, landscape character and the particular characteristics of the location.

Of the 71 people who responded to this question the majority of responses (30) selected option b). However, a significant number (24) chose option c), to remove settlement boundaries completely. The remainder (18) chose option a).

A number of additional comments were received as follows:

Three responses voiced concerns that Dalston should retain its rural identity and remain a LSC rather than become a KSC. These responses were also concerned that Cummersdale might become absorbed by urban sprawl.

One response received highlights that Thurstonfield has no local services but is classed as a LSC.

A number of responses pointed out that new development in villages needs to have regard to the environment and landscape character, and be of a scale appropriate to the settlement and its needs.

Allerdale Borough Council agreed with the approach of trying to ensure the sustainability of rural communities by recognising that villages work in clusters around a range of shared services, including those across administrative boundaries.

A number of responses named villages which they thought were capable of accommodating some development, and included site plans with their responses.

It was also highlighted that the opening of the CNDR could lead to increased demand for housing in villages to the west of the City.

In addition, through the 3 LDF stakeholder workshops (May, Sept and Nov 2011) you told us:

- there is a lack of service provision to support rural residents;
- diminishing rural population in more remote settlements;
- the current hierarchy of service centres may be out of date, this should be tackled through the Core Strategy;
- there is a loss of rural services/facilities;
- sustainability under LSC's is recognised but these approaches may not be catering for smaller village needs.
- prefer a combination of approaches to make allowance for need to cater for the needs of smaller villages and areas – including housing and service needs that are not sustained under the current approach.
- transport connections and relationship to the City and key service centres are important factors;
- do we consider Brampton and Longtown in isolation as stand-alone settlements, or merely as satellites of Carlisle? There is too much focus on key service centres. Housing should be targeted across rural areas;
- Parish Councils can help 'sell' message - we need to support & educate parish councils and members on local issues, to break down political barriers, and get away

from 'yes we need housing in the city, but not on my door step';

- the LDF process is taking too long, and the local plan places restrictions on housing developments; for example planning boundaries in rural areas stop people doing what is needed to be make communities sustainable. Some s106 agreements are constraining affordable housing delivery, with planning obligations making some schemes unviable;
- the decisions should be based on on-going dialogue with the local communities on the level of local housing stock, local needs analysis etc;
- settlement boundaries should always have regard to landscape and townscape character as well as impacts on the natural environment;
- Brampton; Wetheral; Talkin; Rockcliffe; all capable of accommodating future growth;
- settlement boundaries should be removed. Local Planning Authorities should identify Local Service Centres which can either be a single large village or a group of villages, and locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together;
- Blackwell village should be included within the settlement boundary for Carlisle and the Core Strategy should introduce a framework for the release of land for residential development around Blackwell;
- settlement boundaries bring certainty to the future direction of development, helping to ensure the delivery of sustainable sites well related to the core of settlements whilst maximising opportunities for re-use of previously used land. However, the appropriate adjustment of settlement boundaries should also help to ensure the delivery of sustainable and well considered sites;
- some villages should possibly be kept as they are, but others to expand to enable co-ordinated growth to sustain rural facilities. Boundaries provide clarity for villages and developers alike;
- there is too much focus on key service centres. Housing should be targeted across rural areas;
- planning boundaries in rural areas stop people doing what is needed to be make communities sustainable;
- market and affordable housing schemes have been derailed or delayed by local opposition:
- there is a need to consult with local people, but care needs to be taken to ensure that such a consultation does not become centred on 'pro-housing' and 'anti-housing' stances;
- support rural communities by ensuring older people can stay in the same area when downsizing.

Policy 21 - Housing Development

New housing development on sites that have not been specifically allocated will be acceptable within Carlisle, Brampton, Longtown, and villages within the rural area provided that:

1. the scale of the proposed development is well related to the scale, form, function and character of the existing settlement;
2. the layout of the site and the design of the houses is visually attractive as a result of good architecture and landscaping;
3. on the edge of settlements the site is well contained within existing landscape features and does not intrude into open countryside;
4. in the rural area there are either services in the village where the housing is being proposed, or in a village or other settlement nearby;
5. the proposal does not adversely affect the amenity of adjacent uses;
6. existing areas of public open space are provided;
7. satisfactory access and car parking is provided;

The landscape impact of developments will be assessed against the Cumbria Landscape Character Guidance and Toolkit.

Applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities.

Housing development will acceptable through the change of use and redevelopment of commercial buildings and land where there is an identified need for housing in the area and there are no strong economic reasons why such development would be inappropriate.

Justification

5.13 Within the built up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, there are likely to be opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger missed use scheme. Residential development in these areas will be acceptable, subject to the stated criteria in the above policy.

5.14 The size of the rest of the District and the number of villages within it gives a wide choice about where to locate new housing. If housing is located in sustainable locations it can bring many benefits including wider choice for households.

5.15 The majority of Carlisle District is rural. Recent population estimates show that 34000 people live in the rural area. Nearly 30% of this rural population is aged 60 or over. The above policy makes provision for small scale housing in the villages in the rural area. This aims to provide a flexible basis with which to make provision for rural housing.

5.16 Most new residential development in the rural area will be focussed in sustainable locations. This means villages which have, or have easy access to, a primary school, post office, shop and frequent public transport within 400m walking distance. Other facilities such as a village hall, church, pub, and other local businesses can all add to the overall sustainability of a location.

5.17 It is recognised that within the rural area it may be difficult to achieve all of the above. Therefore housing development should be located in a village which either has its own range of local services, or is close to another village or larger settlement with a range of local services and facilities.

5.18 As the Plan no longer defines settlement boundaries, sites will be more acceptable where they are physically contained by existing landscape features such as hedges, trees, woodland or topography, and do not adversely impact on wider views into or out of a village.

Alternative Options

Continue to Categorise Settlements and Define Settlement Boundaries

5.19 The Local Plan currently defines Local Service Centres with settlement boundaries, national policy in the NPPF does not advocate this approach. Policy in the NPPF states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities, for example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

5.20 Therefore whilst we considered the approach of continuing with a hierarchy of settlements, this can lead to a 'sustainability trap', whereby certain settlements are never going to be considered sustainable due to their lack of services. This denies local people the ability to solve their own housing problems, or local farmers and businesses the ability to build necessary dwellings.

Which Local Plan Policy is superseded?

5.21 This policy supersedes Policy H1 – Location of New Housing Development and Policy H2 – Primary Residential Areas in the Carlisle District Local Plan 2001 – 2016.

Residential Density

What you told us:

The issue of density was addressed under question LC1 of the Issues and Options paper. The question asked how to maintain and enhance the District's distinctive local character, giving the following options:

- a) should new development be influenced by local character and densities?
- b) should new development aim for a mix of density within each site?

The following comments were received;

- policy must address housing density that will facilitate an improvement in health and not allow high density development driven by greed;
- in order to provide for an interesting site layout it is important to mix densities across sites;
- new development should be informed by its particular context and this may allow for a mix of densities within one site;
- within each site, efforts should focus on delivering a suitable mix of densities to meet needs whilst also endeavouring to respect local character in an appropriate manner;
- new development needs to integrate with and respect local character;
- need balance between allowing development whilst retaining distinctive character;
- local character of villages needs to be protected by preventing further building in gardens;
- new development should reflect the character of the local area;

Policy 22 - Residential Density

New housing proposals should optimize the potential of the site to accommodate development, particularly in Carlisle, Brampton, Longtown and other larger villages. The density of new development should also aim to respond to local character and establish a strong sense of place, using design to create attractive and safe places to live.

The density of new housing development should also contribute to the design objectives set out in Policy S3– Design.

Density is likely to vary depending on the accessibility and character of the locations being considered. Higher densities (30-50 dph) will be more appropriate within Carlisle, Brampton, Longtown and the larger village centres that have good access to public transport and a range of local services and facilities.

Medium densities (30dph) will be more appropriate towards the edge of settlements. Lower densities will be acceptable in and on the edge of smaller settlements in order to respond to local character and context.

Justification

5.22 Specifying a housing density enables Councils to manage the amount of dwellings built in certain areas. Density is calculated by dividing the number of dwellings on a site by its size. For example, a housing site of 1 hectare which yielded 40 dwellings has a density of 40 dwellings per hectare (dw/Ha).

5.23 Previous planning policy at a national level aimed for high density urbanisation and to have 60% of new housing on brownfield sites. The National Planning Policy Framework has removed the requirement to have regard to a national minimum density for housing. Whilst the NPPF continues to encourage building on brownfield sites, it does so less strongly than in earlier guidance. It also discourages building on gardens.

5.24 The main aim of this policy is to optimise the use of land to deliver housing development which creates an attractive, safe, well designed environment which contributes positively to making places better for people to live in. Where housing is developed at a higher density, this can reduce the land take for development. It can also increase support for local services and facilities, including public transport, shops and local businesses. However, this policy is flexible enough to set density ranges that suit local needs in the district

5.25 In certain areas, especially in the City, there are pockets of high or very high density housing. If development opportunities arise in these areas, it can be appropriate to provide lower density housing to create a more balanced housing stock, and provide the opportunity for a more mixed community.

5.26 Housing densities will be applied flexibly to support design and sustainability objectives in the Plan. The Policy aims to help broaden the range and mix of homes available to meet identified housing need.

5.27 The main considerations in assessing housing density will be:

- does the development function well, establish a strong sense of place and respond to local character?
- is the development visually attractive?
- is there adequate garden space for each plot, including space for storing materials to be recycled?
- can appropriate levels of parking be provided?

Alternative Option

5.28 The NPPF states that local planning authorities can set out their own approach to housing density to reflect local circumstances. It is considered that this policy is required to ensure new housing contributes to achieving a sense of community, and maintaining a variety of housing, whilst meeting a range of housing needs.

Affordable Housing

What you told us:

62 people responded to this issue, with a range of ideas on how to increase our delivery of affordable housing across the district.

The Issues and Options paper question H5 asked what the threshold should be above which housing sites would be required to make a contribution to affordable housing, either on site or through a commuted sum. Feedback ranged from one unit, to 70 units. However, the majority consensus indicated that a threshold of 15 – 20 units was preferred.

In the rural area, you suggested that the current threshold of three houses was set too low and was preventing sites being delivered, and also that the current policy was confusing.

In addition, through the three LDF stakeholder workshops you told us:

- S106 contributions are constraining affordable housing delivery;
- public sector land could be released at low cost to facilitate affordable housing delivery;
- allow more open market housing in the rural area to enable affordable housing delivery as this creates mixed developments which encourages community cohesion;
- there is a lack of funding to develop affordable housing;
- local rents are low which reduces the viability of local affordable housing schemes;
- the National Housing Strategy highlights new right to but discounts with sales funding further affordable housing development;
- the New Homes Bonus should be used to fund affordable housing;
- the influence of NIMBYs could be reduced by using parish councils to support schemes and 'sell' them to local communities;
- more use could be made of empty homes and community initiatives such as self build.

Policy 23- Affordable Housing

Within Zone A, all sites of 5 units and over will be required to provide 30% of the units as affordable housing. Where this does not equate to a whole unit a commuted sum will be required to make up the contribution.

Within Zone B, all sites of 10 units or over will be required to provide 25% of the units as affordable.

Where intermediate housing is to be provided at a discounted market value, a discount of 30% will be sought and the discounted sale will be required to be in perpetuity.

The affordable housing provided shall comprise a mix of Social and Affordable Rent, and Intermediate Housing, the mix to be determined by the need at the time.

Where a developer seeks to depart from the policy, a financial appraisal will be required to justify any lower level of affordable housing.

Justification

5.29 The NPPF states that in order to deliver a wide choice of high quality homes, LPAs should use an evidence base to ensure that the Local Plan meets the full, objectively assessed needs for market and affordable housing. In rural areas, LPAs should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing.

5.30 In addition, in order to ensure viability and deliverability, the NPPF states that the viability of schemes must be taken into account in both plan making and decision taking. Therefore the scale of affordable housing required by this policy has been calculated following the undertaking of an Affordable Housing Economic Viability Assessment, (AHEVA), which assesses the viability of a range of housing developments across the district using a residual valuation appraisal method.

5.31 The AHEVA states that to ensure delivery of affordable housing across the district, it is necessary that an appropriate affordable housing threshold maintains viability.

5.32 Within Zone B the AHEVA suggests that the previous Local Plan target of 30% of units in the urban area is the maximum that development can support, and if the Council should seek additional S106 obligations e.g. for open space etc, the policy will have to be flexible on the level of affordable housing sought.

5.33 The AHEVA also recommends a 30% affordable housing target with a higher percentage of social rented units in Zone A. However, Policy 23 sets a differentiated target and site threshold for the two zones, in order not to stifle the delivery of housing to meet local needs.

5.34 Land Registry figures for February 2013 show that average house prices in Cumbria are the lowest since 2005, with the average price being £122 074. However, the Carlisle Housing Need and Demand Study (HNDS) (Nov 2011) shows that incomes in Carlisle District are still on average lower than the rest of Cumbria, the North West and Great Britain. This has resulted in a significant number of households requiring help with their housing either through social rented property or housing benefit, and as such being unable to buy their own homes.

5.35 The HNDS also shows that just under a quarter of households in the district are unable to afford market housing without the need for some form of subsidy. Households in Carlisle urban area are considerably less likely to be able to afford market housing than households in the rural area.

5.36 The study identified a net shortfall of affordable housing of 708 homes per year, if all households in housing need were to be provided with an affordable home. Although this demand will be partially met by the private rented sector supported by housing benefit, Policy 23 aims to strike a balance on an appropriate affordable housing requirement.

5.37 Housing markets are recognised as having a significant effect on the ability of the district to attract and retain people with a broad skill range. The Carlisle Economic Potential Study recognises that there are certain skill shortages in the district. Having a balanced housing market will attract a broader range of people to the district.

5.38 The maximum proportion of affordable housing on larger housing schemes is an important factor to consider in trying to achieve balanced and mixed communities. Large developments (e.g. schemes of over 20 houses) of entirely affordable housing could potentially lead to community cohesion issues with the surrounding area and also fail to contribute to mixed communities.

5.39 The siting of affordable housing within a development also needs careful thought to ensure that it is not concentrated within one area of the site, but is integrated throughout the development. This approach will provide greater opportunities for community cohesion.

5.40 In relation to the tenure split of affordable housing 50% should be social or affordable rented with the remaining 50% for affordable home ownership (often referred to as intermediate housing). However, it is important to allow for flexibility to ensure that marginal schemes remain viable. Demand for intermediate housing (such as shared ownership) can vary with market conditions and as a result there may be occasions where an increased proportion of social rented housing will be acceptable. Flexibility is therefore important to address housing need whilst ensuring mixed communities are created.

5.41 Off-site provision, (or financial contributions towards the provision of affordable housing) will only be agreed in exceptional circumstances. Evidence will be required to show that the affordable housing cannot be managed effectively on the site, and that providing the affordable housing elsewhere will significantly widen housing choice and encourage a better social mix. Where off-site provision or contributions are agreed, it will be on the basis of the developer providing the same ratio of affordable housing to market housing as would have been provided on-site.

Alternative Option

5.42 An affordable housing policy is required in order to help deliver the need for affordable homes as identified in the Carlisle Housing Need and Demand Study.

The percentage targets and thresholds set out in the policy are not as high as the AHEVA suggests. This is to reflect the fact that most small sites in the rural area are for fewer than 5 houses, and tend not to be speculative, but to be for an identified local need. Setting the threshold and targets too high may stifle delivery of housing for local people.

Which Local Plan policy is superseded:

5.43 This policy supersedes Policy H5: Affordable Housing, in the Carlisle District Local Plan 2001-2016.

Rural Exception Sites

What you told us:

Through the 3 LDF stakeholder workshops (May, Sept and Nov 2011) you told us:

- existing planning restrictions in the rural area stop communities being sustainable;
- planning obligations can make housing schemes unviable;
- look at allowing open market housing on rural exception sites to enable an element of affordable housing to come forward;
- encouraging and delivering more market housing is the most effective way to provide more affordable housing;
- affordable housing is needed in villages to keep schools open;
- there is a general lack of affordable housing in the rural area.

Policy 24 - Rural Exception Sites

In the rural area dwellings will be permitted on small sites where open market housing would not be acceptable, subject to the following criteria:

1. the development is for affordable housing to meet an identified local need;
2. the affordable housing will be retained for local people in perpetuity;
3. the proposal can demonstrate that the development can be delivered;
4. the site is close to a settlement which provides a range of local services and facilities, or has good public transport links to a larger settlement with a wider range of services and facilities.

In the following exceptional circumstances an element of open market housing will be allowed on rural exception sites:

1. excessive development costs due to site constraints;
2. the Registered Provider can demonstrate that the additional revenue created by the development of open market housing is essential to enable the delivery of affordable housing on the site;
3. the amount of open market housing is the minimum required to achieve site viability.

Justification

5.44 The NPPF makes provision for a proportion of market housing to be built on rural exception sites where it would facilitate the provision of significant additional affordable housing to meet local needs.

5.45 The rural area can be the least affordable place to live in the district. In 2008, the Government's 'Living working countryside' Matthew Taylor review of the rural economy and affordable housing found that while people working in rural areas tend to earn significantly less than those working in urban areas, rural homes are more expensive than urban homes.

5.46 The popularity of rural areas and migration from urban areas add to the pressures on rural housing affordability.

5.47 In the rural area, opportunities for delivering affordable housing can be limited. The Affordable Housing Economic Viability Study (AHEVA) notes that rural exception sites land values are generally lower, thereby creating an opportunity to deliver affordable housing. Rural exception sites can contribute towards the supply of affordable housing, and help to meet specific identified local needs. Such sites can only be used for affordable housing in perpetuity. The type, tenure and size of the homes must meet an identified local need. Local is defined as within the parish.

5.48 Examples of the type of land that would qualify as an exception site include:

- land within or adjacent to a small village where open market housing would normally be constrained;
- land close to a larger village with a range of services and facilities;

5.49 The policy aims to ensure that rural communities remain sustainable by making provision for households in local need, for example:

- existing residents needing separate accommodation in the area, e.g. grown up children, or growing families.
- workers who provide important services and need to live closer to the local community;
- people who require family support, e.g. the elderly;

5.50 Villages throughout the district vary enormously in size. It is therefore important that the development of a rural exception site is in scale with the adjacent village.

5.51 The policy states that only small sites will be considered acceptable. Normally when housing sites are developed where there is an element of affordable housing to be included, the affordable element is pepper-potted around the site rather than concentrated in a particular part. This is to ensure integration within the scheme, and comply with national policy which states the need to create sustainable, inclusive and mixed communities.

5.52 With a rural exception site, unless there are exceptional circumstances, the whole site will contain affordable units. It is therefore important that the number and type of houses to be developed enables the creation of sustainable, inclusive and mixed communities, including opportunities for integration with the adjacent settlement. Hence only small sites will be considered acceptable.

5.53 Schemes are more likely to be successful with the involvement, support and knowledge of the parish council and the local community.

5.54 The occupancy of the houses will be controlled by a Section 106 agreement to ensure that the affordable housing is available in perpetuity to meet local needs. This prevents the houses being sold or rented at open market rates.

5.55 The S106 must include the name of the parish where the local need has been identified. It may also include a list of neighbouring parishes to be referred to if, at some point in the future, one or more of the houses becomes vacant and there are no applicants from the parish.

Alternative Option

5.56 The preferred option is to include a policy to allow the development of affordable housing on sites where open market housing would not be allowed, for example because it is not within or immediately adjacent to a settlement. (This does not mean that sites in isolated locations would be acceptable). Such land can be more cheaply available. The aim of the policy is to increase the opportunities to deliver affordable housing.

5.57 The NPPF states that LPAs should consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs. Because most of the rural villages within the district are small in size, it is considered that sites delivering 'significant additional affordable housing' would be out of scale with these villages. However, the policy does make provision for some open market housing in exceptional circumstances such as sites where there are high development costs due to severe site constraints.

5.58 A reduction in HCA grant funding means that new ways to bring forward affordable housing need to be explored.

Which Local Plan policy is superseded?

5.59 This policy supersedes Policy H6: Rural Exception Sites in the Carlisle District Local Plan 2001-2016.

Housing for Rural Workers

What you told us:

Through the 3 LDF stakeholder workshops (May, Sept and Nov 2011) you told us:

- it is easier to build houses near places of work than the other way round;
- need to allow space for sustainable development outside settlements provided it is of appropriate scale and design;
- the Local Plan needs to help support rural employment;
- farm diversification is considered important;
- there are too many planning restrictions on rural business development;

Policy 25 Housing for Rural Workers

New houses for rural workers will be permitted where there is an essential need to live permanently at or near their place of work in the countryside provided that:

1. evidence is provided to demonstrate need for a full time worker to be available at all times for the enterprise to function properly;
2. such evidence is to demonstrate that the business has been established for two years, and has been profitable for at least one year, is currently financially sound, and has a clear prospect of remaining so;
3. the housing need can not be met by housing nearby;
4. the house would be appropriate in terms of size, scale and design for its location.

Justification

5.60 Most rural workers will live in villages or the market towns of Longtown and Brampton, or in existing properties connected to their place of work. However, there will be specific circumstances where the nature and demand of the rural enterprise require a worker to live at the place of business.

5.61 This policy is aimed at making provision for rural workers with a need to live permanently at or near their place of work in the rural area, and that the need can not be met by housing nearby. The definition of a rural worker is not simply limited to someone employed in agriculture or forestry, but can include, for example, those employed in equestrian or other land based enterprises, water based businesses, rural arts and crafts, etc.

5.62 Applicants for such dwellings will need to demonstrate that there is a clearly established existing functional need, that the need relates to a full time worker, and that the enterprise concerned has been established for at least two years, and been profitable for at least one

year. The business should also provide evidence that there is a clear prospect of it remaining financially sound.

5.63 The applicant will also be expected to demonstrate that the need for a dwelling could not be met by existing housing for sale in the area. The proposal must also meet all other planning policy requirements such as access, design, impact on the landscape etc.

5.64 Houses permitted under this policy will be subject to a condition limiting initial and successive occupation to a rural worker solely or mainly employed at their place of work nearby.

5.65 An application for the removal of such an occupancy condition will only be permitted where it can be demonstrated that:

- there is no longer a need for the dwelling in relation to the enterprise/business;
- the dwelling has been marketed for sale or rent for 8 months at a price that reflects the occupancy condition.

Alternative Option

5.66 The NPPF advises local planning authorities to avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. There are no further details provided. This policy therefore determines what this means for Carlisle District.

5.67 The preferred option is to include a policy to allow rural workers to live permanently at or near their place of work in the countryside. This policy is consistent with the NPPF and has qualifying criteria to ensure that it delivers the right type of house to meet an identified need. The policy will also address the shortage (as identified in the Housing Need and Demand Study Nov 2011) of all types of housing in the rural area, including affordable housing, and contribute to wider rural economy and enterprise objectives.

Which Local Plan policy is superseded?

5.68 This policy supersedes Policy H7: Agricultural, Forestry and Other Occupational Dwellings in the Carlisle District Local Plan 2001-2016.

Other housing in the open countryside

Policy 26- Other Housing in the Open Countryside

New housing will be allowed in the open countryside in the following circumstances:

1. replacement dwellings, providing that any dwelling to be demolished has no heritage value;
2. conversion of structurally sound redundant and disused buildings;

Such development should:

- lead to an enhancement of the immediate setting of the building;
- reflect the identity of local surroundings and materials in terms of both the new dwelling and any curtilage development such as garages or boundaries;
- be of a scale appropriate to the plot size.

The conversion of very remote rural buildings will be subject to sustainability tests.

Justification

5.69 There are a number of opportunities within the rural parts of the district to create new dwellings either through the demolition and replacement of substandard dwellings or through the conversion of redundant or disused buildings as follows:

5.70 Replacement dwellings: the demolition of dwellings will generally be required because of their poor condition or unsuitability for current living standards, which can not be addressed by renovation. Applicants will need to show that the dwelling to be replaced has not been abandoned.

5.71 Conversion of redundant and disused buildings: many rural buildings such as barns, mills and stables make a significant contribution to the character and quality of the countryside around Carlisle. To avoid their loss and to prevent them from becoming derelict eyesores this policy makes provision for their conversion and re-use. Conversions must aim to retain and enhance any architectural quality and character of the building and its rural setting.

5.72 Any building to be converted should be visually worth retaining due to its contribution to the rural landscape. This will exclude modern agricultural or industrial buildings. There must also be good access to water, drainage and energy services.

5.73 Buildings to be converted should be structurally sound. Proposals which require the substantial reconstruction of the external walls or roof will not be acceptable. Structural surveys may be required in order to demonstrate that a building is structurally sound.

5.74 Carlisle is the second largest district in England and covers 400 square miles. As such, there are likely to be some very remote rural buildings in areas with poor accessibility along unclassified roads, remote from services, facilities and employment, and where the only option for travel is by car. The conversion of redundant or disused buildings in such locations is unlikely to be sustainable, and any proposals will require a sustainability test to be submitted by the applicant to show the following:

- how the site will access utilities such as energy and water supply;
- how the site will access the road network;
- the occupier's place of work, and other travel trips likely to be generated, e.g. nearest school;
- how the building will contribute to energy efficiency.

5.75 All proposals under this policy should seek to optimise the potential to improve the character and quality of the site. A high standard of design will be required resulting in a development which is visually attractive as a result of good architecture and appropriate landscaping. The design of new houses in the open countryside is required to promote or reinforce local distinctiveness but be open to appropriate innovation. New dwellings should not be more obtrusive in the landscape than the existing dwellings that it is to replace, or the building that is being converted.

5.76 In all cases the creation of new dwellings should avoid introducing suburban character or features, such as extensive areas of tarmac or pavements, close boarded timber fencing or leylandii hedges.

5.77 Where a courtyard development of several dwellings is proposed, the gardens and courtyard should normally be left as a single communal space.

5.78 Many rural buildings can be habitats for a variety of wildlife including bats and barn owls. These species are sensitive to disturbance and therefore at risk from building works. They are also protected under the 1981 Wildlife and Countryside Act. An ecological survey will also be required where such species are present. The survey should identify the species present, identify any impacts and consider avoidance, mitigation, and new benefits.

Alternative Option

5.79 The preferred option is to include a policy to allow new dwellings in the countryside through either replacement of existing dwellings or through the conversion of redundant and disused buildings.

5.80 Whilst the NPPF does not refer to replacement dwellings, it is considered necessary to have a policy enabling their development, as the City Council receives a significant number of planning applications for such development.

5.81 The NPPF makes policy provision for the conversion of redundant and disused buildings to residential. Due to the large rural area within the district and the changing requirements of agriculture, there are many agricultural buildings which are no longer used.

Which Local Plan policy is superseded?

5.82 This policy supersedes Policy H8: Conversion of Existing Premises and Policy H10: Replacement Dwellings in the Rural Area in the Carlisle District Local Plan 2001-2016.

Dwellings Through The Conversion Of Heritage Assets And As Enabling Development

Consultation so far:

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon.

This policy takes forward Policy H8 from the adopted Carlisle District Local Plan 2001-2016, and amends it to reflect policy in the NPPF regarding heritage assets.

The main change is that it removes the requirement to explore the viability of commercial or community uses first, and the requirement to market the buildings for economic development uses for 6 months.

The policy also includes criteria where enabling development to secure the future of heritage assets would be appropriate.

Policy 27- Dwellings Through The Conversion Of Heritage Assets And As Enabling Development

Proposals for the conversion to a dwelling of any building which is classed as a heritage asset will be acceptable providing that:

1. an assessment of the significance of the heritage asset including any contribution made by its setting is submitted with the application;
2. the proposal does not significantly affect the special interest and characteristics of the building;
3. the building is of adequate size to be converted to residential use without the need for extensions or alterations which would have a significant adverse effect on the character of the building;
4. the design and the materials used for both the building and its setting including boundaries maintain or enhance the form, character and setting of the building;
5. adequate access and appropriate car parking can be provided.

In addition, enabling development in the form of new housing that would secure the future of a heritage asset will be acceptable providing that the following criteria are met:

1. the development will not materially harm the significance of the heritage asset and its setting;
2. the development will secure the long term future of the heritage asset;
3. sufficient grant or subsidy is not available from any other source;
4. the proportion of enabling development proposed is the minimum required to secure the future of the heritage asset;
5. the development brings public benefit through securing the future of the heritage asset, and this outweighs any negative effects of conflict with any other planning policies.

Justification

5.83 Within the district there are a number of buildings which can be considered as heritage assets. Heritage assets for the purpose of this policy are most likely to include historic buildings that are either on the statutory list or the local list, (the full definition of heritage assets is included in the glossary). These buildings may be suitable for a range of uses from stables to tea rooms, but where the optimal viable use would be for housing, this policy will apply.

5.84 In many cases the setting of a heritage asset will be significant. It is therefore important that proposals for the conversion of a heritage asset also include details of how the surrounding curtilage including boundaries will be altered to accommodate gardens, parking etc.

5.85 Proposals should ensure that the historic fabric and features of the building are retained and that details such as door and window openings are in keeping with the character of the

building. Where a building is included on the statutory list, proposals should not have a detrimental effect on the architectural and/or historic interest of the building.

5.86 Older buildings can provide valuable habitats for species that are protected under the Wildlife and Countryside Act 1981, such as barn owls and bats. The tendency of bats to hibernate in winter makes them especially vulnerable. As such proposals for conversion of heritage assets should include the following details;

- a survey of the building to identify current or past use by wildlife;
- where bats and barn owls are present, during and after conversion adequate access to roof space is maintained;
- where appropriate, alternative nesting or roosting sites are made available close to the site;
- details of the timing of works to avoid disturbance during the breeding or hibernation season.

5.87 There is a statutory requirement to notify Natural England on proposals where development would have an impact on protected species.

Alternative Option

5.88 No alternative option was considered. The District has a significant number of listed buildings and other heritage assets, including buildings on the local list. This policy will help to retain such buildings when they are no longer suitable for their current use, and add to housing supply across the whole of the District.

Which Local Plan policy is superseded?

5.89 This policy supersedes Policy H8: Conversion of Existing Premises in the Carlisle District Local Plan 2001 – 16.

Development in Residential Gardens

What you told us:

Although there was not a specific question about garden development in the issues and options paper, the following comments were received in response to the consultation:

- increased hard surfacing in gardens has the potential to contribute to flood risk and should be discouraged;
- must build high quality homes with decent areas for gardens;
- villages need to be protected by putting an end to building in gardens to protect local character.

The separate consultation that has taken place in the rural villages in connection with the Rural Masterplanning work (see evidence paper) has also raised this topic as an issue. The main concern that has been highlighted is that settlement boundaries are so tightly drawn that the only scope for housing development is within large gardens. This can significantly alter the character of an area and lead to a loss of openness through the development of numerous small sites.

Policy 28 – Development in Residential Gardens

Proposals for housing development in existing residential gardens will be permitted providing that the following criteria are met:

1. the scale, design and siting of the proposal would not result in a cramped form of development out of character with the surrounding environment;
2. a safe and attractive garden area, which reflects that predominant in the area, can be created for both the proposed new house and the existing house;
3. the proposal, by way of design, siting and materials integrates into the surrounding built, natural, and where necessary historic environment;
4. there is no loss of amenity to surrounding properties by overlooking, overbearing nature of the proposal or increase in on street parking;
5. the proposal does not prejudice the development potential of an adjacent site;
6. adequate access and car parking can be achieved.

Justification

5.90 National planning policy makes provision for local plan policy to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The Natural Environment White Paper (Securing the value of nature, 2011), states that natural networks include private gardens and that these can help to conserve wildlife in environments that have become fragmented by human activities.

5.91 Gardens contribute significantly to the character and quality of housing areas within the city, and also within the market towns and many villages within the rural area. Mature

gardens can also help to mitigate factors contributing to climate change, for example trees which absorb carbon dioxide. Proposals for housing development in existing gardens, especially backland development, can often be contentious.

5.92 There will be instances where development of part of a residential garden for housing will be acceptable. However, such proposals also have the potential to cause significant amenity problems to existing properties including loss of privacy, loss of daylight, overlooking, visual intrusion by a building or structure, noise disturbance, reduced space around buildings, loss of car parking, and loss of mature vegetation including screening. There can also be increased water run off due to an increase in hard surfaces.

5.93 For sites to be acceptable there needs to be an appropriate plot depth and configuration, in order to allow new housing to be developed which results in a quality environment for both new and adjacent residents. Garden development, especially on rear gardens, on restricted plot depths is unlikely to be acceptable, especially where overlooking issues can not be overcome.

5.94 The form and scale of any new development should respect the local character of the immediately surrounding area. In particular, the scale, number of storeys and massing of new housing development should not exceed that of existing dwellings adjacent to the site.

5.95 Backland sites can result in piecemeal proposals being submitted for land which are physically connected to much larger areas with greater potential for a more comprehensive form of development. Proposals which block the development potential of adjacent land, for example through land locking, are unlikely to be acceptable.

5.96 This policy also relates to tandem development. This is a form of backland development where a new dwelling is placed immediately behind an existing dwelling and uses the same access. This type of development is nearly always unacceptable because of the impact on the amenity of the house at the front of the site.

5.97 The NPPF states that good design should contribute positively to making places better for people.

5.98 Where trees, hedges or other landscape features which make a positive contribution are present on the site, they should be retained and integrated into the design of the new development.

5.99 Private residential gardens are no longer classed as previously developed land, and any housing development permitted in gardens will not count towards the windfall allowance in the Council's five year supply of housing land.

Alternative Option

5.100 The NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Private residential gardens are also now excluded from the definition of previously developed land. The current Local Plan policy refers to backland development (i.e. development in large back gardens), and there have been 31 planning applications over the last five years where this policy has been used. It is therefore considered necessary to include a policy to set out criteria to guide acceptable development of private residential gardens.

Which Local Plan policy is superseded?

5.101 This policy supersedes Local Plan Policy H9: Backland Development.

House Extensions

What you told us:

Although not a specific question in the Issues and Options Paper, feedback through the 3 LDF stakeholder workshops (May, Sept and Nov 2011) you told us:

- ensure greater emphasis on design/building regulations to minimise use of energy;
- adoption of strong policies towards good urban design will help ensure high quality places
- much tighter controls need to be exercised on the excesses of architects who present inappropriate designs;
- planning departments need to be open to modern designs for low carbon/passive haus buildings.

Policy 29 – House Extensions

House extensions and alterations should be designed to:

1. relate to and complement the existing building in scale, design, form and materials;
2. be visually subservient to the main building;
3. provide a satisfactory relationship between old and new fabric;
4. not lead to overlooking, overpowering or overshadowing of neighbouring properties;
5. ensure adequate natural light within the building, garden and amenity space.
6. maintain the established spatial character and pattern of the street scene and be a positive addition.
7. in streets characterised by relatively small gaps between buildings, any extension or alteration at first floor level does not come to within a minimum of one metre of the side boundary.

Justification

5.102 The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.103 The council is committed to achieving good design in all new development and spaces, including extensions and alterations to existing residential buildings.

5.104 Many people choose to adapt their existing homes to cater for changes in lifestyle rather than move house. House extensions involve any extension of the living space, including basements, roof conversions and conservatories.

5.105 The design of an extension should respond to the characteristics of the specific site, as well as the distinctiveness of the wider setting. Often the best approach is to reflect the style of the existing building, especially in conservation areas and for listed buildings. In other locations extensions of a more contemporary design may be appropriate.

Consequently, any proposal will need to demonstrate that through its scale, density, layout, siting, character and appearance, it has been designed to respect the property and its surroundings.

5.106 Most proposals should be visually subservient to the existing property. The scale of the extension that is likely to be acceptable will depend on the size of the plot, the size of the original dwelling and the impact on neighbours and the street scene. Further detailed policy is contained in the adopted 2011 SPD Achieving Well Designed Housing.

Changes to permitted development rights

5.107 Not all house extensions require planning permission. At the end of 2012 the government consulted on extending permitted development rights for homeowners and businesses.

5.108 Permitted development only covers the planning aspects of the development. It does not remove requirements under other regimes (e.g. building regulations, the Party Wall Act or environmental legislation). While these permitted development rights may apply to listed buildings outside protected areas, they only grant planning permission and do not remove the requirement for separate listed building consent.

5.109 The consultation seeks views on the Government's proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to grant increased permitted development rights allowing (amongst other things) homeowners to build larger extensions.

5.110 The Government aims that the proposed changes will make it quicker, easier and cheaper to build small-scale single-storey extensions and conservatories, while respecting the amenity of neighbours. Changes to permitted development rights will not apply in conservation areas, World Heritage Sites, AONB's or SSSI's and separate listed building consent will also be required.

5.111 This policy will therefore apply to all applications for development which are not covered by permitted development rights, although it also provides useful guidance, together with the SPD Achieving Well designed Housing, for extensions being constructed under permitted development rights.

Alternative Option

No alternative policy options were considered.

5. 112 Extensions and alterations to existing dwellings are a way of enabling a growing family to stay in their home, or adapt to their changing needs, whether to care for an elderly relative or make provision for someone with a disability. A significant number of planning applications are received each year for house extensions. These applications have the potential to add significantly in design terms to the street scene. However, poorly designed

extensions can have an impact on neighbours' privacy and amenity, and on the character of an area. This policy therefore provides a policy framework for making decisions on applications.

Which Local Plan policy is superseded?

5.113 This policy supersedes Local Plan Policy H11: Extensions to Existing Residential Premises in the Carlisle District Local Plan 2001-2016.

Houses in Multiple Occupation and Subdivision of Dwellings

What you told us:

Although not a specific question in the Issues and Options Paper, the issue of HMOs was raised at the Local Strategic Partnership meeting on 'The Future of Housing and Development in Carlisle' (22/11/11). The following two points were raised at this meeting:

- can the planners control the number of HMOs set up in an area?
- more student accommodation would free up HMO properties.

Policy 30 – Large Houses in Multiple Occupation and Subdivision of Dwellings

Proposals for the subdivision of dwellings and the creation of houses in multiple occupation will be acceptable providing that:

- 1. effective measures are proposed to minimise the effects of noise and other disturbance to neighbouring residential properties;*
- 2. adequate space is provided for the storage of refuse and recycling bins;*
- 3. the proposal would not adversely affect the character of the surrounding area, for example through increased on-street parking;*
- 4. the proposal does not lead to the creation of substandard units of accommodation.*

Additionally, within the area defined on the Policies Map no new HMO's will be acceptable.

Justification

5.114 A Large HMO is a house with more than six people sharing. These are unclassified by the Use Classes Order and in planning terms are described as being sui generis. This policy therefore applies to large HMOs. The General Permitted Development Order give Permitted Development rights for change of use from dwelling houses to small scale houses in multiple occupation. Small scale is defined in Circular 08/2010 as small shared houses or flats occupied by between three and six unrelated individuals who share basic amenities.

5.115 The Housing Act 2004 definition of a House in Multiple Occupation (HMO) is as follows:

- three or more unrelated people are sharing facilities;
- buildings comprising non-self-contained flats;
- houses converted to self contained flats before 1991 and not in accordance with the 1991 Building Regulations;
- a self-contained flat converted to 1991 Building Regulations standards (or later), if occupied by more than three unrelated persons.

5.116 The Act also makes provision for mandatory licensing of certain HMOs, and for such licensing schemes to be operated by the City Council.

5.117 Under the Act, HMOs which need to be licensed are those where:

- the HMO or any part of it comprises 3 storeys or more and
- the HMO is occupied by 5 or more persons and
- these persons are living in two or more single households

5.118 Where an HMO is situated in a part of a building above business premises, each storey of the business premises is included when calculating the number of storeys for the HMO.

5.119 Because of the shared occupancy of the properties, HMOs, such as bedsits and shared houses, require a higher standard of management than other private rented property and are subject to additional regulation. Some of these regulations relate to the management of the HMOs and this helps safeguard the health and safety of people who live in them who can be amongst the most vulnerable and disadvantaged members of the community. This type of housing is a valuable housing option for many people.

5.120 HMO licensing has been operated in Carlisle since 2006. For more information on HMO licensing, please contact the Private Sector Housing Team, at the City Council e-mail housing@carlisle.gov.uk.

5.121 Certain areas in Carlisle have a concentration of HMOs, in particular Warwick Square/AglionbyStreet/Warwick Road, and Chatsworth and Portland Squares. Whilst the nature of the buildings in these locations (three storey Victorian houses) can be successfully converted, there are often problems with lack of parking or sufficient outdoor space for storage of bins and recycling bags. This can have an unacceptable impact on the amenity of neighbours, and on the character of the street scene, especially in the conservation areas. As such no new large HMO'S will be acceptable within the area defined on the Policies Map due to the detrimental effect this has had on the area in terms of residential amenity and parking.

Alternative Option

5.122 There are clusters of HMOs within certain areas of the City where there are higher concentrations of three storey Victorian houses. These areas generally have a tight knit urban form and lack any off street parking. They are also covered by a large Conservation Area designation. Whilst HMOs can meet a specific housing need, there is also potential to change the character of an area, and have an unacceptable impact on the amenity of neighbouring occupiers. As such a policy to guide planning applications for HMOs is considered necessary.

Which Local Plan policy is superseded?

5.123 This policy supersedes Local Plan Policy H12: Subdivision of Houses and Houses in Multiple Occupation.

Special Needs Housing

The topic of special needs housing was not addressed in the Issues and Options paper, although Question H1 did indicate that selecting a lower housing target for the Plan would only aim to meet the broad range of local housing needs, including affordable, open market, the elderly and other special needs.

What you told us:

- meet the needs of the ageing population through supporting delivery of 'Homes for Life', Extra Care Units, supported housing and fit for purpose care homes and adaptations;
- the HNDS underestimates the amount of specialist housing needed;
- engage the private sector more regarding assisted living and older person schemes to rent;
- homeless are an important group, including those soon to be leaving care who are more vulnerable and at greater risk;
- lack of housing to meet specific needs particularly in respect of ageing population;
- need to make provision of housing for elderly in villages.

Policy 31- Special Needs Housing

Proposals for new housing development must also ensure adequate internal living space. In order to encourage new homes that are adaptable for the lifetime of the occupiers, proposals for dwellings meeting Lifetime Homes Standards will be supported by the Council.

Proposals for new development to meet a particular housing need, e.g. the elderly, or supported or other specialist accommodation will be acceptable where they are in suitable sustainable locations close to a range of services and facilities.

Justification

5.124 The Housing Need and Demand Study (Nov 2011) identifies that there are 24% of all households in the District where one or more members has identified needs requiring support. In addition, nearly one third of all households contain only older people. Carlisle has an ageing population which is expected to increase over the next 20 years. This poses a challenge in terms of delivering the right type of housing to meet the needs of this population.

5.125 Proposals for lifetime homes, or which include an element of lifetime homes, will help to ensure a supply of adaptable and accessible homes that can respond to the changing needs of individuals and families. In addition, housing for people with a range of special needs will also be necessary. The Cumbria County Council 'Adult

Social Care in Carlisle District Plan 2012-14' identifies extra care housing as a key form of support. Carlisle has a number of such schemes where people are offered support in extra care schemes, rather than residential care, enabling them to stay at home for longer.

Alternative Option

5.126 No alternative approach was considered. The proposed policy is consistent with government policy to deliver a wide choice of good quality homes. The NPPF requires local planning authorities to plan for a mix of housing, reflecting local demand.

Which Local Plan policy is superseded?

5.127 This policy supersedes Local Plan Policy H13: Special Needs Housing

Traveller Site Provision

What you told us:

The Issues and Options Paper referred to new site provision for Gypsies and Travellers and asked whether, depending on the level of need identified, a site for Gypsies and Travellers should be identified in or on the edge of Carlisle, or elsewhere. An update of the current Gypsy and Traveller Accommodation Assessment (GTAA) is underway and due for completion prior to the preferred options consultation. If the results of the GTAA conclude that there is a need for additional pitch provision a new site will be identified taking into account the comments received at Issues and Options stage plus the evidence in the new GTAA in respect of site location.

Some more general comments were received from stakeholders during the LDF workshops (May, Sept and Nov 2011) in respect of site provision for Travellers, these included:

- There is a need to ensure sufficient land is identified to meet the needs of the Gypsy and Traveller population within the District;
- Sites need access to facilities and services. This would give occupiers opportunities to integrate with society rather than be segregated.

Policy 32 - Traveller Site Provision

Proposals which will contribute to achieving the provision of additional pitches will be considered favourably where they meet the following criteria:

1. the site has reasonable access to key services and facilities including schools, shops, GP and health care and other community facilities;
2. the location of the site is such that it is possible to promote peaceful and integrated co-existence between the site and the local community;
3. there are opportunities to access these facilities by public transport, walking or cycling;
4. water and sewerage infrastructure connections are available or can be made available;
5. the site has existing landscaping, or can be landscaped to minimise any impact on surrounding countryside;
6. there would be no unacceptable impact on the amenity of adjacent land uses including residential uses;
7. site management measures are included within the proposals;
8. any additional business uses that are intended to be carried out on the site will not have an unacceptable impact on the residential use of the site or the amenity of any adjacent land uses.

Justification

5.128 The Housing Act 2004 places a duty on local authorities to carry out an assessment of the accommodation needs of gypsies and travellers in the district. In May 2008 the Cumbria Gypsy and Traveller Accommodation Needs Assessment (GTAA) was published to provide evidence of current provision and future need up to 2016. A review of the Cumbria GTAA is currently underway and will provide an up to date picture of need within the District and any site provision requirements up to 2030. This will ensure that any under provision is identified and can be addressed to ensure that an appropriate level of supply is maintained in places where travellers can access education, health, welfare and employment infrastructure. The review is due to be completed prior to commencement of the preferred options consultation therefore this policy will be updated once the findings are available.

5.129 Government policy on travellers is contained in the CLG document 'Planning policy for traveller sites' states that local planning authorities should make their own assessment of need for the purposes of planning. This will help in identifying land for sites and will also ensure that both plan making and decision taking help to reduce the number of unauthorised developments and encampments and make enforcement more effective.

5.130 There are currently a number of licensed gypsy sites in the district including: Ghyll Bank Park, Low Harker Dene, (which is owned by Carlisle City Council), and the privately owned Hadrian's Park and Hawthorns. There are also a number of pitches provided through personal consents to cater for the needs of single family units. Carlisle District also has a permanent site for Travelling Showpeople at Willowholme.

5.131 It is likely that there will be a continuing need for gypsy and traveller accommodation in the District. Research from the Equalities and Human Rights Commission (EHRC) indicates a national need to meet the current shortage of pitches in England. This will be evidenced by the findings of the GTAA.

Which Local Plan policy is superseded?

5.132 This policy supersedes Policy H14, Gypsies and Travellers and H15 Travelling Showpeople, of the adopted Carlisle District Local Plan 2001 – 2016.

Other Uses in Primary Residential Areas

Consultation so far/ What you told us:

There was not a specific question regarding other uses in primary residential areas in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 33 - Other Uses in Residential Areas

The amenity of residential areas will be protected from inappropriate development where that development:

1. is for a use inappropriate for residential areas; and/or
2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

Justification

5.133 One of the Core Planning Principles of the NPPF relates to ensuring a good standard of amenity for all existing and future occupants of land and buildings. The City Council therefore aims to protect and maintain the residential character of the areas identified as being primarily in residential use.

5.134 Within residential areas it is necessary to prevent development that would be detrimental to the surrounding residential area. In order to protect residential amenity, the City Council will resist any planning application which seeks to introduce a use which is clearly non-conforming and threatens the residential character of an area.

5.135 Certain proposals for non-residential uses within established residential areas including small local shops, public houses and small businesses may be acceptable provided the applicant can demonstrate that the benefits of the scheme will be in the community's interest.

5.136 There are uses, however, either through the type of use, its scale, or because it would generate an unacceptable level of traffic, noise or other adverse effects such as impact on the safety or health of residents that would result in an overall loss of amenity. Such development is not acceptable in residential areas and will not be permitted.

Alternative Option

No Residential Amenity policy in the Local Plan

5.137 Do not include a policy on residential amenity within the Local Plan. In not including a policy on this it would have to be ensured that the amenity of residential areas is safeguarded through the implementation of other policies within this plan. A design policy may go some way to ensuring residential amenity however it may not be able to block inappropriate development in these more sensitive areas.

Which Local Plan policies are superseded?

5.138 Local Plan Policy CP6: Residential Amenity

6 Infrastructure

Objective

To ensure the provision of efficient and integrated infrastructure networks needed to support new and existing development, facilitate economic growth and deliver the plan strategy.

6.1 Infrastructure is a key consideration for new development and will play a fundamental role in delivering the Local Plan strategy. The policies in this chapter aim to ensure key infrastructure provision is in place to allow new development to function in a sustainable fashion. They also seek to ensure that infrastructure to be included as part of development proposals is appropriate in scale and location. Policies will draw from the evidence contained within the Carlisle Infrastructure Delivery Plan (IDP) which identifies what infrastructure currently exists across the district, highlighting any deficits and the likely funding arrangements that will be needed to address them. Where deficits do exist, policies in this chapter will seek to meet them through viable and appropriate planning obligations.

Delivering Infrastructure

What you told us:

Infrastructure was discussed in the Core Strategy Issues and Options and a number of responses relevant to this policy were received. There was broad recognition that infrastructure should be sufficient and in place to support new and existing development. One infrastructure provider was keen to raise the need to ensure proposals in the Local Plan are deliverable in order to avoid the underuse of new infrastructure should anticipated levels of new development not be realised.

There were also a number of calls for the emerging Local Plan to recognise a broad definition of infrastructure that looks beyond highways and utilities to include things like cultural facilities, health and education, and green infrastructure.

Policy 34 - Delivering Infrastructure

New development will not be permitted in areas where there is insufficient infrastructure available to support it or where it would place unacceptable strain on existing infrastructure, unless arrangements can be made for the delivery of required infrastructure as the development is progressed.

Where a development requires the creation of new infrastructure the Council will look to secure funding through planning obligations. Alternatively a fee may be sought as part of the Community Infrastructure Levy (CIL) to help address infrastructure deficits identified in the Carlisle Infrastructure Delivery Plan (IDP).

Justification

6.2 The NPPF states that planning policy should seek to identify and address potential barriers to new development such as gaps in infrastructure provision. Restricting development in areas until adequate provision of infrastructure is available in an area will ensure that what is required and viable is delivered through the planning process as a means of enabling development to go forward.

6.3 Key infrastructure that the Council would expect to see in place before a development can be progressed includes:

- Primary and secondary school placements
- Clean water supply
- Foul water drainage and network capacity

- Energy supply
- Adequate highway capacity and achievable access

6.4 Other infrastructure requirements may also need to be addressed before development is permitted. These requirements will likely be location specific and can include:

- Flood defences and mitigation measures
- Replacement or new open space/sports facilities
- Children's play areas
- Public transport accessibility
- Green Infrastructure connections (footpaths/cycleways)
- Broadband internet access
- Off street parking
- Electronic vehicle charging points
- Community facilities and services
- Health facilities
- Landscaping
- Replacement/New habitat

6.5 The Infrastructure Delivery Plan (IDP) will be used to identify any infrastructure deficits that may impact upon proposals for new development. Issues may also be raised during consultation on a planning application by relevant infrastructure bodies. New development which would likely put unacceptable strain on existing infrastructure, or which is proposed in an area where key infrastructure does not exist, will only be approved once the applicant has demonstrated how infrastructure requirements, to the satisfaction of the relevant infrastructure body, will be met before construction has been completed on the proposal site.

6.6 The IDP shall provide evidence for seeking developer contributions from applicants where a specific infrastructure issue would directly affect and/or result from a development proposal. The IDP will also provide supporting information for the introduction of a Community Infrastructure Levy, which would seek contributions from applicants towards wider infrastructure deficits that have been identified across the district.

Alternative Options

Allow development in areas with insufficient infrastructure

6.7 This would be a highly unsustainable approach which could cause significant problems for all new and existing development across the district. If no regard is given to infrastructure capacity then the deliverability of new development and, ultimately, the entire plan's strategic objectives could be brought into question. This option is therefore not considered a viable policy choice.

Which Local Plan Policy is superseded:

6.8 This is a new policy

Sustainable Transport Policy

What you told us:

As part of the Core Strategy Issues and Options consultation, Question Q1 1 asked where development should be focused, specifically whether it should be located in a way that would secure funding for new highway schemes (like the Southern relief road); or spread throughout the city to minimise the impact on existing infrastructure; or specifically restricted within areas with existing pressures on the network. Opinion was split with twenty respondents felt that development should be located in areas that would allow for investment in major new transport links, with twenty other respondents feeling a combination of all of the options would be most suitable. Other comments received during consultation suggested a desire to see more cycle ways and footpaths established across the district.

Policy 35 Sustainable Transport

In order to reduce reliance on the private car new development shall be focused into areas with the greatest availability of services and facilities or in locations with good public transport connections to service centers. Development likely to generate significant levels of transport within isolated and poorly accessible areas will normally be resisted unless an overwhelming environmental, social or economic need can be demonstrated.

New development that will be accessible to the public will be expected to provide safe and convenient access to cyclists and pedestrians

Cumbria Local Transport Plan (LTP):

Land identified for specific transport projects such as a Public Transport Interchange or new transport links (road, rail, cycleways, bridleways and footpaths) will be protected from unrelated development that could compromise the future viability of such schemes. Proposals in line with the aims and policies of the Local Transport Plan will be supported.

Travel Plans & Transport Assessments:

Development which triggers the size thresholds presented in Appendix 2 will be required to provide Travel Plans and/or Transport Assessments to support applications, showing:

1. how the needs of cyclists and pedestrians will be met and prioritised on site;
2. how the movement of freight and goods by rail will be maximised where possible and appropriate;
3. how the site will safely and conveniently connect to public and green transport routes;
4. how the accessibility needs of more vulnerable people have been taken into account;
5. how the impact of heavy goods vehicles accessing the site, where this is a required aspect of operations, will be minimised, including restrictions on operating hours and how route plans involving the movement of HGVs will avoid residential areas where possible; and
6. how all other sustainable transport concerns will be addressed.

Sustainable Vehicle Technology:

Developers will be encouraged to include sustainable vehicle technology such as electric vehicle charging points within proposals.

Justification

6.9 The NPPF states that planning policy should seek to promote proposals which would result in reductions in greenhouse gas emissions and congestion. Local Planning Authorities should ensure that new development is planned in such a way that reduces the need to travel and prioritises the movements of pedestrians and cyclists and other sustainable transport uses in order to achieve safe and secure access for all.

6.10 The NPPF suggests that Travel Plans and Transport Assessments should be used by LPAs to make sure that new development conforms to the principles of sustainable transport. Travel Plans will be used to assess whether development has made all practical steps to ensure that:

- The delivery and movement of goods and supplies is as efficient as possible (i.e. by rail);
- Pedestrians and cyclists have been given the highest consideration in terms of accessing the site and there is good access to the public transport network;
- Road and street layouts are designed to be safe and secure and minimise the conflicts between traffic and pedestrians and cyclists;
- Opportunities to incorporate facilities for electric vehicle charging points have been considered; and
- The needs of people with disabilities have been addressed

6.11 The Cumbria Local Transport Plan provides clear direction for district councils when creating transport policies in their Local Plans. The LTP states that transport policy should be sustainable, new development should be designed in ways that reduce the need to travel by being located close to service centres or public transport routes and prioritise green transport connections such as cycleways and pedestrian links.

6.12 Area specific proposals for the Local Transport Plan 3 are currently in draft, they mention key strategic links such as the Carlisle Southern Development Route as well as a number of sustainable transport projects including improving pedestrian access in the city centre, new cycle/foot ways and improvements to existing routes. Route plans for any of these projects are not yet in a form that could be mapped and safeguarded. Once they have been formalised by Cumbria Highways they shall be protected under this policy from any unrelated, compromising new development.

6.13 Proposals for development will be assessed inline with the size thresholds presented within the adopted LTP to trigger the requirement for travel plans and transport assessments to be submitted. They have been included in Appendix 2.

6.14 The Manual for Streets was produced by the Department for Transport in 2007 and provides valuable guidance on how to achieve accessible and well designed streets and neighbourhoods. In order to ensure a high quality living environment for residents, the Council will encourage its use within development proposals. In keeping with the Manual for Streets, the Council will expect new development to integrate well with existing development particularly regarding cycle and pedestrian access and connections. Foot and cycle paths will need to be both convenient and safe, not only from a traffic point of view but also through

ensuing that neither a sense of fear is created nor crime encouraged through the isolating of the route from other activities and street users, especially at night.

6.15 Electric vehicle technology is still in its infancy, there is however a strong push from national Government to encourage the development of infrastructure to support its growth. As of April 2013 there are no publicly accessible charging points within the Carlisle district. Points exist at Gretna services, Haltwhistle and at various places within the Lake District National Park (as part of the Park's drive to promote green tourism). Whilst there is not currently the level of demand for charging points within Carlisle to justify making their inclusion within development a requirement the Council would still seek to encourage an increase in provision wherever possible. As this technology grows in prominence this stance may need to be reviewed to ensure the providing of charging points is a mandatory part of development.

Alternative Options

1) Set Carlisle specific thresholds for Travel Plan/Transport Assessment requirement

6.16 Thresholds are currently set within the Cumbria Transport Plan and are used countywide by local planning authorities. Cumbria County Council is also the transport authority. There is no reason to detract from the highway authority's policy on this issue as they have both the technical expertise and supporting evidence for the justification of these thresholds as part of the LTP.

2) Make electric vehicle charging points a mandatory requirement

6.17 National policy is encouraging local planning authorities to give consideration to the requirement for including electronic vehicle charging points within new development. At present the Council does not consider there to be the demand for this technology within the district and would therefore not look to make such provision mandatory.

Which Local Plan Policy is superseded:

6.18 This policy supersedes Policies T5 – Rail Freight, T6 – Public Transport, DP5 – Trunk Roads and CP16 – Public Transport, Pedestrians and Cyclists in the Carlisle District Local Plan 2001-2016.

Car Parking

What you told us:

There were no specific questions on car parking provision in the consultation for the Core Strategy Issues and Options (Oct 2011). However, a number of responses mentioned car parking in passing when discussing other issues such as retail in the town centre or housing design. Responses were generally split, with some highlighting the need for new development within housing estates and the city centre to provide adequate levels of off-street parking, and others recognising that there is a need to discourage the use of the private motor vehicle and that fewer car parking spaces should be included within new development in order to encourage greater use of public transport.

Policy 36- Car Parking

Where appropriate, proposals for new development will be expected to provide a minimum number of parking bays per each new dwelling/sqm of floor space depending on type and location, in consultation with Cumbria County Council as the Highway Authority.

In areas suffering from significant on-street parking problems, greater provision may be sought. In all areas the need to encourage the use of alternative means of travel, other than the private car, shall be an important consideration when applying parking standards. Provision for convenient and secure bicycle parking will also be expected to be provided inline with standards. A minimum standard for disabled parking spaces within new development shall continue to be required.

Off and on street parking provision will be required to be well designed and appropriate for the street scene, particularly within conservation areas. Proposed car parking provision that would have a significant adverse impact upon the street scene, landscape or historical quality of an area will be resisted. The Council shall expect developers to have regard to the Manual for Streets when considering parking design.

Justification

6.19 The NPPF removes policy for national parking standards, leaving it up to each Local Planning Authority to set their own through their Local Plan. This will allow for authorities to better address local parking issues.

6.20 Parking standards for new development should take into account:

- The accessibility of the development
- The type, mix and use of the development
- The availability of and the opportunities for public transport
- Local car ownership levels; and
- An overall need to reduce the use of high-emission vehicles

6.21 Parking standards have, in the past, been set at a county level, in the Parking Guidelines for Cumbria (1997). These guidelines are maximum parking standards and as such are no longer inline with national policy. The Council, working with Cumbria Highways, will produce an SPD to set minimum parking standards for the district. New development will be expected to be in line with the standards presented within the SPD. Carlisle City Council is also working on a car parking strategy which will be used to inform car park provision, particularly within the city centre. This should be referred to once it is available.

6.22 Carlisle Parking Services have raised the issue of increasing levels of on-street parking in residential areas. There is a need to look at more appropriate off street parking requirements for new development. A minimum requirement for parking as opposed to a maximum allowance is considered a logical solution to this as it would help to ensure adequate provision of off street parking in new developments. Ultimately, more spaces are needed in new development; for residential development each dwelling should have at least two dedicated parking spaces associated with it. Where garages have been included within a residential proposal, they must be of adequate size to accommodate a vehicle before they can be counted as a parking space. Garages that are less than 6m in length and 3m in width are not considered large enough to comfortably accommodate the average modern family car and will not be counted as car parking spaces. For commercial and leisure areas, it may be acceptable for different uses to share parking space which can count towards meeting the required spaces for both businesses, assuming it can be adequately demonstrated that anticipated peak usage will occur at different times of the day as to avoid conflict.

6.23 Carlisle Parking Services have indicated that there are no capacity problems with current commercial car parks, where they exist. However, should proposals to build new offices for Cumbria County Council on the William/Cecil Street car park go ahead then significant off street parking capacity in Botchergate will be lost. Replacement provision will need to be identified and developed before any work starts in order to ensure on-street parking does not become an issue in the area.

6.24 There is virtually no off-street parking provision in some parts of the city, such as on and around Warwick Road, and this can result in significant issues with inappropriate on-street parking. There are also parking problems on the Kingstown industrial estate in the north of the city, where piecemeal take up of units has meant that insufficient parking spaces have been provided leading to congestion issues on the estate roads as people struggle to find a place to park

6.25 Issues also arise due to a lack of parking in the other larger settlement centres – particularly in Brampton where town centre spaces are used largely by workers rather than visitors or shoppers. Issues with commuter parking exist in Longtown and Dalston. However, a new car park has recently been established in Dalston which should alleviate some of the issues there.

Alternative Options

1) Encourage the use of maximum parking standards for new development in the district

6.26 Previously, maximum parking standards were used for new development, effectively limiting the amount of spaces that could be provided. It was considered that this would encourage the use of more sustainable transport by making it more difficult to access development using a private motor vehicle. Whilst this principle had merit in theory, it has created some issues within Carlisle in practice leading to a lack of available parking spaces to accommodate vehicles across different parts of the district. This has led to significant issues with obstructive and often inappropriate on-street parking within some areas. It is considered that a more flexible approach to parking standards, which ensures a minimum provision of off-street parking associated with new development, targeting problem areas and use types in particular, would be a more sustainable approach.

2) Do not set standards and use a case by case approach to assessing parking requirements in new development

6.27 This option would rely on professional judgement to assess the level of parking provision required on new development. Whilst this would be the most flexible approach to ensuring parking is provided, it could also introduce the risk of inconsistency. This approach could also lack transparency, where no clear standards are available for developers to consider, this could leave the Council open to challenge and is therefore not considered to be a viable option.

Which Local Plan Policy is superseded:

6.28 This policy supersedes Policy T1 – Parking Guidelines for Development and T2 – Parking in Conservation Areas and T3 – Parking Outside of Conservation Areas in the Carlisle District Local Plan 2001-2016.

Broadband Access

What you told us:

There was no specific question regarding broadband access during consultation on the Core Strategy Issues and Options however the importance of new development being able to connect to superfast broadband networks was raised in a number of comments relating to the wider infrastructure section.

Policy 37 - Broadband Access

New development must be able to demonstrate how it will contribute to and be compatible with local fibre or internet connectivity. Where appropriate a Connectivity Statement will be required to accompany a planning application detailing the anticipated connectivity requirements of the development, known nearby data networks and their anticipated speed (fixed copper, 3G, 4G, fibre, satellite, microwave, etc), and realistic assessments of connection potential or contribution to any such networks.

Wherever possible, new development should aim to connect to the internet with a minimum symmetrical speed of 25Mbps with realistic capacity for future upgrading. Where this can not be achieved proposals should still include, as a minimum, suitable ducting to accommodate fibre optic cabling, connecting to either:

- The public highway; or
- A community led local access network; or
- Another location that can be justified through the connectivity statement

Applicants proposing major development schemes are encouraged to engage with local broadband groups, where present, to explore how ducting and/or fibre can be provided to benefit the local community.

Justification

6.29 The National Planning Policy Framework recognises the vital role broadband technology plays in enhancing the provision of local community facilities and services. This policy therefore aims to support the expansion of high speed broadband across the district, particularly in rural areas where there has been a market failure regarding the viability of providing high speed and holistic connectivity.

6.30 The Fibre to the Home Council Europe (FTTH) reported that in 2012/13 the UK had not yet achieved 1% household coverage of superfast, fibre optic broadband (100Mbps), falling dramatically behind other European countries such as Lithuania (31%), Sweden (23%), Bulgaria (17%) and Latvia (17%). The Government has expressed its intention to invest in broadband networks across the country, aiming to ensure every household has access to at least 2Mbps and that 90% of homes have access to at least 25Mbps by 2015. It is widely recognised however that speeds of at least 100Mbps will be required to ensure the functionality of emerging workplace practices such as cloud computing.

6.31 Across the district broadband access varies significantly. Only a small part of the city, in and around the CA1 postcode area, has access to fibre optic cable broadband technically capable of speeds of up to 75Mbps. Average broadband speeds across the city are around 7.6Mbps, however in outlying areas such as Belah and Garlands speeds can drop significantly and struggle to achieve over 1Mbps. Rural parts of the district have generally much lower connection speeds. In Brampton the average speed is 3Mbps and in Longtown and the larger villages speeds struggle between 2 and 2.5Mbps. In the most rural parts of the district speeds are unlikely to be more than 500Kbps.

6.32 This policy seeks to balance the viability of new development with that of ensuring the wider, long term viability of the country in terms of access to superfast broadband. It also seeks to support community broadband initiatives. Provision needs to be made to ensure new development contributes towards the Government's target of 25Mbps by 2015. However, it would be remiss not to consider the likely requirements of homes and businesses over the 15 years of this plan and encourage applicants to consider ways of allowing for future upgrades to networks within their plans. Applicants will, in a Connectivity Statement, be required to actively demonstrate that they have considered broadband connectivity within their proposals and, where necessary, justify why they cannot achieve a 25Mbps connection on the site. Where they cannot achieve a 25Mbps connection they should still ensure the development is ready to embrace fast, fibre optic broadband once it is available by ensuring ducting, capable of carrying fibre cables, is provided up to the public highway or any community led broadband networks in the area.

Alternative Option

No broadband policy in the Local Plan

6.33 This would require policy to defer to the National Planning Policy Framework, which only briefly mentions the importance of broadband infrastructure. The NPPF does not provide a clear method for ensuring broadband connectivity is considered by applicants. This option is therefore considered both weak and unsuitable.

Which Local Plan Policy is superseded:

6.34 This is a new policy

Waste Minimisation and the Recycling of Waste

What you told us:

The issue of waste management and the provision of recycling facilities was not raised during the Issues and Options consultation for the Core Strategy. It was raised briefly in the wider comments addressing climate change issues. It was suggested that reference to the need to minimise waste production and facilitate the recycling of waste should be included within policy.

Policy 38 - Waste Minimisation and the Recycling of Waste

Development proposals should be able to demonstrate that they have taken every possible step to reduce the amount of waste likely to be produced by the development and, where appropriate, maximise the opportunities for the recycling and composting of waste to be produced, preferably on site.

All new development should follow the principles of sustainable waste management and must include details of facilities for the storage, collection and recycling of waste produced on-site for both during and after construction. On new housing estates developers should make provision for collective and accessible waste and recycling areas that create a single point for waste storage and collection to serve a number of dwellings.

Justification

6.35 The principles for sustainable waste management are set out in a range of national legislation and guidance, including the still current Planning Policy Statement 10: Planning for Sustainable Waste Management, the national Waste Strategy for England 2007 and, to a lesser extent, the National Planning Policy Framework – though work is underway on the National Waste Management Plan for England, which should provide up to date national guidance once it is published. Similar principles are set out in the Cumbria Minerals and Waste Development Framework, which is the main waste planning document for the county. Planning authorities should seek to reduce the amount of waste going to landfill. This means ensuring that every possible step has been taken by new development to ensure sustainable methods of waste disposal are encouraged and, on larger sites, required by planning policy.

6.36 Carlisle City Council currently aims to have at least 50% of all household waste disposed of sustainably either through recycling or composting. The Council is well on track to meeting this target with around 49.46% of all household waste in 2011/12 being recycled or composted. This figure has seen a significant increase in recent years with only 25.73% of waste being recycled or composted in 2004/5. To ensure that this trend is maintained all new development must be required to follow the principles of sustainable waste management. Developers will be expected to set aside areas on new housing estates for collective waste storage in order to provide a single point for collection. This should make it easier for refuse collection services to work on an estate and also alleviate levels of disturbance to residents

that may arise from refuse trucks travelling door to door. Recycling provision could also be provided along side these collective waste areas. Collective waste areas should be accessible and larger estates may require multiple sites.

Alternative Options

1) Require Waste Audits to accompany applications for major development

6.37 This was a requirement in the previous Local Plan (2008) policy CP14, which XXXX replaces. It was not a statutory requirement and it was rarely requested. It could be brought back into policy if it is considered to be still relevant and a worthwhile requirement to accompany planning applications.

2) Do not include a waste management/recycling policy within the Local Plan

6.38 This would mean that the requirement to demonstrate how waste will be managed in new development would be handled through the NPPF/PPS10. Having a Carlisle specific policy allows the Council to promote the principles of recycling on all new development during and after construction. Not having a clear idea of how waste will be managed over the lifetime of a development could lead to serious issues in the future.

Which Local Plan Policy is superseded:

6.39 This policy supersedes Policy CP14 – Waste Minimisation and the Recycling of Waste in the Carlisle District Local Plan 2001-2016.

Drainage on Development Sites

What you told us:

There was no specific question on this issue within the Core Strategy Issues and Options consultation. However, a number of responses referred to the importance of ensuring good foul water drainage on site and the need to ensure sewerage and treatment capacity to enable new development. One response did highlight that wastewater services are essential to the health and well being of the whole community.

Policy 39 - Drainage on Development Sites

Development will not be permitted where inadequate foul water treatment and surface water drainage infrastructure exists, or where such provision cannot be made within the time constraints of planning permission. Development which would involve surface water draining into the foul water sewerage network will not be permitted.

Where United Utilities can demonstrate that connection to the public sewerage system is not possible, alternative on-site treatment methods and septic tanks associated with a new development may be permitted provided they are of an environmental standard to the satisfaction of the Environment Agency.

Justification

6.40 The NPPF requires Local Planning Authorities to consider infrastructure when deliberating over planning applications. Working with other organisations, authorities are expected to ensure adequate provision of infrastructure, including waste water treatment and other utilities. In instances where utility capacity is an issue, authorities should look at ways of creating additional provision in order to ensure sustainable development can still be achieved.

6.41 Foul and surface water drainage are managed through two different systems and must be considered separately. Surface water must not drain into the foul water sewerage network as it can quickly overload the network's capacity. Applicants are expected to ensure adequate surface water drainage systems are in place and sufficient capacity exists within the sewer network before development can commence.

6.42 The quality of groundwater and surface waters and associated water-based recreation, fisheries and nature conservation must be protected against the risk of pollution from the inadequate provision of foul water sewerage and sewage treatment facilities. Development proposals which necessitate the use of septic tanks and sewage treatment package plants may, if not designed correctly or located appropriately, result in an increased risk of pollution to groundwater and surface waters. Such systems will only be permitted if it can be demonstrated that connection to the public foul water sewerage system is not feasible, taking into account cost and/or practicability.

6.43 United Utilities manage and monitor capacity within the waste water treatment network. The Council relies on feedback from them in order to ascertain whether sufficient capacity exists within the network to accommodate new development. At present, the Council has been made aware of critical capacity issues at the Wetheral and Great Corby waste water treatment works. Discussions with United Utilities have indicated that more capacity is unlikely to be made available until 2017 at the earliest.

Alternative Option

No Drainage policy in the Local Plan

6.44 This would require policy to defer to national guidance, which would not address directly the need to ensure utility capacity in terms of drainage, nor does it make reference to onsite provision such as septic tanks/package treatment plants. The NPPF also does not make the distinction between foul and surface water drainage, which must be kept separate. If there was no local policy on this there would be a policy gap, whereby the Council would not be able to influence the provision of foul and surface water infrastructure to be appropriately included within new development.

Which Local Plan Policy is superseded:

6.45 This policy supersedes Policy CP12 – Foul and Surface Water Sewerage and Sewage Treatment in the Carlisle District Local Plan 2001-2016.

Satellite Receiving Equipment

What you told us:

Satellite receiving equipment has not been mentioned in any of the consultation on the Core Strategy or Local Plan so far. It is not a critical issue, and for most would constitute permitted development, therefore strong community views on the matter are not expected.

Policy 40 - Satellite Receiving Equipment

Satellite receiving dishes and antennas that fall outside of the definition of permitted development and, as such, require planning permission will be acceptable provided that the equipment:

1. Is sited to minimise its visual impact; and
2. Is sited so that no part of projects above the highest part of the roof or chimney; and
3. Would not result in significant cluttering of a building if other dishes/antenna are present; and
4. In conservation areas, is located so as not to be visible from any public view point.

Justification

6.46 There is no mention of the installation of satellite dishes or antennas within the National Planning Policy Framework. The Town and Country Planning (General Permitted Development) Order 1995 (as amended), however, describes how and when receiver equipment can and cannot be considered permitted development. This policy must be applied in cases where:

- The size of the dish or antenna (excluding any projecting feed element, reinforcing rim, mountings and brackets) when measured in any dimension would exceed:
 - i. 45 centimetres when installed on a chimney
 - ii. 90 centimetres when installed on or within the curtilage of a dwelling house, other than on a chimney
 - iii. 70 centimetres in any other case; or
- The highest part of a dish or antenna to be installed on a roof or a chimney would, when installed, exceed in height:
 - i. the highest part of the roof (if installed on a roof);

- ii. the highest part of the chimney (if installed on a chimney); or
- There is already a satellite dish or antenna on a dwelling house or within its curtilage; or
- In the case of land within an AONB, the Hadrian's Wall World Heritage Site or a designated conservation area, an application would consist of the installation of equipment on:
 - i. a chimney
 - ii. a building which exceeds 15 metres in height
 - iii. a wall or roof slope which fronts a highway.

6.47 The number and siting of satellite dish antennas in residential areas can have a major visual impact. As satellite television and broadband services increase in popularity and prevalence more dishes may be erected. This policy seeks to ensure that significant, adverse impact to street scenes, landscape or historical quality of a building does not occur as a result of over-cluttering of equipment on buildings, particularly on those comprising of multiple residences.

6.48 Listed building consent will be required before a satellite dish antenna may be placed anywhere on a listed building.

Alternative Options

1) No Satellite Receiving Equipment policy in Local Plan

6.49 This would require policy to defer to national guidance which currently does not mention satellite receiving equipment. Whilst there are regulations that detail when satellite dishes and antenna can and can't be considered permitted development there is no policy detailing how permission for equipment will be assessed in planning, should it be deemed necessary. Not having this policy would leave a policy gap.

2) Specify the number of dishes or antennas that would constitute over cluttering of a building

6.50 This option would specify how many dishes/antennas would be permissible on a building before additional equipment would be refused due to unacceptable levels of cluttering. This would be an inflexible policy, which would fail to take into account the individual circumstances and location of different applications. What might be acceptable in one location for a certain size of building may not be in another. It would remove the ability to assess each case on its own merit and is therefore not considered a suitable option to take forward.

Which Local Plan policy is superseded:

6.51 This policy supersedes Policy EC20 – Satellite Receiving Equipment in the Carlisle District Local Plan 2001 – 2016.

Planning Obligations

What you told us:

There were no questions concerning planning obligations during consultation on the Core Strategy Issues and Options. However, a number of responses wanted, and in some cases expected, developers to contribute to infrastructure that would either be required to support the development and/or would be of benefit to the wider community.

Policy 41 - Planning Obligations

The Council will consider the use of Planning Obligations (106 Agreements) in order to provide for local or community needs relevant to the proposed development as set out in other policies in this Plan. Planning Obligations will cover a number of issues such as affordable housing, green infrastructure, recreational space, art, transport/traffic improvements, community facilities, archaeology, amenity space/landscaping, training and employment, crime and disorder measures or any other infrastructure deficit identified in the Carlisle Infrastructure Delivery Plan (IDP).

Justification

6.52 There are a number of policies in this Plan which aim to improve the local environment for existing residents of the District and new occupants, In order to ensure that any new development proposals are integrated a number of measures will be considered. Planning Obligations are a way of integrating new development into the surrounding environment especially where development proposals may have a direct impact on others. Given the wide range of local issues which may arise the City Council is setting out its priorities for planning obligations in a separate document.

6.52 The Carlisle Infrastructure Delivery Plan (IDP) will identify any deficits in infrastructure provision in the district. It will also highlight what funding arrangements would be required to address these deficits. Where there are gaps in funding, it is likely that developer contributions will be needed to ensure infrastructure is provided where and when it is needed.

6.53 In accordance with the NPPF and to ensure that the Plan remains deliverable, planning obligations must not over burden developers and run the risk of making schemes unviable. Planning obligations must be economically viable. However, where there is a critical infrastructure deficit, which would be needed to support a new development, permission may be refused if the applicant is unwilling or unable to contribute to providing what is required.

Alternative Option

No Planning Obligations policy in the Local Plan

6.54 This would require policy to defer to national guidance which would lack any link to the Carlisle Infrastructure Delivery Plan, an important mechanism for ensuring infrastructure needs across the district are met through developer contributions.

Which Local Plan policy is superseded:

6.55 This policy supersedes Policy IM1 – Planning Obligations in the Carlisle District Local Plan 2001 – 2016.

7 Climate Change and Flood Risk

Objective

To reduce emissions of greenhouse gases and avoid inappropriate development in areas at greatest risk of flooding whilst allowing essential safe development in flood risk areas without increasing the risk of flooding elsewhere; therefore ensuring Carlisle is more resilient and less vulnerable to the impacts arising from climate change.

7.1 Carlisle City Council recognises the importance of protecting our environment and using the natural resources available to us to their fullest through renewable energy generation and energy efficient design and materials. Central to this is ensuring that the District is resilient to the effects of climate change through ensuring that new development is directed away from areas at risk of flooding and that new development manages its potential effects responsibly.

Renewable Energy

Consultation so far/ What you told us:

Renewable energy was considered across a number of policies within the Issues and Options Paper therefore comments were wide ranging, including the following;

- A positive approach should be taken to renewable energy proposals;
- Policies should positively encourage and set out different forms of renewable energy development (i.e. biomass, solar, wind energy and photovoltaic) whilst ensuring that proposals are fully assessed for their impact on the landscape and natural environment;
- Smaller sites should not have to adhere to onsite renewable energy targets;
- More renewable energy investment – smaller less impact wind chargers in industrial estates and more solar panels in residential areas;
- Maximise renewable energy generation schemes making sensitive use of the areas resources, including encouragement of community-led developments;
- Needs to be a real focus on developing renewable energy resources – wind, solar and tidal power;
- Provide more incentives for renewable energy systems such as small scale wind charges, solar water heating and solar panels on roofs for electricity;
- Need to address the impact of renewable energy solutions on rural communities e.g. wind farms.

Policy 42: Renewable Energy Policy

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

1. there is no unacceptable visual impact on the immediate and wider landscape and townscape;
2. there is no adverse impact on biodiversity;
3. any new structures would be sensitively incorporated into the surrounding landscape/ townscape and/or habitat and respect the local landscape character;
4. measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
5. any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;

6. there would be no unacceptable levels of harm to features designated as of local, national or international importance;
7. adequate provision can be made for access and parking and the development would not adversely impact on the road network;
8. there would be no unacceptable conflict with any existing recreational facilities or routes;
9. there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments, within and adjacent to Carlisle District.

Justification

7.2 The City Council has signed up to the Nottingham Declaration (2007) and in doing so acknowledged that climate change is occurring. It also committed the City Council to adapt to the impacts of climate change and to achieve a significant reduction in greenhouse gas emissions, both within its own activities and to encourage all sectors to do so. Renewable energy is the collective term used for repeatedly occurring natural energy sources. These include energy from the sun, wind, sea, the fall of water and biomass. Certain combustible industrial, agricultural or domestic waste materials are also regarded as renewable sources of energy. The Government is committed to sourcing 15% of its total energy (across the sectors of transport, electricity and heat) from renewable sources by 2020 alongside a UK carbon budget to reduce emissions by 80% from 1990 levels by 2050. Renewable energy sources can help to diversify energy supply and reduce harmful emissions to the environment, however most forms of renewable energy require specific environmental conditions and therefore can only be developed where the resource exists. The Overarching National Policy Statement for Energy (EN-1) advises that a diverse mix of all types of power generation is beneficial so that we are not dependent on any one type of power generation, therefore ensuring security of supply. Additionally the value of renewable energy generation is recognised as a means of achieving a low-carbon economy. National policy is central to the development of local policy and includes a strong message that local authorities should promote and encourage, rather than restrict, the development of renewable energy sources.

7.3 The Cumbria Renewable Energy Capacity and Deployment Study (September 2011) considers a range of renewable energy sources, translating potential into realistic deployable capacity up to 2030 in order for Cumbria to meet Government energy targets. It states that Cumbria needs to significantly increase its current level of deployment (of all types of renewable energy) if the County is to meet the target figure considered deployable by 2030. The study looks at the overall potential technical capacity from wind, biomass, energy from waste, hydropower, solar and

heat pumps. Applicants should have regard to this and any future studies in the formulation of development proposals.

7.4 Carlisle District contains a number of important landscapes. Proposals for renewable energy should ensure that they will not adversely affect their special character. Special consideration should be given to: Scheduled Ancient Monuments, Listed Buildings, Conservation Areas and Registered Historic Parks and Battlefields. Proposals for schemes close to the district's boundary with Northumberland National Park should take into account the impact of the development on the natural beauty and heritage of the area. Development in or likely to have an unacceptable impact on nationally and internationally designated sites will be restricted regardless of whether the policy criteria are met, however projects may be allowed in these areas if it can be demonstrated that the wider environmental, social and economic benefits outweigh any adverse effects. The Cumbria Landscape Character Guidance and Toolkit 2011, or any successor documents, should be used to assist in identifying areas that are capable of successfully integrating renewable energy developments. The Solway Coast AONB Management Plan and the North Pennines AONB Management Plan should be referred to when considering proposals which could have an impact upon these designations. Views from within and towards the Solway Coast and North Pennines AONBs as well as other public viewpoints should also be given consideration.

7.5 The Council is in support of the principle of renewable energy provided it meets the criteria set out in the policy. It will seek to foster community involvement in larger scale renewable energy projects, and recommends that developers of renewable energy projects engage in active consultation and discussion with local communities at an early stage in the planning process. The Council will also seek to consider, where appropriate, the opportunity for developing renewable energy projects in association with new large-scale developments, for example district heating networks. It will also support community-led initiatives for renewable and low carbon energy where they are in line with this policy.

7.6 Proposals for renewable energy developments will almost always have some local environmental implications. Any significant adverse impact will be weighed against the wider social, economic and environmental benefits including those of reducing emissions. Some renewable energy projects may be subject to an environmental impact assessment (EIA). This will be the case where a scheme is likely to have significant environmental implications for the surrounding area during its development and/or operation. Further information on EIA can be found in Planning for Renewable Energy: A Companion Guide to PPS22 or any subsequent revisions of this document.

7.7 Proposals for all renewable energy developments should consider the environmental effects of the distribution lines between the development and the point

of connection to the national grid. Consideration should also be given to the environmental impact of access tracks where these are required to construct and maintain the proposed development.

7.8 In addition to this Local Plan Policy, Policy 43 - Wind Energy provides further guidance to assess wind energy developments.

Alternative Options

1) Do not include a Renewable Energy policy within the Local Plan;

7.9 It is considered that a policy on Renewable Energy is valuable in drawing applicants' attention to the criteria contained within the policy which is specific to Carlisle District in terms of development of appropriate types of renewable energy. It is also important to recognise the contribution the District could make towards achieving national renewable energy targets and therefore it is vital to have a Local Plan policy to encourage and support this type of development.

2) Set a target percentage for on site renewable energy generation;

7.10 It is considered that setting a percentage target for on site renewable energy for new development will not be appropriate as there is no available evidence to support this policy direction. This is also not something that is supported at a national level.

Which Local Plan policies are superseded?

7.11 This policy supersedes Policy CP8 – Renewable energy in the Carlisle District Local Plan 2001 – 2016.

Wind Energy

Consultation so far/ What you told us:

Within the Issues and Options Paper a general question was asked regarding what specific measures are needed to help cope with climate change. The following comments were received regarding wind energy;

- A lot more investment in renewable energy especially wind power;
- Support for development of offshore wind farms;
- A policy relating to the delivery of sustainable energy development such as wind farms should be developed, acknowledging environmental, social and economic considerations that need to be balanced as part of this process;
- More renewable energy investment. More Wind Turbines in the Irish sea and smaller less impact Wind Chargers in Industrial estates and Residential areas;
- Businesses able to use renewable sources of energy for there own use. Communities able to invest in renewables as a community asset e.g. wind turbines;
- We need to be more positive about wind generation, where there is opposition there should be a reasoned response and negotiation;
- Develop a wind farm, providing cheap and possibly free electricity to the surrounding communities;
- Please do not fill the horizon with wind generators;
- Needs to be a real focus on developing renewable energy resources. The options we have locally are wind power, solar and tidal. Wind power is important. Although it is not a constant supply it is part of the mix that we have.

Policy 43 - Wind Energy

Proposals for the development of wind turbines need to consider their individual and cumulative effects and will be assessed against the following criteria;

- Location, scale and visual impact in relation to the character and sensitivity of the immediate and wider surrounding landscape and townscape;
- Local amenity in relation to noise, amplitude modulation, shadow flicker, low frequency sound or vibration, air quality/emissions;
- Effects on nature conservation features, habitats, biodiversity and geodiversity, including sites, habitats and species, avoiding significant adverse effects of sites of international nature conservation;
- Effects on the context of Hadrian's Wall World Heritage Site, Scheduled Ancient Monuments, listed buildings, historic structures, historic gardens, parks, battlefields or designated conservation areas (dependent on site specific assessment);
- Effects of any new structure on existing services such as highways infrastructure and telecommunications;
- Effects on civil or military aviation and/or other defence assets such as RAF Spadeadam, the Eskdalemuir Seismic Recording Station and the VLF transmitter at Skelton
- Cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments within and adjacent to Carlisle District.

Additionally it is expected that appropriate operational requirements have been satisfied (including accessibility and suitability of road network, ability to connect to the grid, proximity of any feedstock where relevant) and appropriate measures are included for the removal of structures and the restoration of sites, when sites become non-operational.

Justification

7.12 The Local Plan has a duty to encourage the use of renewable energy sources as a means of reducing greenhouse gas emissions and providing positive resilience to the impacts of climate change.

7.13 The Climate Change Act (2008) set legally binding carbon budgets for the UK which aim to reduce UK carbon dioxide emissions by 34% by 2020 and, in line with European guidelines, at least 80% by 2050. The UK Renewable Energy Strategy

2009 includes a target of delivering more than 30% of our electricity generated from renewable sources by 2020. In addition to these targets the NPPF includes a strong message that we should promote and support the delivery of renewable and low carbon energy and associated infrastructure in moving towards a low carbon economy. Wind energy is widely considered to be a proven, viable and rapidly developing energy technology, with the UK having access to 40% of the entire European wind resource (EN-1). This policy will play a role in contributing towards these reduction targets.

7.14 The Cumbria Renewable Energy Capacity and Deployment Study (September 2011) considers a range of renewable energy sources, translating potential into realistic deployable capacity up to 2030 in order for Cumbria to meet Government energy targets. It states that Cumbria needs to significantly increase its current level of deployment (of all types of renewable energy) if the County is to meet the target figure considered deployable by 2030 and encourages the continued deployment of commercial wind as it provides the cheapest option for energy generation and gives the highest carbon savings. Wind energy proved to be the largest single resource in Cumbria with Carlisle having a significantly lower capacity than other Districts within the County. The study takes into account the protection offered to landscapes within AONB's. The study provides general guidance in relation to capacity per square kilometre of large (125m to tip), medium (90m to tip) and small (65m to tip) turbine development. In relation to landscape capacity, the study identifies that Carlisle has 9% of the wind energy capacity for the County. Despite this, Carlisle is identified as having the highest potential capacity for accessible small scale resource due to the urban nature of the District.

7.15 The Cumbria Wind Energy SPD was adopted by the Council in 2008 to help guide the siting and design of turbines and to indicate the capacity of each landscape character type within Cumbria for wind energy. This document therefore provides a steer for the development of wind energy and will be used to guide development of this kind. It also reiterates that wind energy development can have wider landscape and visual effects than other forms of renewable energy development. Development proposals should take this document into account.

7.16 The Solway Coast AONB Management Plan and the North Pennines AONB Management Plan should be referred to when considering proposals which could have an impact upon these designations. Proposals for schemes close to the district's boundary with Scotland, Northumberland, Eden District and Allerdale Borough should also take into account the impact of the development on the landscape and heritage of the area. Additionally, the Cumbria Landscape Character Guidance and Toolkit 2011, or any successor documents, should be referred to as this helps to identify areas that are capable of successfully integrating renewable energy developments.

7.17 Proposals for renewable energy developments will almost always have some local environmental implications. Any significant adverse impact will be weighed against the wider social, economic and environmental benefits including those of reducing emissions and greenhouse gasses. Some renewable energy projects may be subject to an environmental impact assessment (EIA). This will be the case where the scheme is likely to have significant environmental implications for the surrounding area during its development and/or operation. Further information on EIA can be found in Planning for Renewable Energy: A Companion **7.18** Guide to PPS22 or any subsequent revisions/updates of this document. Additionally, within Carlisle District it should be noted that there are a number of landscape and functional constraints that may limit this type of development in certain locations, including within the North Pennines and Solway Coast AONB's, Carlisle Airport Safeguarding area, Eskdalemuir Seismic Recording safeguarding area and the MOD safeguarding zone.

7.18 It is important that new energy infrastructure does not significantly impede or compromise the safe and effective use of any defence assets. Where proposed development may have an effect on civil or aviation and/or other defence assets, an assessment of potential effects should be set out in an Environmental Statement (as outlined in EN1- Overarching National Policy Statement for Energy). This requires any applicant to have assessed the impacts of their proposed development upon civil and military aerodromes, aviation technical sites and other defence interests.

7.19 Proposals for the development of wind turbines are expected to provide supporting evidence including Landscape, Visual and Environmental Assessments and must demonstrate that any negative impacts can be satisfactorily mitigated. The must also take into consideration the Cumbria Wind Energy SPD, Cumbria Renewable Energy Capacity and Deployment Study 2011; the Cumbria Landscape Character Guidance and Toolkit (2011) and/or any successor documents.

7.20 Development in or likely to have an unacceptable impact on nationally and internationally designated sites will be restricted even if the above criteria are met, however projects may be allowed in these areas if it can be demonstrated that the wider environmental, social and economic benefits outweigh any adverse effects.

7.21 Proposals for all renewable energy developments should consider the environmental effects of the distribution lines between the development and the point of connection to the national Grid. Consideration should also be given to the environmental impact of access tracks where these are required to construct and maintain the proposed development.

7.22 The RSPB will be consulted where development has the potential to impact significant populations of sensitive birds species or their habitats.

7.23 Furthermore, England has no minimum separation distance in planning law or guidance, although noise limits suggest a minimum separation distance of 350 metres for a typical wind turbine. The Government has rejected the idea of a separation distance for England and as such it is considered inappropriate for the Council to stipulate a minimum separation distance. Separation distances will therefore be considered on a site-by-site basis, taking account of topography, orientation and residential amenity. If during the timeframe of this plan this changes, decisions will be made in line with national planning policy.

7.24 Applications for large wind farms with deployable capacity greater than 50MWe are not determined by the City Council; instead development consent must be gained from Secretary of State via submission to the Infrastructure Planning Commission.

Alternative Options

1) No Wind Energy Policy in the Local Plan

7.25 An alternative approach would be to have no wind energy policy in the Local Plan, relying on national policy and other Local Plan policies to guide development. This was rejected as it does not reflect the local importance of wind energy and would not promote national priorities or strategic objectives.

2) Wind Energy Policy included within wider Renewable Energy Policy

7.26 An alternative to not include a stand alone policy on wind energy and instead determine wind turbine applications using a renewable energy policy such as that contained within the Current Local Plan. It is clear that across the District there are a greater number of applications for wind energy than other renewable energy technologies. It is therefore considered that a stand alone policy on wind energy would be beneficial to applicants and officers in guiding development of this type to appropriate locations across the District.

3) Adopt a negative policy towards large scale wind

7.27 This was considered to address some community concerns regarding wind development by providing a clear message in policy. It was rejected as the preferred option as it would be against national policy and likely to fail the Government's 'test of soundness' as the approach is not informed by evidence and therefore would be very unlikely to be implemented. Additionally, the policy would not help promote national priorities or strategic objectives, as it would rely on other technologies to help meet national renewable targets, which is contrary to the findings of the evidence base.

4) Establish 'areas of search' for wind development

7.28 This alternative option was also considered, as it would provide additional policy material on wind development by establishing areas of search for wind development. Adopting such a policy would assess the District and identify those areas that would be appropriate for wind development and establish the potential capacity. This would reflect some local concerns about inappropriate developments in some areas, and provide certainty for developers while reducing their costs and time. This was not considered to be the preferred approach as it may not generate community support once areas have been identified and therefore would be difficult to implement. It would also focus applications for development primarily to these areas and may make applications for development in these locations difficult to oppose. It also makes a presumption that areas out with the identified areas of search would automatically not gain permission, which may in fact not be the case.

5) Include specific criteria indicating 'setback' distances from residential developments

7.29 Criteria could be developed to protect residential dwellings from commercial wind development close by. This approach was rejected because it would have to be evidence based, and as each potential site varies, setting one threshold for the whole of the District would be complex, difficult to justify and open to challenge. Furthermore, the preferred option has criteria to protect amenity and health on a case-by-case basis and this is considered to be the best method to protect dwellings from potential harm.

Which Local Plan policies are superseded?

7.30 This policy supersedes Policy CP8: Renewable Energy in the Carlisle District Local Plan 2001 – 2016.

Development, Energy Conservation and Efficiency

Consultation so far/ What you told us:

Renewable energy was considered across a number of policies within the Issues and Options Paper therefore comments were wide ranging, including the following;

- In the present economic climate and the state of the building trade (which may persist for the foreseeable future), it would discourage developers from building and add to their costs and selling price. Current standards are already significantly higher than in the recent past. A developer who on his own volition presents a scheme which meets these standards, (such as the Racecourse), could be recognised when considering their application.
- While encouragement should be given for delivery of homes to higher code levels prior to the published required dates; it is considered important that doing so does not hinder the viability of schemes. It may be beneficial not to seek higher levels in advance of the national start date for their provision.
- As high as possible, as soon as possible, and actively promote this policy nationally to level the playing field.

Policy 44- Development, Energy Conservation and Efficiency

Development should make the fullest contribution to climate change adaption. Development will be expected to seek to improve CO₂ emissions savings above the Building Regulations baseline and set out how improvements are achieved within a Design and Access statement or within an energy statement in cases of change of use, as part of the planning application. Developments not achieving improvements over the baseline energy standards will not be supported unless applicants can demonstrate that it is not feasible to do so.

Development proposals must take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable and recycled materials is also expected within the design.

Developers should also consider the possible incorporation of other small-scale sources of renewable energy like photovoltaic cells and will also be encouraged to include systems for collecting roof water to enable its re-use.

The Council will encourage all major developments to explore the potential for a District Heating Network or Decentralised Energy Network. Proposals for renewable, low carbon or decentralised energy schemes will be supported provided they do not result in unacceptable harm to the local environment which cannot be successfully mitigated.

Justification

7.31 The Council seeks to ensure the high quality of development proposals and to promote energy efficiency and sustainable sources of energy supply. The policy sets out a supportive framework for delivering low and zero carbon energy infrastructure to demonstrate the Council's commitment in delivering energy security and climate change initiatives. The Council is committed to ensuring that all new development maximises energy efficiency in its design and materials used, in line with the NPPF.

7.32 It is acknowledged that buildings, which are energy efficient and hence cheaper to run, have enhanced market appeal. The layout, location and design of a development can have a fundamental impact on energy efficiency. Higher density developments and south facing aspects can both help to produce milder urban microclimates as well as maximising natural light. Design should aim to maximise solar gain (where appropriate) as well as natural ventilation, utilising appropriate materials and increasing opportunities to recycle heat and rainwater. Energy efficient housing also has health benefits through providing warmer housing in winter months.

7.33 Applicants should be able to demonstrate how they have attempted to minimise energy use and heat loss through careful and imaginative design, location and construction techniques. The Council has produced a SPD on Energy Efficiency (March 2011) which provides further detailed guidance on energy conservation for developers in the consideration of development proposals.

7.34 The NPPF recognises the important role of planning in supporting a move to a low carbon future. As well as striving for energy efficiency improvements in existing and proposed buildings, the Government advises that local standards for building's sustainability should be consistent with the Government's zero carbon buildings policy and should adopt these nationally described standards.

7.35 Building Regulations set the minimum standards for the design and construction of new buildings (& extensions) with energy efficiency standards dealt with under Part L. Progress towards 'zero carbon' will be made through progressive tightening of the Building Regulations. The Government's target is for new homes to be zero carbon by 2016 with the ambition for non-domestic buildings to be zero carbon by 2019. There are proposed changes to energy efficiency standards in Part L of the Building Regulations however these have been consulted upon and no firm regulations have been produced as yet. Changes to Building Regulations and the move to zero-carbon buildings will increase energy efficiency and encourage greater use of decentralised and renewable energy, these changes are due in 2013. The requirement for development to demonstrate a higher standard than the current Building Regulation baseline will apply until a higher national or locally-determined standard is required. Where it is considered that it is not viable or feasible to exceed baseline carbon reduction targets or connect to a district heat network, this should be explained in full as part of the application. These standards will be applied robustly

but flexibly, should their achievement jeopardise the viability of a particular development. Developments not achieving improvements over the baseline energy standards will not be supported unless applicants can demonstrate that it is not feasible to do so.

7.36 The Code for Sustainable Homes and BREEAM's (Building Research Establishment Environmental Assessment Method) integrated approach to construction uses the principle of the energy hierarchy to maximise cost effectiveness and minimise fuel costs. Applicants will therefore be encouraged to use the Code and BREEAM as a mechanism to ensure that buildings are built to a standard that reduces carbon emissions. Despite this a set level of the Code will not be prescribed as the code is not mandatory. Instead Development will be expected to seek to improve CO₂ emissions savings above the Building Regulations baseline.

7.37 It is important to note that as well as planning to mitigate and reduce the impacts of climate change, we must also recognise that some level of climate change is now unavoidable. There is therefore a need to start adapting to the predicted impacts we are likely to see in the future.

Alternative Options

1) No Development, Energy Conservation and Efficiency policy within the Local Plan;

7.38 By not including a policy on this within the Local Plan applications would be guided by the NPPF and the Energy Efficiency SPD. Whilst this would provide some guidance to developers, it is considered important that a policy is included within the Local Plan in order to provide advice for developers locally specific.

2) Adopt a Local Plan Policy which sets binding targets in relation to energy efficiency;

7.39 This would be introduced using Code for Sustainable Homes and BREEAM prior to these levels being adopted nationally. It is considered that whilst this would help to demonstrate that the Council is committed to energy efficiency and a low carbon future; this may risk the viability of a number of schemes. It is also important that there is local evidence to support the approach in terms of viability. It is considered that at this time there is no available local evidence to support this.

Which Local Plan policies are superseded?

7.40 This policy supersedes Policy CP9: Development, Energy Conservation and Efficiency in the Carlisle District Local Plan 2001 – 2016.

Flood Risk and Development

Consultation so far/ What you told us:

There were 63 responses to the first climate change and flood risk question within the Issues and Options Paper which asked 'how do we reduce the risk of, and adapt to the changing pattern of flooding?' The options that respondents were asked to consider were;

- a) stricter standards; (32)
- b) allow some development where there is an overriding need; (14)
- c) incorporate design approaches that can tolerate or adapt to flooding; (39)
- d) policy for collection, storage reuse of rainwater in new developments; (35)
- e) contribution towards flood protection and elevation measures. (31)

The majority of respondents favoured more than one option outlined. Therefore it is considered that a policy should be included which incorporates each of the above measures.

In addition to this a number of comments made, you told us;

- Measures should be taken to enhance the natural ability of river catchments to absorb water. Floodplains are nature's means of providing resilience to flooding therefore a fully functional flood plain is the ideal to be aimed for;
- Use of Sustainable Urban Drainage Systems (SUDs) should be maximised as they are beneficial for reducing flooding events and for wildlife for increasing the amount of green and blue infrastructure in these areas;
- Developers that build in flood prone areas, or whose developments increase flooding events downstream should contribute towards flood protection and alleviation measures, including a contribution to flood attenuation ecosystem service development works upstream (e.g. restoration of water meadows and peat bogs, and woodland planting measures) as well as measures directly related to the proposed development;
- Proposals should be examined on a case by case basis, however flooding is both an urban and rural issue.

Policy 45 - Flood Risk and Development

The Council will seek to ensure that new development does not result in unacceptable flood risk or drainage problems by requiring new development to:

1. Be located away from Flood Zones 2 and 3 wherever possible, with the exception of water compatible uses and key infrastructure; and
2. Be supported by a Flood Risk Assessment for all proposals within Flood Zones 2 and 3 and for proposals within Critical Drainage Areas within Flood Zone 1 or on sites larger than 1 hectare within Flood Zone 1 to identify;
 - That no other lower risk alternative site exists; and
 - How access and egress can reasonably be maintained at times of flood risk; and
 - That adequate floodplain storage capacity can be provided and that the capacity of the water supply, drainage and sewerage networks can accommodate new development; and
 - Development will not interfere with flood flows; and
 - Mitigation measures will be provided where necessary; and
 - The development will not increase flood risk to people and property elsewhere
3. Take account of the Council's Strategic Flood Risk Assessment (Level 1 and 2) along with any advice or guidance from the Lead Local Flood Authority (Cumbria County Council), the Environment Agency and the NPPF; and
4. Satisfy the sequential and, if necessary, the exception test as set out within National Guidance, for proposals within Flood Zones 2 and 3 on sites that have not been allocated within the Local Plan; and
5. Where appropriate and feasible, incorporate sustainable drainage systems (SUDS); and
6. Take into account the potential impacts of Climate Change.

Justification

7.41 The Council recognises the impact that flooding has had on our District and the potential for flood events to occur more frequently as a result of climate change. The most significant flood event in recent years occurred in January 2005, when flooding affected approximately 2700 residential properties across the catchment, Carlisle City being badly affected. As well as high flood risk in the urban area, there is also significant risk of flooding in the rural area. It is therefore important that planning policies provide a framework to ensure that flood risk to people and property is not increased as a result of development.

7.42 Within the District the floodplain areas of the Rivers Eden, Caldew, Esk, Lyne, Irthing and Petteril, and their tributaries, have remained largely undeveloped and fulfil an important role as storage areas for floodwater. Therefore future development will continue to be directed away from floodplains and wider flood risk areas. The boundaries of indicative floodplains and flood zones are available on the Environment Agency's website, www.environment-agency.gov.uk and are regularly updated. The maps give a general indication of the extent of flood zones 1, 2 and 3 however they do not take account of the protection afforded by flood defences. Flood risk at any specific location may be influenced by local factors- such as existing formal or informal flood defences and the capacity of existing drainage systems or road/rail culverts. Flood defence works have been completed within the City along the Rivers Eden, Caldew and Petteril and in the rural area along the River Eden at Crosby-on-Eden. Elsewhere there are maintained flood embankments at Low Crosby and some privately owned flood embankments at Warwick Bridge.

7.43 Extensive areas of the District (both urban and rural) are within Flood Zone 3 (High Probability of Risk or Functional Floodplain). The safeguarding of the floodplains is all the more important because of concerns about climate change which may, in all probability, result in an increased frequency of severe weather events, increased winter rainfall and sea level rise which could affect the coastline and Solway Firth estuary and main rivers. Flood events are becoming more frequent and more widespread. Flooding of residential properties is also associated with risks to the health of the public. The Environment Agency will be consulted on

development proposals that are within, or close to, the boundaries of flood plains and on those proposals which are vulnerable in relation to their flood zone definition. Priority will be given to the development of sites in Flood Zone 1 (Low Probability of flooding).

7.44 New developments usually result in an increase in impermeable roofs and paving where they replace existing permeable surfaces. These changes can reduce percolation and increase surface water run-off with the potential to either create or exacerbate flooding problems elsewhere. In order to provide solutions to the potential negative effects of new development, a site-specific flood risk assessment (FRA) will be required for all proposals within Flood Zones 2 (Medium Probability of Risk) and 3 (High Probability and Functional Floodplain); and for proposals within Critical Drainage Areas within Flood Zone 1 (Low Probability) or on sites larger than 1 hectare within Flood Zone 1 to identify flood risk mitigation measures. The FRA should follow the guidance in the Technical Guide to the National Planning Policy Framework and the Environment Agency Standing Advice.

7.45 The City Council will encourage the use of Sustainable Drainage Systems (SUDs) as a means of reducing the overall flood risk, controlling pollution from urban run-off and, where possible, creating new wildlife habitats and amenity space. Applications for the use of SUDs will, in future, be made to Cumbria County Council as the SUDs Approval Body (SAB) who will adopt, inspect and maintain SUDs in all new development.

7.46 In certain circumstances it is necessary for a Sequential Test to be undertaken in order to steer new development to areas with the lowest probability of flooding. Here, development should not be allocated or permitted where there are reasonably available sites that are appropriate for the proposed development in areas with a lower probability of flooding. Where the Sequential Test has been undertaken but no suitable sites have been found in zones of lower probability of flooding, and there is an exceptional need for the development, the Exception Test should be applied as outlined within the NPPF. Allocated sites within the Local Plan have been sequentially tested and therefore a separate Sequential Test will not be required.

7.47 A Stage 1 Strategic Flood Risk Assessment (SFRA) has been produced for the whole District with a Stage 2 SFRA carried out for those parts of the City Centre that benefit from flood defences in order to provide breach modelling of the flood defences. The SFRA should be used during the preparation of Flood Risk Assessments in order to assess the risk of flooding to a site from all sources. A further part of the Level 2 study is required to be carried out later in 2013 when the Environment Agency complete new modeling for the City.

There are restrictions on development in close proximity to existing flood defences under the Environment Agency's Flood Defence Byelaws. There is a requirement to obtain consent from the Environment Agency for development within 8 metres of the foot of any artificial river embankment serving as a flood protection barrier or, if there is no embankment, within 8 metres of the top of the bank or wall which confines the river.

7.48 The policy outlined here effectively highlights the councils aim to steer new development away from flood risk areas where possible, in line with the NPPF and associated Technical Guide. Where development is considered to be acceptable in these areas, opportunities to reduce the causes and impacts of flooding will be taken.

Alternative Options

1) No flood risk policy in the Local Plan

7.49 An alternative to the preferred policy option is not to have a policy on flood risk and rely on the NPPF and associated Technical Guide to provide advice relating to flood zones. This is not considered to be a beneficial option due to flooding being a big issue across Carlisle District. It is therefore considered important to have a flood risk policy within the Local Plan in order to emphasise the importance of flooding in relation to new development.

Which Local Plan policies are superseded?

7.50 This policy supersedes Policies LE26: Undeveloped Land in Floodplains and LE27: Developed Land in Floodplains in the Carlisle District Local Plan 2001 – 2016.

Sustainable Drainage Systems

Consultation so far/ What you told us:

Although there was not a specific question about sustainable drainage systems in the issues and options paper, the following comments were received in response to the consultation:

- SUDs drainage systems are important for building natural resilience into developments;
- Use of Sustainable Urban Drainage Systems (SUDs) should be maximised as they are beneficial for reducing flooding events and for wildlife by increasing the amount of green and blue infrastructure in these areas;
- It is vital that the Environment Agency and Carlisle City Council work together to ensure that SUDs are incorporated into development proposals at the earliest possible stage in the preparation of a planning application.

Policy 46 - Sustainable Drainage Systems

Sustainable Drainage Systems (SUDs) should be incorporated as the drainage measure in the first instance.

SUDs should be incorporated into development proposals when the following conditions apply:

1. The development will generate an increase in surface water run-off; and
2. The rate of surface water run-off is likely to create or exacerbate flooding problems.

Where SUDs are incorporated the following details shall be provided:

- Include an indicative drainage strategy to demonstrate how sustainable drainage will be incorporated into the development, including; the type of SUDs; hydraulic design details/calculations; pollution prevention and water quality treatment measures together with details of pollutant removal capacity as set out in the CIRIA SUDs Manual C697 or equivalent and updated local or national design guidance.

Justification

7.51 Surface water flooding can be a serious problem in some areas. Sustainable Drainage Systems aim to reduce this by using devices or a series of complementary devices to control surface water run off as near to its source as possible. These can help to reduce the need for investment in flood management and protection measures by mitigating any additional flood risk that new development might generate. The NPPF and associated Technical Guide emphasise that the use of sustainable drainage systems should be given priority.

7.52 SUDs aim to reduce surface run off, to slow the velocity of run off and to allow settlement of contaminants such as dust, oil litter and organic matter which otherwise tends to flow rapidly into the sewer system, placing a burden on the sewerage network and increasing flood risk downstream as piped systems have limited capacity. SUDs help prevent this by mimicking natural features that slow down the rate that water drains away thereby reducing the amount of surface runoff entering into sewers. Examples of SUDs techniques include porous surfaces, filter drains and strips, trenches, ponds, wetland basins, soakaways, green roofs and swales or wide, shallow depressions.

7.53 SUDs can help to create enjoyable and high quality environments which encourage biodiversity and amenity, benefit water resources, reduce pressure on the sewer network and help to mitigate the negative impacts of climate change. They work effectively in both rural and urban areas and help support new development without adding to the risk of flooding or pollution. They will also contribute to achieving improvements to comply with the Water Framework Directive.

7.54 The use of SUDs should be considered at the earliest possible stage in the preparation of a planning application, in conjunction with the landscaping scheme. Applicants will be required to demonstrate that surface water disposal will be controlled so that pre and post development run-off rates are at least equivalent.

SUDs solutions will be appropriate on most types of development where the area or impermeable surface is to be increased, particularly in areas of the District where culvert capacity and floodplain constraint problems exist. The City Council will also support retrofitting of SUDs within existing developments to achieve integrated water management.

7.55 Under the Flood and Water Management Act 2010, Cumbria County Council is established as a Lead Local Flood Authority (LLFA). When finalised they will have new powers and duties for managing flooding from local sources, namely Ordinary Watercourses, surface water (overland runoff) and groundwater in the administrative area of Cumbria. One of the new roles of the County Council as LLFA will be to approve applications for drainage systems, in their capacity as SUDs Approving Body (SAB), and adopt, inspect and maintain SUDs in all new development over a prescribed threshold. This is an additional requirement to planning permission.

7.56 The Department for Environment, Food and Rural Affairs (Defra) has consulted on National Standards to be used in England in order to manage surface runoff in accordance

with Schedule 3 to the Flood Water and Management Act 2010. The National Standards set out what is required in order to obtain approval from the SUDs Approving Body (SAB) and for operating and maintaining SUDs which the SAB adopts. This guidance should be referred to, when finalised, in preparing SUDs for approval.

7.57 A Stage 1 and Stage 2 Strategic Flood Risk Assessment (SFRA) has been produced for the District which advocates that SUDs should be considered for every new development site. Additionally the SFRA provides advice relating to the use of SUDs and states that connecting new developments into the Untied Utilities drainage system is not sustainable and that effort should be made to attenuate surface water runoff on site so it does not put pressure on the existing drainage system or increase runoff into watercourses via the sewer network. The SFRA also identified that the permeability of the soil within Carlisle is mainly low with some small areas of medium and high permeability soils, therefore the implementation of SUDs may largely be restricted to attenuation systems however this is an indicative estimate and should be investigated at a site specific level.

7.58 Proposals for sustainable drainage systems should include provisions for future maintenance of these systems, and developers should consult the City Council, the Environment Agency and Cumbria County Council on such proposals.

Alternative Option

No Sustainable Drainage Systems policy in the Local Plan

7.59 In not including a policy within the Local Plan on drainage systems it should be relayed upon that when applications for new developments are submitted, the Council's internal Drainage Engineer will be consulted and will highlight any issues. Additionally Building Regulations monitor the type of drainage systems that are used in developments in order to sign these off. This is not considered to be a suitable option as where there may be issues with drainage there would not be a policy to refer to.

Which Local Plan Policies are superseded?

7.60 This policy supersedes Policy CP10: Sustainable Drainage Systems in the Carlisle District Local Plan 2001 – 2016.

8 Health and Wellbeing

Objective

To create a thriving, successful and healthy community for all

8.1 Carlisle's status as a WHO Healthy City adds additional focus to the health and wellbeing benefits that are attainable from good design and development. Health and wellbeing is a significant topic area. It covers a variety of issues, not all of which are traditionally considered to be within the remit or influence of the planning system. However, Carlisle City Council recognises the importance of protecting and enhancing the health and wellbeing of the District's population. The Local Plan guides development of different uses, scale and location. As such it is important that the policies contained within the plan aim to protect education, health and wellbeing and strive to ensure that it would not be compromised as a result of new development. For example, through the local plan, new development takes account of issues such as; enabling walking and cycling, the provision of formal and informal community meeting spaces and sports facilities and green spaces, the provision of local shops, reducing the fear of crime and supporting the development of education and health facilities. Health and wellbeing is therefore an underlying theme for which consideration will be given when applications for development are considered. The links between health and wellbeing and planning are also highlighted by the NPPF which states that 'the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities'.

Doctors' Surgeries and Health Centres

Consultation so far/ What you told us:

Although there was not a specific question about Doctors' Surgeries and Health Centres in the issues and options paper, it did ask questions regarding health and wellbeing in relation to how the plan could influence these areas. There were a range of responses relating to improving access to open space and various suggestions as to how health and wellbeing could be improved. Access to doctors' surgeries and health centres is therefore a vital facility for the community. Responses relating to doctors surgeries and health centres included;

- a suggestion that there should be health clinics in all Local Service Centre's.

Policy 47- Doctors' Surgeries and Health Centres

Proposals for the development of further medical centres, health centres or doctors' surgeries will be judged against the following criteria:

1. The proposed location is well related to Carlisle, or in the rural area a larger village centre and is accessible by public transport;
2. Appropriate car parking standards can be achieved;
3. The amenity and quality of the surrounding environment, including residential amenity, is safeguarded;
4. Satisfactory access to the site can be achieved.

Development proposals must ensure that there is no reduction in the level of service to residents of the District.

Justification

8.2 Carlisle became a World Health Organisation Healthy City in 2009. Since then, the City Council has worked closely with organisations such as the NHS, Riverside and Carlisle Leisure and has gained from the Healthy City approach and network. A healthy city is one that continually creates and improves its physical and social environments and expands the community resources that enable people to mutually support each other in performing all the functions of life and developing to their maximum potential.

8.3 One of the core planning principles of the NPPF is that planning policies should 'take account of and support local strategies to improve health, social and cultural

wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'. This policy will therefore support development of health facilities through the above criteria.

8.4 In recent years planning approval has been granted for the development of a Primary Care Centre and pharmacy in the Stanwix area of the City. The new medical centre will comprise 3 medical practices including Stanwix Medical Centre, relocating from Scotland Road, and new branch surgeries for Fusehill Medical Centre and St Paul's Medical Centre. In addition there will be some Primary Care Trust facilities. The new development will provide flexible modern facilities to replace current inadequate facilities. It will be at the heart of the community which it serves. In addition to this, for the rural area, there has been an indication that a site for a medical centre will be required in Brampton over the course of the plan period. As such a site located off Carlisle Road has been identified for this purpose. It is expected that this will come forward through the delivery of new housing adjacent to the site.

Alternative Option

No Doctors' Surgeries and Health Centres Policies within the Local Plan

8.5 It is considered that whilst the NPPF is supportive of the provision of local health services, facilities and strategies, it is important that this is considered within a localised context and as such this policy is important for assessing any future proposals for such development within the District.

Which Local Plan policies are superseded?

8.6 This policy supersedes Policy LC13: Doctors' Surgeries and Health Centres in the Carlisle District Local Plan 2001 – 2016.

Educational Needs

Consultation so far/ What you told us:

Although there was not a specific question about educational needs in the issues and options paper, the following comment was received regarding education -

- Infrastructure should be considered when planning development i.e. Road network, sewage network, provision of education.

Policy 48 - Educational Needs

Proposals for the development of education facilities should be provided within existing educational sites. Where there is a need for new educational facilities outside of an existing site, the location should be close to the intended catchment in order to minimise travel in line with sustainable development principles.

Carlisle City Council will endeavour to work with the education authority (Cumbria County Council) to identify what new demand will be generated from development as well as helping to identify suitable new education sites should this be required.

Justification

8.7 There are currently 48 Primary schools within the District, 18 are located within the urban area with 30 located in the wider rural area. Most rural schools are located within villages, however there are a number that are located in the open countryside which serve wide, yet sparsely populated rural communities. Cumbria County Council, the education authority, anticipates a significant increase in new starters at Primary Schools, based on recent birth rates. As these pupils progress through the education system the County Council anticipate that they will start impacting upon secondary school capacity from 2020 onwards. This is set to become a major issue, particularly in light of the city's ambitions to grow over the Local Plan period. Given the extent of new development that shall be built within the city over the next 15 years it is highly likely that a number of new primary schools will be required.

8.8 There are currently 6 secondary schools within the district. Four are located within the city itself, including a small Roman Catholic secondary school. There is one school located in the Key Service Centre of Brampton and one in the large village of Dalston, both serving the wider rural area. If Carlisle is to grow significantly over the next decade, inline with aspirations presented in the emerging Local Plan, then the strain on secondary schools towards 2019 may pose a significant issue for the district if Carlisle is to ensure a good standard of secondary education for all.

8.9 Where housing developments or the cumulative impact of a number of housing developments in an area gives rise to the need for extensions, refurbishment and/or remodelling to provide additional capacity (including nursery capacity, as appropriate) at existing schools, the County Council will look to the landowner/developer or a consortium of landowners/developers to fund the cost of providing the additional capacity at existing schools at the appropriate time, including the cost of acquiring additional land if necessary.

8.10 There are two options to overcome the issue of school capacity, either supporting the expansion of existing schools or securing the construction of an entirely new school to meet any need arising from significant levels of new development. Expanding schools may be the quickest and cheapest solution to immediate problems in the short-term but there are concerns that this would be merely a stop-gap measure and, whilst it could allow for capacity to meet the anticipated increase in pupil numbers from 2019 onwards, it would likely not account for the additional capacity requirements generated by significant levels of new development within the city over the course of the next 15 years.

8.11 Alternatively anyone can set up a free school. A free school (an all-ability state-funded school) could be set up by a wide range of proposers, including charities, universities, businesses, educational groups, teachers and groups of parents, as a result of what parents feel there is a demand for.

8.12 Over the last few years significant changes and investment have been made to the District's secondary schools.

8.13 The NPPF recognises the importance of ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities, and that Council's should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted. It is considered that this policy will contribute towards this.

8.14 In addition to school facilities, Carlisle College is the main provider of further education in the District. It provides education opportunities for students aged over 14 and vocational and skills training for a growing number of young and mature students and is helping to expand the skills base locally. Significant investment has been made and continues to be made to the College facilities. The college also provides courses in collaboration with the College of the Arts based at Brampton Road Campus of the University of Cumbria. This policy is therefore supportive of any future expansion plans for the college.

Alternative Option

No Educational Needs Policy within the Local Plan

8.15 It is considered important to have a policy on education within the Local Plan in order to demonstrate the current situation within the District and to help plan for future requirements.

Which Local Plan policies are superseded?

8.16 This policy supersedes Policy LC11: Educational Needs in the Carlisle District Local Plan 2001 – 2016.

Sustaining Rural Facilities and Services

Consultation so far/ What you told us:

Although there was not a specific question about sustaining rural services and facilities in the issues and options paper, the following comments were received in response to the consultation:

- We need more development in rural areas to support local rural services and schools;
- Support retention of rural facilities in all centres.

Policy 49 - Sustaining Rural Facilities and Services

The change of use of a rural shop, public house, doctor's surgery, dental surgery, school, bank, church/chapel, village hall or other facility considered important to the community will only be permitted where it can be demonstrated that:

1. Its current use is no longer viable and there is currently no scope for an alternative community use; and
2. There is adequate alternative provision in the locality to serve the local community, unless the facility is listed as an asset of community value; and
3. All options for their continuance have been fully explored.

Proposals for the development of or extension to rural services and facilities, including proposals which will assist in their retention, will be permitted provided that:

1. The scale and design does not adversely affect the local built environment and respects local landscape character; and
2. It does not have an adverse impact upon residential amenity; and
3. Appropriate parking and servicing arrangements can be made.

Policy Justification

8.17 Carlisle City Council will seek the retention of shops and services in rural areas in accordance with sustainability objectives. The value of such facilities to the local community is a material consideration when considering applications that would result in a loss of the resource.

8.18 Shops and facilities in rural villages are important for delivering a valuable service and social focus for the local community, particularly for those without access to private transport. However, one of the major challenges facing small rural settlements is their ability

to retain local services and facilities which are essential for maintaining villages as sustainable communities.

8.19 It is not always possible to prevent closure of shops, etc when it is uneconomic for their use to continue. Therefore, proposals involving the loss of local services will only be permitted where the Council is satisfied that the existing use is no longer viable and there is no market for the business as a going concern after proof of advertising it as such for a period no less than six months. Evidence should include for example, a record of numbers of enquiries to take over the business, evidence of viability and proof that the property has been adequately marketed in trade papers and advertisement boards. In circumstances where permission is granted, the Council will seek to retain the shopfront to enable the reinstatement of a shop in the premises if the future opportunity should arise. This policy does not restrict changes of use allowed under the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended).

8.20 One of the Core Planning Principles within the NPPF is supporting thriving rural communities. It is considered that the retention of this policy will help in achieving this. The NPPF also recognises that to achieve sustainable development, planning has a social role to play in supporting strong, vibrant and healthy communities, by ensuring there are accessible local services that reflect the community's needs and support its health, social and cultural well-being. In order to support a prosperous rural economy, the NPPF seeks to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

8.21 Linked closely to this policy is the Community Right to Bid. This is a new right created through the Localism Act that gives community groups the right to prepare and bid to buy community buildings and facilities that are important to them including a village shop, pub, community centre, allotment, parks, library etc before they are privately sold. Here, Carlisle City Council has created a Community Asset Register to hold all of these 'assets of community value' identified by the community. If an owner of a listed asset wants to sell it they have to notify the local authority. The local authority then, in turn, has to notify any interested parties. If local groups are interested in buying the asset they have 6 months to prepare a bid to buy it before the asset can be privately sold. This came into effect in September 2012 and further details can be found on the City Council website.

Alternative Option

No Sustaining Rural Facilities and Services policy in the Local Plan

8.22 Without a policy advocating the retention and expansion of rural facilities and services, there is concern that this may lead to the loss of these facilities unnecessarily. Due to the requirement to show that there are no other alternative community uses available to take up the said unit, this provides a real incentive to advertise for other community uses. Without this policy this may be lost.

Which Local Plan policies are superseded?

8.23 This policy supersedes Policy EC13: Sustaining Rural Facilities and Services in the Carlisle District Local Plan 2001 – 2016.

Access, Mobility and Inclusion

Consultation so far/ What you told us:

Although there was not a specific question about Access, Mobility and Inclusion in the issues and options paper, comments were received relating to the lack of reference to the needs of disabled adults and children.

Policy 50 - Access, Mobility and Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into, within and egress from buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- The design of entrances and exits and ease of permeation through and between developments, street furniture, circulation areas and pedestrian routes;
- The location of any development proposal in relation to its potential users;
- Accessibility to all transport modes and provision of adequate parking with the appropriate number of parking bays designated for disabled people;
- Provision of on-site facilities such as public toilets and appropriate signage.

Additionally, where there is a requirement to submit a Design and Access Statement as part of a development scheme it should;

- a) demonstrate their approach to inclusive design; and
- b) acknowledge compliance with Part M of the Building Regulations (Access to and use of buildings) and refer to BS8300:2009 (British Standards - Design of buildings and their approaches to meet the needs of disabled people – Code of practice) where appropriate.

Policy Justification

8.24 The NPPF recognises the importance of planning positively for the achievement of high quality and inclusive design for all development to ensure that the built environment including buildings and surrounding spaces can be accessed and used by everyone. It also acknowledges that it is important that sites for new development are accessible and that securing high quality and inclusive design goes beyond aesthetic considerations. Development shall be designed to contribute to good place-making through high-quality and sustainable design which creates a strong locally-distinctive sense of place that is safe,

inclusive and accessible to all, and that promotes social interaction and a healthy and active lifestyle.

8.25 Carlisle City Council therefore considers that access to new buildings and public open space, their approach, space around them and space within them should be designed in a way to allow freedom of movement for all. Poorly designed buildings and surrounding spaces create insurmountable obstacles to people with various disabilities as well as the elderly and many others. Such obstacles can severely restrict everyday activities and reduce quality of life. The council is committed to creating an environment which is inclusive and accessible to all users. The Council also has a statutory obligation as a local planning authority to consider access in determining certain types of planning application.

8.26 Manual for Streets was produced by the Department for Transport 2007 and provides valuable guidance on how to achieve well designed streets and neighbourhoods. In order to ensure a high quality living environment for residents, the Council will aim to encourage its use within development proposals. All new development which would require access to the public highway must satisfy the Highways Authority in terms of design and the achievability of the access. Development that cannot achieve satisfactory access will not be approved.

8.27 Statutory requirements relating to the provision of access are contained within the Equality Act 2010 and Part M of the Building Regulations 2004 incorporating 2010 and 2013 amendments. Part M sets out minimum standards on the design and construction of buildings to make them accessible to all. However, the Council considers it desirable for access provision to be made beyond the minimum standards embodied within this legislation and will endeavour to achieve higher overall standards of access provision across the board.

8.28 Creating an inclusive 'barrier free' environment where everyone can participate equally and fully is an essential objective of sustainable development. The Equality Act 2010, reinforces this view giving disabled people important rights of access to everyday goods, services and facilities. This policy has been written with reference to 'Planning and Access for Disabled People: A Good Practice Guide' ODPM 2003 and ensures that the needs of people with varying needs are taken into account when proposals for development are considered. English Heritage have published Easy Access to Heritage Buildings (December 2012) in order to assist with improved access to listed and other historically important buildings.

8.29 It is recognised that in certain circumstances, such as the protection of particular buildings or the character of an area, the most satisfactory layout and design for accessibility and inclusion may not be practical. The onus in this situation will lie with the applicant to demonstrate to the Council, by way of a Design and Access Statement with their planning application how they have sought to balance these competing objectives. Consideration should also be given to the guidance 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS8300:2009 BSI British Standards 'Design of buildings and their approaches to meet the needs of disabled people – Code of Practice'.

Alternative Option

No access, mobility and inclusion policy in the Local Plan

8.30 An alternative option would be to not include an access, mobility and inclusion policy within the local plan. This is not considered to be a suitable option as this would mean that in order to ensure sufficient thought has been made to creating developments that provide adequate access, mobility and inclusion for all, the only way to enforce this would be through the standards set in building control legislation, often after planning permission has been granted. It is considered that whilst this ensures that correct standards are adhered to, this is not suitable on its own as it is at the planning stage that access, mobility and inclusion can be wholly worked into a development proposal and not incorporated as an afterthought.

Which Local Plan policies are superseded?

8.31 This policy supersedes Policy CP15: Access, Mobility and Inclusion in the Carlisle District Local Plan 2001-2016

Planning Out Crime

Consultation so far/ What you told us:

Although there was not a specific question about crime in the issues and options paper, comments regarding lower crime rates were received in response to the consultation.

Policy 51 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals;

1. Developers should demonstrate how security measures form an integral part of the design;
2. Developments should be laid out and buildings positioned with the intention of creating active and vibrant neighbourhoods and maximising natural surveillance opportunities;
3. Public and private spaces should have clearly defined boundaries, utilising appropriate physical treatments and promoting the concept of defensible space;
4. Footpaths and cycleways should be designed to maximise legitimate use. Routes must serve the development and not present opportunities for concealment, unobserved access, or a choice of escape routes;
5. Good lighting is essential to deterring criminal and anti-social activity. Spaces must be evenly illuminated to an appropriate level, whilst avoiding nuisance, annoyance and unnecessary spill or pollution;
6. Landscaping schemes require careful and sensitive consideration to ensure that they do not create secluded areas, impede surveillance opportunities, or position elements that could be exploited as climbing aids;
7. Developers should indicate what physical security measures have been incorporated into the design to resist crime (for example, the specification of doors and windows compliant with BS PAS24 and BS 7950, provision of intruder alarm systems, etc);
8. The deployment of CCTV may be considered necessary in certain circumstances;

Developers should, at the earliest stage possible, consult the Police Crime Prevention Design Advisor for advice on measures to be incorporated for designing out crime.

Advice will be given based on current crime trends or particular crime risk, in accordance with Secured by Design principles.

All Design and Access Statements should detail how crime prevention measures have been considered.

Justification

8.32 The NPPF recognises the role that planning policy can play in creating safe, secure and accessible environments through good design. This policy will help to ensure that developments create environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The NPPF also advocates that the design of developments should encourage the active and continual use of public areas. This is something that the 'Delivering Safer and Stronger Communities' chapter of the Community Plan for Carlisle also strives to achieve in order to make the District a safer place to live, work and visit.

8.33 Section 17 of the Crime and Disorder Act 1998 makes it a duty for local authorities to exercise its various functions with due regard to the likely effect and to do all it reasonably can to prevent crime and disorder in its area. The Carlisle and Eden Community Safety Partnership is responsible for developing a crime and disorder reduction strategy and an audit every three years. The purpose of the strategy is to work together to make Carlisle (and Eden) a safer place in which to live, work and visit. The City Council takes an active role in the Carlisle and Eden Community Safety Partnership and will continue to use its planning policies to assist in this process.

8.34 The planning system can be instrumental in producing environments that are well managed, lively and attractive, which discourage crime and anti social behaviour, e.g. through overlooking and active frontages. The Council considers it important that people feel safe in the environments in which they live and move about in. Developers will therefore be expected to adopt designs for new development that take fully into account the security of property and people. However, the approach to design should still be sensitive to local circumstances. It is evident that insensitive approaches to crime prevention can result in an increased fear and perception of crime by creating environments which appear threatening and as such are avoided.

8.35 In 2009 the City Council adopted a supplementary planning document (SPD) 'Designing Out Crime'. The SPD seeks to improve the safety and security of developments and aims to strike a balance between the need to reduce crime and create a high standard of appearance in the design and layout of developments. This document provides advice to applicants relating to incorporating safety and security measures into developments and is used to assess and determine planning applications. The adopted SPD 'Achieving Well Designed Housing' (April 2011) focuses on the development of/within residential areas, it emphasises that designing out crime is a key consideration at the concept stage of any development. It seeks to promote safe and secure environments and to design spaces and networks which minimise opportunities for crime or anti-social behaviour.

8.36 Additional guidance on creating successful spaces and achieving good design is detailed within Manual for Streets and Manual for Streets 2 produced by the Department for Transport or successor documents.

Alternative Option

No planning out crime policy in the Local Plan

8.37 By not including a policy within the Local Plan on planning out crime, it would have to be ensured that developments take account of crime reduction measures as suggested within national policy (NPPF). Additionally it should be ensured that design and access statements highlight where appropriate crime prevention measures have been considered as part of the development.

Which Local Plan policies are superseded?

8.38 This policy supersedes Policy CP17: Planning Out Crime in the Carlisle District Local Plan 2001 – 2016.

Safeguarding Zones

Consultation so far/ What you told us:

There was not a specific question about safeguarding zones in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 52 - Safeguarding Zones

Within the Safeguarding Zones as shown in Appendix 3, development proposals of a certain type and scale (e.g. wind turbines) will be the subject of consultation with one or more of the following consultees; Ministry Of Defence (Eskdalemuir Seismic Research Station, RAF Spadeadam, MOD Longtown), Very Low Frequency (VLF) transmitter at Skelton, Carlisle Airport and/or National Air Traffic Services and the Coal Authority. Any proposals that impact upon the operations of these bodies will require mitigation where possible to minimise their impact, or where this is not feasible, permission will be refused.

Justification

8.39 The Local Plan recognises the role it has to play in protecting sensitive areas/uses from inappropriate development that may have an adverse impact on their operations. It is therefore considered appropriate to include a policy safeguarding such areas.

8.40 The NPPF highlights the importance of working with the Ministry of Defence's Strategic Planning Team to ensure that they have the most up to date information about defence and security needs in their area. This policy will therefore ensure that the MOD and the other relevant bodies listed above are adequately consulted on planning applications that may affect their operations.

8.41 Further information on the type, scale and location of development which would trigger consultations with these bodies can be found in appendix 3. The Local Planning Authority will identify where consultation is required and appropriate consultation will be carried out.

Alternative Option

No Safeguarding Zone policy in the Local Plan

8.42 If a policy on safeguarding zones was not included, it would have to be ensured, by some other means, that development will not have an inappropriate impact on these sensitive areas. This policy will help in making developers aware of the requirements that their proposals may trigger in these areas and who will be consulted on these applications. This policy will allow planning officers to support the views of their consultees where the development would have an effect on their operations. It will help planning officers in justifying their reasoning to the applicant and highlights the importance of considering the opinions of these consultees and the safety of the public when determining applications.

Which Local Plan policies are superseded?

8.43 This policy supersedes Policy LE23: MOD Safeguarding Zone in the Carlisle District Local Plan 2001 – 2016.

Pollution

Consultation so far/ What you told us:

Although there was not a specific question about pollution in the issues and options paper, a number of people provided advice as to how to address this through the Local Plan. Comments included;

- Cleaner and healthier, odours and noise need to be addressed;
- Reduce car use as pollution due to mass traffic is a key issue;
- Improve water quality.

Policy 53 - Pollution

Development will not be permitted where it would generate, either during construction or on completion, significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light and insects) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.

Justification

Construction and Demolition Sites – Noise, Dust and Light Management

8.44 It is essential to have effective noise and dust emission control measures in place for every activity carried out on site, not only to protect the health and safety of the on-site workforce, but also local residents and members of the public in the locality. In order to successfully control demolition and construction activities, it is important to evaluate the risk from pollutants emitted from site. It is envisaged that this approach will bring additional benefits, such as a reduction in the number of nuisance complaints; the majority of which relate to dust and noise emitted from construction activities.

Applications for development proposals which, by virtue of the nature and/or scale are considered by the Council to be likely to give rise to an adverse impact during construction, demolition and/or generate construction waste, will be expected to be accompanied by a Construction Management Method Statement.

Planning and noise

8.45 The National Planning Policy Framework (March 2012) states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

8.46 Effective land use planning can help prevent or mitigate potential noise impacts. The express inclusion of noise in the National Planning Policy Framework means that it will be a material consideration in local planning decisions. Where noise may be an issue, a noise impact assessment may be required as an integral part of the process for making those decisions and should be sought at the earliest possible stage of the planning process.

8.47 By avoiding the location of noise sensitive uses near to noise-producing premises, noise problems can often be prevented. Where this is not possible, noise controls need to be incorporated into new noise-producing developments and mitigation measures may be prudent for new noise sensitive developments such as housing, schools, hospitals, nursing homes and places of worship.

8.48 While a grant of planning consent cannot excuse any nuisance subsequently caused by the development, applicants for schemes which may give rise to noise issues are strongly advised to discuss their proposals with their local environmental health department at an early stage.

Air Quality

8.49 The Environment Act 1995 established the current framework for the National Air Quality Strategy and placed statutory duties upon local authorities in respect of Local Air Quality Management. Since 1996 Carlisle City Council has been monitoring air pollution levels in Carlisle and comparing the results with the national air quality objectives.

8.50 For the majority of key pollutants measured across the district the concentrations have been found to be well below the government's health based objectives. However the nitrogen dioxide (NO₂) annual average concentrations have been found to be currently above the health based objective level in 6 areas of the City.

Six Air Quality Management Areas (AQMA's) have been declared in Carlisle since 2005 as a result of NO₂ exceedences. The declaration of these AQMA's placed a duty on Carlisle City Council to draw up an Air Quality Action Plan, which details the local measures from which air quality improvements can be realistically achieved.

8.51 The highest concentrations of nitrogen dioxide have been found in areas of congested, slow moving vehicles. Traffic derived air pollution can be addressed through efforts to reduce dependency on private cars and in turn reduce congestion. Reducing HGV movements in built up areas, improving the road network and utilising cleaner engine technology will contribute to delivering air Quality objectives.

8.52 Developers must have regard for the Air quality implications of new developments. Large new developments often require the preparation of an Air Quality Impact Assessment to accompany the planning application. Developers must consider all aspects of the development including emissions to air and the increased traffic volume that the development may create. Planning applications should include mitigation measures to offset the negative impacts and financial contributions may be necessary for further progression such as improvements to the local transport infrastructure. Air Quality information is available on the Council's website with a guide for developers.

Artificial Light

8.53 Over the last decade there has been a greater awareness of the adverse effects of light pollution. There are three main types of light pollution: sky glow, glare and light trespass. Intrusive light can cause road safety problems, harm wildlife and create physiological problems for residents. Such pollution wastes energy and results in the burning of unnecessary fossil fuels by power stations which is unsustainable. The Campaign for the Protection of Rural England (CPRE) has given publicity to the evidence from satellite data of the spread of light pollution across the country especially into rural areas. This is caused by extensions of street lighting with new developments, floodlights for sports pitches and buildings, and by security lights on buildings. The Government has made it clear that the intrusiveness of lighting particularly in the countryside should be kept to a minimum and has urged that Local Planning Authorities recognise the cumulative adverse impacts of lighting on countryside character which decreases the sense of remoteness and blurs the distinction between urban and rural areas. Lighting should be as energy-efficient as possible or run off renewable energy and minimise upward light pollution. Landscaping measures such as

mounding and planting may in some situations help to protect residential amenity and reduce light spillage and glare.

Insects

Likely sources of insect nuisance

8.54 It is expected that the following developments will generate most complaints of insect nuisance:

- Poultry houses / farms
- Sewage treatment works
- Manure / silage storage areas
- Animal housing
- Stagnant ditches and drains
- Landfill sites / refuse tips
- Waste transfer premises
- The commercial parts of mixed commercial / residential blocks of buildings (i.e. excluding the residential premises contained therein)
- Trade or business premises (e.g. contaminated goods, kitchen areas)
- Slaughterhouses
- Used car tyre recycling businesses

Applications for these developments may require planning conditions agreeing methods and strategies to control insect populations.

Alternative Option

No pollution policy in the Local Plan

8.55 By not including a policy on pollution within the local plan, it should be ensured that applications that will be affected by/will cause pollution of any type will be determined after consultation with the Council's Environmental Health department the Environment Agency. Without a pollution policy within the Local Plan, this may lead to developments that could have an adverse effect on the environment and associated ecological features.

Which Local Plan policies are superseded?

8.56 This policy supersedes Policy CP13: Pollution in the Carlisle District Local Plan 2001 – 2016.

Protection of Groundwaters and Surface Waters

Consultation so far/ What you told us:

Although there was not a specific question about the Protection of Groundwaters and Surface Waters in the issues and options paper, statutory consultees including the Environment Agency and United Utilities provided comments relating to ground water and surface water which have been used to inform this policy.

Policy 54 - Protection of Groundwaters and Surface Waters

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

Justification

8.57 The supply of water is a material consideration in determining planning applications. Planning permission may be refused where inadequate water supplies exist or cannot be provided within the time constraint of the planning permission. Where such provision is possible planning conditions may be imposed to ensure that suitable arrangements are in place for this service. New developments will need to be located and designed so that they will minimise or eliminate the environmental impact of additional demand, thus making a contribution to sustainable development. The wider effects of an increased demand as a result of development will need to be considered together with the availability of resources.

In line with the NPPF it is important to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater.

8.58 Climate change could affect both the demand for water and its availability. Changes in climate will also affect groundwater resources and river regimes, which will influence the availability of water for abstraction.

8.59 Groundwater resources are an invaluable source of water for public supply, industry and agriculture, as well as sustaining the base flows of rivers. The Permo-

Triassic Sherwood Sandstone formation comprises a major aquifer in the District together with abstractions from the Rivers Eden and Gelt. These sources are under pressure from excessive extraction and from pollution and once polluted they are difficult to rehabilitate leading to a long term deterioration in the quality of the receiving watercourse. Samples of main river water quality from the District's Rivers Eden, Caldew, Roe, Petteril and Lyne have recorded very good/good classifications, while the Esk was recorded as very good. Demand for water is increasing as a result of growth of population and industrial/commercial activity. Initiatives that result in water re-use and will be encouraged.

The Eden and Esk Abstraction Licensing Strategy (2013) gives information about how much surface water and groundwater is available for further abstraction from the main rivers and tributaries. It also outlines the strategy for managing water resources through abstraction licensing.

8.60 The Environment Agency has statutory responsibility for managing water resources and has developed a strategy for the proper management and protection of the groundwater resource ('Underground, Under Threat – The State of Groundwater in England and Wales'). This (or any successor documents) will be used as a guide to determine the suitability of developments in relation to groundwater impact. The Environment Agency has also established Source Protection Zones for public water supply and other human consumption uses.

8.61 Additionally, Carlisle City Council is currently working with the Environment Agency and United Utilities to develop a Water Cycle Study. This document will inform this Local Plan policy and will provide an evidence base to determine the impact that new development could have on groundwaters and surface waters.

8.62 The Flood and Water Management Act 2010 created Lead Local Flood Authorities (LLFA) in Flood Risk Management. The management of flood risk from surface water, ground water and ordinary watercourses ('local' flood risk) will be the responsibility of the Lead Local Flood Authority, in Cumbria that will be Cumbria County Council.

8.63 In instances where it is considered that development may have a negative effect on the quality of surface waters and/or groundwater, especially in relation to certain agricultural practices including the development of slurry lagoons, where these are clay lined, the Environment Agency will be notified, as a statutory consultee, and will assess whether the development fully complies with the terms of the Control of Pollution (Silage, Slurry and Agricultural fuel oils) Regulations 1991 (as amended 1997) and Protecting our Water, Soil and Air – the Code of Good Agricultural Practice for Farmers, Growers and Land Managers.

Alternative Option

Do not include a Protection of Groundwaters and Surface Waters Policy in the Local Plan

8.64 Without a policy outlining the importance of the protection of groundwaters and surface waters within the Local Plan, this may lead to developments that could have an adverse effect on the watercourse and associated ecological features. This would help to ensure that development is directed to the most sustainable sites.

Which Local Plan policies are superseded?

8.65 This policy supersedes Policy CP11 – Protection of Groundwaters and Surface Waters in the Carlisle District Local Plan 2001 – 2016

Hazardous Substances

Consultation so far/ What you told us:

There was not a specific question about hazardous substances in the issues and options paper, this is therefore the first time that this policy has been consulted upon.

Policy 55- Hazardous Substances

Planning permission will not be granted for new development which would be subject to risk from existing hazardous installations. The same consideration will apply to proposals for new installations that would involve the use, movement or storage of hazardous substances (e.g. certain gases, liquids and explosive chemicals) and pose an unacceptable risk to the health or safety of users of the site, neighbouring land and/or environment.

Justification

8.66 Within the Plan area there are a number of notifiable hazardous substance installations, including high pressure pipelines and major hazard sites. Whilst these are subject to stringent controls under existing health and safety legislation it is considered prudent to control the kinds of development in the immediate vicinity of such installations. To ensure adequate separation of hazardous installations and housing or other incompatible uses, the City Council will take into account the advice of the Health and Safety Executive concerning off-site risks to the public arising from any proposed development which would introduce one or more hazardous substances.

8.67 Applicants should have regard to Planning Advice for Developments near Hazardous Installations (PADHI) which provides the Health and Safety Executive's advice on land use planning near hazardous installations. The aim of this is to manage population growth close to such sites to mitigate the consequences of a major accident should one occur. When determining applications for development around major hazards the Council will consult with the Health and Safety Executive.

Alternative Option

No hazardous substances policy in the Local Plan

8.68 By not including a hazardous substances policy within the Local Plan, the NPPF would be relied upon for guidance relating to Hazardous Substances. Whilst there is some information contained herein, it is considered important that a local plan policy is included in order to highlight this as there are a number of major hazard sites and major hazard pipelines within the Local Authority area.

Which Local Plan policies are superseded?

8.69 This policy supersedes Policy LE31: Hazardous Substances in the Carlisle District Local Plan 2001 – 2016.

Land Affected by Contamination

Consultation so far/ What you told us:

Although there was not a specific question about contamination in the issues and options paper, our Statutory Consultees and internal departments commented in relation to the presence of contaminated land within Carlisle District and provided us with some advice as to how to address this through the Local Plan. The Environment Agency specifically highlighted that contaminated land is one of the EA's priorities that they feel will affect Carlisle.

Policy 56 - Land Affected by Contamination

Development will be acceptable on land that is contaminated or where contamination is suspected, subject to other policies contained within this plan if:

- 1) Adequate contaminated land assessments prepared by a suitably competent person are submitted prior to any planning decision being taken, to determine whether or not unacceptable risks to human health or the environment arise from the proposals; and
- 2) Where necessary, suitable remediation is carried out to ensure safe development.

As a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Justification

8.70 Within the District there are many historic and current land uses that have the potential to impact on the quality of the land and result in land contamination concerns. Former industrial and commercial processes, lower environmental standards, poor waste management practices together with accidental or deliberate release of chemicals into the environment may all result in land contamination. The NPPF encourages the re-use of existing resources, including the conversion of existing buildings and the effective reuse of land that has been previously developed (brownfield land). It also promotes consideration of development on land of lesser

environmental value. All of these aspects support the redevelopment of potentially contaminated sites.

8.71 The NPPF states that:

- Where a site is affected by contamination, the responsibility for securing a safe development rests with the developer and/or landowner;
- After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- Adequate site investigation information, prepared by a competent person, is presented.

8.72 Development of a site with land contamination considerations is an ideal way to secure an improvement in the environment providing that it results in a safe development that creates no unacceptable risks to human health or the environment. Certain types of development are particularly sensitive to land contamination e.g. housing, schools, hospitals, allotments and children's play areas. It is imperative that all developers have a comprehensive understanding of the history of a site; not just knowledge of the current or immediately previous use in the case of a derelict site. This will assist both the developer and the LPA in determining the likelihood of risks from potential land contamination and ultimately save costs.

8.73 Identification of potential problems at an early stage can assist with the processing of planning applications and accelerate the development of sites. Since remediation of land contamination can incur significant costs it is important that the risks are identified and understood both by the developer and the LPA before a planning decision is taken. It is strongly recommended that pre-application advice is sought from the LPA and the Council's Environmental Health Department regarding potential contaminated land issues. This will prevent unnecessary works being carried out and may also prevent delays in the application process and development commencing.

8.74 The requirement for a development to be sustainable and viable also extends to the remediation technology to be applied. For some developments, the technology required may impact on the design of the proposed development. If potential land contamination issues are not identified and an assessment of the risks undertaken this may result in refusal of permission. The LPA must be satisfied that:

- Where there is information available to the LPA that suggests the possibility of contamination or of unacceptable risk these concerns have been addressed or excluded within supporting information submitted with any application;
- Any unacceptable risks identified can be adequately dealt with in order that the completed development is suitable for its intended use and no unacceptable risks remain either to human health or the wider environment;
- Any steps needed to deal with unacceptable risks are either already in place or can be secured through suitable planning conditions.

8.75 The assessment of potentially contaminated sites should be carried out through a phased process. Ongoing dialogue with the LPA at each phase is recommended to ensure that the work undertaken is sufficient and necessary.

8.76 Where development is proposed on a site known to be contaminated or have the potential to be contaminated as a result of industrial activity (e.g. gasworks, petrol stations, filled ground, steelworks, railway land) a preliminary risk assessment will be required. This must be carried out by a suitably qualified person to the current British Standards and approved guidance.

Alternative Option

No land affected by contamination policy in the Local Plan

8.77 By not including a policy on this within the Local Plan this would rely on the information contained within national planning policy guidance. Whilst this supports the remediation of contaminated land it is considered that it is important to include a policy on this within the Local Plan as our statutory consultees highlight that this is a priority for Carlisle and also as the actual or possible presence of contamination is a material planning consideration. The exclusion of a contaminated land policy from

the Local Plan would not provide the necessary clarity to developers and may lead to unnecessary delays in the application process.

Which Local Plan policies are superseded?

8.78 This policy supersedes Policy LE29: Land Affected by Contamination in the Carlisle District Local Plan 2001 – 2016.

Location of New Cemetery

Consultation so far/ What you told us:

Although there was not a specific question about cemetery provision in the issues and options paper, the Local Environment Directorate commented relating to future requirements for cemetery provision in Carlisle District, specifically noting that Stanwix Cemetery and Upperby Cemetery are nearing capacity and as such there will be a requirement for a site for this use over the longer term of the Local Plan as the closure of these sites would place additional pressure on Richardson Street Cemetery.

Policy 57 - Location of New Cemetery

Proposals for the development of new cemetery grounds will be judged against the following criteria:-

- The proposed site should be of a sufficient scale to accommodate burial needs for the foreseeable future, with a clear rationale for the size of the site proposed;
- The site should be in an appropriate location, away from flood risk and with suitable ground conditions;
- There will be convenient access to the site from across the City by a choice of sustainable transport options;
- The use of the site and its operation is acceptable in terms of impact on adjoining uses;
- There is no, or minimal, visual impact of cemetery use on the landscape and/or townscape;
- There must be good reasons to expect that the site will be available for burial purposes within a reasonable timescale and that competing uses will not preclude its use for that purpose.

Justification

8.79 Proposals elsewhere in this Local Plan encourage the growth of Carlisle as a place to live and work. It is therefore important that the City is able to provide facilities for its people over their whole life cycle.

8.80 The aim of this policy is to enable the delivery of cemetery ground(s) across the city to meet the identified future need for this type of facility. Currently there are three cemeteries within the City, the largest being Carlisle Crematorium and Cemetery (Richardson Street) with smaller cemeteries at Upperby and Stanwix.

8.81 Whilst there may be some potential for small scale expansion at Richardson Street and to some extent at Upperby, Stanwix is completely landlocked. It is therefore imperative that additional cemetery ground is identified within this plan period to cater for future need.

8.82 The NPPF recognises that planning has a social role to play in creating accessible local services that reflect the communities needs and support its health, social and cultural well-being. This type of community development is therefore supported by the NPPF in order to meet the development needs of the area.

Alternative Options

1) No cemetery policy in the core strategy

8.83 If a policy on new cemetery sites was not included within the Local Plan, this may make it difficult in planning terms for a site to be identified for this use in the future when a need is more imminent. The Council has a duty to provide and maintain such facilities to cater for its population, therefore without a policy regarding this in the local plan, the Council would not be fulfilling its duty effectively.

2) Adopt a policy that continues the use of existing cemeteries until a time when capacity is reached and a new site will be located at that time as per the Local Plan

8.84 As described above in the policy justification, whilst there remains short term provision of burial ground within the City, this is set to decrease significantly during

the timeframe of this plan. It is important that a new site is identified prior to capacity being reached in order to identify a site and have appropriate infrastructure in place prior to capacity being reached.

Which Local Plan policies are superseded?

8.85 This is a new policy

9 Heritage

Objective

To conserve, enhance and promote Carlisle's heritage and opportunities provided by the historic landscape to generate maximum social and economic benefit whilst ensuring that proposals are sympathetic to the elements that make Carlisle and Cumbria special.

9.1 Carlisle City Council recognises the value of its heritage assets and their importance in giving the area a strong, distinctive identity and real sense of place. The following policies therefore seek to support proposals which protect and enhance the District's historic resources whilst enabling them to be utilised to their full potential.

Hadrian's Wall World Heritage Site

What you told us:

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon. Heritage was however an issue that was consulted upon during the key issues and options stages and an overwhelming majority of respondents felt that the Core Strategy should adopt a pro-active approach to managing heritage assets. Heritage is a major factor to consider within the Local Plan due to the District's rich heritage and large number of Listed buildings, Conservation Areas, Scheduled and other ancient locally significant buildings. Below are some key comments raised regarding Hadrian's Wall World Heritage site:

- the Hadrian's Wall corridor may present an opportunity to further develop Carlisle's rural tourism offer linked to walking and cycling;
- Hadrian's Wall World Heritage Site is of strategic importance to Carlisle and Northumberland owing to its international status and world wide reputation;
- the Hadrian's Wall path and cycle trail has shown the potential opportunities for tourism related businesses in the rural communities along the route;
- the district has potential due to natural, geographic, heritage, and transport assets;
- heritage sites need appropriate, pro-active management and protection from the wear and tear impact that tourism has on them;

Policy 58 - Hadrian's Wall World Heritage Site

There is a presumption in favour of preserving the fabric, integrity and authenticity of archaeological sites that form part of the World Heritage Site. Development will not be permitted where there is an unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site.

Proposed development in the Buffer Zone should be assessed for its impact on the Outstanding Universal Value of the World Heritage Site, and particularly on key views both into and out of it: development that would have an adverse impact on Outstanding Universal Value should be refused; and

Proposed development outside the boundaries of the Buffer Zone will be carefully assessed for their effect on the Outstanding Universal Value, and any that would have an adverse effect on it should be refused.

New development will not be permitted on currently open land on the line of the wall.

New development within the Hadrian's Wall World Heritage Site and its buffer zone, which enhances or better reveals its significance will be supported.

Justification

9.2 The NPPF defines a World Heritage Site as a designated heritage asset of the highest significance. Substantial harm to, or loss of such a site should be wholly exceptional. Local planning authorities are encouraged to look for opportunities for new development within world heritage sites and their settings to enhance or better reveal their significance.

9.3 Hadrian's Wall is an internationally known icon of the north of England, valued by those who live and work in the area as part of their geographic and social identity, and visitors to the area. It has recreational, social and economic value. The Hadrian's Wall Path National Trail and the Hadrian's Cycleway provide significant access opportunities for large numbers of cyclists and walkers.

9.4 A five year rolling management plan is a Government requirement for a world heritage site. The current plan covers the period 2008 – 2014. It provides an essential framework for the management of the site to ensure its preservation for present and future generations. The Plan encompasses the wall itself and a 10 mile buffer zone on either side.

9.5 The buffer zone for Hadrian's Wall World Heritage Site was established in the 1996 Management Plan. In the City of Carlisle it highlights areas where non-scheduled archaeological remains can be given focussed protection through the implementation of this policy. It also protects the visual setting of the site, particularly in the rural areas, although it is also important to have regard to the possible impact of major developments outside the defined buffer zone.

9.6 Those parts of Hadrian's Wall that are not scheduled are not included as part of the world heritage site, although they lie within the buffer zone.

9.7 Formal Environmental Impact Assessment (EIA) will be required for significant developments affecting Hadrian's Wall World Heritage Site and its buffer zone.

Alternative Options

9.8 The NPPF states that Local Planning Authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment. A world heritage site is classed as a heritage asset of the highest significance. As part of the development of the first Hadrian's Wall Management Plan, all the partnership local planning authorities agreed a three level policy approach, as set out in the above policy.

Which Local Plan Policy is superseded?

9.9 This policy supersedes Policy LE5 – Hadrian's Wall World Heritage Site and LE7 – Buffer Zone on Hadrian's Wall World Heritage Site of the adopted Carlisle District Local Plan 2001-2016.

Scheduled and Other Nationally Important Ancient Monuments

What you told us:

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon. Heritage was however an issue that was consulted upon during the key issues and issues and options stages and an overwhelming majority of respondents felt that the Core Strategy should adopt a pro-active approach to managing heritage assets. Heritage is a major factor to consider within the Local Plan due to the District's rich heritage and large number of Listed buildings, Scheduled and Other Nationally Important Ancient Monuments, Conservation Areas and locally significant buildings.

Policy 59 -Scheduled and Other Nationally Important Ancient Monuments

Development will not be permitted where it will have an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

Development will be permitted on other known sites and monuments of archaeological significance, together with land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, provided that the site can be adequately preserved or appropriate arrangements for excavation and recording can be made.

All proposals will be required to include a description of the significance of the heritage asset affected, including any contribution made by their setting. In addition, developers will be required to submit a desk based assessment, and where necessary a field evaluation, of the archaeological interest.

Justification

9.10 The NPPF defines scheduled monuments as 'Heritage Assets'. These have a degree of significance meriting consideration in planning decisions, because of their heritage interest. They include designated heritage assets and those identified by the local planning authority.

9.11 Scheduled monuments are valuable as a resource for research, education, leisure, tourism and regeneration, and for their influence on perceptions of identity and sense of place. However, they are also a finite, irreplaceable and fragile

resource and are vulnerable to a wide range of human activities and natural processes.

9.12 The Ancient Monuments and Archaeological Areas Act 1979 makes provision for the designation of scheduled monuments. The Act places a duty on the Secretary of State for Culture, Media and Sport to compile and maintain a schedule of 'monuments', (in consultation with English Heritage). Once included in the schedule, a monument (together with land in or on which it is situated, plus any land essential for its support and preservation) has legal protection.

9.13 The process of scheduling must have regard to the non-statutory criteria for determining national importance. Scheduling may not be the most appropriate way of securing the long-term preservation of a monument for the benefit of future generations, even if it otherwise meets the statutory definition and non-statutory criteria.

9.14 For example, depending on the nature of a monument and the threats to which it is subjected, the Secretary of State may decide that it is adequately protected if it is already designated under another statutory regime (such as those designed to protect military remains or nature conservation interests) or that its conservation could be adequately managed through the planning system.

9.15 Therefore, the fact that a monument is not designated as a scheduled monument does not necessarily imply that it is not nationally important. Nationally important, but non-scheduled monuments are therefore subject to this policy, as are other sites within the district which are known to have archaeological interest, but are not scheduled.

9.16 Scheduled monument consent (SMC) is separate from the statutory planning process. However, the two processes may run in parallel when the granting of planning permission is required. Development affecting the setting of a scheduled monument is dealt with wholly under the planning system and does not require SMC.

Alternative Options

9.17 There are no reasonable alternative options considered for this policy.

Which Local Plan policy is superseded:

9.18 This policy supersedes Policies LE6 – Scheduled/Nationally Important Ancient Monuments; LE9 – Other Known Sites and Monuments of Archaeological Significance; LE8 – Archaeology on Other Sites and LE10 – Archaeological Field Evaluation in the Carlisle District Local Plan 2001-2016.

Local Listings

Consultation so far/ What you told us:

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon. Heritage was however an issue that was consulted upon during the key issues and options stages and an overwhelming majority of respondents felt that the Core Strategy should adopt a pro-active approach to managing heritage assets. Heritage is a major factor to consider within the Local Plan due to the District's rich heritage and large number of Listed buildings, Conservation Areas and locally significant buildings.

Policy 60 - Local Listings

Throughout Carlisle District there are a number of buildings and structures of historic and architectural significance that help to create the locally distinctive character of the area. The Council recognises the positive contribution these structures make to Carlisle's townscape and landscape and there will be a presumption in favour of their retention when considering development proposals.

Only in exceptional circumstances will the loss of a local list building/structure be permitted, where this is the case the following may be required:

- An appropriate level of survey and recording which may also include archaeological excavation;
- Provision of replacement buildings of comparable quality and design;
- The salvage of special features for reuse in the replacement development;
- The use of road or building names in any new development which reflects the historic origins of the area, maintaining a link with the past.

Justification

9.19 Within the City and in other locations there can be pressure for redevelopment potentially resulting in the loss of unlisted structures that whilst not of national importance may be of local heritage or townscape significance.

9.20 The Council have identified a number of buildings/historic structures which are of importance because of their contribution to the townscape of a particular area, or their local historic or architectural interest. Local lists play an essential role in protecting and reinforcing a sense of local character and distinctiveness by identifying those assets which whilst not listed by the Secretary of State are considered by the Council to be an important part of

Carlisle's heritage. Local List buildings which make a particularly strong 'townscape' contribution are identified as 'key townscape frontage' on the local plan policies map. These include buildings which make a contribution to the character of the City's rural and urban conservation areas and many of the district's diminishing stock of vernacular buildings. Together these buildings and structures form a significant part of the districts built heritage which the Council consider is worthy of being retained. In order to limit the damage to those buildings and structures which form the areas locally distinctive character, proposals which would have an unacceptable impact on them will be resisted.

9.21 The local list will continue to be added to and monitored against assessment criteria guided by English Heritage's Good Practice Guide for Local Listings, to ensure a consistent approach is applied in the identification and management of Carlisle's significant local heritage assets.

Alternative Options

9.22 The NPPF states that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment within their Local Plans, therefore it is considered necessary to recognise the importance of locally significant buildings within the local plan rather than relying solely on the policy within the NPPF. It may however be considered appropriate for the detail of the local list i.e. assessment criteria to be included within a local listings supplementary planning document.

Which Local Plan policies are superseded?

9.23 This policy supersedes Policy LE16: Historic Structures and Local Listings in the Carlisle Local Plan 2001-2016

Development affecting Conservation Areas

Consultation so far/ What you told us:

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon. Heritage was however an issue that was consulted upon during the key issues and options stages and an overwhelming majority of respondents felt that the Core Strategy should adopt a pro-active approach to managing heritage assets. Heritage is a major factor to consider within the Local Plan due to the District's rich heritage and large number of Listed buildings and Conservation Areas. Consultation also highlighted the links between balancing the promotion of tourism development whilst ensuring that the historical assets are responsibly managed.

Policy 61 - Development affecting Conservation Areas

Any new development or alterations to buildings in conservation areas should harmonise with their surroundings and be sympathetic to the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas.

Within Carlisle's conservation areas there are a number of buildings which detract from their quality. The City Council will encourage the redevelopment or improvement of these buildings identified on the proposals map as townscape improvement areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

1. The development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
2. The development should not have an unacceptable impact on the historic street patterns, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. Development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. Wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials avoided;
5. Individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or

flagged forecourts, sandstone kerbs, trees and hedges etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;

6. Proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to the character of the conservation area;
7. Proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

Applications for outline planning permission will not be acceptable for proposals in conservation areas.

Demolition

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character/appearance of a conservation area. Applications for planning permission/conservation area consent for development proposals that would require the total demolition of unlisted buildings in conservation areas, must be accompanied by details of redevelopment and will be assessed against the following criteria:

1. The contribution of the building to the landscape/townscape; and
2. The structural condition of the building; and
3. The suitability of the building for an alternative viable use; and
4. The contribution which the demolition /redevelopment would make to broader conservation objectives.
5. The inclusion of the building on the local list.

Proposals to utilise vacant land for car parking for interim or longer term use within Conservation areas, will be resisted except in exceptional circumstances.

Justification

9.24 Carlisle District is a large and diverse area comprising the City of Carlisle and its rural hinterland. These settlements have evolved organically over centuries to become areas of outstanding architectural and historic interest. This is reflected in many of the rural settlements and parts of the urban area being designated as conservation areas.

9.25 There are many opportunities for the enhancement of conservation areas and these should be taken wherever possible. For example, the repair and refurbishment of buildings, revitalising vacant and underused buildings, or the carrying out of tree planting and paving works and other public realm improvements. Proposals for new buildings in conservation areas should be of high design quality and should be developed to complement and

enhance their context. In order to promote the enhancement of conservation areas the City Council will carry out appraisals for each area highlighting the special characteristics of the area as well as any existing problems and make suggestions regarding their solution within an action plan.

9.26 The Council will also continue to review existing and designate new conservation areas in accordance with the NPPF, to ensure that the areas continue to justify their conservation areas status through their special architectural and historic interest thus ensuring the concept of conservation is not devalued through the inclusion of areas lacking special merit. A series of management plans for each conservation area will be prepared setting out the way in which development pressure and neglect will be managed to ensure the specific character of each area is maintained.

Alternative options

9.27 The NPPF states that local planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment within their Local Plans. Carlisle has a number of conservation areas which add greatly to the Districts attractiveness, it is therefore considered necessary to recognise the importance of these areas within the local plan and provide a specific local policy to guide the management and decision making for proposals in these areas rather than relying solely on the policy within the NPPF.

Which Local Plan policies are superseded?

9.28 Following discussion with the Development Management officers it was felt that policies LE17, LE19 and LE21 are useful in the determination of planning applications. Therefore the policy wording has been retained and refreshed and combined into one overarching policy.

Proposals affecting Listed Buildings, Historic Parks and Gardens and Battlefields

Consultation so far/ What you told us

Consultation to date has been focused on the strategic policies that were being drafted for the pre-NPPF Core Strategy. Now that the NPPF advocates a 'Local Plan' approach, detailed development management policies are being drawn up and included within the plan. This is therefore the first time that certain policies, including this one, have been consulted upon. Heritage was however an issue that was consulted upon during the key issues and options stages and an overwhelming majority of respondents felt that the Core Strategy should adopt a pro-active approach to managing heritage assets. Heritage is a major factor to consider within the Local Plan due to the District's rich heritage and large number of Listed buildings and Conservation Areas. Consultation also highlighted the links between balancing the promotion of tourism development whilst ensuring that the historical assets are responsibly managed.

Policy 62 - Proposals affecting Listed Buildings, Historic Parks and Gardens and Battlefields

Applications for works to Listed Buildings or historic parks ,gardens and battlefields of special historic interest including: alterations or extensions, changes of use, or new development within the curtilage/or its setting must have regard to:

- 1.the importance of the heritage asset, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
- 3.the setting of the heritage asset and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.
5. the present or future economic viability or function of the heritage asset

Additionally in the case of Listed Buildings:

1. the physical features of the building in particular scale, proportions, character and detailing (both internally and externally) and of any windows and doorways.

Any new development within the locality of a heritage asset should preserve its character and setting. The City Council will expect any new development to be sympathetic in scale, character and materials.

Demolition of listed buildings

There will be a strong presumption in favour of the preservation of listed buildings. Development proposals which would result in the total or substantial demolition of a listed

building must include details of redevelopment and will only be approved in exceptional circumstances taking into account:

- The intrinsic quality of the building and its contribution to the landscape/townscape;
- The structural condition of the building
- The efforts made to retain the building in its current use, or to find compatible alternative uses;
- The cost of repair and maintenance in relation to the importance of the building;
- The merits of the proposals for redevelopment.

Justification

9.29 The Local Plan has an important role to play in protecting the registered heritage assets from inappropriate works that may have an adverse impact on their special character. It is therefore considered necessary to include a policy to provide clear and detailed guidance in addition to the NPPF.

9.30 The NPPF highlights the importance of conserving and enhancing the historic environment by stating that LPAs should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment.

9.31 The Council places great value on the significance and quality of the historic environment and its ability to promote tourism, commerce, business and a desirable environment to live, work, visit and enjoy. Therefore proposals utilising our historic resources should be supported where appropriate to allow maximum benefits to be gained from the assets to develop local distinctiveness and a sense of place that will underpin regeneration and economic development opportunities.

9.32 The Council will expect development proposals to demonstrate an understanding of the significance of heritage asset affected and to show how proposals minimise any adverse impacts on the asset and its setting. This will be set out in the form of a Heritage Statement to support any application for planning or listed building consent.

The Local Plan area contains several parks and gardens of visual and/or historic interest. These include the grounds of Corby Castle, which are listed in English Heritage's Register of Parks and Gardens of Special Historic Interest. English Heritage also hold a Register of Historic Battlefields of Special Historic Interest which includes an area of land within Carlisle District identified as the site of the Battle of Solway Moss. The historic significance of these assets must be protected, therefore any proposals within or adjacent to such areas must be sensitive to the existing landscape and consistent with their preservation and enhancement. The Council considers that similar consideration should also be given to development proposals within or adjoining historic parks and gardens of local significance in order to ensure the protection of the District's valuable historic environment.

9.33 Carlisle's finite historic environment should be promoted and protected. The Districts heritage assets are significant with the presence of a world heritage site, numerous scheduled ancient monuments and a large number of Listed Buildings, the presence of these assets make a significant contribution to the areas environmental quality.

9.34 Heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. The destruction of historic buildings is very seldom necessary for reasons of 'good planning', and is more often the result of neglect, or of failure to make imaginative efforts to find new uses for such buildings or to incorporate them into new development.

9.35 Given the importance of Carlisle's heritage, development that would involve the loss of designated heritage assets requires clear and convincing justification and must be wholly exceptional; this view is supported in the NPPF. Any proposals for the demolition of such assets must be justified either on the grounds that the harm is necessary to deliver public benefits that significantly outweigh that harm. Proposals for redevelopment must be able to provide clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses and that there would be substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

Alternative Options

9.36 As the National Planning Policy Framework (NPPF) states that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. Carlisle has numerous important heritage assets that make a significant contribution to the environmental quality of the District. Relying only on the NPPF and listed building legislation is not an acceptable or reasonable option.

9.37 The only alternative approach would be to provide two separate policies one to cover listed buildings and one policy for historic parks and gardens and battlefields.

Which Local Plan policies are superseded?

9.38 It is proposed that Local Plan policies LE12, LE13, LE15 and LE22 be merged and amended as there was considered to be an overlap in the policy guidance currently contained within the existing policies and references need to be updated to ensure that the policy is in compliance with the NPPF.

10 Green Infrastructure

Objective

To protect, enhance and increase the provision of the green and blue infrastructure across the District for benefit of residents, visitors and the wider natural environment without compromising opportunities for future development

10.1 Green infrastructure is a broad concept that ranges from the strategically planned parks and open spaces of the city through to the rolling, open landscapes of the rural area. It covers both built networks for sustainable transport (public rights of way, cycle paths and bridleways) and naturally occurring wildlife corridors and ecosystems. The policies in this chapter aim to deliver the objectives of the Carlisle Green Infrastructure Strategy: The Big Green City, which recognises the fundamental role green infrastructure and the natural environment play in creating an identity for the district and for Carlisle as a green city. Biodiversity, landscape and green spaces are to be protected, ultimately for the sake of their own natural value, but also for the well being and good health of the district's citizens and visitors. The policies in this chapter also reflect the fact that the district's economy depends on the vitality of its natural environment and, as such, ensure that its preservation and enhancement are of the upmost importance.

Landscapes

What you told us:

Based on feedback from consultation on the Issues and Options it is clear that there is community support for introducing a criteria based policy that looks to protect and enhance all landscapes and their locally important characteristics, not just those traditionally covered by national and international designations. A policy which defers to evidence base documents like the Cumbria Landscape Character Assessment Toolkit would achieve this. It would require the Planning Authority and potential developers alike to consider the local impact development would have on a particular landscape character area and that area's capacity to support and accommodate change. It would send a clear policy message that Carlisle values all of its landscapes and the important role they play in creating a sense of place for local people and visitors alike.

Whilst there was limited support for the option to retain the current Urban Fringe Landscape designation there was still a key message of concern that emerged during consultation, namely the issue of losing important areas of open and green space on the edges of the city to urban sprawl. This should not be an issue with a criteria based policy, however, as this approach will allow for those sensitive parts of the urban fringe landscape which could not support new development without being damaged to continue to be protected, whilst at the same time allowing for appropriate levels of development on those parts of the urban fringe that are able to accommodate and support it, thus allowing the city to grow sustainably.

Policy 63 - Landscapes

All landscapes are valued for their intrinsic character. Proposals for development will be assessed against the criteria presented within the Cumbria Landscape Character Assessment Toolkit (or successor documents) with regard to a particular Landscape Character Area's key characteristics, local distinctiveness and capacity for change. The Council shall seek to protect all landscapes from excessive, harmful or inappropriate development, particularly those areas less able to accommodate significant change. Where the opportunity arises, the Council may seek the appropriate enhancement and restoration of valued landscapes should it be considered pertinent to do so.

Areas valued for their tranquility will be identified and protected from excessive noise and/or traffic generating development. Landscapes valued for their intrinsically dark skies, such as the area around Kershope Forest in the rural north-east of the district, will be strictly protected from the adverse impact of artificial light pollution.

Justification

10.2 Inline with the National Planning Policy Framework this policy sets criteria based policies against which proposals for any development on, or affecting, landscape areas will be assessed. It also seeks to protect areas of tranquillity from excessive noise pollution and

limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes.

10.3 The district is characterised by high quality and diverse landscapes from the remote upland moors and forests in and around Bewcastle, which offer some of the most intrinsically dark skies in Britain, to the lowland river valleys and farmland around Carlisle, all of which are valued and worthy of some degree of protection and enhancement. There are also two Areas of Outstanding Natural Beauty within the district – the Solway Coast AONB and the North Pennines AONB.

10.4 In 2011 Cumbria County Council, in association with the Cumbrian district planning authorities, produced the landscape character assessment toolkit for the whole of Cumbria. This toolkit provides decision makers with a means to assess the impacts of a development on any of the different landscape character areas found across Cumbria. The core principle is that all landscapes matter, not just those that form part of national designations. Every landscape character area is important and, whilst some may be more sensitive to change than others, the planning process should seek to protect all landscapes from harmful development. It is important to note, however, that this does not mean that development which incurs changes to landscapes should be resisted. Rather that new development should be appropriate to its surroundings be suitably accommodated within the landscape.

10.5 The toolkit suggests that planning policy at a local level should take a criteria based approach to assessing the appropriateness of a development within a given landscape character area.

10.6 There are two Local Nature Partnerships (LNPs) currently operating within the plan area that have been established to provide local support and expertise on natural environment issues. The Council shall continue to engage with both the Cumbria and the Northern Upland Chain LNPs and shall actively consult with them on planning applications involving landscape issues.

Alternative Options

1) No landscape policy in the Local Plan

10.7 This would require policy to defer to national guidance, which only offers policy protection to landscapes of national importance (i.e. Solway Coast/North Pennines AONB), leaving it to Local Authorities to protect locally important landscapes themselves. This approach may lead to the erosion of the visual quality of landscapes lying outside of these areas – lack of policy guidance would undermine the ability to protect and preserve.

2) Adopt a policy that continues the use of local landscape designations including the continued use of Urban Fringe Landscape as per the 2008 Local Plan

10.8 Local designations only cover areas identified on a map; there is no protection offered for areas outside these designations. Current local landscape designation boundaries do not fully reflect the areas defined in the Cumbria Landscape Character Guidance document and

would thus make it difficult to refer to the evidence base for landscape impact assessment. This option is not in line with the NPPF, which favours a more criteria based approach over local landscape designations. The Cumbria Landscape Character Assessment Toolkit is an up to date and comprehensive resource and, as such, the local landscape designation approach cannot be justified. An urban fringe designation would also serve to restrict sites within developed areas of the urban fringe which would otherwise be suitable and sustainable locations for development.

Which Local Plan Policies are superseded?

10.9 Policies DP10 Landscapes of County Importance, CP1 Landscape Character and LE1 Urban Fringe Landscape in the Carlisle District Local Plan 2001-2016.

Nationally Designated Landscape Areas

What you told us:

Responses revealed support for allowing appropriate and sensitive development within Areas of Outstanding Natural Beauty. Local communities and economies within AONBs should not be allowed to stagnate. Appropriate development within AONBs should also be used to secure funding through legal agreements and developer obligations to improve and enhance local aspects of the landscape. The policy option could achieve this through application of the afore mentioned criteria based policy, encouraging the use of both the Cumbrian Landscape Toolkit and also more locally specific documents such as the Solway Coast AONB Landscape Character Assessment and the AONB Management Plans, and by emphasising the continued high degree of protection that will be given to AONB Landscapes in policy.

Policy 64 - Nationally Designated Landscape Areas

Within the Solway Coast and North Pennines Areas of Outstanding Natural Beauty (AONB) the protection of the natural beauty and historic integrity of the landscape will be afforded the highest priority. Only development that is locally sensitive and of high quality design or which actively seeks to enhance or protect landscape character or is otherwise of high national importance will be permitted within these national designations.

Justification

10.10 Protection of the landscape and scenic beauty of Areas of Outstanding Natural Beauty is given great weight when considering development proposals in these areas. Only in exceptional circumstances should major development be approved within an AONB and only when it can be demonstrated that the development is in the public or national interest

10.11 The district has a rich and varied landscape. There are two Areas of Outstanding Natural Beauty (AONB) in the district; The Solway Coast and the North Pennines. Both AONBs have adopted and up to date Management Plans. The Solway AONB also has its own locally specific Landscape Character Assessment document which supersedes the Cumbria Landscape Character Assessment when considering development within the AONB boundary. The prime purpose of an AONB designation is to protect the landscape rather than restrict development within the villages and towns that are located within it.

10.12 Proposals for development that are inline with or actively working towards delivering the objectives and outcomes of the Solway Coast and North Pennines AONB Management Plans shall be considered favourably.

10.13 The Council has adopted two Supplementary Planning Documents (SPDs) that address planning issues within the North Pennines AONB; The North Pennines AONB Planning Guidelines SPD and the North Pennines AONB Building Design Guide. Appropriate development inline with the aims and guidance in these documents will be supported.

10.14 Development proposals within the Solway Coast AONB or its setting should refer to the Solway AONB Landscape Character Assessment when assessing the potential landscape impact of a scheme. The core principle of this document is that all landscapes within the AONB are important and, whilst some may be more sensitive to change than others, the planning process should seek to protect all landscapes within the AONB from harmful development. It is important to note, however, that this does not mean that development which incurs changes to landscapes should be resisted. Rather that new development should be appropriate to its surroundings be suitably accommodated within the landscape.

10.15 The relevant AONB management teams should be consulted on proposals within or close to AONBs. Any application for development with the potential to impact upon the setting of any Scottish National Scenic Areas should likewise be consulted upon with the appropriate NSA management teams north of the border

10.16 There are two Local Nature Partnerships (LNPs) currently operating within the plan area that have been established to provide local support and expertise on natural environment issues. The Council shall continue to engage with both the Cumbria and the Northern Upland Chain LNPs and shall actively consult with them on planning applications involving landscape issues.

Alternative Options

1) No landscape designation policy in the Local Plan

10.17 This would require policy to defer to national guidance, which, whilst offering some protection to areas of outstanding national beauty, would fail to provide for local context addressing the particular issues facing the designations with Carlisle District. There would also be no scope to provide specific mention of the Solway's Landscape Character Assessment or to provide support for the implementation of the management plans of the two AONBs within the district.

2) Restrict all development within Areas of Outstanding Natural Beauty

10.18 This option would be overly restrictive and could cause settlements and communities within AONB boundaries to stagnate, hampering growth that may be required to support existing services and removing potential funding from developer contributions for landscape improvements or habitat creation in the locality. It would ultimately be unsustainable.

Which Local Plan Policies are superseded?

10.19 Policy DP9 Areas of Outstanding Natural Beauty in the Carlisle District Local Plan 2001-2016.

Biodiversity and Geodiversity

What you told us:

The consultation on the Core Strategy Issues and Options did not carry a specific question for biodiversity. However, a number of comments were received during consultation, which suggested that the need to protect and enhance biodiversity and geodiversity should be addressed within the Local Plan.

Policy 65 - Biodiversity & Geodiversity

Biodiversity and geodiversity assets across the district shall be protected and, where possible, enhanced.

International Designated Sites:

Internationally designated sites of biodiversity conservation, including the Natura 2000 designations of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites will be afforded the highest levels of protection. Development which would adversely affect or harm the integrity of such sites shall be resisted unless an overwhelming need for the development or vital national interest can be demonstrated. Proposals which may have an impact upon a Natura 2000 site must be accompanied by a Habitats Regulation Assessment (HRA). Any site subject to a HRA will not be subject to the presumption in favour of sustainable development.

National Designated Sites:

Nationally designated sites such as Sites of Special Scientific Interest (SSSI) will be strictly protected from new development. Any proposal which would adversely impact upon the scientific interest of the site will be resisted, unless an overwhelming socio-economic need for the development or pressing national interest can be demonstrated.

Local Designated Sites:

Local wildlife designations such as County Wildlife Sites, Local Nature Reserves and Ancient Woodlands, as well as Regionally Important Geological/Geomorphological Sites (RIGGS) shall also be afforded a high degree of protection from harmful development, unless a strong socio-economic need can be demonstrated or the development would otherwise be in the national interest.

Development affecting Biodiversity and Geodiversity:

All proposals for development that may impact upon habitat, species or geodiversity should, where appropriate:

- Maintain, and where appropriate enhance, conditions for priority habitats and species identified in the Cumbria Biodiversity Action Plan
- Maintain, and where appropriate enhance recognised geodiversity assets identified in the Local Geodiversity Action Plan for Cumbria
- Ensure satisfactory and appropriate integration of wildlife corridors on site

- Seek to make species appropriate provision on site to encourage an increase in biodiversity where it is practical and viable to do so

Mitigation:

Where significant and overwhelming social or economic benefits and need can be demonstrated, which may then allow for the potentially harmful development of a wildlife site, proposals should only be approved once the Council and relevant partner organisations are satisfied that any necessary impacts can be mitigated through appropriate habitat creation, restoration or enhancement on site or elsewhere via planning conditions, agreements or obligations.

Justification

10.20 The NPPF states that biodiversity should be planned for at a landscape-scale, across local authority boundaries. The components of local ecological networks, including international, national and local sites of importance for biodiversity, as well as any areas identified by local groups for habitat restoration and creation, have been identified and mapped.

10.21 This Local Plan aims to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations through policy. The protection of geological conservation interests will also be considered in response to new development proposals.

10.22 When considering planning applications and the need to conserve and enhance biodiversity, the following principles apply:

- Permission for development will be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for;
- Proposals where the primary objective is to conserve or enhance biodiversity will be approved;
- The incorporation of biodiversity in and around developments will be encouraged, wherever the opportunity arises;
- Development which would result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland will be refused unless the need for, and the benefits of, the development in that location clearly outweigh the loss

10.23 Any development likely to have a significant adverse effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development.

10.24 The Cumbria Biodiversity Action Plan (BAP) (Updated 2009) addresses how national biodiversity targets will be met at a local level. It outlines those key species and habitats for

the county, detailing how they should be protected, preserved and enhanced. Key and endangered species present within Carlisle include:

- Bats (all species)
- Red Squirrel
- Water Vole
- Barn Owl
- Song Thrush
- Great Crested Newt

10.25 It is a criminal offence to harm or disturb protected species, including the destruction of nests, roosts and dens. As such, the protection of these species should be given a high priority within planning policy.

10.26 The extent of important habitats across the district has been mapped by the Cumbria Biological Data Network (CBDN) team based at Tullie House Museum. Key habitat is important to protecting and enhancing biodiversity, and can be important to animal species beyond the key protected species listed above. Its loss should be prevented. Where resources allow the Council may, in consultation with Natural England, the Cumbria Biological Data Network and other relevant stakeholders, identify sites of significant biodiversity value or for the restoration and/or creation of new habitat to assist in revitalising key species within the district. Such sites will be protected from inappropriate development.

10.27 There are also two Local Nature Partnerships (LNPs) currently operating within the plan area that have been established to provide local support and expertise on natural environment issues. The Council shall continue to engage with both the Cumbria and the Northern Upland Chain LNPs and shall actively consult with them on planning applications involving biodiversity and geodiversity issues.

Alternative Options

1) Do not include biodiversity/geodiversity policy in the Local Plan

10.28 This option is not considered reasonable as it would not be in accordance with national policy, would fail to recognise the importance of biodiversity/geodiversity within the Carlisle plan area and could lead to the unacceptable and avoidable loss of natural assets. It is also contrary to comments received during issues and options consultation which request the Council to proactively consider biodiversity and geodiversity within strategic planning policy.

2) Resist all development that may potentially harm biodiversity and geodiversity assets

10.29 Though well intended, this option may have an adverse impact on the enhancement of natural assets as it would limit the opportunity to secure funding through planning obligations and agreements and would also remove the ability of developers to proactively make

provision for wildlife on redeveloped sites. It may also prevent development from occurring in circumstances where satisfactory mitigation or compensatory measures could be implemented.

Which Local Plan Policies are superseded?

10.30 Policies DP7 European Natura 2000 Sites, CP2 Biodiversity, LE2 Sites of Special Scientific Interest and LE3 Other Nature Conservation Sites.

Open Space

What you told us:

There were no direct questions posed to the public and stakeholders on the provision of open space and primary leisure areas in the consultation on the Core Strategy Issues & Options paper, although a section on Green Infrastructure did touch on it. Consultees were asked whether developers should be expected to contribute towards green infrastructure resources, which would key leisure areas such as formal parkland. A considerable majority of responses felt that all development should take into consideration the provision of parkland, hinting at the value placed on green spaces by the community. This was backed up by a number of specific comments both requesting and expecting the Council to protect and enhance green spaces through planning policy.

Policy 66 – Open Space

Development affecting Open Space

Proposals within designated areas of open space, as defined on the Policy Map, that relate to and complement the existing leisure use, and are appropriate in character and scale to the surroundings, will generally be acceptable. Development that would result in a partial or total loss of, or would otherwise constitute a change of use within an area of open space to non-sport or recreation uses shall not be permitted unless:

- An up-to-date needs assessment has been completed and clearly shows a surplus of primary leisure areas within a given locality; or
- It can be demonstrated that alternative provision of the same or greater size, quality and accessibility will be provided nearby; or
- Development of a small part of the area of open space would enable investment to improve the quality of the rest of the site; or
- There is a strong and justifiable social or economic need for development and the open space is otherwise of low quality and has little community value.

Strategic Areas of Open Space

All new dwellings should be within 1km of a high quality and accessible area of open space of between 5 and 20 hectares and within 3km of an open space greater than 20 hectares which provide general facilities for recreation provision within a landscaped setting. Development which does not fulfill this requirement will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one to these standards.

Provision of Open Space

Standards for open space provision will be informed by an assessment of need and demand for the various types of open space, ensuring there is an adequate supply of accessible and high quality spaces across the district. Where deficits are identified new development may be expected to contribute to creating new open spaces or to upgrading an accessible area nearby.

Recreation spaces within new development

New housing developments, where appropriate, will be required to include informal space for play and general recreation on site according to the size of the proposal. Agreement will be sought from the developer that they will make arrangements to ensure any play equipment, grass cutting, and other grounds work is maintained in perpetuity.

On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrading of open space provision in the locality, especially if a deficit has been identified.

Justification

10.31 In line with national policy, existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

10.32 The NPPF highlights the importance of having an open space needs assessment as part of the evidence base for the Local Plan. A needs assessment is vital in identifying both deficits and surpluses of particular open space types across the district. Work on a Carlisle needs assessment is underway, and draft data regarding the need and demand for sports pitches and grounds already exists in the draft Playing Pitch Strategy (Feb, 2013). Further work needs to be carried out to assess the need and demand for other types of open space. Such an assessment will identify areas of both surpluses and deficits in open space provision, and will also attempt to anticipate how demands for new areas of recreational land will grow over the course of the plan period.

10.33 Open space includes:

- parks
- gardens

- amenity green space
- playing fields
- play areas
- outdoor provision for teenagers and young people
- allotments
- cemeteries and churchyards

10.34 An audit of open space across the district was completed in the 2005, though this now needs updating it can still be considered indicative of provision.

10.35 In some cases, where local deficits in open space provision exist, contributions may be sought from new development. However, the establishment of a new area of open space may not always be appropriate within a development site or land nearby may not be available to be used as open space. In these cases a developer may be asked to contribute to upgrading existing local space to improve either its quality or accessibility. This could involve planting, path laying, new play equipment, new foot/cycle paths connecting the space to the proposed development, or other improvements recommended by the Council. Contributions to open space – be they either the creation of a new site or the upgrading of an existing – should be made in consultation with the Council's Green Spaces team to ensure any work is inline with their strategies and plans.

10.36 New housing development will be expected to set aside informal space for play and general recreation, depending on the size of the proposal. These sites will be dedicated for play and will be expected to provide appropriate equipment, play structures, opportunities for natural play and space for games. Such areas must be designed to avoid conflict with residents through issues with noise, but must also remain overlooked to ensure the safety of children using the site and discourage anti social behaviour.

Alternative Options

1) No open space policy in the Local Plan

10.37 This would require policy to defer to national guidance, which only offers general principles of open space protection, expecting local authorities to produce their own evidence for open space surpluses and deficits within their area. This option would mean that the protection of open space could not be locally distinctive and would not allow for the setting of locally appropriate standards that reflect the findings of the audit, green space strategy and emerging local needs assessment.

2) Include policy which protects all open space without exception

10.38 This policy would be too restrictive on new development. Whilst the protection of open space and other recreational facilities should be a priority, this option would fail to recognise that in some cases this is not viable and other uses for a site may be more appropriate. This would not lead to a flexible approach to green space management and may hamper the

Council's ability to secure funding for improved provision and facilities through developer contributions.

Which Local Plan policies are superseded?

10.39 Policies LC2 – Primary Leisure Areas, LC3 – Amenity Open Space, LC4 – Children's Play and Recreational Areas, LC5 – Playing Fields, LC6 – Surplus Playing Fields, LC7 – Allotments and LC10 – Golf Courses in the Carlisle District Local Plan.

Public Rights of Way

What you told us:

There were no direct questions posed to the public and stakeholders on rights of way in the consultation on the Core Strategy Issues & Options paper however a number of comments received on wider green infrastructure issues did mention it. A number of responses mentioned the need to ensure that the rights of way network is protected and maintained, and is well linked to new developments and newly established green spaces. Other responses requested that the Council seeks to ensure new routes are created and that existing routes are well maintained, particularly those that lead into the city.

Policy 67 - Public Rights of Way

New development will be expected to ensure that all existing footpaths, bridleways, cycleways and other rights of way that it will impact upon are retained wherever it is viable and appropriate to do so. In addition to this, where possible, local improvements and extensions to the rights of way network may be sought as part of proposals.

Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available, or is to be established, which is attractive, serves the same area, is well integrated with the existing network and is not significantly longer than the original route.

Justification

10.40 The NPPF expects policy to protect and enhance public rights of way and access. Wherever possible, opportunities to provide better facilities for users, for example by adding links to existing rights of way networks, should be sought.

10.41 Carlisle District has an extensive system of public footpaths, cycleways and bridleways. These rights of way are a valuable resource, providing an essential leisure function. It is important that they are safeguarded. When new development abutting footpaths is proposed, suitable landscaping and means of enclosure will be required, provided such measures are inline with designing out crime guidance and best practise presented within the Manual for Streets.

10.42 Development proposals may sometimes present opportunities to provide new footpaths or improve existing ones in order to bring them to a standard suitable for use by all. Agreement will be sought between the Council and the developer(s) to explore this opportunity should it arise.

10.43 The diversion and/or closure of footpaths remains the responsibility of the Highway Authority. However, the City Council is consulted on these proposals and will normally resist development proposals that would adversely affect the amenity of footpaths, unless an adequate alternative route for the right of way is provided.

Alternative Option

No rights of way policy in the Local Plan

10.44 This would require policy to defer to national guidance, which, whilst offering general protection for rights of way and requiring local authorities to seek integration of routes within the wider network, does not go on to suggest how development which would require changes to routes be considered in planning. The preferred option above allows for greater elaboration on this point and it is therefore considered preferable to have a policy in the Local Plan covering rights of way.

Which Local Plan policies are superseded?

10.45 Policy LC8 – Rights of Way in the Carlisle District Local Plan.

Trees and Hedgerows

What you told us:

During consultation on the issues and options for the Core Strategy there were no direct questions posed to the public and other stakeholders regarding the protection of trees and hedgerows. However, a number of respondents specifically mentioned the need to recognise the importance of trees as habitats and in improving general well being. The Council was asked to make sure that trees and hedges continue to be protected from harmful development. Other comments, more generally about the need to protect and enhance Green Infrastructure as a whole, can be seen to imply community expectation that the value of trees and hedges is recognised in policy.

Policy 68 - Trees and Hedgerows

Proposals for new development should provide for the protection and integration of existing trees and hedges, particularly those trees that are considered important to the local community, contribute positively to an area, contribute to the green infrastructure of the district and/or are otherwise of specific natural and/or historic value.

Tree Surveys:

Where trees and hedges are present on a development site, and the Local Planning Authority considers it pertinent to do so, a survey, in accordance with the current and most up to date British Standard: BS 5837 and carried out and presented by a qualified arboriculturist, may be required to accompany a planning application. Tree surveys should also have regard to the current Carlisle Trees and Development Supplementary Planning Document.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

Proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges identified within the survey will be resisted.

Tree Preservation Orders:

The City Council will protect existing trees and woodlands where it is expedient in the interests of amenity through tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent damage during site works in line with the current and most up to date British Standard: BS 5837.

Ancient Woodland:

Development which would result in the loss of any areas of recognised ancient woodland, or plantations on ancient woodland sites, will normally be resisted unless overriding significant social or economic benefits or need can be demonstrated.

Landscaping and Replanting:

Any proposals for onsite landscaping schemes should seek to incorporate the planting of native tree species where practicable. Where trees are lost due to new development, the Council shall expect developers to replant trees of an appropriate species on site where it is practicable to do so, or to contribute via planning conditions and/or legal agreement, to the replanting of trees in an appropriate, alternative location. The extent of replanting required shall be representative of the age and size of trees originally lost.

Justification

10.46 Trees and hedges add considerable value to our urban and rural environments, and are natural features in an ever-changing landscape. They can soften the impact of buildings and hard surfaces, contribute to the overall character of the development, help to hide unsightly views, provide shade, absorb noise and provide a screen from the wind. In addition, mature trees can give identity to an area, creating a real sense of place within communities.

10.47 Ancient woodland and veteran trees found outside of ancient woodland should be protected, inline with the NPPF, as irreplaceable habitat. Development that would result in their loss or deterioration should not be approved, unless an overriding social or economic need or benefit would outweigh the loss.

10.48 Carlisle City Council has adopted the Trees and Development Supplementary Planning Document (SPD). This document provides guidance on how trees and hedgerows should be incorporated into development schemes in a way that can both protect and enhance both the trees themselves as well as the overall natural quality of a development.

Alternative Option

Do not include a tree and hedgerow protection policy in the Local Plan

10.49 This option would leave the protection of valued trees and hedges to be covered solely by National policy. This is not considered reasonable as it would fail to provide clarity on how and when trees should be protected. It would fail to recognise hedgerows specifically as important habitat areas. National policy on the protection of trees is brief and a more locally specific policy is required to ensure more comprehensive protection.

Which Local Plan Policies are superseded?

10.50 This policy replaces current Local Plan policy CP3 – Trees and Hedges on Development sites.

11 Appendix

Appendix 1 Glossary

NOTE

This list is intended only to provide a general explanation of terms used in the Local Plan and does not constitute precise definitions in law.

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

Affordable Housing Economic Viability Assessment – An assessment of the costs of any requirements likely to be applied to development, focussing on the implications of developers having to provide affordable housing and to ensure that planning policies would not render schemes unviable.

Air Quality Management Area (AQMA) – Where a national air quality standard or objective is not likely to be met we must declare an Air Quality Management Area and produce an Action Plan outlining how we intend to improve the air quality within that area.

Allocations of Land – the allocation of sites for housing, employment, waste management and treatment facilities, and open spaces.

Amenity Open Space -The Local Plan identifies areas of land within settlements which make so significant a contribution to their character and to the amenity and enjoyment of nearby residents and the public at large as to warrant long term retention as open space. Such designation does not signify that such areas are available for public access and use although this may be the case in some instances. Rather, it indicates an intention that proposals for built development which would encroach on identified areas will not normally be granted planning permission.

Amplitude Modulation - a technique used in electronic communication, most commonly for transmitting information via a radio carrier wave.

Ancient Woodland- Natural England is responsible for compiling the inventory of ancient woodlands in Cumbria. The term is applied to woodlands which have existed from at least medieval times to the present day without being cleared for uses other than timber production. The inventory includes ancient semi-natural woodland which is defined as woodland which does not originate from planting, the distribution of species generally reflecting natural variations in site and soil.

Annual Monitoring Report (AMR) - Monitoring report recording the delivery of policies in the adopted plan.

Area of Outstanding Natural Beauty (AONB)- AONBs are relatively large areas of land designated under the National Parks and Access to the Countryside Act 1949 by the Countryside Commission. The primary objective of designation is conservation of the natural beauty of the landscape. AONBs differ from National Parks in that the promotion of recreation is not an objective of their designation, though these areas should be used to meet the demand for recreation so far as that is consistent with the conservation of natural beauty, and the needs of agriculture, forestry and other uses.

Area of Special Control of Advertisements- Part IV of the Town and Country Planning (Control of Advertisements) Regulations 1992 enables a Local Planning Authority to make Areas of Special Control Orders for submission to the Secretary of State for approval. Most of the Plan area has been designated as an Area of Special Control, excluding Carlisle, Brampton and Longtown. Within Areas of Special Control the display of advertisements with deemed consent (i.e. without the need for the formal approval of the Local Planning Authority) is subject to greater limitation.

Article 4 Direction- Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 allows the Local Planning Authority to restrict the scope of permitted development rights in defined areas. Article 4 Directions must normally be approved by the Secretary of State.

Best and Most Versatile Agricultural Land- To assist in assessing land quality, the then Ministry of Agriculture, Fisheries and Food has developed a method of classifying agricultural land by grade. There are five grades with grade 3 divided into two grades (3a and 3b). The best and most versatile agricultural land falls into

grades 1,2 and 3a. This land ranges from excellent (grade 1) to good quality (grade 3a).

Blue Infrastructure- The network of natural environmental components that lie within and between the city, towns and villages which provide multiple social, economic and environmental benefits. The physical components of blue infrastructure include waterways such as rivers, streams, marshes and lakes.

Brownfield Land- Previously-developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

Business Park- Business Parks are defined in the Structure Plan as high quality employment sites aimed at light industrial and office developments, particularly those related to high-tech industries. There is potential for a business park site on land south west of Morton.

City Centre - City centres are the highest level of centre identified in development plans.

In terms of hierarchies, they will often be a regional centre and will serve a wide catchment

(as is the case in Carlisle). The centre may be very large, embracing a wide range of activities and may be distinguished by areas which may perform different main functions.

Community Infrastructure Levy - A local charge on most new developments. The money raised will be spent by the local authority on infrastructure. The justification for the charge is that new buildings have an impact on infrastructure need (i.e. new roads and schools), and should therefore contribute towards that provision.

Comparison Shopping – Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.

Convenience shopping – Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/ magazines and confectionery.

Conservation Areas

Conservation areas are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Such areas are designated by Local Planning Authorities under the Planning (Listed Buildings and Conservation Areas) Act 1990. Provisions relating to conservation areas are contained in the Act. The Local Planning Authority has additional powers over the demolition of buildings and the removal of trees within such areas, and certain permitted development rights are either reduced or removed.

Core Strategy – Development Plan Document as part of the Local Development Framework System to set out the vision, aims and strategy for spatial development within an area. This was replaced by the 'Local Plan' requirement in the NPPF.

County Wildlife Sites

Cumbria Wildlife Trust designates some sites, which do not meet the criteria set out by Natural England for SSSI's, as Wildlife Sites. They contain examples of important habitats with uncommon species of plants and animals.

Cumulative Effects - The state in which a series of repeated actions have an effect greater than the sum of their individual effects; noted here especially in the location of wind turbines.

Duty to Cooperate - The Localism Act 2011 introduced a Duty to Cooperate, which is designed to ensure that all of the bodies involved in planning work together on issues that are of bigger than local significance.

Ecology - The study of the factors that influence the distribution and abundance of species.

Edge of Centre- For retail purposes edge-of-centre, is a location that is well connected to and within easy walking distance (ie. Up to 300 metres) of the primary shopping area. For all other main town centre uses, this is likely to be within 300m of a town centre boundary. In determining whether a site falls within the definition of edge-of-centre, account will be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre. A site will not be well connected to a centre where it is physically separated from it by a barrier such as a major road, railway line or river and there is no existing or proposed pedestrian route which provides safe and convenient access to the centre.

Employment Land Review (ELR) – to assess the demand for and supply of land for employment.

Environmental Impact Assessment (EIA)- A process by which information about the environmental effects of a proposal are collected, and taken into account by the Planning Authority in forming their judgement about whether or not to grant planning consent. The Town and Country Planning (Environmental Impact Assessment etc.) Regulations 1999 as modified sets out the types of project for which an EIA is required.

European Marine Sites (EMS) - European Marine Sites (also known as Natura 2000 sites) are special Areas of Conservation (SACs) for habitats of European importance and Special Protection Areas (SPAs) for birds

Equalities and Human Rights Commission (EHRC)

Equality Impact Assessment (EIA) - a process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

Evidence base - A range of technical reports and studies that have been or are being prepared to support the policies and proposals in the Local Plan.

Examination in Public – This is the examination of a local plan document by an independent planning inspector acting on behalf of the Secretary of State.

Flood Plain- All land adjacent to a watercourse over which water flows or would flow, but for the presence of flood defences, in times of flood. The limits of the flood plain are defined by the peak water level of an appropriate return period event on the watercourse or at the coast. On rivers this will normally be the greater of the 1 in 100 year return period flood or the highest known water level. In coastal areas the 1 in 200 year return period flood or the highest known flood will be used.

Flood Risk Assessment (FRA)- An assessment or test of the risk of flooding from river, tidal, coastal, groundwater and/or local sources conducted to meet the requirements of PPS25 and Annex E. The FRA will provide a framework for robust and sustainable flood risk management solutions within (re)developing areas.

General Permitted Development Order- The Town and Country Planning (General Permitted Development) Order 1995 prescribes many of the procedures for the determination of planning applications and details those forms of minor development which may be undertaken without the need for application for an planning permission. (See also Article 4 Directions and Permitted Development).

Geology - The study of the origin, structure, chemical composition, and history of the Earth and other planets.

Geomorphology - The investigation of the origin of landforms on the Earth and other planets.

Green Infrastructure (GI) - The network of natural environmental components and green and blue spaces that lie within and between the city, towns and villages which provide multiple social, economic and environmental benefits. The physical components include parks, rivers, street trees, moorlands, marshes and country parks.

Gross Value Added (GVA) - Gross value added is the difference between output and intermediate consumption for any given sector/industry. That is the difference between the value of goods and services produced and the cost of raw materials and other inputs which are used up in production.

Gypsy and Traveller Accommodation Assessment - Assessment of Gypsy and Traveller accommodation needs in order to ensure that the needs and wider demand of the Gypsy and

Traveller communities for suitable accommodation can be considered and met equally and fairly alongside other sectors of the community. (Part of the Evidence Base).

Habitats Regulations Assessment (HRA)- HRA assesses the likely impacts of the possible effects of a plan's policies on the integrity of the Natura 2000 sites (including possible effects 'in combination' with other plans projects and programmes).

Homes and Communities Agency (HCA)

Health Impact Assessment - A combination of procedures, methods and tools by which a policy, program or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

Heritage Asset - A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Houses in Multiple Occupation (HMO)- A House in Multiple Occupation as defined in the 1985 Housing Act is one that is occupied by persons who do not form a single household.

Housing Need and Demand Study (HNDS) - The Assessment considers future housing requirements, in terms of the number of homes required to meet need and demand. It considers the mix of housing required, in both the affordable and market sectors. It also looks at the housing requirements of specific groups, including older people, Black and Minority Ethnic (BME) households, and those with support needs.

Infrastructure Delivery Plan - The Infrastructure Delivery Plan (IDP) will contain a list of all infrastructure needed to support sustainable growth, as set out in the emerging Local Plan. Infrastructure projects will be identified by location, cost and delivery timescale and funding. 'Infrastructure' has a broad definition and can apply to many projects including new roads, schools, community services, sports and leisure facilities and green infrastructure.

Key Townscape Frontage Buildings- Key Townscape Frontage Buildings are primarily located within conservation areas and are defined as buildings that make a contribution to the character of a particular area. Such conservation areas include the City Centre, Botchergate, Longtown, Brampton and Dalston.

Listed Building- The Secretary of State for Culture, Media and Sport, advised by English Heritage, compiles a list of buildings of 'special architectural or historic interest'. Any material alteration to or demolition/part demolition of a listed building, whether external or internal will require an application for listed building consent.

Localism Act –Received Royal Assent in November 2011. In relation to Planning, the Act abolished Regional Strategies but introduced a duty for interested parties to

co-operate in the preparation of development plans and introduced Neighbourhood Planning.

Local Development Scheme (LDS) – provides information on how Carlisle City Council intends to produce its Local Plan. It sets out the planning policy documents that form the development plan for the Carlisle District area and their programme of preparation over a three year period.

Local Enterprise Partnership (LEP) - locally- owned partnerships between local authorities and businesses and play a central role in determining local economic priorities and undertaking activities to drive economic growth and the creation of local jobs. Carlisle is part of the Cumbria LEP.

Local Nature Reserves- Local Nature Reserves may be established by Local Authorities under section 21 of the National Parks and Access to the Countryside Act 1949. They are habitats of local significance which can make a useful contribution both to nature conservation and to the opportunities for the public to learn more about and enjoy wildlife. Local nature reserves are predominantly ecological, but can also be established on geological sites.

Local Development Framework (LDF) – System of producing Development Plan Documents (LDF). Replaced by the National Planning Policy Framework in March 2012.

Local Planning Authorities (LPAs)

Local Strategic Partnership (LSP) – The Carlisle Partnership is a non-statutory, non-executive partnerships bringing together different agencies to support each other and work effectively together on economic, community and environmental issues that matter to local people including crime, employment, education, health and housing. Its aim to deliver sustainable economic, social and physical regeneration, improved public services, promotion of equality and inclusion, and improvements to the quality of life for local citizens, particularly those from deprived areas and disadvantaged groups. In order to achieve this, partners are required to assess local needs, plan services, set targets and monitor delivery.

Local Transport Plan 3 (Draft) (LTP3) - The Transport Act 2000 introduced a statutory requirement for local transport authorities to produce a Local Transport Plan (LTP) every five years and to keep it under review. It sets out the statutory framework for Local Transport Plans and policies.

Natura 2000- Natura 2000, created by the European Union, is a network made up of Special Protection Areas and Special Areas of Conservation. These designations form an internationally important network of wildlife sites.

National Nature Reserve- Areas of national and sometimes international importance which are owned or leased by Natural England or managed in

accordance with their wishes. The essential characteristic of such areas is that they are primarily used for nature conservation.

National Planning Policy Framework (NPPF)- The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Neighbourhood Plans – Introduced by the Localism Act, a 'Neighbourhood Planning' aims to give people greater ownership of plans and policies that affect their local area. It enables local people to put together ideas for development (relating to land-use or spatial matters) in their area via a "Neighbourhood Development Plan". Once adopted, this plan will form part of the statutory development plan with the District Council.

Office of National Statistics (ONS)

Open space- All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Out of centre- A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town- A location out of centre that is outside the existing urban area.

Overarching National Policy Statement for Energy (EN-1)

Permitted Development- The Town and Country Planning (General Permitted Development) Order 1995 permits certain minor alterations and extensions to be undertaken without the need to apply for planning permission from the Local Planning Authority. Such development is known as permitted development.

Planning Obligations (also known as s106 agreements – of the 1990 Town & Country Planning Act)- are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would otherwise be unacceptable in planning terms.

Preferred Options – sets out the preferred strategic policy direction for new development within the District for public consultation.

Primary Employment Areas- Primary Employment Areas are designated when the predominant use relates to employment. Also included within this designation is land that has planning permission and land allocated for employment use. Such areas are located within Carlisle, Longtown, Brampton and Dalston.

Primary Leisure Area- Primary Leisure Areas are the main focal points for leisure activities. Such locations include the Sands Centre, Tullie House, the Sheepmount, community centres, other areas of public open space and parkland as well as privately owned leisure facilities. Such areas should be retained.

Primary Residential Areas- Primary Residential Areas are housing areas within Carlisle, Longtown and Brampton. These areas are predominantly residential, and they contain a number of other uses normally acceptable in housing areas such as churches, small shops and public houses.

Primary Retail Area- The Primary Retail Area contains all the important shopping streets and areas in the City Centre. All the major stores are included together with the streets with continuous shopping frontages and sites where shopping development is acceptable in principle. It also includes the main shopping streets in Brampton and Longtown.

Ramsar Site- Ramsar sites are wetlands of international importance, particularly as waterfowl habitats. Ramsar sites are listed by the Secretary of State. The provisions of the Ramsar Convention require the promotion of the conservation of the wetlands.

Regionally Important Geological/Geomorphological Sites (RIGS) - These are geological/geomorphological sites of local importance which complement the national network of geological SSSI's (see below). The aim of designation is to maintain and enhance specific features of rock and landform, and the dynamic natural processes which create them.

Register of Battlefields- Similar to the Register of Parks and Gardens of Special Historic Interest, the Register of Battlefields identifies a limited number of areas of historic significance where important battles are sufficiently documented to be located on the ground. This register is compiled by English Heritage.

Register of Parks and Gardens of Special Historic Interest- This is a register, produced by English Heritage, which identifies parks and gardens of visual and/or historic interest. There is currently two designations within the District.

Regional Spatial Strategies (RSS) – Regional level plan revoked by the Localism Act.

Rural Masterplanning – Joint working with Parish Councils to establish the capacity for development within the rural area informed by community opinion.

Scheduled Ancient Monument- The Secretary of State, advised by English Heritage, compiles a Schedule of Ancient Monuments which, by reason of period, rarity, fragility, potential etc. appear to be of national importance. Provisions relating to scheduled ancient monuments are contained in the Ancient Monuments and Archaeological Areas Act 1979 and the National Heritage Act 1983.

Section 106 Agreement- Planning Agreements (or 'Planning Obligations') are made under Section 106 of the Town and Country Planning Act 1990. Agreements may be made between a Local Planning Authority and a land owner (often a developer) or may be entered into unilaterally by such persons. Agreements are usually employed to restrict the development or use of land in ways which can not properly or conveniently be achieved by the imposition of conditions.

Site of Special Scientific Interest (SSSI)- Section 28 of the Wildlife and Countryside Act 1981 enables Natural England to designate areas of land which, by reason of their flora, fauna, or geological or physiographic features, it is in the national interest to conserve. To protect SSSI's from operations outside the scope of planning controls, Natural England specify to their owners and occupiers the operations which they consider to be harmful to their conservation interest. Local authorities have a responsibility under the Countryside and Rights of Way (CRoW) Act 2000 to take reasonable steps to further the conservation and enhancement of the features for which an SSSI has been notified.

Special Area of Conservation (SAC)- Areas established under the EU Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora as contributing to the maintenance of a coherent Communitywide network of habitats called Natura 2000. SAC's are selected for their contribution to the survival of species and habitats of European importance. The areas proposed as SACs are also SSSI's.

Special Protection Area (SPA)- Areas established under the EC Directive on the Conservation of Wild Birds in order to safeguard habitats of migrating birds and certain threatened species and thereby to conserve populations. All SPA's are also SSSI's.

Statement of Community Involvement - explain to the public how they will be involved in the preparation of Local Development Documents. It sets out the standards to be met by the authority in terms of community involvement.

Strategic Employment Sites- Strategic Employment Sites are defined in the Structure Plan as large sites of a minimum of five hectares, designed specifically to provide sites for large scale business, general industry, storage and distribution uses. The site should be close to the primary road network. Small scale uses would not normally be permitted on such sites.

Strategic Flood Risk Assessment (SFRA) – The SFRA informs knowledge of flooding, refines the information on the Flood Map and determines variations in flood risk from all sources of flooding across and from their area.

Strategic Housing Land Availability Assessment (SHLAA) - a technical study to inform planning policy development. It also assists in the monitoring of whether there is an adequate supply of deliverable housing land.

Sui Generis - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: theatres, houses in multiple occupation, hostels

providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Sustainability Appraisal - A statutory assessment undertaken on Local Plan's to identify and evaluate the impacts of a plan on the community, economy and environment.

Sustainable Development

The Bruntland Report in 1987 brought a new approach when it proposed that an ongoing balance could be struck between economic growth and the needs of the environment through the concept of sustainable development. A definition of this concept is 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'

Sustainable Drainage Systems (SUDs)- A sequence of management practices and control structures designed to drain surface water in a more sustainable way than some conventional techniques. SUDS manage surface water on site as near to source as possible by slowing down the rate of run-off and treating it naturally through such design techniques as porous pavements, infiltration trenches and basins, french drains, swales and passive treatment systems including filter strips, detention basins, retention ponds and wetlands. This approach will allow the release of good quality surface water into watercourses and the groundwater resource.

Tree Preservation Order (TPO)- Under Section 198 of the 1990 Act a Local Planning Authority may, in the interests of amenity, make provisions for the preservation of individual trees or woodlands. TPOs prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees without the prior consent of the Authority.

Use Classes Order- The Town and Country Planning (Use Classes) Order 1987 (as amended) contains a number of Classes into which most uses of land or buildings fall. The change of use of land or buildings, from one class to another, normally requires planning permission. The change of use of land or buildings within a particular Class does not involve development requiring planning permission.

Use Class A1 Shops - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.

Use Class A2 Financial and professional services - Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies and betting offices.

Use Class A3 Restaurants and cafés - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.

Use Class A4 Drinking establishments - Public houses, wine bars or other drinking establishments (but not night clubs).

Use Class A5 Hot food takeaways - For the sale of hot food for consumption off the premises.

Use Class B1 Business Use - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.

Use Class B2 General industrial Use - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).

Use Class B8 Storage or distribution Use - Storage or Distribution warehouses including wholesale cash and carry. This class includes open air storage.

White Land - A general expression used to mean land (and buildings) without any specific proposal for allocation in a development plan, when it is intended that for the most part, existing uses shall remain undisturbed and unaltered.

Windfall Site- An informal term used to describe a site where planning consent (usually for housing) is granted despite that site not being allocated for development in the Local Plan.

World Heritage Sites- The World Heritage Convention from which World Heritage Sites derive was ratified by the UK in 1984. The Convention provides for the identification, protection, conservation and presentation of cultural and natural sites of outstanding universal value. Hadrian's Wall Military Zone was designated as a World Heritage Site in 1987.

Zero Carbon – that all emissions from a house or commercial property and the activities that take place within them must be net zero over the course of a year.

Appendix 2 Transport Assessments and Travel Plans

Outlined below are guidelines for when Transport Assessments and Travel Plans will be automatically required as part of a planning application for new development. These guidelines are taken from the Cumbria Local Transport Plan.

Transport Assessments

Proposals which, individually or cumulatively, meet the following scale of development will require a transport assessment:

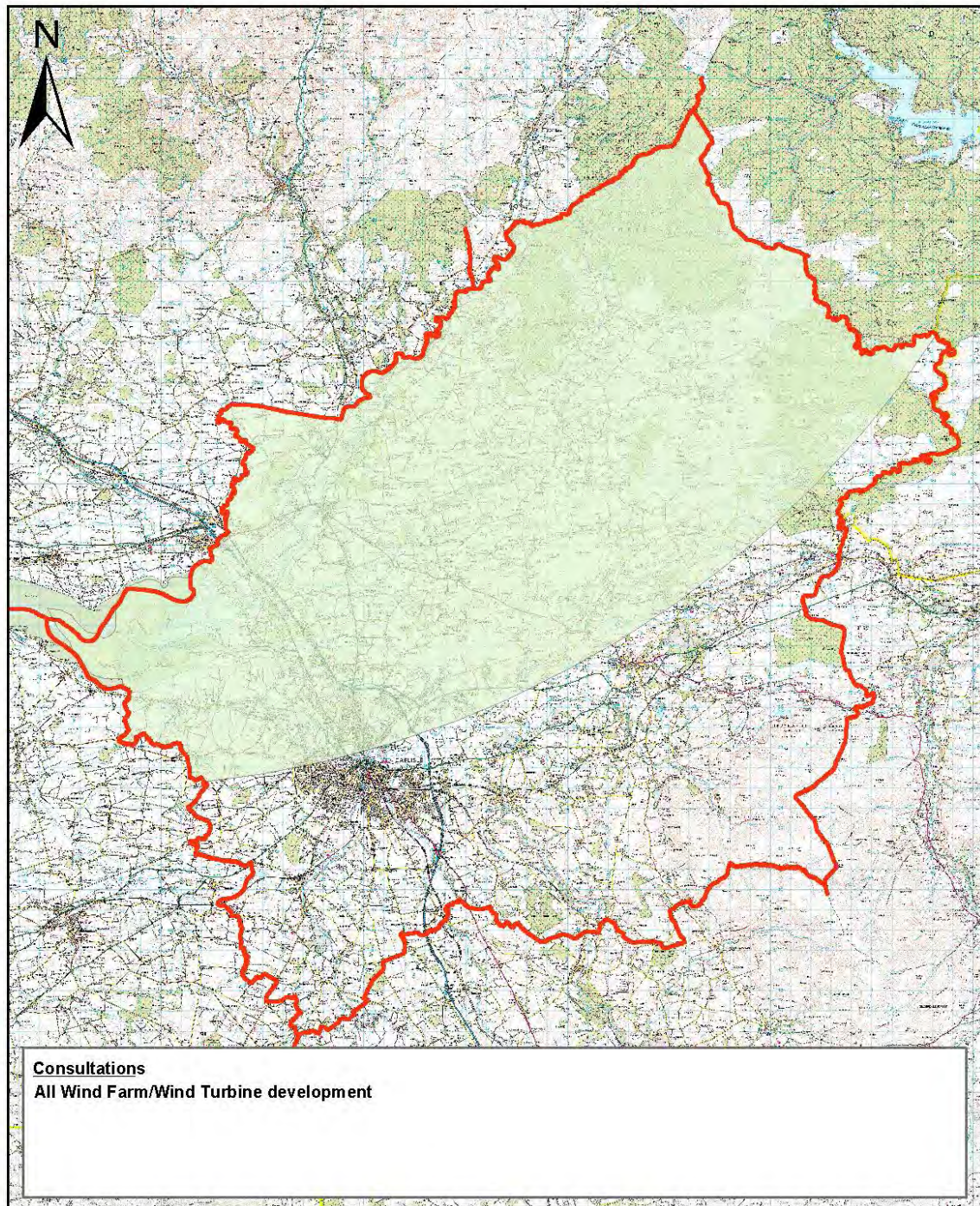
- Residential development in excess of 100 units.
- Employment uses in excess of the following gross floor space: business 2500m², industry 5000m², warehousing and distribution 10000m².
- Other developments in excess of 1,000m².
- Hotel developments in excess of 100 bedrooms.
- Caravan or similar holiday sites in excess of 100 units.
- Any development that generates in excess of 100 HGV per day or 100 vehicles per hour.
- Any development that adds materially to local traffic congestion.
- Any development that may impact on the trunk road network.

Travel Plans

Travel Plans will be required for proposals for:

- Retail and indoor leisure facilities in excess of 1,000m².
- Industrial development in excess of 5000m² and warehousing/distribution developments in excess of 10000m².
- Office, education and health services development in excess of 2,500m².
- New and expanded school facilities.
- Development that would otherwise generate local traffic problems identified through a transport assessment or an evaluation of a proposal.

Appendix 3 Safeguarding Zones



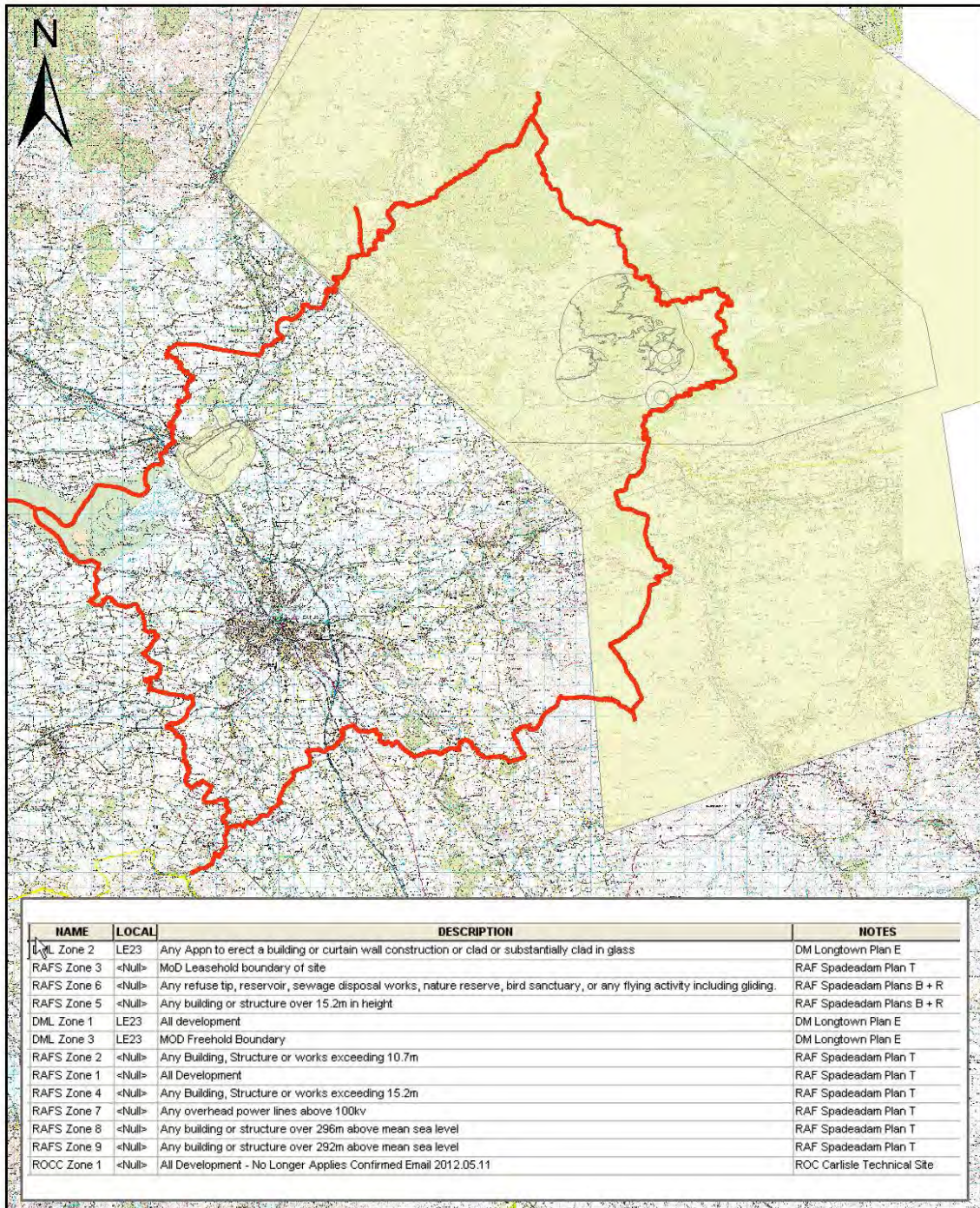
Eskdalemuir Seismic Research Station

Scale: 1:245,000 Date: 12/06/2013

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**Civic Centre
Rickergate
Carlisle
CA3 8QG**



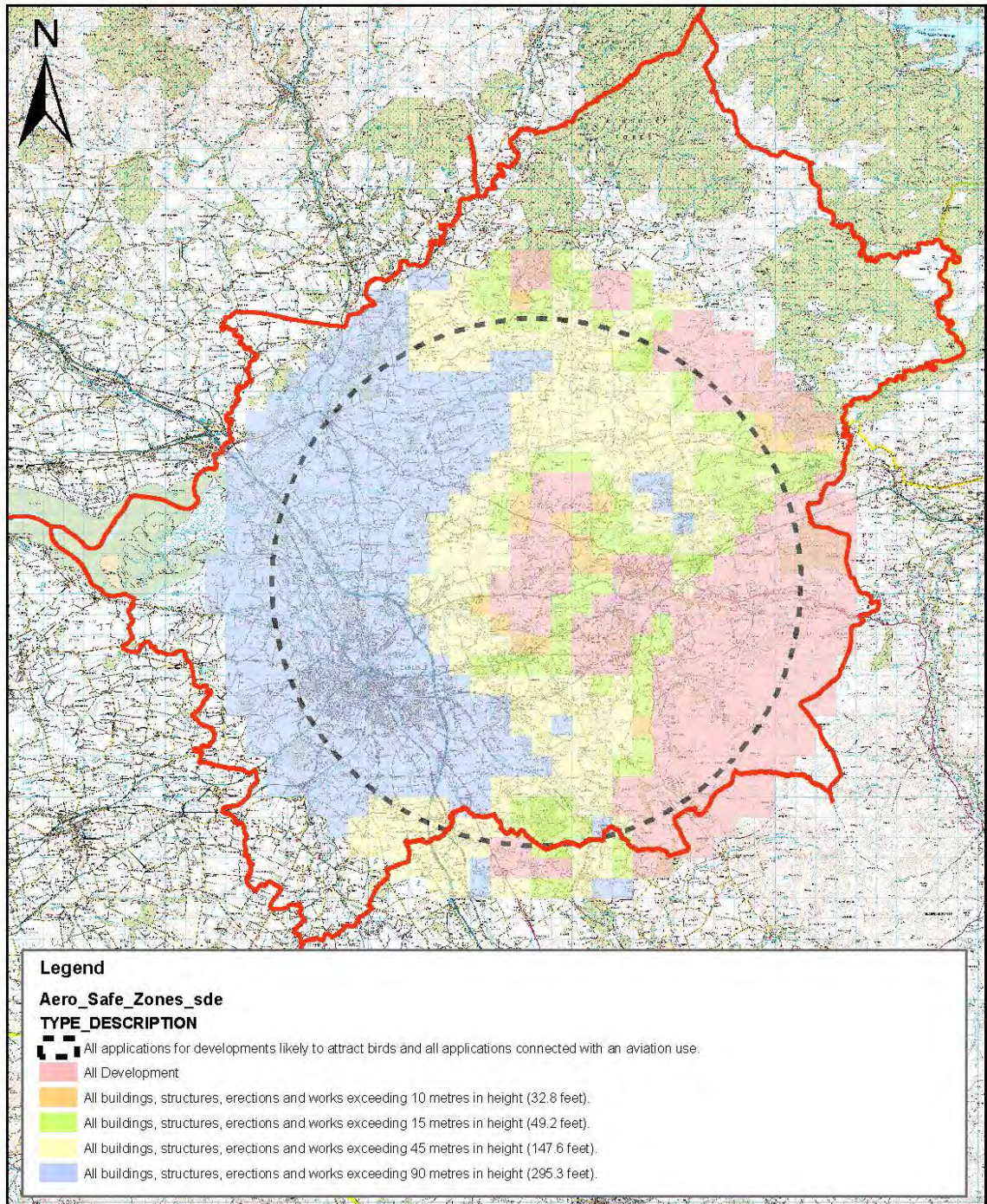
MOD - DML Longtown, RAF Spadeadam

Scale: 1:320,000 Date: 12/06/2013

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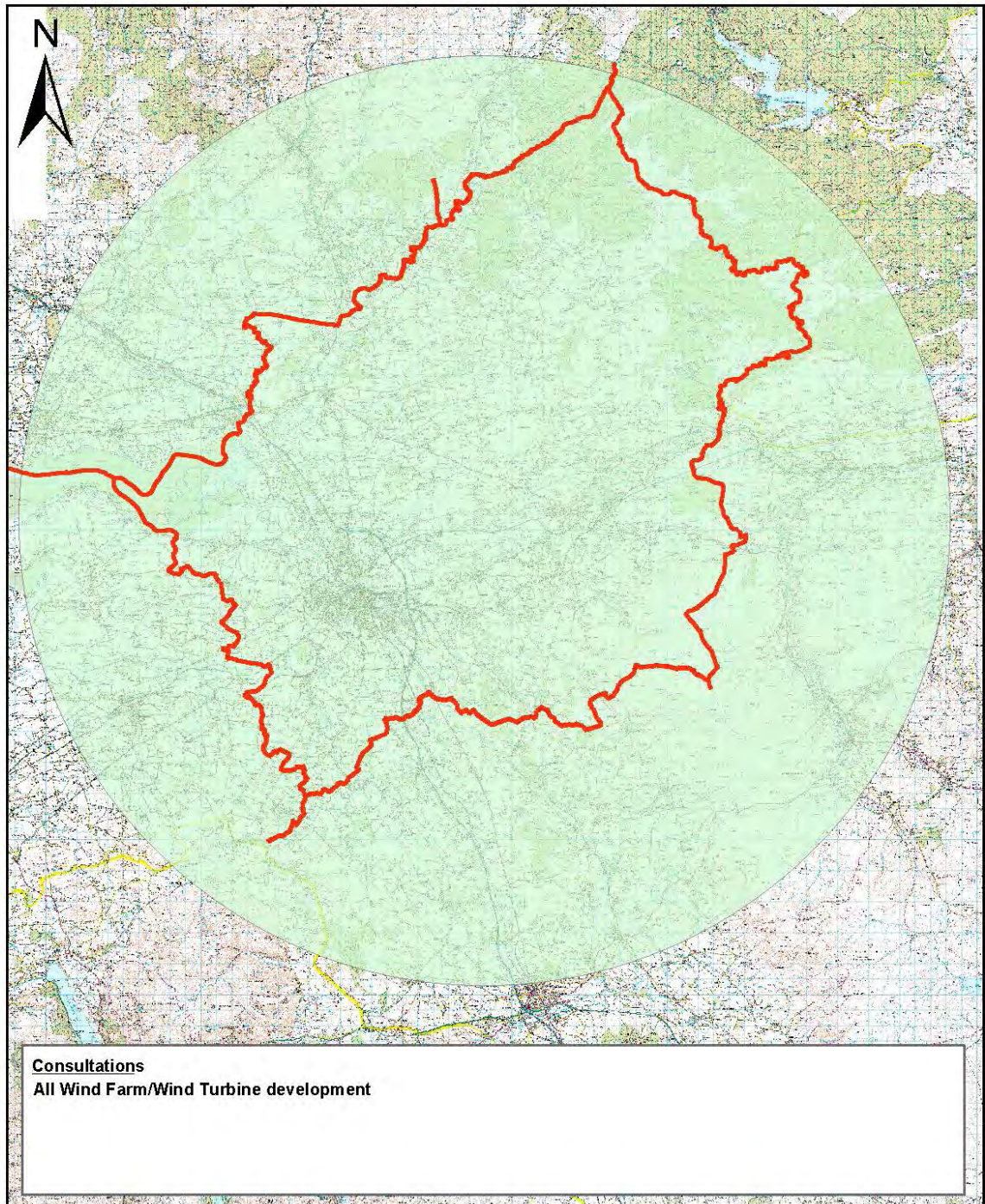
Carlisle Airport Safeguarding

Scale: 1:245,000

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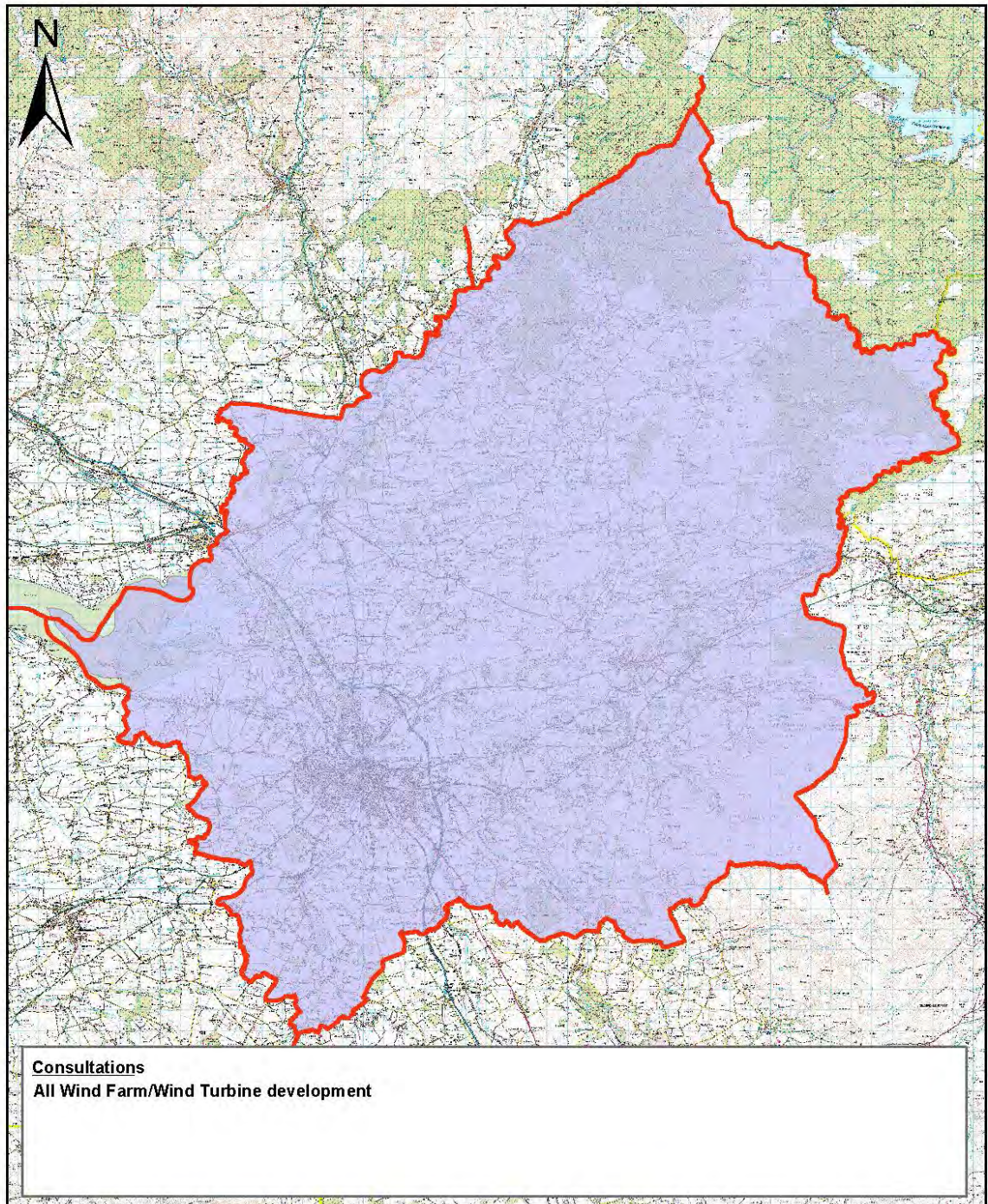


Carlisle Airport - Wind Farm/Wind Turbines

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National Air Traffic Services

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**Civic Centre
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Carlisle
CA3 8QG**

Report to Executive

Agenda
Item:

A.5

Meeting Date: 1st July 2013
Portfolio: Culture, Health, Leisure and Young People
Key Decision: YES
Within Policy and
Budget Framework NO
Public / Private Public

Title: ARTS CENTRE DEVELOPMENT
Report of: The Director of Community Engagement
Report Number: CD37/13

Purpose / Summary:

The purpose of this report is to allow consideration of the use of the redundant Warwick Street Fire Station in Rickergate as a venue for an Arts Centre for Carlisle and, on the basis of a decision to progress, make available funds to allow this development.

Recommendations:

It is recommended that Executive:

1. Approve the Warwick Street Fire Station for development as an Arts Centre for Carlisle
2. To approve the increase in the capital programme from £586,000 to £1,064,500, for recommendation to Council, noting that the increase will be funded from additional capital receipts generated from the Asset Review Programme;
3. To approve the release of the current budget and re-profiling of the overall scheme, subject to Council approval above, with £50,000 being incorporated within the 2013/14 Capital Programme and £1,014,500 in the 2014/15 Capital Programme;
4. Delegate authority to the Portfolio Holder for Culture, Health, Leisure and Young People in consultation with the Director of Community Engagement to produce and progress the plans to deliver the Arts Centre as detailed in this report
5. Make this report available for consideration by the Community Overview and Scrutiny Panel

Tracking

Executive:	1 July and 5 August
Overview and Scrutiny:	11 July
Council:	10 September

1. BACKGROUND

- 1.1** There has been a long history of exploring the idea of a mid-scale arts centre and performance venue in Carlisle. The Carlisle Plan (ref PC 08/13) provides a pledge for the development of an arts centre within the city.

The Plan's overarching Vision is to *'promote Carlisle as a prosperous City, one in which we can be proud'*. To help achieve this, it commits to *'develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle'*.

2. PROPOSAL

2.1 Outputs

It is proposed that a venue be identified for an Arts Centre which can:

- bring a new performing arts and entertainment focus into the Carlisle, delivering an offer to the city and its wider hinterland.
- deliver exciting and developing programmes of quality arts and entertainments, aimed at building and broadening audiences.
- offer a varied range of opportunities for Carlisle residents as participants, creators and performers.
- stimulate local talent and build the profile of Carlisle and Cumbria's creative and digital industries sector. This will include supporting emerging, Carlisle based, commercial artists and designers and potential collaboration with Carlisle College and the University of Cumbria.
- contribute distinctively to Carlisle's visitor offer, linking into, and being a resource for, festivals, events, projects and cultural providers.
- provide the foundation for future developments in arts and entertainment.

Having considered potential venues in Carlisle, the former Fire Station in Rickergate is proposed as the preferred option. It is a substantial building with a straightforward structure on a prominent corner site on the edge of the historic quarter.

- 2.2** The proposed format is to use the Warwick Street fire engine range as the main auditorium with the public entrance facing Peter Street. This would provide a larger flexible foyer space and open up the west end as a strong and attractive public face. At first floor level across the west end would be two substantial performance and multi-use studios,, making it a useful function space. Ground floor audience capacity is estimated to be 266 seated and 400 standing. At first floor level the two multi-use studios would each have space for around 110 seated and 200 standing.
- 2.3** New build within the enclosed courtyard, along the rear of the Warwick Street wing, would be required to enable independent access to all main spaces, back of house, dressing rooms and administration spaces.
- 2.4** The Fire Station also includes other usable spaces which could further broaden its offer. On the North side of the yard entrance it includes:

- the former maintenance bay which would accommodate, for example, gallery space, visual arts projects and/or set and street performance building opportunities
- a large meeting room, with potential for managed and incubator workshop space for emerging commercial artists and/or sub-letting

It also has a large loft space over the Warwick Street frontage which may offer substantial visual arts or other studio opportunities

Developed effectively and with a strong design concept, the Fire Station could deliver the Arts Centre concept well.

3. THE MARKET POTENTIAL

- 3.1** In terms of the Carlisle market, there is clearly independent promotion going on, such as The Brickyard, College and University are active in their own ways, the West Walls Theatre is home to non-professional theatre, and the Sands has a significant offer of mainstream large-scale touring entertainment, and is the venue for the Arts Council England funded subscription concert series. None of these are considered to diminish the potential, in a significant regional city, of a well-planned and operated mid-scale mixed programme arts and entertainments venue.

Operational revenue issues are significant. To ensure long term stability and success it is envisaged that some revenue support will be required from external sources and/or City Council in the first years of operation. Important issues to note are that building and strengthening a sustainable audience base which is complementary to and not in competition with other local venues is likely take a number of years to develop. Similarly capacity building through partnerships and joint programming with local commercial promoters, venues and third sector organisations, while an immediate priority for work will be properly judged over a three to five year timeframe. This is recognised in the industry and by the Arts Council for England, which will take this into account in considering applications for funding. A separate report will be brought forward to consider revenue requirements.

4. MANAGEMENT

- 4.1** The long-term success of the enterprise will be determined primarily by the skills, knowledge, commitment and vision of the team which manages and operates it. The Carlisle development will require a genuinely dynamic team operating in a light-footed way, with real entrepreneurial flair, in a culture of innovation. It will require a genuine ability to work effectively, and with mutual respect, with a wide range of partners.

It is not proposed to make a final decision on management and governance arrangements at this stage, with the City Council retaining a central leadership role as the project is progressed. It is likely that to achieve the best balance of accountability, sustainability and entrepreneurial acumen, operational management will, in the medium term will be passed to an independent not for profit organisation. A separate report will be brought forward to consider this.

5. PROGRAMME

- 5.1 Carlisle has a recognised weakness in ‘mid-scale’ arts and entertainments programmes compared to other regional cities and large towns. The programme will need to take full account of Carlisle’s existing offer, including key venues Tullie House, the Brickyard, West Walls Theatre, Stanwix Theatre and the Sands, as well as events such as the long-standing Blues Festival, and newer initiatives like Carlisle Music City. As an audience base is developed, the programme offer will include a broad range of content across and within the core genres of touring and available product – theatre, music theatre, dance, comedy and music, aimed at different audience segments. It will mix popular commercially reliable activities with innovative opportunities. This will be based on the development of active performance and programme partnerships and strong relationships with performance companies in the north of England and southern Scotland.

6. DESIGN CONCEPT AND CAPITAL COSTS

Day Cummins Ltd (Architects) was commissioned to assess the viability of the Fire Station, alongside two other venues. The Fire Station was subsequently considered as the preferred choice., on the grounds of innovation, value and accessibility The building is situated close to a number of car park facilities and its rear yard provides off street access for event vehicles to unload. The building currently has an Energy Performance Certificate (EPC) rating of C. Option design and preliminary costings are shown in Appendix 2

The proposed scheme includes a new main stair access and lift which will provide disabled access to the upper floors. At the same time it will form the transition between the main uses of the building along with vertical circulation and interesting designed views of the tower feature.

The sectional existing garage doors can be replaced with infill pod panels using acoustic materials and sensitive feature lighting to form a striking appearance along the prime Warwick Street frontage.

The total capital cost of the project is estimated at £1,064,500

<u>Capital Activity</u>	<u>Costs</u>
New build Extension, Refurbishment / conversion of existing	£700,000.00
Specialist Equipment	£314,500.00
Other design, acquisition, survey, legal & planning fees & investigation costs	£50,000.00
Total Capital	£1,064,500.00

It is anticipated that design and planning costs being incurred in 2013/14 and expenditure on new buildings, refurbishments and equipment will take place in 2014/15.

The anticipated timetable for the scheme is as follows:

a) Preparation of Tender Documentation	12/8/13
b) Tenders out for Design & Build Package	12/8/13
c) Tenders back	6/09/13
d) Review returns & Inform successful Design Team	20/09/13
e) Cool off period	02/10/13
f) Award to D&B team	03/10/13
g) Planning Application Submission	15 /11/13
h) Consideration of Planning Application	31/01/14
i) Contractor mobilisation up to	3/03/14
j) Start on site	3/03/14
k) Estimated completion by	31/10/14

7. CONSULTATION

Consultation has taken place throughout the appraisal process to date including through:

- Engagement with key stakeholders involved in the cultural sector to understand the current offer and conduct a gap analysis;
- Discussions with similar providers such as: Queens Arts Centre Hexham, Kendal Arts Centre,
- Dialogue with promoters and providers of cultural offer and community arts activities to understand the current market offer and any opportunities.
- The further and higher education sector - Carlisle College, particularly linked to joint working around its arts and digital programme (including facility development and curriculum support) and the University of Cumbria linked to undergraduate/postgraduate programmes, galley provision and workshop space

Ongoing dialogue through the City Council's overview and scrutiny process and with local residents, community groups and the education, private and third sector is being scheduled over the coming weeks.

8. CONCLUSION AND REASONS FOR RECOMMENDATIONS

8.1 Carlisle has a recognised weakness in 'mid-scale' arts and entertainments programmes and in line with the Aim of the Carlisle Plan now seeks to develop a sustainable facility which will act as a focal point for creative arts complementing and supporting the existing offer in and around the City. This is in line with the vision and actions in the Carlisle plan.

In order to progress this it is proposed that Executive:

1. Approve the Warwick Street Fire Station for development as an Arts Centre for Carlisle
2. To approve the release of the funding (£586,000) approved as part of the 2013/14 budget for the building development (as Section 6);
3. Make recommendations to Council to increase the capital programme for the scheme to £1,064,500 from £586,000 with the increase to be funded from additional capital receipts generated as part of the asset review programme and that the expenditure be re-profile in line with revised expenditure requirements at Section 6.
4. Provide delegated authority for the Portfolio Holder for Culture, Health, Leisure and Young People to produce and progress the plans to deliver work as outlined in this report
5. Make this report available for consideration by the Community Overview and Scrutiny Panel

9. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

9.1 This project will deliver Action 1 'to deliver a city centre Arts Centre and therefore contribute to meeting one of the Council's key corporate objectives **'We will develop vibrant sports, arts and cultural facilities, showcasing the City of Carlisle'**

Contact Officer:	Keith Gerrard	Ext: 7350
Appendices	Appendix 1: Indicative Income & Expenditure	
attached to report:	Appendix 2: Architects Concept Designs & Cost	

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Economic Development – The proposal will be subject to planning permission, however, in view of the buildings former use that in principle the use is acceptable subject to conditions relating to noise and opening times.

Governance – The Local Government Act 2000 (Section 2) provides that the Council has the power to do anything which it considers likely to achieve the promotion or improvement of the economic, social or environmental well-being of its area. The power may be used in relation or for the benefit of the whole or any part of the community or all or any persons present or resident in the Council's area. The Council is able to incur expenditure in relation to the Fire Station as it owns the said property. In exercising the power, the Council must have regard to its Community Strategy.

The future use of the premises as an Arts and entertainment venue is subject to the planning and licensing regulatory regimes and it is important that these are accounted for prior to significant commitment and expenditure. Goods, services and works must be properly procured and contracts should be subject to appropriate terms and conditions.

Local Environment – None

Resources – The capital programme approved by Council in February as part of the 2013/14 budget process, provides capital funding for this scheme of £586,000 (2013/14 - £250,000, 2014/15 - £161,000, 2015/16 - £175,000). If the scheme outlined above is approved, the capital programme would need to be increased by £478,500. This could be funded from additional capital receipts generated from the asset review (£813,686). There are also surplus general capital receipts available within the MTFP of £360,333. The capital programme would also need to be re-profiled in order to meet the anticipated spend on the project, with £50,000 being incurred in 2013/14 and £1,014,500 being incurred in 2014/15. The use of additional asset review receipts will forego the possibility of generating additional rental income for the Council in line with the Asset Business Plan.

As part of the 2013/14 revenue budget approved by Council in February 2013, recurring revenue funding for the Arts Centre scheme was approved with £129,000 approved for 2013/14, £104,000 approved for 2014/15 and £159,000 approved for 2015/16 and beyond. A further report will need to be prepared for a future Executive detailing the on-going revenue costs.

There may be possibilities to apply for external funding to support the capital or revenue costs of the project and these will need to be investigated further.

Due to the value of the capital works anticipated, a competitive procurement process will need to be undertaken in order to appoint a contractor to undertake the developments.

APPENDIX

ARCHITECTS CONCEPT DESIGN AND CAPITAL COSTS

ARCHITECTS CONCEPT DESIGN & COST

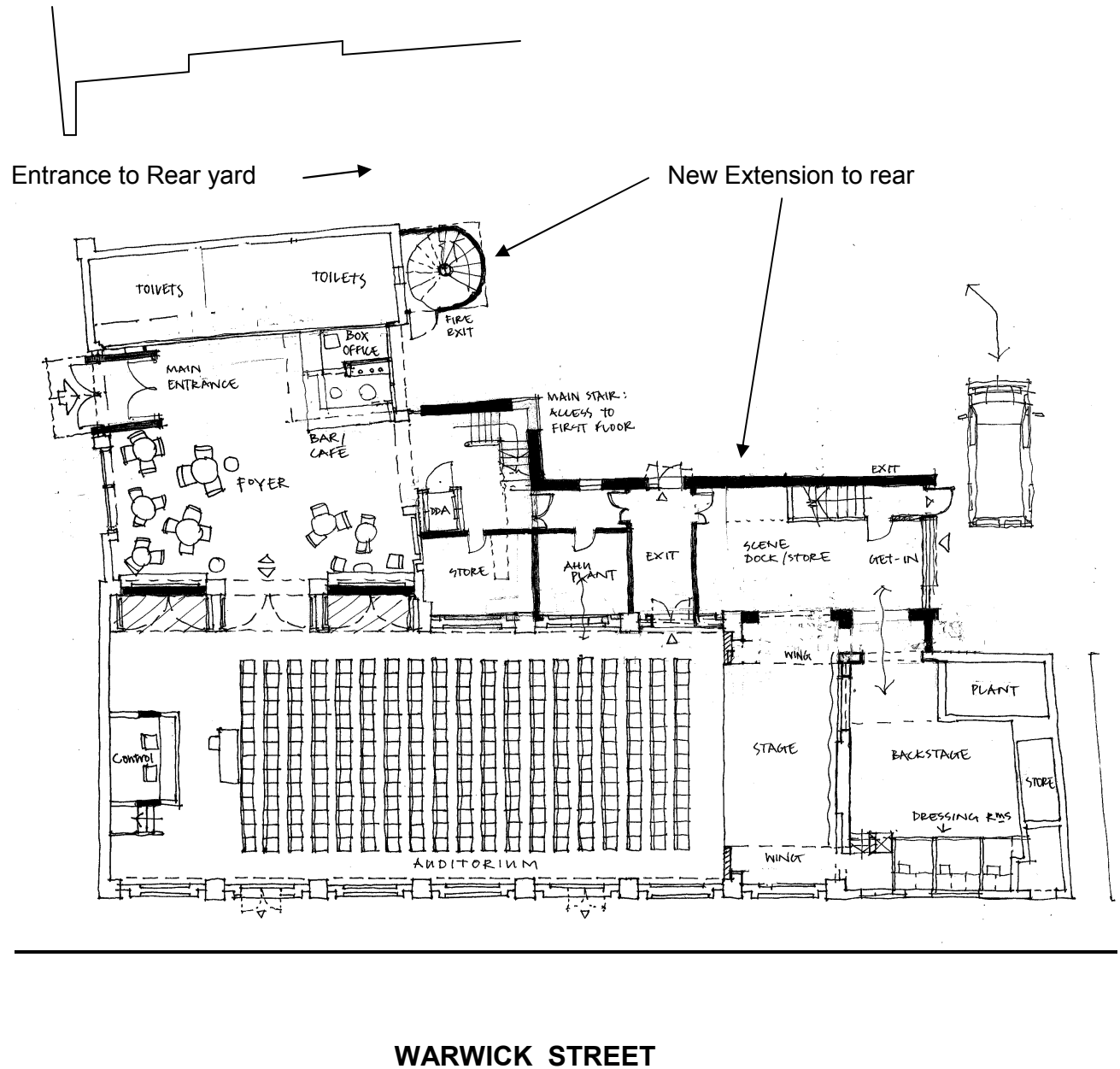
FORMER FIRE STATION, RICKERGATE



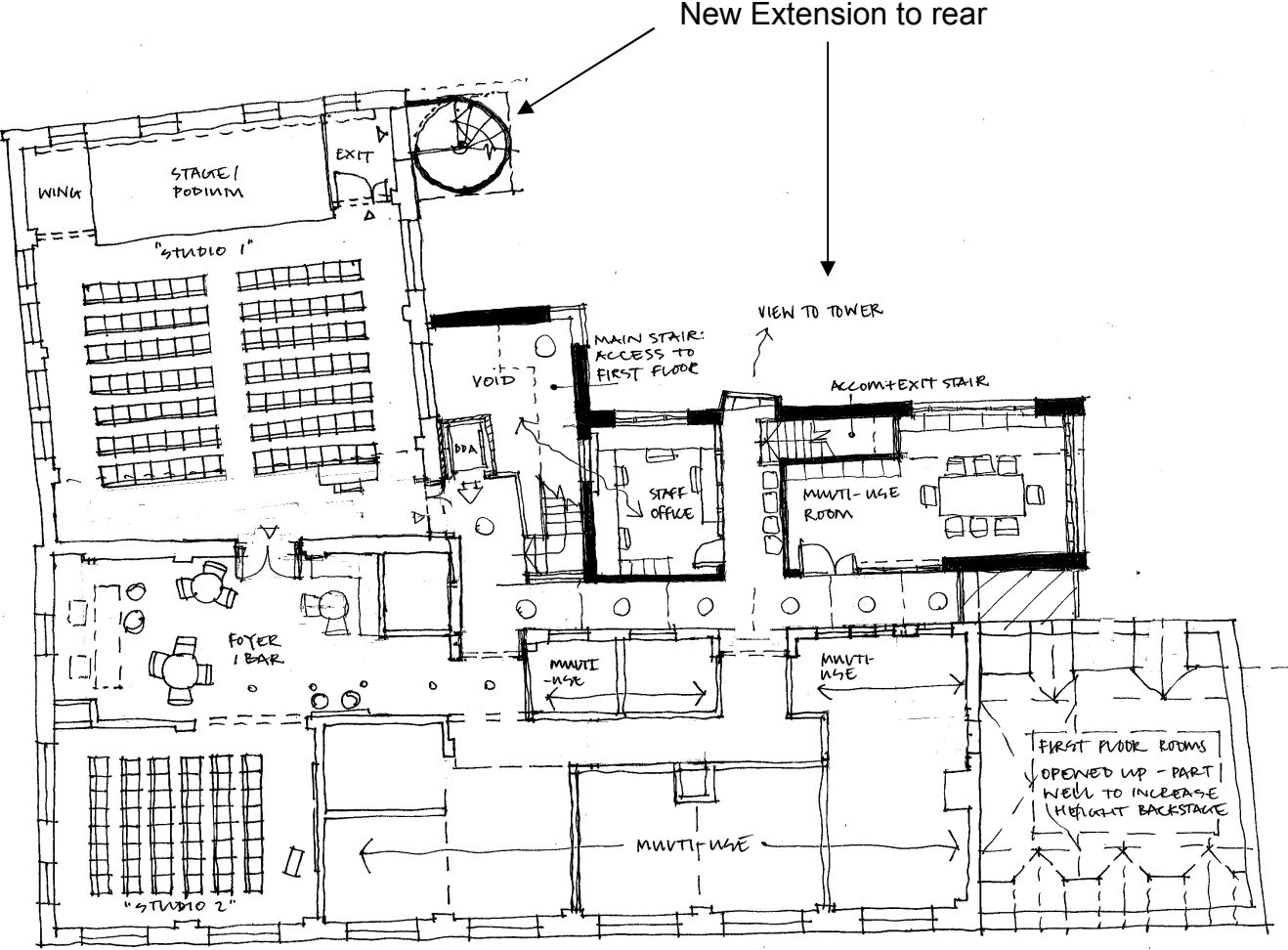
DESIGN & CAPITAL COSTS

<u>Capital Activity</u>	<u>Costs</u>
New build Extension, Refurbishment / conversion of existing	£700,000.00
Specialist Equipment	£314,500.00
Other design, acquisition, survey, legal & planning fees & investigation costs	£50,000.00
<u>Total Capital</u>	<u>£1,064,500.00</u>

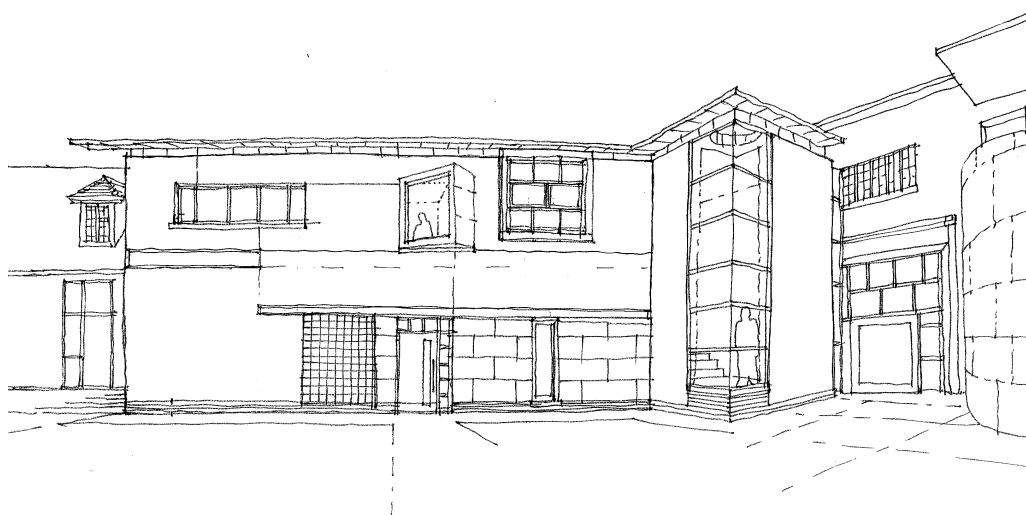
Ground Floor Proposals Plan



First Floor Proposals Plan



View of Rear new Extension from within yard



Specialist Capital expenditure (Included in design & Capital costs above.)

	COST
BACKSTAGE	
Mirrors	£1,000
Lighting	£5,000
Tables and Chairs	£1,500
Toilets Showers	£20,000
FRONT OF HOUSE	
Sofa Cinema – Screen, projector, sound system, sofas	£25,000
Soundproofing	£5,000
Catering equipment	£10,000
Café bar tables chairs and equipment	£7,500
Bar	£20,000
Repairs to cracks	£2000
Box office	£12,500
Cloakroom	£12,500
Chairs	£18,000
F/A, emergency lighting and signage	£22,000
Electrics & lighting	£10,000
Mechanical/heating improvements	£12,000
Stage Lighting	£15,000
Gallery lighting	N/A
Air conditioning	£8,000
Sound system and microphones	£25,000
Sound desk	£5,000
Decoration	£12,000
Stage appropriate for venue	£25,000
Stage curtains	£2,500
Storage area for stage scenery	£2,500

Carpets / flooring	£7,500
Conditional survey requirements	£6,000
Asbestos signage	£500
Conference / meeting room facilities	£5,000
Tables and Chairs	£2,500
Projectors	£1,000
Whiteboards	£500
Screens	£500
PA system	£2,500
IT and telephone system	£10,000
	£314,500

OFFICER DECISIONS

Below is a list of decisions taken by Officers which they have classed as significant:-

REF: **OD.018/13** **St James Park**

Decision of Keith Gerrard

Portfolio: Culture, Health, Leisure and Young People

Subject Matter:

Transfer of Budget

Summary of Options rejected:

Not applicable

DECISION:

To transfer the maintenance and associated staffing budget for St James Park from Carlisle Leisure Limited in house to the City Council, therefore the associated budget of £46,200 for St James Park will be moved from the Carlisle Leisure Limited contract in Community Engagement Directorate to Neighbourhoods and Green Spaces in Local Environment Directorate.

Reasons for Decision:

To pay for the maintenance of St James Park in house

Date Decision Made : 14-Jun-13

JOINT MANAGEMENT TEAM

Wednesday, 15 May 2013

MINUTES

Present:	Councillors Joe Hendry (Chair) Colin Glover, E Martlew, A Quilter, J Riddle and L Tickner
	D Crossley, A Culleton, K Gerrard, J Gooding, M Lambert, P Mason and J Meek
Apologies:	

JMT 24/13 – JMT minutes of previous meeting
7 May minutes agreed.
ACTION:-
JMT 25/13 – Arts Centre
Proposed development discussed in detail.
ACTION:-
JMT 26/13 – Forward Plan of Executive Decisions
Agreed.
ACTION:-
JMT 27/13 – Forward Plan of JMT
Agreed.
ACTION:-
JMT 28/13 – Any Other Business
None.
ACTION:-

MARKET MANAGEMENT GROUP

MONDAY 22 APRIL 2013 AT 2.00 PM

PRESENT: Members: Councillors Mrs Martlew and Tickner

Officers:

Mr T Bird – Principal Law Clerk

Ms K Martin – Economic Development Officer

Mr R Simmons – Property Services Manager

Mrs S Norton – Committee Clerk

ALSO

PRESENT: Mr D Thomson - Ryden Property Consultants

MMG.01/13 APOLOGIES FOR ABSENCE

Apologies for absence was submitted on behalf of Councillor Glover, Mrs J Meek and Mr G Ingram, LaSalle Investment Management

MMG.02/13 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted.

MMG.03/13 MINUTES OF THE LAST MEETING

The Minutes of the Market Management Group held on 22 October 2012 were agreed as a correct record of the meeting.

MMG.04/13 MATTERS ARISING FROM THE MINUTES

The Chairman referred to a number of issues highlighted by Members at the previous meeting and sought progress reports in respect thereof.

BRIEFING PAPER

It had been agreed at the previous meeting that a briefing paper on the background to the Group would be circulated. The Property Services Manager agreed to circulate the paper immediately after the meeting.

RESOLVED – That a briefing paper on the group be circulated to Members of the group.

MMG.05/13 MANAGING AGENT'S REPORT

A copy of the Managing Agent's report had been circulated prior to the meeting.

Mr Thomson explained that background to the administration of the Market Hall and the roles played by the City council, BAE Systems, Rydens and Capita. Mr Thompson updated Members on the Service Charge issues

Mr Thompson advised that the service charge covered the costs of maintenance but that income only enables reactive repairs to be carried out and not longer term maintenance. Emergency repairs had been carried out on the glass roof but a complete overhaul was needed within the next year, the cost of which would be approximately £135,000. It was unsafe to access some areas of the roof. The dry rot in the Wilkinsons area had been repaired.

There was discussion around the usage of the service charges and tenancies. Mr Thompson explained that historically there had only been two stalls selling similar items. However it was up to Mr Thompson and Mrs Wylie, the Centre Manager, to decide whether an application for a similar stall would be approved. If there were any issues then the matter would be passed to the Property Services Manager and the Property Lawyer for comment.

Mr Thomson anticipated that the Service Charges would be under budget. There had been a good take-up of tenancy lettings over the Christmas period but many had cancelled their tenancy in January/February. Business trends generally had been good over the Christmas period but since then some tenants had not been doing so well.

Mr Thomson advised of an incident that had taken place over the Christmas period.

Mr Thompson explained the current position with regard to arrears. He explained how the arrears were managed.

There was discussion about the possibility of tenants paying rates and service charges by direct debit.

There was discussion about the marketing of the Market Hall. The information was available on the Council's website and was updated monthly.

RESOLVED – 1. That the Managing Agent's report be noted.

MMG.14/12 ANY OTHER BUSINESS

There was discussion about the impact of the Continental Market on trade within the Market hall.

MMG.15/12 DATE OF NEXT MEETING

RESOLVED – That arrangements be made for the next meeting of the Market Management Group to take place in October 2013.

[The meeting ended at 2:35pm]

Report to Executive

Agenda
Item:

A.10

Meeting Date: 1 July 2013
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework: Yes
Public / Private: Yes

Title: 2012/13 Summary of Service Standards
Report of: Policy & Communications Manager
Report Number: PC 10/13

Purpose / Summary:

This is the end of year performance report against the 2012/13 Service Standards that help measure our performance and customer satisfaction.

Details of each service standard are in the table at Appendix 1. The table illustrates the cumulative end of year figure, a month-by-month breakdown of performance and, where possible, an actual service standard baseline that has been established either locally or nationally.

Recommendations:

1. Consider the performance of the City Council presented in the report with a view to seeking continuous improvement in how the Council delivers its priorities.

Tracking

Executive:	1 July 2013
Overview and Scrutiny:	Community – 30 May 2013 Resources – 6 June 2013 Environment & Economy – 13 June 2013
Council:	16 July 2013

1. BACKGROUND

Service Standards were introduced at the beginning of 2012/13. We believe that they provide a standard in service that our customers can expect from us and a standard by which we can be held to account. They are based on timeliness, accuracy and appropriateness of the service we provide in key areas.

It can be seen from the table that the majority of standards demonstrate consistently good performance throughout the year, and in the case of *Processing New Benefit Claims*, significant improvement month-on-month. This was due to a continuous programme of reviewing processes and resources in order to maximise efficiency.

(With regard to the request from Members during the last O&S cycle concerning the claims that are not processed in time. The majority were delayed because the Benefits team were awaiting further information from the claimants. Other examples included a joint Housing Benefit/Council Tax Benefit claim that was deemed defective; and a delay in another Council Tax Benefit claim because the property was not banded until mid-December – the team could therefore not assess the claim.)

The one standard that has seen deterioration in performance is that of *Percentage of Waste Sent for Recycling*. This is due mainly to the lack of garden waste in the winter months when compared with the 2011 figures.

2. PROPOSALS

The Service Standards continue to be developed and amended to accommodate the needs of our customers and changes in legislation. They will continue to be monitored by the Senior Management Team and regular progress will be reported to the Executive and Overview and Scrutiny throughout 2013/14.

3. CONSULTATION

The report was reviewed by the Senior Management Team at their meeting on 14 May 2013 and was considered by the Overview and Scrutiny Panels on the following dates:

Community Overview and Scrutiny Panel	30 May 2013
Resources Overview and Scrutiny Panel	6 June 2013
Economy and Environment Overview and Scrutiny Panel	13 June 2013

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

The Executive are asked to approve the End of Year Performance Report.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

The Service Standards measured performance in the areas believed to be the most important to our customers.

Contact Officer: Steven O’Keeffe **Ext:** 7258

Appendices Appendix 1 – 2012/13 Results
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following:

CORPORATE IMPLICATIONS/RISKS

Chief Executive’s – Responsible for monitoring service standards and customer satisfaction whilst looking at new ways of gathering and reviewing customer information.

Community Engagement – Responsible for managing high-level and team level service standards on a day-to-day basis.

Economic Development – Responsible for managing high-level and team level service standards on a day-to-day basis.

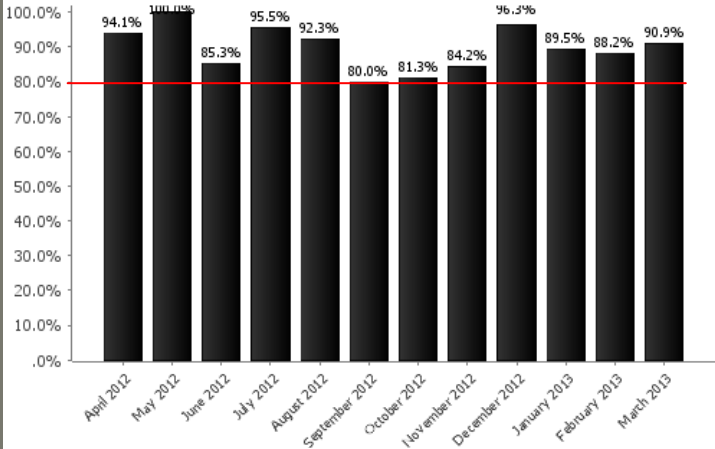
Governance – Responsible for managing team level service standards on a day-to-day basis.

Local Environment – Responsible for managing high-level and team level service standards on a day-to-day basis.

Resources – Responsible for managing team level service standards on a day-to-day basis.

APPENDIX 1

Service Standard - Percentage of Household Planning Applications processed within eight weeks

Service Standard	Actual End of Year Figure	Performance by Month																										
80% (Nationally set target)	89.9%	 <table><tr><th>Month</th><th>Percentage</th></tr><tr><td>April 2012</td><td>94.1%</td></tr><tr><td>May 2012</td><td>100.0%</td></tr><tr><td>June 2012</td><td>85.3%</td></tr><tr><td>July 2012</td><td>95.5%</td></tr><tr><td>August 2012</td><td>92.3%</td></tr><tr><td>September 2012</td><td>80.0%</td></tr><tr><td>October 2012</td><td>81.3%</td></tr><tr><td>November 2012</td><td>84.2%</td></tr><tr><td>December 2012</td><td>96.3%</td></tr><tr><td>January 2013</td><td>89.5%</td></tr><tr><td>February 2013</td><td>88.2%</td></tr><tr><td>March 2013</td><td>90.9%</td></tr></table>	Month	Percentage	April 2012	94.1%	May 2012	100.0%	June 2012	85.3%	July 2012	95.5%	August 2012	92.3%	September 2012	80.0%	October 2012	81.3%	November 2012	84.2%	December 2012	96.3%	January 2013	89.5%	February 2013	88.2%	March 2013	90.9%
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January 2013	89.5%																											
February 2013	88.2%																											
March 2013	90.9%																											

Service Standard - Percentage of missed waste or recycling collections

Service Standard	Actual End of Year Figure	Performance by Month																										
40 missed collections per 100,000 (Industry Standard) Carlisle's figure opposite converts to 26 misses	0.03%	<table><thead><tr><th>Month</th><th>Percentage</th></tr></thead><tbody><tr><td>April 2012</td><td>0.03%</td></tr><tr><td>May 2012</td><td>0.03%</td></tr><tr><td>June 2012</td><td>0.03%</td></tr><tr><td>July 2012</td><td>0.02%</td></tr><tr><td>August 2012</td><td>0.02%</td></tr><tr><td>September 2012</td><td>0.03%</td></tr><tr><td>October 2012</td><td>0.03%</td></tr><tr><td>November 2012</td><td>0.02%</td></tr><tr><td>December 2012</td><td>0.02%</td></tr><tr><td>January 2013</td><td>0.04%</td></tr><tr><td>February 2013</td><td>0.03%</td></tr><tr><td>March 2013</td><td>0.03%</td></tr></tbody></table>	Month	Percentage	April 2012	0.03%	May 2012	0.03%	June 2012	0.03%	July 2012	0.02%	August 2012	0.02%	September 2012	0.03%	October 2012	0.03%	November 2012	0.02%	December 2012	0.02%	January 2013	0.04%	February 2013	0.03%	March 2013	0.03%
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December 2012	0.02%																											
January 2013	0.04%																											
February 2013	0.03%																											
March 2013	0.03%																											

Service Standard - Percentage of household waste sent for recycling

Service Standard	Actual End of Year Figure	Performance by Month																										
Nationally set target of 50% by 2020	44%	<table><thead><tr><th>Month</th><th>Percentage</th></tr></thead><tbody><tr><td>April 2012</td><td>47%</td></tr><tr><td>May 2012</td><td>50%</td></tr><tr><td>June 2012</td><td>54%</td></tr><tr><td>July 2012</td><td>51%</td></tr><tr><td>August 2012</td><td>49%</td></tr><tr><td>September 2012</td><td>48%</td></tr><tr><td>October 2012</td><td>44%</td></tr><tr><td>November 2012</td><td>41%</td></tr><tr><td>December 2012</td><td>31%</td></tr><tr><td>January 2013</td><td>34%</td></tr><tr><td>February 2013</td><td>33%</td></tr><tr><td>March 2013</td><td>37%</td></tr></tbody></table>	Month	Percentage	April 2012	47%	May 2012	50%	June 2012	54%	July 2012	51%	August 2012	49%	September 2012	48%	October 2012	44%	November 2012	41%	December 2012	31%	January 2013	34%	February 2013	33%	March 2013	37%
Month	Percentage																											
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November 2012	41%																											
December 2012	31%																											
January 2013	34%																											
February 2013	33%																											
March 2013	37%																											

Service Standard - Customer Website Satisfaction

Service Standard	Actual End of Year Figure	Performance by Month																										
There is currently no national standard for website satisfaction. A local standard will be developed during 2013/14. Satisfaction will also be compared with performance against the other service standards.	69.6%	<table><thead><tr><th>Month</th><th>Performance (%)</th></tr></thead><tbody><tr><td>April 2012</td><td>74.4%</td></tr><tr><td>May 2012</td><td>72.6%</td></tr><tr><td>June 2012</td><td>57.9%</td></tr><tr><td>July 2012</td><td>64.1%</td></tr><tr><td>August 2012</td><td>71.1%</td></tr><tr><td>September 2012</td><td>72.0%</td></tr><tr><td>October 2012</td><td>69.5%</td></tr><tr><td>November 2012</td><td>69.2%</td></tr><tr><td>December 2012</td><td>67.6%</td></tr><tr><td>January 2013</td><td>71.9%</td></tr><tr><td>February 2013</td><td>70.7%</td></tr><tr><td>March 2013</td><td>67.2%</td></tr></tbody></table>	Month	Performance (%)	April 2012	74.4%	May 2012	72.6%	June 2012	57.9%	July 2012	64.1%	August 2012	71.1%	September 2012	72.0%	October 2012	69.5%	November 2012	69.2%	December 2012	67.6%	January 2013	71.9%	February 2013	70.7%	March 2013	67.2%
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January 2013	71.9%																											
February 2013	70.7%																											
March 2013	67.2%																											

Service Standards - Processing new benefit claims in less than 28 days

Service Standard	Actual End of Year Figure	Performance by Month																										
No other councils measure this service standard as a percentage – there is therefore no national standard. The standard will also be changed for 2013/14 to reflect the change in the Benefits system. During this review a standard in performance will be established.	60.5%	<table><thead><tr><th>Month</th><th>Performance (%)</th></tr></thead><tbody><tr><td>April 2012</td><td>37.0%</td></tr><tr><td>May 2012</td><td>48.2%</td></tr><tr><td>June 2012</td><td>51.3%</td></tr><tr><td>July 2012</td><td>51.2%</td></tr><tr><td>August 2012</td><td>56.6%</td></tr><tr><td>September 2012</td><td>62.3%</td></tr><tr><td>October 2012</td><td>70.2%</td></tr><tr><td>November 2012</td><td>75.4%</td></tr><tr><td>December 2012</td><td>76.7%</td></tr><tr><td>January 2013</td><td>63.9%</td></tr><tr><td>February 2013</td><td>82.7%</td></tr><tr><td>March 2013</td><td>70.9%</td></tr></tbody></table>	Month	Performance (%)	April 2012	37.0%	May 2012	48.2%	June 2012	51.3%	July 2012	51.2%	August 2012	56.6%	September 2012	62.3%	October 2012	70.2%	November 2012	75.4%	December 2012	76.7%	January 2013	63.9%	February 2013	82.7%	March 2013	70.9%
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EXCERPT FROM THE MINUTES OF THE COMMUNITY OVERVIEW AND SCRUTINY PANEL HELD ON 30 MAY 2013

COSP.40/13 END OF YEAR PERFORMANCE REPORT

The Policy and Performance Officer submitted private report PC.11/13 which outlined the Council's end of year performance against the 2012/13 Service Standards that helped to measure performance and customer satisfaction. Details of each service standard were included in the table appended to the report, which illustrated the cumulative end of year figure, a month-by month breakdown of performance and, where possible, an actual service standard baseline that had been established either locally or nationally.

By way of background the Policy and Performance Officer advised that the Service Standards were based on timeliness, accuracy and appropriateness of the service provided by the Council in key areas. The table indicated that the majority of standards demonstrated consistently good performance throughout the year and, in the case of "Processing New Benefit Claims", significant improvements had been made month on month. That was due to a continuous programme of reviewing processes and resources in order to maximise efficiency.

During the last Overview and Scrutiny cycle Members request information concerning claims that had not been processed in time. The Policy and Performance Officer advised that the majority were delayed because the benefits Team were awaiting further information from the claimants. The Officer outlined other issues that had caused a delay in the processing of claims.

One standard that had seen a deterioration in performance was that of "Percentage of Waste Sent for Recycling". That was due mainly to the lack of garden waste in the winter months when compared with the 2011 figures.

The Policy and Performance Officer advised that the Service standards would continue to be developed and amended to accommodate the needs of the Council's customers and changes in legislation. The Standards would continue to be monitored by the Senior Management Team and regular progress would be reported to the Executive and Overview and Scrutiny throughout 2013/14.

In considering the update Members raised the following comments and questions:

- *Only the indicator on Revenues and Benefits was within the remit of the Panel but all indicators were included in the report.*

The Policy and Performance Officer advised that Benefits had performed well throughout the year with a steady upward trend. The Chief Executive had taken ownership of the indicators and regular reports were submitted to the Chief Executive.

The Policy and Performance Officer explained the reasons why the figure was not 100%.

- *Members were concerned about the changes to the Benefits system due to take place shortly.*

The Policy and Performance Officer advised that he had spoken with the Benefits Manager who was looking at measures for the future. However the current service standards would be retained.

- *How would the 6 priorities within the Carlisle Plan be indicated in future reports?*

The Policy and Performance Officer explained that it was intended that there would be quarterly updates which would be split into service standards against measures within the Carlisle Plan. At the present stage the Policy and Performance Officer was unsure whether the information would be narrative or quantitative.

- *The new format would be easier to understand if there was more narrative about why indicators were above or below standard.*

The Policy and Performance Officer agreed that narrative could be included in future reports.

RESOLVED – That Report PC.11/13 be noted.

EXCERPT FROM THE MINUTES OF THE RESOURCES OVERVIEW AND SCRUTINY PANEL HELD ON 6 JUNE 2013

ROSP.44/13

2012/13 END OF YEAR PERFORMANCE REPORT

The Policy and Performance Officer presented report PC.12/13 setting out the end of year performance against the 2012/13 Service Standards.

The Policy and Performance Officer reminded the Panel of the introduction of the Service Standards which were based on timeliness, accuracy and appropriateness of the service the Council provided in key areas.

The table attached to report PC.12/13 showed that the majority of standards demonstrated consistently good performance throughout the year, and in the case of 'Processing New Benefit Claims', significant improvement month on month. One standard which had appeared to show deterioration in performance was the 'Percentage of Waste Sent for Recycling'. This had been due to very little garden waste collected in the winter months. This was a cyclical pattern that occurred every year.

The Panel asked for the reasons behind the missed waste collections in January and if the proposed changes to the waste service would impact the figures.

The Policy and Performance Officer reported that there had been 26 missed collections, mainly due to severe weather. The number of missed collections was lower than the Industry Standard of 40 per 100,000. The proposed changes to the waste service would make a minor improvement on the performance figures.

The Town Clerk and Chief Executive highlighted the service standard for processing new benefit claims in less than 28 days. In the past the performance in the service had been poor. This could affect the most vulnerable people and he felt that the improvement in the standard was a real success story. The Policy and Performance Officer added that the majority of the claims which had not been processed within 28 days was due mainly to the Council waiting on information from claimants and other organisations.

RESOLVED – That the 2012/13 End of Year Performance report (PC.12/13) be noted.

Report to Executive

Agenda
Item:

A.11

Meeting Date: 1st July 2013
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework YES
Public / Private Public

Title: **RAFFLES REDEVELOPMENT SCHEME
DISPOSAL OF LAND FOR AFFORDABLE HOUSING
THOMLINSON AVENUE CARLISLE**
Report of: **DIRECTOR OF RESOURCES**
Report Number: **RD 19A/13**

Purpose / Summary:

This report outlines a proposal to vary the Lovell Partnership Agreement at Raffles to enable the release and disposal of land to the Riverside Group for the provision of social rented housing at Thomlinson Avenue, Raffles. The commercially sensitive and financial aspects of the proposal are considered in Part B of this Report.

Recommendations:

The Executive supports the proposal to vary the Lovell Partnership Agreement and approves the release and freehold disposal of the Thomlinson Avenue land to the Riverside Group, subject to the finalisation of terms and conditions agreed by the Property Services Manager.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1. BACKGROUND

1.1 Context

The Raffles Redevelopment Scheme is an ongoing initiative in the west of the City aimed at bringing transformational change and regeneration to a local community where previously failing housing stock, with high voids and turnover, fuelled increasing social problems and deprivation.

Physical regeneration of the Estate commenced in 2004, it is being delivered through a public/private partnership between Carlisle City Council (CCC) and Lovell Partnership Ltd (LPL). The Partnership Agreement master plans proposals to build 435 affordable homes for sale and to date approximately 225 units have been built and sold.

Within the framework of the Partnership Agreement under licence LPL build out and sell the houses, the land is provided by CCC in return for the payment of “overage”. More recently, reflecting the economic climate and downturn in the private housing sector, the Redevelopment Scheme has also seen the provision of affordable rented homes to Registered Providers (RP).

There is a clear and increasing need for suitable, quality affordable social rented housing in the Carlisle District. The Strategic Housing Market Assessment for Carlisle indicates a need for 222 affordable houses per annum, particularly for family sized dwellings. The District-wide delivery of affordable housing has suffered in tandem with the economic downturn.

The Raffles Redevelopment Scheme also forms an integral part of the Council’s Asset Review Business Plan where it is included within the investment portfolio. The Business Plan programmes this asset for disposal, within the Lovell Partnership framework, over the next 4 years in order to generate capital receipts which through reinvestment will be recycled to assist corporate service delivery.

1.2 The Site

The Thomlinson Avenue site, shown identified on the attached Plan, extends to approximately 0.64 hectares (circa 1.6 acres) situated within the Raffles Estate. It is currently a grassed area, the site of former demolished Council housing, and allocated in the Local Plan for residential use.

The Council owns the freehold interest in the land but, it falls within the umbrella of the Council’s Redevelopment Partnership with Lovell, being part of Phase 4 of the scheme (66 dwellings) which is due to get underway with the draw down of a building licence in the near future

2. PROPOSALS

2.1 The Proposal

It is proposed to develop the Thomlinson Avenue site with 21 dwellings. These will be built by Lovell, sold to the Riverside Group, and managed by them as a Registered Provider for the provision of affordable rented accommodation. Subject to planning and final design the development is of traditionally constructed predominately semi detached properties comprising:-

- 15 No 2 Bed 4 Person Bungalows
- 2 No 2 Bed 4 Person Houses
- 4 No 3 Bed 5 Person Houses

The scheme mix has been developed in conjunction with the City Council's Housing Strategy team, to ensure the development meets the housing needs of the locality, and Lovell have already submitted a planning application for the proposed development. The timetable for delivery anticipates the following programme:-

- Submission of a planning application 12th June 2013 (Application No 13/0456)
- Planning Decision in September 2013
- Construction starts on site mid October 2013
- Contract build period circa 45 weeks with completion due in August/September 2014

Practical arrangements for the delivery of the scheme will be made through a Variation of the existing Raffles Partnership Agreement with LPL. Simultaneously with this the Council will transfer the site directly to the Riverside Group, Lovell will enter into a building contract to construct the development, which on completion will be sold to Riverside

2.2 Asset Management Plan and Statutory Considerations

The Council when undertaking any property transaction has a duty in accordance with the provisions of Section 123 of the Local Government Act 1972 to dispose of land for the best consideration reasonably obtainable unless, in certain circumstances, it exercises its discretion to sell at an undervalue.

The Council's policy and practice on the release of assets is set out in the Asset Management Plan. The proposed disposal of the Thomlinson Avenue site to the Riverside Group is in accordance with the Asset Management Plan and statutory constraints. A capital receipt will be generated by the land transfer; details of this and the value of the Council's interest in the land are set out in Part B of this Report.

2.3 Outputs

The scheme has the potential to bring a number of balanced outcomes together which align with the Council's vision for the City as set out in the Carlisle Plan 2013/16, namely:-

- Contribute to the delivery of affordable rented housing for Carlisle residents which meets identified needs.
- "Early doors" delivery of new housing at a time when traditional land supply chains have stalled or become a scarce commodity.
- Delivery built upon an existing public/private partnership agreement with Lovell Partnership Ltd and the Riverside Group.
- The opportunity to generate a capital receipt which will help meet the budgetary objectives of the Asset Review Business Plan Disposal Programme.

3. CONSULTATION

3.1 Consultation to Date:

The proposal has been discussed in officer and Member forums including the Strategic Housing Development Group. The Asset Review Business Plan and the associated Disposal Programme has been endorsed by Full Council following an extensive period of consultation with stakeholders and Members in January 2011.

3.2 Consultation proposed:

The submission of the planning application for the scheme proposals will give local residents and other interested parties an opportunity to make representations on the development proposals as part of the planning process

4. CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 4.1** This proposal will deliver an additional 21 units towards the Council's strategic housing targets, whilst also generating a capital receipt in line with the objectives of the Asset Review Business Plan.

5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 5.1** The capital receipt generated from the land disposal will help the Council achieve the vision and actions set out in the Carlisle Plan. Any increased revenue which arises from the recycling of assets will assist with the Council's capacity to continue the delivery of threatened services to its customers.

- 5.2** This proposal directly helps to address Carlisle's housing needs through partnership working which results in the delivery of a mix of affordable properties to rent.

Contact Officer: Raymond Simmons

Ext: 7421

Appendices attached to report: Plan identifying the location and extent of the disposal site

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – Have been involved and consulted in this initiative

Economic Development – Have been involved and consulted in this initiative

Governance – Under Section 123 of the Local Government Act 1972, the Council may dispose of land held by it in any manner it wishes, save that it shall not dispose of land otherwise than by way of a short tenancy, for a consideration less than the best that can be reasonably obtained. This is subject to any restrictive covenants which bind the land and also subject to the proviso that it may not without the consent of the Secretary of State dispose of any land consisting or forming part of a public open space without first advertising its intention to do so and considering any representations received.

The relevant Government Circular guidance on the matter (General Disposal Consent (England) 2003) sets out that it is Government policy that Local Authorities should dispose of surplus land wherever possible. Again, the disposals should be at the best reasonable consideration.

Local Environment – None

Resources – The financial implications of the Asset Management Plan and Disposal Programme were included in the 2013/14 budget process and approved the disposal and

the purchase of assets in order to generate additional revenue income. Refer to Part B of this report.

Housing Mix:

2B4P Bungalow - 15no

2B4P House - 2no

3B5P House - 4no

Total - 21no

Finished floor levels shown indicative only. Constructed levels to be within +/- 30mm of those stated.

Existing trees to be removed

Existing trees to be retained

Revisions	Comments	Date

FOR INFORMATION	
DRAWING STATUS:	1:2024-01-10
1:2024-01-10	1:2024-01-10
1:2024-01-10	1:2024-01-10
1:2024-01-10	1:2024-01-10



EXCERPT FROM THE MINUTES OF THE EXECUTIVE HELD ON 31 MAY 2013

EX.60/13 REPRESENTATIVES ON OUTSIDE BODIES (Non Key Decision)

Portfolio All Areas

Relevant Overview and Scrutiny Panel Community; Environment and Economy;
and Resources

Subject Matter

The Deputy Leader and Economy and Enterprise Portfolio Holder presented Report GD.28/13 seeking the nomination of Members to serve on various outside bodies. He pointed out that a number of issues had arisen following the loss of the Leader of the Council.

The Deputy Leader moved the recommendations as set, subject to:

- the nomination of a Member(s) to fill the vacancies left by the late Leader of the Council would remain in abeyance for the time being
- Councillors Weber and Stothard would serve on the Carlisle Leisure Limited Board
- Further to publication of the report, Councillor Boaden had indicated that he was no longer available to serve on the Botcherby Community Centre Management Committee nor the Carlisle and District Citizens' Advice Bureau Trustee Management Committee. The vacancies on both of those organisations would be filled in due course.
- As a result of the recent transfer of the Highways Claimed Rights back to the County Council, the City Council had been allocated two places on the Highways and Transport Working Group. Councillors Mrs Martlew and Mrs Stevenson would serve on that Group.

The Finance, Governance and Resources Portfolio Holder seconded the recommendations as amended, which were agreed.

Summary of options rejected None

DECISION

That the City Council's representatives on the following outside bodies be as indicated:

Outside Body	Representation
Belah Community Centre Management Committee	Councillors Ellis, Morton and Mrs Vasey
Botcherby Community Centre Management Committee	Councillors Betton and Scarborough; one vacancy
Brampton and Beyond Trust (previously Brampton Community Association)	Councillor Layden
Business Improvement District Board of Directors	Councillor Glover
Carlisle and District Citizens' Advice Bureau Trustee Management Committee	Councillor Earp; one vacancy
Carlisle and Eden Crime and Disorder Reduction Partnership Leadership Group	Councillor Mrs Riddle; Councillor Mrs Stevenson (as substitute)
Carlisle Educational Charity	No requirement for nominations in 2013
Carlisle Leisure Limited Board	Councillors Weber and Stothard
Carlisle Sports Council	Councillor Cape
Carlisle Tourism Partnership	Councillor Ms Quilter
Conservation Area Advisory Committee	Councillor Mrs Martlew
Cumbria Equality Champions' Group (NOTE: the primary aim of the Group is to ensure that County and District Councils collaborate on understanding Equality and make sure that elected Members have peer support in meeting the Public Sector Equality Duty)	Councillor Tickner
Cumbria Health Scrutiny Committee (NOTE: This is a joint Scrutiny Committee comprising representatives of the six District Councils in Cumbria and Cumbria County Council. The terms of reference require that Members should be full serving Members of Overview and Scrutiny Panels)	Councillor Bowditch; Councillor Watson (as substitute)

Cumbria Law Centre Management Committee	Councillor Mrs Riddle; Councillor Mrs Stevenson (as substitute)
Cumbria Leadership Board	One vacancy Councillor Glover (as substitute)
Cumbria Planning Group	Councillor Glover
Cumbria Playing Fields Association – Executive Committee	Councillor Scarborough
Cumbria Strategic Waste Partnership	Councillor Mrs Martlew; Councillor Stothard (as substitute)
Currock Community Centre Management Committee	Councillors Mrs Bradley, Glover and Harid
Denton Holme Community Centre Management Committee	Councillors P Atkinson, McDevitt and Mrs Southward
The District Council's Network Assembly (NOTE: The DCN's constitution states that the representative is usually the Leader of the Council or someone in an equivalent position)	One vacancy Councillor Glover (as substitute)
Downagate Community Centre Management Committee	Councillor Graham
Friends of Tullie House Museum and Art Gallery	Councillor Mrs Martlew
Greystone Community Association	Councillor Ms Quilter
Hadrian's Wall World Heritage Site Management Plan Committee	Councillor Ms Quilter; Councillor Miss Sherriff (as substitute)
Harraby Community Centre Management Committee	Councillors Forrester, Miss Sherriff and Weber
Highways and Transport Working Group	Councillor Mrs Martlew Councillor Mrs Stevenson
Local Authority World Heritage Forum	Councillor Ms Quilter; Councillor Miss Sherriff (as substitute)

Local Government Association – General Assembly	One vacancy Councillor Glover (as substitute)
Local Government Association – Rural Commission	Councillors Tickner and Ms Quilter
(NOTE: The Council is entitled to nominate two representatives, either two Members or one Member and one Officer with the first named Member being allocated the Council's vote on the Commission)	
Local Government Association – Urban Commission	Councillors Tickner and Ms Quilter
(NOTE: The Council is entitled to nominate two representatives, either two Members or one Member and one Officer, with the first named Member being allocated the Council's vote on the Commission)	
Local Government Information Unit	Councillor Tickner
Longtown Community Centre Management Committee	Councillors Bloxham, J Mallinson and Mrs Prest
Mary Hannah Almshouses	Councillors Ellis (until March 2016), Mrs Vasey (Until March 2016) and Morton (until June 2017)
Morton Community Centre Management Committee	Councillors Bell, Mrs Stevenson and Stothard
National Association of Councillors – English Region	Councillor Mrs Riddle
National Association of Councillors	Councillor Mrs Riddle
North Pennines Area of Outstanding Natural Beauty Partnership	TBC
North West Local Authorities Employers Organisation	Councillor Glover; Councillor Tickner (as substitute)
North West Regional Housing Forum	Councillor Mrs Riddle
PATROL (Parking and Traffic Regulations Outside London) Adjudication Joint Committee)	Councillor Mrs Martlew; Councillor Bell (as substitute)

Petteril Bank Community Centre Management Committee	Councillors Cape, Mrs Warwick and Wilson
Riverside Carlisle Board (NOTE: Council representatives can remain on the Riverside Board for a maximum of 9 years. Appointments or removals have been made in writing by the City Council to the Secretary of the Carlisle Housing Association Board)	Councillors Bainbridge (since 2012), one vacancy, Layden (since 2008) and Mrs Luckley (since 2012)
Settle – Carlisle Railway Development Company	Councillor Scarborough
Solway Coast Area of Outstanding Natural Beauty Joint Advisory Committee	Councillor Tickner
Solway Firth Partnership Board	One vacancy
Stanwix Community Association	Councillor Nedved
Tullie House Museum and Art Gallery Trust Board	Councillor Tickner; Councillor J Mallinson
West Coast Rail 250	Councillor Mrs Martlew
Yewdale Community Centre Committee	Councillors Bowditch, Mrs Atkinson and one vacancy
Cumbria Health and Wellbeing Board	Councillor Ms Quilter

Reasons for Decision

To make appointments to Outside Bodes for 2013/14

