

CP1 Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

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|---------------------|--|---|
| Urban Area | City of Carlisle | |
| Key Service Centres | Brampton Longtown | |
| Villages | Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton Heads Nook | Houghton Irthington Low Crosby Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral Wreay |

Outside of these locations development will be assessed against the needs to be in the location specified.

In order to ensure a sustainable strategy is pursued, development will be focussed on those locations which provide alternative opportunities for transport. The main location for the majority of development will be Carlisle not only because of the ability to cater for alternative forms of transport, but also pursuant of its designation as a sub-regional centre. Carlisle will be the prime location for employment and residential development during the plan period.

Proposals for development will be assessed against a sequential approach concentrating on the city centre, edge of centre and the remainder of the urban area.

Outside the urban area Brampton and Longtown have been identified as two key service centres. These centres provide the focus for rural service provision. Development will be focussed on these centres to help maintain and boost the service development for their catchment population.

Throughout the remainder the rural area development will be focussed on a small number of villages to support local services. These villages already have facilities and could accommodate further development of an appropriate scale during the plan period.

LANDSCAPE

POLICY E3

Areas of Outstanding Natural Beauty

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

Reasons/ Explanations

2.40 Areas of Outstanding Natural Beauty (AONBs) are acknowledged nationally to be landscapes of the highest quality. The primary purpose of the designation of an AONB is the conservation and enhancement of the natural beauty of the area. This includes protecting the flora and fauna, as well as landscape features. As human influences have also shaped the landscape, the conservation of archaeological, architectural and vernacular features is also important. In pursuing this purpose, account will be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of local communities. Sustainable forms of social and economic development will be promoted, and development proposals required to meet local infrastructure needs such as sewage treatment, water and gas supply and telecommunications will generally be acceptable. However, it would normally be inconsistent with the aims of designation to permit large scale development such as major industrial or commercial development in an AONB. Only proven national interest and lack of alternative sites can justify an exception.

2.41 The provision of recreation is not a statutory purpose of the designation of AONBs. However, because of the particular and diverse attractiveness of the two AONBs within Carlisle District, they are often popular destinations for visitors to the countryside. The demand for recreation will therefore be met so far as this is consistent with the conservation of the natural beauty of the area, and the needs of agriculture, forestry and other relevant uses. The safeguarding of agriculture and existing rural industries in order to ensure the economic and social well being of rural communities is essential.

2.42 The Solway Coast AONB was designated in 1964. That part of the AONB which lies within the Plan area extends from Rockcliffe Marsh in the east to Burgh Marsh in the west and includes the villages of Boustead Hill, Burgh by Sands and Beaumont. It includes the western end of Hadrian's Wall Military Zone (a World Heritage Site) and supports a wide variety of bird life. It is also partly covered by the Upper Solway Flats and Marshes SSSI. This area is also included in the list of Wetlands of International Importance under the Ramsar Convention, and is designated under the terms of the European Community Directive on the Conservation of Wild Birds as a Special Protection Area, and under the European Habitats Directive as a Special Area of Conservation (SAC).

2.43 The AONB's special character is derived from the distinctive landscape of open salt marsh and mud flats of the Solway Estuary, together with the coastal margin of flat agricultural land giving extensive views across to Scotland. The marshes are characterised by closely grazed turf bisected by a maze of creeks and channels in a dendritic pattern. They are essentially open except for patches of scrub and gorse, and sheep and cattle wander freely across them. The prolific bird life on the marshes is also an integral part of their character. Further inland are a number of settlements and isolated farms connected by a network of minor roads. Vernacular buildings using stone, slate,

cobbles, brick and clay are attractive features in the landscape. Tree cover is generally scarce, although small copses associated with farms or churches are found further inland. Fields are generally divided by gappy hedgerows with scattered hedgerow trees. Although the landscape has generally remained unchanged by new development, there are a number of intrusive features, such as electricity pylons and the Chapelcross power station, which lie outside the boundary of the AONB but detract from its landscape character. When assessing applications for development, the Council will have regard to the intrinsic quality of the landscape and its openness, importance for wildlife and high number of vernacular buildings.

2.44 The North Pennines AONB is the largest in England and was designated in 1988. That part of the AONB which lies within the Plan area extends from Midgeholme in the north east to Cumrew in the south west, and is largely comprised of Geltsdale and Tindale Fells with a number of isolated villages skirting the western boundary of the AONB. Its special landscape character is derived from extensive moorland areas dissected by wooded valleys. Along the River Gelt in particular are a number of designated ancient woodlands. However, it is the moorland which gives rise to the wilderness image of the area, being interspersed with disused mines and quarries. Scattered farmsteads occur along the northern and western edge of the AONB. On the lower ground, field boundaries generally consist of hedges with some fencing, which higher up give way to stone walls. On a clear day there are extensive views from the north western edge of the AONB across to the Bewcastle Fells in the north and the Solway Firth in the west. The part of the AONB which lies within Carlisle District is also largely covered by the Geltsdale Fells SSSI. When assessing applications for development, the Council will have regard to special landscape qualities if the area including its wilderness image, extensive moorland and wooded valleys.

2.45 Whilst farming remains the dominant land use in both AONBs, the decline in the number of

farmers and the general reduction of farm incomes has led to increased pressures for change in order that farmers can diversify. The popularity of living in the countryside is also creating pressures for land and buildings.

2.46 Small scale developments to meet the social and economic needs of local communities will be acceptable in the AONBs. Such developments might include rural diversification schemes, housing and local industry. Generally, such development should be located within or immediately adjacent to settlements. Development should not detract from the landscape and should be of a high standard of design, construction and landscaping, and be in sympathy with the architecture and landscape character of the area. Provision of local needs housing is likely to be particularly important.

2.47 In addition, development outside the boundaries of the two AONBs which would adversely affect the special landscape character of these areas will not be permitted.

2.48 The Hobhouse Committee, in making their recommendation on National Parks and conservation areas in 1947 considered that:

The countryside of a national park should be preserved in its natural state, and any development which would be likely to affect its special character should be excluded. (HMSO 1947)

The Countryside Commission consider that this argument is also relevant for other designated areas such as AONBs, where development outside, but in close proximity to the boundary would adversely affect the value and public enjoyment of these areas. The City Council agrees with this view.

2.49 The Countryside Commission aims to raise awareness locally and nationally of AONBs. An assessment of the special character and importance of the Solway Coast AONB has been produced by the Countryside Commission in association with the City Council and a number of other interested bodies. A

draft Management Plan has also been produced which covers a range of issues including those relating to the planning process.

2.50 The North Pennines AONB is also subject to a Management Plan produced jointly by the Countryside Commission, Cumbria, Northumberland and Durham County Councils, and the District Councils within whose boundaries it lies. As part of the implementation of the Management Plan, an Agricultural Development Design Guide has been prepared. It has been the subject of wide consultation with the farming community and Parish Councils, and has been adopted by the City Council as Supplementary Planning Guidance.

CP2 Areas of Outstanding Natural Beauty

Within the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, and their settings, permission will not be given for development that would harm the special characteristics of the areas. Development proposals should conserve or enhance the natural beauty of the areas, including scenic qualities, landform, ecology, geology and cultural interests, so that these qualities can be enjoyed by present and future generations.

Major development of a national scale will only be permitted in exceptional circumstances where it can be demonstrated to be in the public interest. Development required to meet local infrastructure needs which cannot be located anywhere else will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Areas of Outstanding Natural Beauty (AONBs) are unique and irreplaceable national assets and together with National Parks represent the County's finest landscapes. The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry, other rural industries, and of the economic and social needs of local communities. Sustainable forms of social and economic development that conserve and enhance the environment will be supported and promoted.

Countryside Agency guidance on AONBs, (publication CA24) confirms that natural beauty is more than just the look of the landscape, but includes *landform, geology, plants and animals, landscape features and the rich history of human settlement over the centuries.*

The CroW Act 2000 consolidates and strengthens earlier legislation on AONBs and for the first time places a statutory duty on local authorities to prepare AONB management plans. Management plans have been adopted for both the North Pennines and the Solway Coast AONBs. In addition there are two adopted SPGs for the North Pennines AONB, the 'Agricultural Design Guide', and 'Good Practice in the Design, Adaptation and Maintenance of Buildings'. The City Council has also adopted a Countryside Design Summary which covers the rural area of the whole District and which gives advice on the design of new development in the countryside.

The provision of recreation is not a statutory purpose of the designation of AONBs. However, because of the particular and diverse attractiveness of the two AONBs within Carlisle District, they are often popular destinations for visitors to the countryside. The demand for recreation will therefore be met so far as this is consistent with the conservation of the natural beauty of the area,

and the needs of agriculture, forestry and other relevant uses. The safeguarding of agriculture and existing rural industries in order to ensure the economic and social well being of rural communities is essential.

Regional Planning Guidance for the north west states that local planning authorities will provide the strongest levels of protection for the North West's finest landscapes and areas of international and national importance, and their settings.

The boundary of the AONB should not be regarded as a sharp barrier between the landscape and wildlife values within, and the rest of the countryside outside. This policy therefore also applies to the settings of the two AONBs, and development within these settings which would be contrary to this policy will not be permitted.

The following paragraphs define the special characteristics of the two AONBs which lie partially within the boundaries of Carlisle District. When assessing the level of impact of a proposal, the individual and cumulative effect of the development or land use change on these special characteristics will be taken into account.

The Solway Coast AONB was designated in 1964, and lies within the boundaries of both Carlisle District and the adjoining Allerdale Borough Council. Within Carlisle District it extends from Rockcliffe Marsh in the north to Burgh Marsh in the south with the Solway Estuary dividing the two. The villages of Boustead Hill, Burgh by Sands Dykesfield and Beaumont lie within the AONB and the western end of Hadrian's Wall Military Zone (a World Heritage Site) passes along the southern boundary.

The AONB supports a wide variety of bird life and is partly covered by the Upper Solway Flats and Marshes SSSI. This area is also included in the list of Wetlands of International Importance under the Ramsar Convention, and is designated under the terms of the European Community Directive on the Conservation of Wild Birds as a Special Protection Area, and under the European Habitats Directive as a Special Area of Conservation (SAC). The aim of these designations is to promote the conservation of the site and to avoid deterioration of the habitats or disturbance of the species for which the area has been designated. SPAs and SACs form part of a network of internationally important wildlife sites within the European Union which is known as Natura 2000.

The AONB's special character is derived from the distinctive landscape of open salt marsh and mud flats of the Solway Estuary, together with the coastal margin of flat agricultural land giving extensive views across to Scotland. The marshes are characterised by closely grazed turf bisected by a maze of creeks and channels in a dendritic pattern. They are essentially open except for patches of scrub and gorse, and sheep and cattle wander freely across them. The prolific bird life on the marshes is also an integral part of their character. Further inland are a number of settlements and isolated farms

connected by a network of minor roads. Vernacular buildings using stone, slate, cobbles, brick and clay are attractive features in the landscape. Tree cover is generally scarce, although small copses associated with farms or churches are found further inland. Fields are generally divided by gappy hedgerows with scattered hedgerow trees.

Although the landscape has largely remained unchanged by new development, there are a number of intrusive features, such as electricity pylons and the Chapelcross power station, which lie outside the boundary of the AONB but detract from its landscape character. When assessing applications for development, the Council will have regard to the intrinsic quality of the landscape and its openness, importance for wildlife and high number of vernacular buildings.

The North Pennines AONB is the largest in England and was designated in 1988. It lies within the boundaries of 9 county and district councils. Within Carlisle District the AONB extends from Midgeholme in the north east to Cumrew in the south west, and is largely comprised of Geltsdale and Tindale Fells with a number of isolated villages skirting the northern and western boundary. The western escarpment of the Pennines forms a prominent landscape feature, visible from a wide area.

The special landscape character of the AONB is derived from extensive moorland areas dissected by wooded valleys. Along the River Gelt in particular are a number of designated ancient woodlands. However, it is the moorland which gives rise to the wilderness image of the area, being interspersed with disused mines and quarries. Scattered farmsteads occur along the northern and western edge of the AONB. On the lower ground, field boundaries generally consist of hedges with some fencing, which higher up give way to stone walls. On a clear day there are extensive views from the north western edge of the AONB across to the Bewcastle Fells in the north and the Solway Firth in the west.

The AONB is important for a range of bird life and is partly covered by the Geltsdale Fells SSSI. In addition it is also classified as a Special Protection Area (SPA) under the EC Birds Directive. This designation aims to promote the conservation of the site and to avoid deterioration of the habitats or disturbance of the species for which the area has been designated. SPAs form part of a network of internationally important wildlife sites within the European Union which is known as Natura 2000.

When assessing applications for development, the Council will have regard to special landscape qualities of the area including its wilderness image, extensive moorland and wooded valleys. In addition, the nature conservation interest of the area will be fully taken into account.

Small scale developments to meet the social and economic needs of local communities will be acceptable in the AONBs. Such developments might include rural diversification schemes, housing and local industry. Generally, such development should be located within or immediately adjacent to

settlements. Development should not detract from the landscape and should be of a high standard of design, construction and landscaping, and be in sympathy with the architecture and landscape character of the area. Provision of local needs housing is likely to be particularly important.

Outstanding Natural Beauty and the rest of the countryside, and are less likely to be sensitive to the effect of development than AONBs.

2.52 The aim of this policy is to maintain the distinctive character of County landscapes by preventing development which would harm that character. When assessing applications for development, the City Council will have regard to whether the overall character of the area would be harmed. Where possible, features essential to the distinctive character of the landscape should be retained. However, a development proposal that would result in the loss of some local element of the landscape, such as field boundaries or trees, may be judged to be acceptable, provided such a loss, either individually or cumulatively, would not damage the character of the wider area.

2.53 Small scale development such as rural diversification schemes, local industry and housing to accommodate the social and economic needs of local communities will generally be acceptable within areas designated as County Landscapes. Such development should be located within or immediately adjacent to settlements, farmsteads or other groups of buildings, and should not detract from the distinctive character of the landscapes.

2.54 There are four areas of County Landscape within Carlisle District, within which there are six landscape types as follows:

1. the Eden Gorge is a strong linear landscape feature. The river is predominantly bordered by broadleaved woodland, and in places cuts through a steep sandstone gorge. This area is particularly important for its wildlife significance, and English Nature propose to designate it as a SSSI. The river valley is partly bordered to the west by the Carlisle to Settle railway line which is designated as a conservation area.
2. the area to the north west and west of the North Pennines AONB is important for its historic character and variety of attractive features. It has a rolling topography with prominent knolls and

POLICY E4

County Landscapes

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

Reasons/Explanations

2.51 The Plan area includes a number of different landscape types. The Structure Plan defines County Landscapes, which are of importance for their particular topographical, visual, cultural or historical characteristics. Many of the areas also contain important habitats for wildlife. County Landscapes have replaced Areas of Great Landscape Value defined in the previous Rural Area Local Plan and Structure Plan. They are generally more selective and therefore cover less of the District. They are an intermediate classification of landscape between Areas of

ridges, especially around Brampton, and a number of significant woodlands. There is also an important area of parkland at Corby which is on the Register of Historic Parks and Gardens compiled by English Heritage.

3. To the north of the North Pennines AONB is an area of foothills consisting of high, rolling farmland, with a general feeling of remoteness. Much of this landscape is open in nature and where field boundaries exist, they are generally poor hedgerows or stone walls. There are a number of conifer plantations, the most northerly of which (Denton Fell), together with the surrounding area, has the nature of a high plateau with impressive views over the Irthing Valley.
4. The Irthing Valley and Hadrian's Wall run parallel to one another. The international significance of Hadrian's Wall and its setting is recognised by its designation as a World Heritage Site. The Wall follows a prominent ridge running westwards from Birdoswald to Banks, from which there are fine views over the Irthing Valley to the North Pennines. West of Banks the valley widens out and the landscape has a softer appearance with old trees, woodland and hedgerows more frequent than walls. The River Irthing flows through deep wooded valleys and gorges. Agricultural land on either side is grazed and partly improved, and field boundaries mainly consist of stone walls.
5. The central area of the Bewcastle Fells is an open landscape rising to 500m OD in the east. The landscape here ranges from undulating improved pasture to unimproved and unfenced moorland, and generates a feeling of remoteness. Some of the more sheltered valleys host deciduous woodland. Historical features are present around Bewcastle.
6. Part of the north western boundary of the District between Kershopefoot and Longtown forms an attractive valley through which the Liddel runs. Extensive areas of conifer plantation on both sides define the edge of the valley, whilst lower down is mostly rough grazing with scattered cottages and irregular fields. The river itself runs through a rocky gorge frequently bordered by woodland.

2.55 All the areas of County Landscape within the District are host to SSSI, ancient woodland, Wildlife Sites and RIGG sites.

CP3 County Landscapes

Within County Landscapes permission will not be given for development or land use changes which would have an unacceptable effect on the distinctive landscape character of the areas. Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

The Structure Plan defines County Landscapes, which are of importance for their particular topographical, visual, cultural or historical characteristics. Many of the areas also contain important habitats for wildlife. They are an intermediate classification of landscape between Areas of Outstanding Natural Beauty and the rest of the countryside, and are considered to be of particular importance to the County.

Regional Planning Guidance for the North West (March 2003) refers to landscape character in Policy ER2. It stresses the need for local planning authorities, through their plans and policies, to conserve and enhance landscapes and their settings which are of regional and sub-regional importance, but not covered by national designations.

The aim of this policy is to maintain the distinctive character of County landscapes by preventing development which would harm that character. When assessing applications for development, the City Council will have regard to whether the overall character and the distinctive features of the area would be harmed. New development should respect local distinctiveness, and where feasible enhance the landscape. Where possible, features essential to the distinctive character of the landscape should be retained. However, a development proposal that would result in the loss of some local element of the landscape, such as field boundaries or trees, may be judged to be acceptable, provided such a loss, either individually or cumulatively, would not damage the character of the wider area, and adequate mitigatory measures are provided.

A character based approach will be used when assessing development proposals in County Landscapes. This requires an assessment of the effect of the proposed development on the character and distinctive features of the particular landscape. PPG 7 The Countryside, states that such an approach should help in accommodating necessary change without sacrificing local character. It can also help to ensure that development respects or enhances the distinctive character of the land and the built environment. Detailed descriptions of the different landscape types within the County Landscapes (ridge and valley, main valleys and open moorlands) are contained within Technical Paper 5 of the Structure Plan – Landscape Character.

Small scale development such as rural diversification schemes, local industry and housing to accommodate the social and economic needs of local communities will generally be acceptable within areas designated as County Landscapes. Such development should be located within or immediately adjacent to settlements, farmsteads or other groups of buildings, and should not detract from the distinctive character of the landscapes.

There are four areas of County Landscape within Carlisle District, within which there are six landscape types as follows:

1. the Eden Gorge is a strong linear landscape feature. The river is predominantly bordered by broadleaved woodland, and in places cuts through a steep sandstone gorge. This area is particularly important for its wildlife significance, and together with its tributaries, has been designated as a SSSI by English Nature. The river valley is partly bordered to the west by the Carlisle to Settle railway line which is designated as a conservation area.

2. the area to the north west and west of the North Pennines AONB is important for its historic character and variety of attractive features. It has a rolling topography with prominent knolls and ridges, especially around Brampton, and a number of significant woodlands. There is also an important area of parkland at Corby which is on the Register of Historic Parks and Gardens compiled by English Heritage.

3. To the north of the North Pennines AONB is an area of foothills consisting of high, rolling farmland, with a general feeling of remoteness. Much of this landscape is open in nature and where field boundaries exist, they are generally poor hedgerows or stone walls. There are a number of conifer plantations, the most northerly of which (Denton Fell), together with the surrounding area, has the nature of a high plateau with impressive views over the Irthing Valley.

4. The Irthing Valley and Hadrian's Wall run parallel to one another. The international significance of Hadrian's Wall and its setting is recognised by its designation as a World Heritage Site. The Wall follows a prominent ridge running westwards from Birdoswald to Banks, from which there are fine views over the Irthing Valley to the North Pennines. West of Banks the valley widens out and the landscape has a softer appearance with old trees, woodland and hedgerows more frequent than walls. The River Irthing flows through deep wooded valleys and gorges. Agricultural land on either side is grazed and partly improved, and field boundaries mainly consist of stone walls.

5. The central area of the Bewcastle Fells is an open landscape rising to 500m OD in the east. The landscape here ranges from undulating improved pasture to unimproved and unfenced moorland, and generates a feeling of remoteness. Some of the more sheltered valleys host deciduous woodland. Historical features are present around Bewcastle.

6. Part of the north western boundary of the District between Kershopefoot and Longtown forms an attractive valley through which the Liddel runs.

CP4 Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside, which is detrimental to defined landscape character.

Some of Carlisle's countryside is covered by AONB or County Landscape designations. However, the majority of the rural area is not covered by any designation. This policy applies to those areas. The Rural White Paper in 1995 set out the Government's objectives for enhancing the wider countryside by conserving its natural assets and maintaining its diversity of character. The Countryside Agency's Countryside Character Programme built on this theme and provided a comprehensive and consistent analysis of the character of the English Countryside.

The landscape of Carlisle District is predominantly rural in character and the Carlisle Urban Fringe Landscape Study sets out the quality and diversity of the different landscape types in the urban fringe. For the remainder of the rural area, detailed descriptions of the different landscape types within the County Landscapes (ridge and valley, main valleys and open moorlands) are contained within Technical Paper 5 of the Structure Plan – Landscape Character. Detrimental change to the landscape can occur progressively through new development. To avoid this, opportunities should be taken through the development process to conserve and enhance landscape character. The overall aim should be to conserve or enrich the different characteristic features which give each landscape type its identity.

The countryside is a valuable resource which should be protected for its own sake. Some development will inevitably take place in the countryside where it is essential for agriculture, forestry tourism or other needs of the rural economy. Therefore the Council will seek to ensure that development does not unacceptably damage local character and where possible enhances the distinctive character of the local area.

Extensive areas of conifer plantation on both sides define the edge of the valley, whilst lower down is mostly rough grazing with scattered cottages and irregular fields. The river itself runs through a rocky gorge frequently bordered by woodland.

CP5 Sites of International Importance

Development which would affect an existing or proposed Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site and which is likely to adversely affect the integrity of the site will not be permitted unless:

1. there is no alternative solution; and
2. there are imperative reasons of overriding public interest for the development.

Where the site concerned hosts a priority natural habitat type and/ or a priority species, development will not be permitted unless the Authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.

PPG 9 Nature Conservation states that local plan policies should place particular emphasis on the strength of protection afforded to international nature conservation designations.

The Upper Solway is designated under the Ramsar Convention as a Wetland of International Importance, and under the terms of the European Community Directive on the Conservation of Wild Birds as a Special Protection Area (SPA) and under the European Habitats Directive as a candidate Special Area of Conservation (SAC). These latter two designations are of European importance and together will form part of a network of internationally important wildlife sites within the European Union which will be known as Natura 2000. Other SACS within the District are Butterburn Flow, Caudbeck Flow, Christianbury Craggs, Spadeadam Mires, Gowk Bank and Walton Moss. Gowk Bank is also designated as a National Nature Reserve. Candidate SACs include Bolton Fell Moss, Geltsdale and Glendhu Fells, (part of the North Pennines Moors), and the River Eden and its tributaries.

POLICY E11

Sites of Special Scientific Interest

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or
2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Reasons/Explanations

2.75 The Plan area includes 32 Sites of Special Scientific Interest (SSSIs). These sites have been identified by English Nature and are the subject of a formal procedure of notification under the 1981 Wildlife and Countryside Act. As such, they represent sites important for nature conservation defined on the basis of national criteria and are identified as sites of national importance in PPG9. They include a wide variety of sites of different types from large areas of salt marsh on the Solway, to Pennine moorland and small sites with some specific interest, such as geology.

2.76 Development will only be permitted if the need for the development clearly outweighs the nature conservation interest of the site, or the development can be subject to conditions or obligations that will prevent damaging impacts on wildlife habitats or important physical features. Potential detrimental effects could arise in a number of different ways, either through the destruction of important features, or indirectly by, for example, introducing large numbers of visitors to a sensitive site.

2.77 English Nature are currently undertaking work on a national series of 25 rivers in England to be notified as SSSIs. The River Eden is included in this series because of the importance of its water quality, fishery and wildlife interest.

CP6 Sites of Special Scientific Interest

Development which would adversely affect the nature conservation (including the geological) interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1. the reasons for the development clearly outweigh the nature conservation value of the site as part of the national series of SSSIs; or**
- 2. the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.**

The Plan area includes 34 Sites of Special Scientific Interest (SSSIs). These sites have been identified by English Nature and are the subject of a formal procedure of notification under the 1981 Wildlife and Countryside Act. As such, they represent sites important for nature conservation defined on the basis of national criteria and are identified as sites of national importance in PPG9. They include a wide variety of sites of different types from large areas of salt marsh on the Solway, to Pennine moorland and small sites with some specific interest, such as geology.

Development will only be permitted if the need for the development clearly outweighs the nature conservation interest of the site, or the development can be subject to conditions or obligations that will prevent damaging impacts on wildlife habitats or important physical features. Potential detrimental effects could arise in a number of different ways, either through the destruction of important features, or indirectly by, for example, introducing large numbers of visitors to a sensitive site.

The North West Biodiversity Forum are a partnership of statutory authorities, agencies and the voluntary sector, whose recommendations are set within national biodiversity policies that have the status of government policy. The forum has compiled a set of targets and indicators for biodiversity/sustainability objectives for the North West.

Objective 1 is to protect and enhance endangered species and habitats, and sites of geological importance. The main indicator for this is the area and condition of land designated as a SSSI, and the target is to ensure no loss of area of SSSI, and to ensure that 95% of SSSIs are maintained in or recovering towards favourable condition before 2010. Other indicators include the populations of wild birds in the region, and the enhancement of the north west region's biodiversity resources. Targets for these indicators are to maintain an upward trend in all bird numbers, to reverse the long term decline in farmland birds, and to deliver the North West Region's biodiversity targets for priority habitats.

English Nature has undertaken work on a national series of 25 rivers in England to be notified as SSSIs. The River Eden has been designated as a

SSSI because of the importance of its water quality, fishery and wildlife interest.

POLICY E19

Landscaping of New Development

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

Reasons/Explanations

2.101 Not all development sites will have trees that are suitable for protection, but it is equally important to ensure that adequate and appropriate landscaping is included in all development proposals.

2.102 Where appropriate, the City Council will require landscaping schemes to be submitted as part of the planning application details. These should also include the arrangements and responsibilities for the maintenance of them. Development will be monitored to ensure that such schemes are implemented. Such schemes should retain existing trees, hedgerows and wildlife habitats where possible, as well as indicating additional planting which in most circumstances should be of native species. The design of the layout

should be such that significant trees are retained. New buildings should not be positioned so that an occupier will want trees to be felled because of possible danger, or overshadowing. New planting should be well positioned to create interest and soften the edges of new development. Where the Council is prepared to adopt landscaped areas for maintenance purposes, these areas shall be dedicated to the City Council and a commuted payment equivalent to 10 years maintenance costs will be required. This will be based on costs applicable in the year of completion. Any legal costs in transferring ownership to the Council will be met by the developer.

CP7 Trees and Hedges on Development Sites

When considering proposals for development on sites where there are existing trees and hedges, a survey will be required to show the following information:

- 1. the location of existing trees and hedges;**
- 2. the species, height and crown spread of each tree;**
- 3. an assessment of the condition of each tree;**
- 4. the location and crown spread of trees on adjacent land which may be affected by the development;**
- 5. existing and proposed changes in ground level.**

In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey.

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.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

The Town and Country Planning Act places a duty on local planning authorities to ensure, where appropriate, that adequate provision is made for the protection and planting of trees when planning permission is granted, by using planning conditions and making tree preservation orders.

Trees and hedges can make an important contribution to the environment, and are a valuable habitat for wildlife. Hedges in particular can provide wildlife corridors linking different habitats. Visually, trees are attractive in their own right, and also as part of the wider landscape. They are also important to the local climate, and reduce pollution by absorbing carbon dioxide and producing oxygen.

On development sites there will be a presumption in favour of retaining existing trees where they contribute to amenity, and are healthy. Existing trees provide a mature landscape setting for new development and help to integrate new development into the surrounding environment, whether urban or rural.

This policy should be read in conjunction with the adopted supplementary planning guidance note, 'Trees on Development Sites', which gives detailed advice on all aspects of integrating trees with new development. In particular, it sets out measures to be taken to ensure the protection of trees during development.

Tree preservation orders will be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. In order to assess amenity, the following key factors will be taken into account:

1. visibility – the extent to which the trees and woodlands can be seen by the general public;
2. individual impact – an assessment of the size and form of the tree, its future amenity value, its rarity, value as a screen or contribution to a conservation area;
3. wider impact – the significance of the trees in the local surroundings, taking into account how suitable they are to their particular setting as well of the presence of other trees nearby.

Policies and Proposals

POLICY E1 **Agricultural Land**

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

1. there is an overriding need for the development; and
2. there is insufficient land of a lower grade available; or
3. available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

Reasons/ Explanations

2.32 PPG7 (Revised) *The Countryside - Environmental Quality and Economic and Social Development* advises that

“ Within the principles of sustainable development, the best and most versatile agricultural land should be protected as a national resource for future generations. This is defined as Grades 1, 2 and 3a. Together these are estimated to be about one third of agricultural land local planning authorities should therefore give considerable weight to protecting such land against development ”.

2.33 The provisional Agricultural Land Classification map suggests there to be a small amount of best and most versatile land in Carlisle District. This emphasises the importance of Grades 1, 2 and 3a land to the agricultural economy of Cumbria, and this is recognised by Structure Plan Policy 19.

2.34 On the margins of the built up area of Carlisle, detailed investigations have been carried out within the areas where development pressure is considered to be greatest, and areas found

to be either Grade 2 or 3a are shown on the Proposals Map as the best and most versatile agricultural land areas. Despite the pressures for development in these areas, it is considered that other Proposals of the Plan allocate sufficient land to meet anticipated development requirements, and therefore development will not be permitted in these areas during the Plan period, unless there is an overriding need for the development and either there is insufficient land of a lower grade available or the lower grade land available is subject to a statutory landscape, wildlife, historic or archaeological designation, which outweighs the agricultural considerations.

2.35 This does not mean that agricultural land quality will not be a consideration as far as development proposals outside the areas covered by this Policy are concerned, as the importance of agriculture in maintaining the landscape and rural economy of the whole of the countryside is recognised. In addition, such land may have a nature conservation value due to lack of intensive improvement involving the application of pesticides and herbicides etc. Where development proposals in other locations involve agricultural land, detailed investigations will be undertaken to ascertain the quality of the land. Where the land is of lower quality, it may still have a special value due to its importance to the land holding concerned, and in these circumstances development will not be permitted.

CP8 Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1. there is an overriding need for the development; and**
- 2. there is insufficient land of a lower grade available; or**
- 3. available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.**

The majority of the countryside in the district is in active agricultural use, although there are large tracts of commercial forestry in the north of the plan area. Changes in agricultural practices and payments brought about by the European Common Agricultural Policy, and the effects of the foot and mouth outbreak in 2001, are leading to a growth in economic diversification schemes relating to farms. Proposals range from farm shops and bed and breakfast enterprises to larger recreational pursuits.

The City Council considers that it is important to encourage the process of diversification in the rural economy, whilst at the same time protecting the landscape for the benefit and enjoyment of the whole rural community and visitors. The draft Soil Strategy for England states that if agricultural land is used for development, and semi natural land reclaimed for agriculture, this could have adverse implications for diversity and quality of soils. It is important to protect enough of the right types of soils from development so that we can meet present and future needs for food and forestry production, ecological habitats and biodiversity, and the protection of our cultural heritage.

RPG policy on sustainable agriculture makes reference to the need to protect high quality agricultural land. Grades 1, 2 and 3a soils are the best and most versatile for agricultural purposes. Planning Cumbria policy ST1 which aims to promote sustainable development states that all proposals for development should avoid the loss of the best and most versatile agricultural land.

PPG7 The Countryside - Environmental Quality and Economic and Social Development advises that within the principles of sustainable development, the best and most versatile agricultural land should be protected as a national resource for future generations.

The provisional Agricultural Land Classification map suggests there to be a small amount of best and most versatile land in Carlisle District. This emphasises the importance of Grades 1, 2 and 3a land to the agricultural economy of Cumbria.

On the margins of the built up area of Carlisle, detailed investigations have been carried out within the areas where development pressure is considered

to be greatest. Areas found to be either Grade 2 or 3a are shown on the Proposals Map as the best and most versatile agricultural land. Despite the pressures for development in these areas, it is considered that the Plan allocates sufficient land to meet anticipated development requirements. Therefore development will not be permitted in these areas during the Plan period unless there is an overriding need, and either there is insufficient land of a lower grade available or the lower grade land available is subject to a statutory landscape, wildlife, historic or archaeological designation, which outweighs the agricultural considerations.

Agricultural land quality will also be a consideration for development proposals outside the areas shown on the Proposals Map, as the importance of agriculture in maintaining the landscape and rural economy of the whole of the countryside is recognised. In addition, such land may have a nature conservation value due to lack of intensive improvement involving the application of pesticides and herbicides etc. Where development proposals in other locations involve agricultural land, detailed investigations will be undertaken to ascertain the quality of the land. Where the land is of lower quality, it may still have a special value due to its importance to the land holding concerned, and in these circumstances development will not be permitted.

ARCHAEOLOGY

POLICY E25

Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

Reasons/ Explanations

2.117 Hadrian's Wall and its associated forts, milecastles, turrets and Vallum are scheduled ancient monuments and are protected under ancient monument legislation. They also form the Hadrian's Wall Military Zone World Heritage Site, inscribed on the World Heritage List in December 1987.

2.118 The definition of World Heritage Sites derives from the United Nations Educational, Scientific and Cultural Organisations (UNESCO) "Convention Concerning the Protection of the World Cultural and National Heritage" (adopted 1972) and which came into force in 1975. The United Kingdom became party to the Convention in May 1984. The criteria for inscription provides for the selection of outstanding examples of historic and natural landscapes, as well as other types of site, more strictly related to English Heritage's traditional concerns.

2.119 The inscription refers to the Hadrian's Wall Military Zone and includes the entire length of the Wall from Wallsend in the east to Bowness on Solway in the west, except where it overlaid by the Cities of Newcastle-upon-Tyne and Carlisle. The site is described as follows in the summary of the Department of the Environment's request to UNESCO for designation:

"Taken as a whole the Hadrian's Wall Military Zone, with its multiplicity of structures, forts and earthworks, is not only the best preserved and most complete example of Roman frontier defences but indeed one of the most significant complexes of archaeological remains of any period of the world"

2.120 Hadrian's Wall World Heritage Site Management Plan, published in July 1996, was prepared by English Heritage, local authorities along the length of the Wall and other interested parties. The Management Plan recommended that its proposals should be put to UNESCO by the United Kingdom Government for approval subject to advice of the International Council on Monuments and Sites (ICOMOS) and the World Heritage Committee. The Management Plan suggests that similar protection should be afforded to the uncertain and unknown remains, from damage in the urban areas of both Tyneside and Carlisle.

2.121 Although the Government's stance is that World Heritage Sites are not in themselves an instrument of planning control they do indicate the importance of the site as a material consideration in development planning and control.

2.122 This Policy is concerned with the protection of the World Heritage Site. The World Heritage Site includes the Roman, military and related sites of national importance which have been defined by being scheduled as Ancient Monuments. The World Heritage Site therefore consists of the principal linear elements of the Roman frontier including the Wall, wall ditch, vallum and associated milecastles, turrets, forts, civilian settlements and roads, together with the associated outlying sites, shown on the Proposals Map and including forts at Nether Denton, Brampton Old Church and Boothby, together with the outpost fort at Bewcastle including its Roman approach road and signal towers. The known scheduled Ancient Monuments within the urban area of Carlisle are included as separate elements of the World Heritage Site, in line with the recommendations of the Management Plan. Development that will have an unacceptable adverse effect on the scheduled Ancient Monuments will not be permitted.

2.123 A review of the Scheduled Monuments along the length of the Wall is being undertaken and if additional sites are scheduled in future, these will also become part of the World Heritage Site.

CP9 Hadrian's Wall World Heritage Site

Development will not be permitted where there is an unacceptable adverse effect on the Hadrian's Wall Military Zone World Heritage Site.

Hadrian's Wall and its associated forts, milecastles, turrets and Vallum are scheduled ancient monuments and are protected under ancient monument legislation. They also form the Hadrian's Wall Military Zone World Heritage Site, inscribed on the World Heritage List in December 1987.

The definition of World Heritage Sites derives from the United Nations Educational, Scientific and Cultural Organisations (UNESCO) "*Convention Concerning the Protection of the World Cultural and National Heritage*" (adopted 1972) and which came into force in 1975. The United Kingdom became party to the Convention in May 1984. The criteria for inscription provides for the selection of outstanding examples of historic and natural landscapes, as well as other types of site.

The inscription refers to the Hadrian's Wall Military Zone and includes the entire length of the Wall from Wallsend in the east to Bowness on Solway in the west, except where it is overlaid by the Cities of Newcastle-upon-Tyne and Carlisle. It is described as the most complex and best preserved of the frontiers of the Roman Empire.

A management plan is a UK Government requirement for a world heritage site. The Hadrian's Wall World Heritage Site Management Plan 2002 - 2007 was prepared by English Heritage, local authorities along the length of the Wall and other interested parties. The plan sets out the broad issues that relate to Hadrian's Wall and puts forward the policies and actions that have been agreed. It also sets out longer term guiding principles, and an overall vision for the World Heritage Site.

Although the Government's stance is that World Heritage Sites are not in themselves an instrument of planning control they do indicate the importance of the site as a material consideration in development planning and control.

This Policy is concerned with the protection of the World Heritage Site. The World Heritage Site includes the Roman, military and related sites of national importance which have been scheduled as Ancient Monuments. The World Heritage Site therefore consists of the principal linear elements of the Roman frontier including the Wall, wall ditch, vallum and associated milecastles, turrets, forts, civilian settlements and roads, together with the associated outlying sites, shown on the Proposals Map and including forts at Nether Denton, Brampton Old Church and Boothby, together with the outpost fort at Bewcastle including its Roman approach road and signal towers.

POLICY E28

Scheduled/ Nationally Important Ancient Monuments

Development will not be permitted where there is an unacceptable adverse effect on scheduled and other nationally important ancient monuments and their settings.

Reasons/Explanations

2.132 Archaeological remains are finite, irreplaceable and in many cases fragile and vulnerable to damage. They are, however not all of equal importance and within the Plan area the City Council considers that the former walled area of the City, Hadrian's Wall, the vallum and associated archaeological remains are of international importance. These, together with other monuments of national importance are all worthy of preservation. The Proposals Map shows all known scheduled and other nationally important monuments to which the Policy will apply. It should be noted that any development affecting a scheduled monument will require scheduled monument consent.

2.133 Paragraph 8 of PPG16: *Archaeology and Planning* states:

" Where nationally important archaeological remains, whether scheduled or not, and their settings, are affected by proposed development there should be a presumption in favour of their physical preservation "

2.134 The City Council will make full use of its statutory powers to safeguard these archaeological remains and will endeavour to preserve them in situ. In exceptional cases, which can only be decided on

the merits of the individual case, where it is either not feasible or the circumstances of the case do not justify the preservation of the remains in situ, the City Council will ensure by condition and Section 106 Agreement that the archaeological evidence is recorded by prior excavation.

2.135 Any new building or development which affects a scheduled monument and would lead to the destruction of the archaeological remains, will not be permitted. In many cases, however, it is usually possible to design schemes to minimise damage by using foundations that raise ground levels under a proposed new structure or by careful siting of open space and landscape areas.

2.136 In the case, however, of new buildings on the site of earlier structures recently demolished and either the erection of minor extensions or the provision of an access, gardens and service trenches, which would not cause further damage, applications will be permitted.

2.137 Supplementary guidance is provided by the City Council's document *Archaeology & Development in Carlisle*, which sets out in detail the archaeological significance of the area together with work of the Carlisle Archaeological Unit.

Scheduled/ Nationally Important Ancient Monuments

Development will not be permitted where there is an unacceptable adverse effect on scheduled and other nationally important ancient monuments and their settings.

Archaeological remains are finite, irreplaceable and in many cases fragile and vulnerable to damage. They are, however, not all of equal importance and within the Plan area the City Council considers that the former walled area of the City, Hadrian's Wall, the vallum and associated archaeological remains are of international importance. These, together with other monuments of national importance are all worthy of preservation. The Proposals Map shows all known scheduled and other nationally important monuments to which the Policy will apply. It should be noted that any development affecting a scheduled monument will require scheduled monument consent.

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In the case of new buildings on the site of earlier structures recently demolished, the erection of minor extensions, or the provision of an access, gardens and service trenches which would not cause further damage, applications will be permitted.

POLICY E35

Proposals Affecting Listed Buildings

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Reasons/Explanations

2.154 The City Council will give careful consideration to proposals for new development which affect a listed building or its setting. Such proposals may require listed building consent. Inappropriate development can have a seriously adverse effect on the character of a listed building.

2.155 The setting of a listed building is often an essential part of its character, especially if a garden or grounds have been laid out to complement its design or function. The character of historic buildings may therefore suffer, together with the contribution they make to the townscape or countryside if their setting is damaged by insensitive development, or if they become isolated from their surroundings by, for example, new traffic routes, car parks or other developments.

2.156 The setting of a listed building will vary greatly. In some cases it may consist of parkland or gardens obviously associated with the building. Even where a listed building does not have its own grounds, for example in a built up area where its setting may encompass a number of other properties, this setting is equally important. The setting of listed buildings in an urban area often owes its importance to the harmony produced by a particular grouping of buildings, and to the quality of spaces between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed or immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, then any development in that street would probably be within its setting.

CP11 Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

The City Council will give careful consideration to proposals for new development which affect a listed building or its setting. Such proposals may require listed building consent. Inappropriate development can have a seriously adverse effect on the character of a listed building.

The setting of a listed building will vary greatly and often extends well beyond the building's own curtilage to encompass a number of other properties and public space. Occasionally the setting may incorporate extensive areas of townscape and landscape. In some cases it may consist of parkland or gardens obviously associated with the building. Even where a listed building does not have its own grounds, for example in a built up area where its setting may encompass a number of other properties, this setting is equally important. The setting of listed buildings in an urban area often owes its importance to the harmony produced by a particular grouping of buildings, and to the quality of spaces between them.

The character of historic buildings may therefore suffer, together with the contribution they make to the townscape or countryside if their setting is damaged by insensitive development, or if they become isolated from their surroundings by, for example, new traffic routes, car parks or other developments. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed or immediately adjacent to a listed building. Where a listed building forms an important visual element in a street, then any development in that street would probably be within its setting.

POLICY E34

Alterations to Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Reasons/Explanations

2.151 Proposals to alter, extend or demolish a listed building require listed building consent. However, it is apparent within the Plan area that on many listed buildings original features have been lost or debased, occasionally as a result of unsympathetic extension or alteration and sometimes through neglect.

2.152 As the responsible authority for listed building control, the City Council will expect any alterations or repairs to external elevations to respect the existing materials and match them in texture, quality and colour. Any renewal of doors and windows should be in keeping with the age and character of the building.

2.153 The City Council will be reviewing current Supplementary Planning Guidance on listed buildings and conservation areas.

CP12 Alterations to Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, and its intrinsic architectural and historic interest and rarity;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Carlisle District has approximately 1600 buildings of special architectural or historic interest, including a great wealth of local red sandstone buildings. Within the City Centre, the Castle, Courts, Old Town Hall, Guildhall, Cathedral, Tithe Barn and Old Tullie House are all Grade 1 listed. The diversity of listed buildings in the rural area ranges from tower houses and peles such as the Grade 1 listed Naworth Castle, and several characteristic examples of north Cumbrian vernacular architecture ranging from fine sandstone farmhouses to mud walled and cruck framed barns.

This mixture of historic buildings gives special character to the towns, villages and countryside. However, these buildings need to be carefully and responsibly preserved. Proposals to alter, extend or demolish a listed building therefore require listed building consent. As the responsible authority for listed building control, the City Council will expect any alterations or repairs to external elevations to respect the existing materials and match them in texture, quality and colour. Any renewal of doors and windows should be in keeping with the age and character of the building.

Certain works to listed buildings will also require planning permission. However, the issuing of planning permission will not automatically result in the issuing of listed building consent. Listed building consent will be required even when there is no requirement for planning permission, for example when altering or replacing windows or doors, rendering or painting outside walls, replacing natural materials with an alternative, installing solar panels or satellite antennae, fixing advertisement signs or sunshades, and altering or removing interior features of interest.

LISTED BUILDINGS

POLICY E33

Demolition of Listed Buildings

There will be a presumption in favour of the preservation of listed buildings. Permission will not be given for the demolition or partial demolition of listed buildings. Applications for listed building consent will be assessed against the following criteria:

1. the intrinsic quality of the building and its contribution to the landscape/town-
scape; and
2. the structural condition of the building;
and
3. the suitability of the building for its
existing, proposed or any other use; and
4. the cost of repair; and
5. the contribution which the
demolition/redevelopment would make
to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Reasons/Explanations

2.148 The listed buildings and conservation areas within the Plan area reflect the City's heritage and make a very significant contribution to its environmental quality.

2.149 PPG 15: *Planning and the Historic Environment*, urges local planning authorities to have special regard to the desirability of preserving a listed building. It states that the destruction of historic buildings is very seldom necessary for reasons of good planning. More often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new develop-

ment. There should be a general presumption in favour of the preservation of listed buildings. Furthermore, the Secretary of State will not be prepared to grant listed building consent for demolition unless satisfied that every possible effort has been made to continue its present use or find a suitable alternative use for the building.

2.150 The Royal Commission on the Historical Monuments of England (RCHME) must be notified of all proposals to demolish listed buildings. In addition there may be other circumstances where notification would be appropriate, such as where the exterior of a building is likely to be radically changed as a result of major repairs, alteration or extension, or where interior work of significance will be lost, affected by subdivision or substantially rebuilt.

CP13 Demolition of Listed Buildings

There will be a presumption in favour of the preservation of listed buildings. Applications for listed building consent for demolition will be assessed against the following criteria:

- 1. the intrinsic quality of the building and its contribution to the landscape/townscape;**
- 2. the structural condition of the building;**
- 3. efforts made to retain the building in its current use, or find compatible alternative uses;**
- 4. the cost of repair and maintenance in relation to the importance of the building;**
- 5. the merits of alternative proposals for the site.**

Permission for demolition will only be granted in exceptional circumstances.

All proposals for demolition must be accompanied by details of redevelopment.

The listed buildings and conservation areas within the Plan area reflect the City's heritage and make a very significant contribution to its environmental quality.

PPG 15: *Planning and the Historic Environment* states that it is an objective of Government policy to secure the preservation of historic buildings. It states that 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.

Consent will not be given for the demolition of a listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses. In addition the applicant should be able to show that preservation in some form of charitable or community ownership is not possible or suitable. Any proposed redevelopment must be able to prove that there would be substantial benefits for the community which would decisively outweigh the loss resulting from demolition.

The Royal Commission on the Historical Monuments of England (RCHME) must be notified of all proposals to demolish listed buildings, and allowed access to buildings which it wishes to record before demolition takes place. In addition, planning conditions may be used to secure suitable programmes of recording of features that would be destroyed.

demolition/redevelopment would make to broader conservation objectives.

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Reasons/Explanations

2.169 This Policy derives from Government advice given in PPG 15: *Planning and the Historic Environment* where it is a legal requirement to apply for conservation area consent for the demolition of unlisted buildings (subject to certain exceptions) in conservation areas. In assessing such proposals the City Council will have regard to:

“ the desirability of preserving or enhancing the character or appearance of the conservation area in which the building is situated ”.

This justifies the criteria listed in the Policy, particularly the need to ensure the redevelopment of the site.

2.170 Where listed building consent for the demolition of a listed building, or conservation area consent for the demolition of an unlisted building in a conservation area is likely to be given and redevelopment of the site is likely, consent for demolition will only be given if the application is accompanied by detailed and acceptable proposals for its redevelopment. In most circumstances such consent will be accompanied by a Section 33 or 106 agreement which legally ties together the demolition and redevelopment proposals.

POLICY E39 Demolition of Unlisted Buildings in Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the demolition of unlisted buildings in conservation areas will be critically 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 its existing, proposed or any other use; and
4. the cost of repair; and
5. the contribution which the

CP14 Demolition of Unlisted Buildings in Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for conservation area consent for the demolition of unlisted buildings in conservation areas 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 its existing, proposed or any other use; and**
- 4. the cost of repair; and**
- 5. the contribution which the demolition/ redevelopment would make to broader conservation objectives.**

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

This Policy derives from Government advice given in PPG 15: *Planning and the Historic Environment* where it is a legal requirement to apply for conservation area consent for the demolition of unlisted buildings (subject to certain exceptions) in conservation areas. In assessing such proposals the City Council will have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building is situated, and the wider effects of demolition on the building's surroundings and on the conservation area as a whole.

This policy also applies to part of a building, as conservation area consent is required for demolition of part of a building, as well as whole buildings.

Where conservation area consent for the demolition of an unlisted building in a conservation area is sought, and redevelopment of the site is likely, consent for demolition will only be given if the application is accompanied by detailed and acceptable proposals for redevelopment. This requirement will avoid the situation of derelict gap sites appearing in conservation areas, whilst redevelopment proposals are drawn up.

POLICY H16

Design Considerations

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: the layout of roads and buildings, footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; and the relationship to adjacent development.

Reasons/Explanations

4.88 Over the last 10 years or so there has been an increasing tendency for developers to build new dwellings on smaller plots particularly within the larger settlements. Whilst it is appreciated that many home buyers do not require large gardens and the former minimum standards between principal windows often led to rigid and unimaginative layouts, there needs to be a balance between high density development, privacy and good design.

4.89 The development of houses in rural areas presents particular problems in ensuring that the development fits into the landscape and the settlement. The City Council is concerned to ensure that housing developments complement and are in keeping with their surroundings through sympathetic design and use of appropriate materials.

4.90 The City Council is aware of guidance in paragraphs 13 to 20 and Annex A - Handling Design Issues of PPG1 (Revised) that "15. Good design should be the aim of all those involved in the development process..." and that "16. Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary planning guidance." Likewise the Council is aware that it "19... should not attempt to impose a particular taste or style arbitrarily." but that it is "proper to seek to promote or reinforce local distinctiveness..." The Council is also aware that they "should not concern themselves with matters of detailed design except where such matters have a significant effect on the character or quality of the area..."

4.91 The City Council will resist proposals for over-intensive development which does not provide sufficient space within the development. The Policy is intended to refer not only to the design within new estates but also to the relationship between new development and existing residential property. Adequate space, good design and hard and soft landscaping should be used to integrate old and new developments and minimise adverse effects. The City Council also intends to prepare Supplementary Planning Guidance on estate design, which will also include matters such as aspect and whether it is possible to increase energy efficiency of dwellings.

4.92 Carlisle City Council, Cumbria County Council and the other District Planning Authorities in the County have jointly prepared and approved, following wide consultation with developers, Supplementary Planning Guidance on the design of residential roads and footpaths for the County. The City Council will require developers to have regard to this Guidance in accordance with advice in paragraph 3.18 of PPG 12.

POLICY E9

Landscaping of New Development

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

Reasons/Explanations

2.72 This Policy deals with the landscaping of development that is permitted on the edge of an existing settlement. The relationship of such development with the adjacent countryside is very sensitive, and to ensure that a hard urban-style edge does not result, the City Council will place a landscaping condition on permissions granted for development on the edge of existing settlements. Landscaping schemes must include details of existing and retained trees, hedges and wildlife habitats, new planting including the number and species and should seek to integrate any existing wildlife habitats, together with exploring opportunities for additional habitat creation. Such schemes should also include a significant proportion of native species. In most circumstances, it will be necessary for detailed landscaping proposals to be part of the planning application and for the landscaping to be undertaken as part of the development. In certain circumstances, it may be necessary to enter into a legal agreement to secure the long term maintenance of the landscaping.

2.73 The City Council, as part of the Parkhouse development, implemented a major planting scheme within the site and along the northern boundary adjacent to the A74(T). The new Tesco superstore at Rosehill is also accompanied by a major landscaping scheme which redefines the edge of the Eden flood plain in the sensitive location adjacent to Junction 43 of the M6.

CP15 Design

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas and nearby users, nor result in unacceptable standards for future users and occupiers of the development. (see policy CP16)
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development (see policy CP7)
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating 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 drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate (see policy CP19 Development, Energy Conservation and Efficiency)
10. Have a layout and design which minimises the potential for crime and antisocial behaviour. (see policy CP34)

The City Council believes that good design should be the aim of everyone involved in the development process and is essential to producing attractive, vibrant and sustainable places, in which people want to work, relax and live. These principles will help to ensure that the development itself is not only well designed, but also complements the existing environment.

Applicants will be required to demonstrate how they have taken into account the increased emphasis on design in line with PPG1 and DP3 of RPG13 irrespective of whether the development is that of a major, prominent site or of a more localised nature affecting a particular street, property or group of properties. Consideration must also be given to any relevant supplementary planning guidance including development briefs and concept statements that have been prepared for specific areas/ sites.

The inclusion of a landscaping scheme should be treated as an essential consideration in the design process, not an after thought. 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.

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 and imaginative design.

POLICY H17

Residential Amenity

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; and/or
5. leads to a loss of housing stock.

Reasons/Explanations

4.98 Within the Primary Residential Areas in Carlisle, Brampton, Dalston and Longtown, and the residential areas in the other settlements in the District, it is necessary to prevent development which would be detrimental to the surrounding residential area. Policy H2, which defines Primary Residential Areas, accepts that there are a number of non residential uses, such as small local shops, public houses and small businesses that can be accommodated in residential areas without adversely affecting the residential amenity of the area.

4.99 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 that would result in an overall loss of amenity. Such development is not acceptable in residential areas and will not be permitted.

4.100 The unnecessary loss of residential property within existing residential areas, creates demand for new building on green field sites. There may be circumstances where limited loss may improve amenity, particularly in improvement areas, otherwise applications which result in a loss of dwelling stock will be refused.

CP16 Residential Amenity

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.**

Within residential areas it is necessary to prevent development which would be detrimental to the surrounding residential area. there are a number of non residential uses, such as small local shops, public houses and small businesses that can be accommodated in residential areas without adversely affecting the residential amenity of the area.

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 that would result in an overall loss of amenity. Such development is not acceptable in residential areas and will not be permitted.

POLICY E44

Reinstatement of Traditional Materials

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Reasons/Explanations

2.184 Traditional surface materials of setts, cobbles, sandstone kerbs and sandstone flags make a significant contribution to the character of conservation areas and complement surrounding buildings.

2.185 Often this character is destroyed by either repairs to roads and pavements being carried out using non-traditional materials or by the use of tarmac to reinstate the road surface following repairs to underground services. It is accepted that temporary reinstatement is often necessary but the original traditional materials should always be finally reinstated.

2.186 The character of the conservation areas can too easily be destroyed by inappropriate repairs and reinstatement and the City Council will seek to encourage the use of the traditional materials where appropriate.

CP 17 Use of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Locally sourced materials will assist in reducing the need to import materials into the area and will help to sustain the local economy. This should not however be at the expense of the local environmental quality. If local materials cannot be used alternative materials of equal quality should be considered to maintain the character of the district.

Traditional surface materials of setts, cobbles, sandstone kerbs and sandstone flags make a significant contribution to the character of conservation areas and complement surrounding buildings.

Often this character is destroyed by either repairs to roads and pavements being carried out using non-traditional materials or by the use of tarmac to reinstate the road surface following repairs to underground services. It is accepted that temporary reinstatement is often necessary but the original traditional materials should always be finally reinstated.

The character of the conservation areas can too easily be destroyed by inappropriate repairs and reinstatement and the City Council will seek to encourage the use of the traditional materials where appropriate.

materials are also regarded as renewable sources of energy. Such sources can increase diversity of energy supply, and help reduce harmful emissions to the environment. The main advantage of using renewable energy is its contribution to limiting emissions of greenhouse gasses. Renewables such as solar, wind and tidal produce no direct CO². The Government expects renewables to play a significant part in meeting its international obligations to reduce greenhouse gas emissions. Government policy is therefore to

stimulate the exploitation and development of renewable energy sources wherever they have the prospect of being economically attractive and environmentally acceptable”.

POLICY E54 Renewable Energy

Proposals for renewable energy developments will be assessed by reference to the following criteria:

1. their visual impact on the immediate and wider landscape;
2. the provision made for sensitively assimilating the structures into their surrounding landscape and/or habitat;
3. their foreseen noise effect and other risk or nuisance to nearby occupiers;
4. their effect on features and areas of nature conservation, cultural, historical and archaeological interest;
5. their cumulative impact.

Applications for wind turbines will be considered favourably where the number, size, design and grouping of the turbines can be shown to be acceptable in the particular setting.

Reasons/Explanations

2.209 Renewable energy is the term used to cover energy from the sun, wind, sea and the fall of water. Combustible industrial, agricultural or domestic waste

2.210 Proposals for renewable energy developments, including wind turbines will almost always have some local environmental effects. Such proposals will be weighed carefully against Government policies for developing renewable energy, and those for protecting the environment. It will always be important that a proposal should cause minimum harm to the environment, and in addition to considering the impact of renewable energy projects on the environment, their wider contribution to reducing emissions of greenhouse gases will also be considered.

2.211 It is anticipated that within Carlisle District wind power is the energy source that is most likely to be exploited. An ETSU digital map has been used to show the estimated wind speeds of the District and it shows that significant areas have wind speeds which are regarded as suitable for commercial wind energy development. The windier areas tend to be the more open, upland areas of the District.

2.212 The City Council supports in principle renewable energy development, including wind turbines. The above Policy seeks to ensure that such developments are sensitively sited to minimise their intrusion upon the landscape. In accordance with statutory regulations, an Environmental Statement

will be required for proposals that are likely to have a substantial impact on the landscape. It is considered that the north east of the District is the area where most planning applications are likely to be received, as it is an area subject to high wind speeds, has a low population, and is not covered by any national landscape designation, (although part of the area falls within the County Landscape designation under Policy E4). However, parts of this area are very prominent, and some of the unforested areas are of considerable ecological value. Therefore proposals will be critically assessed against the above criteria. In particular, under criterion 1, the visual impact of the whole development will be considered. This will include all access roads, the transformer station and grid connection.

2.213 Renewable energy developments concerning the incineration of waste to produce power or heat are best sited adjacent to industrial areas on the edge of settlements. Such proposals will be expected to be supported by environmental information to enable the Local Planning Authority to assess the likely impacts of such a development. The City Council will produce Supplementary Planning Guidance on renewable energy developments.

CP18 Renewable Energy

Proposals for any renewable energy developments will be assessed against the following criteria:

- 1. Visual impact on the immediate and wider landscape**
- 2. Provision made for sensitively assimilating the structures into the surrounding landscape and/or habitat;**
- 3. Any foreseen noise, smell or other nuisance or pollutants likely to effect nearby occupiers, amenities, neighbouring land uses and/or sensitive locations;**
- 4. Any increase in levels of waste arising will be dealt with using a suitable means of disposal**
- 5. Not causing demonstrable harm to the following features of local, national or international importance- Hadrian's Wall Military Zone World Heritage Site, Solway Coast and North Pennines AONBs and County landscapes.**
- 6. Adequate provision can be made, for access and parking and the potential impacts on the road network.**
- 7. No adverse conflict with any existing recreational facilities and routes**
- 8. The cumulative effect of a proposal with any previous extant planning approvals or other existing renewable energy developments**

Temporary planning permission may be granted initially where there is uncertainty over the longevity, impacts, or effectiveness of a project or where the source or power is temporary, enabling a 'trial run' of the renewable energy project.

In addition to this local plan policy the Council will produce a supplementary planning document identifying areas where there is the potential for integrating renewable energy technologies into new and existing developments. The guidance will also set requirements for developments over a certain size to achieve a specified proportion of their likely energy needs from renewable energy sources.

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 has set a national target for 10% of the UK's electricity to be from renewables. 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.

Cumbria has been identified as potentially providing the greatest contribution to renewable energy mainly from wind power, biomass, landfill gas and hydro electricity.

Proposals for renewable energy developments will almost always have some local environmental implications, and as such the effect upon the landscape will be weighed against the wider environmental consideration of reducing emissions of greenhouse gases. It is important however to ensure that minimal harm is caused by the installation of renewable energy projects to the surrounding area in its development and during its operation. Some renewable energy projects that are likely to have a substantial impact on the landscape will be subject to a requirement for an Environmental Impact Assessment (EIA) in this situation discussion between the City Council and developers should be undertaken as to whether consideration of alternative sites is necessary.

The City Council will have regard to Structure Plan policies and technical papers on renewable energy and areas of search including Planning for Renewable Energy Development in Cumbria.

Carlisle District contains a number of important landscapes. Proposals for renewable energy should ensure that they will not affect their special character, special consideration should be given to the following: Hadrian's Wall Military Zone World Heritage Site, AONBs Solway Coast and North Pennines and any County Landscapes in the Carlisle District. Development in nationally and internationally designated sites will be restricted where the above criteria are not 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. Landscape Character Assessments should be taken into account to assist in identifying areas which are capable of successfully integrating renewable energy developments.

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, the Council 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.

Proposals for all renewable energy developments should consider the environmental effects of the transmission lines between the development and the point of connection to the national grid.

CP19 Development, Energy Conservation and Efficiency

Development proposals should 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 materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

The Council is committed to ensuring that all new development maximises energy efficiency in its design and materials used, in line with guidance contained within PPG12 and RPG13. Buildings account for almost half of the UK's delivered energy consumption and associated carbon dioxide emissions, by introducing energy saving measures money can be saved on heating and lighting whilst reducing the environmental impact.

It is already 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.

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.

Policy E20

Development in Floodplains

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the Rivers Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Reasons/Explanations

2.103 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. The boundaries of the floodplain are shown on the Proposals Maps. These give a general indication of the areas involved and cannot be regarded as totally accurate because of the scope of the maps used. Development proposals which appear to be within or close to the boundaries of the floodplains will be discussed with the Environment Agency (EA).

2.104 The City Council and the EA will oppose any development, including the raising of the floor of the floodplain, which would reduce the storage capacity of these areas and therefore exacerbate the problem elsewhere in the valley, obstruct the free flow of floodwater through the floodplain area, or result in development that would be flooded periodically.

2.105 New developments can also cause problems by increasing surface water run off as permeable surfaces are replaced by roofs and paving. This may result in an increase in the risk of flooding downstream and a reduction in infiltration to groundwater. Low lying land protected from flooding by tidal and river defences is also at risk from flooding should the defences be overtopped by extreme water levels. Where development is permitted which could lead to flooding either through increased surface water, the breach of river defences or the raising of the floor of the floodplain, appropriate alleviation or mitigation measures defined by the Council in consultation with the EA and funded by the developer will be required.

2.106 The EA have made byelaws under Section 34 of the Land Drainage Act 1976, which include the requirement to obtain consent from the EA for the erection of buildings and other structures adjacent to main rivers including the Eden, Petteril, Caldew, parts of Cargo Beck, the Old Eden and the Little Caldew.

" a. at a distance of 8 metres on the landward side of the foot of any artificial embankment constructed for the purposes of the river,

or

b. if there is no artificial embankment, at a distance of 8 metres on the landward side of the top of the sloping or upright bank or wall confining the river."

2.107 In other river floodplains which are not included within these byelaws the EA will support the City Council in opposing development that will reduce the storage capacity of the floodplain areas.

2.108 The EA also operate a strict presumption against the practice of culverting water courses, principally on the grounds of conservation. Further advice on this matter should be sought from the EA.

CP20 Undeveloped land in floodplains

Development in areas at risk of flooding on undeveloped land will only be permitted:

- 1) where no other lower risk alternative site exists; and**
- 2) where existing flood defences provide an acceptable standard of safety; and**
- 3) where access could reasonably be maintained at times of flood risk; and**
- 4) where adequate flood plain storage capacity is available and**
- 5) where the development does not interfere with flood flows and**
- 6) where mitigation measures are provided if they are thought necessary and**
- 7) where the development does not increase flood risk elsewhere;**

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. The boundaries of the October 2003 indicative floodplains (available on the Environment Agency's web site) are shown on the Proposals Map and give a general indication of the areas with a potentially high risk of flooding. Extensive areas of the Carlisle urban area including Willow Holme, Denton Holme and Warwick Road are within the indicative floodplain as is part of Longtown. The safeguarding of the floodplains is all the more important because of concerns about climate change which may possibly result in increased winter rainfall and sea level rise which could affect the coastline and Solway Firth estuary. The Environment Agency will be consulted on development proposals which are within or close to the boundaries of the floodplains. A sequential assessment of flood risk on sites for development has been undertaken (ref. PPG 25 page 18 Table 1) to evaluate the extent of flood risk and the flood alleviation or mitigation response. Priority will be given to the development of sites in low flood risk areas where the impact on floodplain storage capacity will not be impaired.

New developments can cause problems by increasing surface water run-off as permeable surfaces are replaced by roofs and paving. A detailed Flood Risk Assessment may be needed to accompany a planning application of the risk of groundwater flooding or local flooding due to overland sheet flow or run-off exceeding the capacity of drainage systems during prolonged or intense rainfall in accordance with Appendix F of PPG25. The FRA will inform the planning decision and may identify appropriate design and mitigation measures. The City Council will seek to use an appropriate planning obligation or conditions to secure satisfactory mitigation measures, including, where appropriate, provisions for capital improvement works and maintenance. The City Council will encourage the use of sustainable drainage systems (SuDS) as a means of reducing the overall flood risk and controlling pollution from urban run-off.

There are restrictions on development in close proximity to existing flood defences. 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.

Policy E20

Development in Floodplains

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the Rivers Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

Reasons/Explanations

2.103 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. The boundaries of the floodplain are shown on the Proposals Maps. These give a general indication of the areas involved and cannot be regarded as totally accurate because of the scope of the maps used. Development proposals which appear to be within or close to the boundaries of the floodplains will be discussed with the Environment Agency (EA).

2.104 The City Council and the EA will oppose any development, including the raising of the floor of the floodplain, which would reduce the storage capacity of these areas and therefore exacerbate the problem elsewhere in the valley, obstruct the free flow of floodwater through the floodplain area, or result in development that would be flooded periodically.

2.105 New developments can also cause problems by increasing surface water run off as permeable surfaces are replaced by roofs and paving. This may result in an increase in the risk of flooding downstream and a reduction in infiltration to groundwater. Low lying land protected from flooding by tidal and river defences is also at risk from flooding should the defences be overtopped by extreme water levels. Where development is permitted which could lead to flooding either through increased surface water, the breach of river defences or the raising of the floor of the floodplain, appropriate alleviation or mitigation measures defined by the Council in consultation with the EA and funded by the developer will be required.

2.106 The EA have made byelaws under Section 34 of the Land Drainage Act 1976, which include the requirement to obtain consent from the EA for the erection of buildings and other structures adjacent to main rivers including the Eden, Petteril, Caldew, parts of Cargo Beck, the Old Eden and the Little Caldew.

Adjacent is defined as:

" a. at a distance of 8 metres on the landward side of the foot of any artificial embankment constructed for the purposes of the river,

or

b. if there is no artificial embankment, at a distance of 8 metres on the landward side of the top of the sloping or upright bank or wall confining the river."

2.107 In other river floodplains which are not included within these byelaws the EA will support the City Council in opposing development that will reduce the storage capacity of the floodplain areas.

2.108 The EA also operate a strict presumption against the practice of culverting water courses, principally on the grounds of conservation. Further advice on this matter should be sought from the EA.

CP21 Developed land in floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that:

- 1) minimum flood defence measures are already in place or can be provided; and**
- 2) where there is no interference with flood plain flows; and**
- 3) where appropriate building design relevant to the situation are included.**

Reasons/Explanations

It is government policy to promote the development of previously developed land in preference to greenfield land. Much development historically took place on flat land adjacent to rivers. A flexible approach to the re-use of sites is advisable which addresses the risks of flooding possibly in a FRA and carefully considers the types of development suitable for such sites.

Developer contributions may be required to fund necessary flood defence or mitigation works negotiated through Section 106 agreements, thus ensuring that works are completed to a suitable timescale, if needed for a development.

CP22 Sustainable Drainage Systems

Proposals for development on greenfield sites over 5 hectares or for commercial or industrial development over 1000m² or for residential developments of 20 dwellings or more must, unless advised otherwise, be accompanied by a sustainable drainage scheme (SuDS) which uses an ecological approach to surface water management and exploits opportunities for habitat creation. Developments of between 10 and 20 dwellings may require a sustainable drainage scheme depending on local conditions. This must be supplemented by a Drainage Impact Assessment which shows how ranges of storm duration and extreme rainfall events such as the impact of a 1 in 2 year return to 1 in 100 year return rainstorm events are managed by the proposals. SuDS schemes should be designed so that if this event occurs, flooding will not be higher than 300 mm below floor level.

Reasons/Explanations

Sustainable urban drainage systems are physical structures designed on development sites to receive surface water run off near to its source before it reaches watercourses. 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. SuDS aim also to reduce the quantity of run off, to slow the velocity of run off and to allow settlement of contaminants such as dust, oil, litter and organic matter. Such soft systems mimic natural drainage and include porous surfaces, filter drains and strips, trenches, ponds, wetland basins and swales or wide, shallow depressions. They have the general benefits of introducing ecological features into a development and encouraging greater biodiversity over a development site and its area by protecting watercourses from pollution. Approved Document Part H ('Drainage and Waste Disposal', published 2002) of the Building Regulations 2000 gives guidance to encourage the use of sustainable systems in the drainage of rainwater systems. 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.

In addition to large development sites SuDS solutions may be required in the areas of the District where culvert capacity and floodplain constraint problems exist. These include around Fairy Beck at Morton, the River Petteril at Harraby Green, Gosling Syke east of the A7 road, Garlands, Parham Beck, Cargo Beck, Longtown and Brampton town centre.

POLICY E24

Ground, Surface and Coastal Waters.

Proposals for development which in the opinion of both the City Council and the Environment Agency would pose an unacceptable risk to the quality of groundwater, surface or coastal water will not be acceptable.

Reasons/Explanations

2.115 Groundwater resources are an invaluable source of water for public supply, industry and agriculture, as well as sustaining the base flows of rivers. Some activities, such as the disposal of effluent in soakaways, landfilling of unsealed sites over permeable bedrock, or inappropriate storage of chemicals can result in the pollution of groundwater. Since the clean up of contaminated groundwater is very expensive the City Council will seek to prevent or reduce the risk of groundwater pollution by refusing planning consent for developments which it considers will prejudice the quality of groundwater. The EA document *The Policy and Practice for the Protection of Groundwaters* will be used as a guide to determine the suitability of developments with respect to groundwater.

2.116 Water quality is important to a wide range of users, including domestic, fisheries, livestock watering, spray irrigation, and amenity, including inland navigation, and conservation development which therefore gives rise to unacceptable surface or waste water discharge, or to pollution problems resulting from the disturbance of contaminated land will not be permitted. Initiatives that result in an improvement in surface water quality will be encouraged, and it is recognised that the development of contaminated sites can offer opportunities for improvements in surface water quality.

CP23 Water protection

Proposals for development which would cause demonstrable harm to the water environment in general and water supplies in particular through adverse impacts on quality, quantity and associated ecological features will not be permitted.

The supply of water and sewage disposal are capable of being material considerations in planning applications. Planning permission may need to be refused where inadequate water or sewerage infrastructure exists or conditions may need to be imposed to ensure that suitable arrangements are in place for these services. The wider effects of an increased demand will need to be considered together with the availability of resources. New developments will need to be located so that they will minimise or eliminate the environmental impact of additional demand, thus making a contribution to sustainable development.

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. A deficit in water supply for the Carlisle area during dry weather has been forecast for 2004/5. Demand for water is increasing as a result of growth of population and industrial/commercial activity. Initiatives that result in water re-use and conservation, and an improvement in surface water quality will be encouraged.

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 ('PPPG' 1998). This will be used as a guide to determine the suitability of developments in relation to groundwater impact. It has also established Source Protection Zones for public water supply and other human consumption uses.

WASTE WATER MANAGEMENT

POLICY E22

Foul Sewers and Sewage Treatment Works

New development will be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

Reasons/Explanations

2.111 The quality of water, water-based recreation, fisheries and nature conservation must be protected against the risk of pollution which may result from inadequate provision of sewer systems. Where sewerage treatment works are at risk of becoming overloaded an assessment of the implications of development must be made to ensure that the development is served effectively.

2.112 The City Council will seek to reduce this risk of pollution by either refusing planning consent for development where EA produce evidence to show that it does not provide a solution or will condition planning consents that will preclude development until adequate drainage arrangements are provided.

2.113 Small private sewage treatment plants and other types of discharge direct to watercourse within sewerred areas will be discouraged. Septic tanks will only be considered if connection to the main sewerage is not feasible. Industrial effluents should wherever possible be discharged to the public foul sewerage system.

CP24 Foul sewers and sewage treatment

Development will not be permitted where inadequate sewerage infrastructure exists or cannot be provided.

The quality of water, water-based recreation, fisheries and nature conservation must be protected against the risk of pollution from inadequate provision of sewer systems. Septic tanks may result in an increased risk of pollution to watercourses and groundwater and will only be considered if connection to the main sewerage is not feasible. Such tanks will only be acceptable where discharge levels and the effects of the discharges do not cause harm to the natural environment or water quality.

CP25 Pollution

Development will not be permitted where it would generate significant levels of pollution (from contaminated substances, odour, noise, dust, vibration, light or heat) which cannot be satisfactorily mitigated within the development proposal or by means of planning conditions.

PPG23 recommends that local plans should take into account the impacts of potentially polluting development on other land uses and suggests that attempts be made to reduce conflict. Development can cause pollution in the environment by releases to water, the land or air, which is manifested in contaminated substances, odour, noise, dust, vibration, light or heat. The Carlisle 2006 Corporate Plan has the aim of improving all aspects of pollution control with the intention of making Carlisle the cleanest and healthiest city in Europe. The City Council has a major role in monitoring and controlling environmental quality standards and has set itself high standards of air, noise and water quality.

Pollution can cause serious conflicts where pollution sensitive development such as housing, hospitals, schools and some business developments are located in close proximity to potentially polluting land uses. It may be desirable to designate separation distances for such land uses. Planning conditions or legal agreements will be used to ensure that appropriate mitigation measures are provided.

Noise can be considered a pollutant if it causes disturbance on account of its volume or its irregularity. Noisy activities should be located away from noise sensitive development therefore and it may be necessary to mitigate the impact of noise through layout, engineering or administrative measures. The tranquillity of the countryside is diminished by the penetration of noisy activities which include heavy traffic, low-flying aircraft and noisy sports activities such as motor sports.

The government is committed to improving air quality by reducing air pollution. The main sources of air pollution are emissions from road transport and industrial processes. Where an environmental statement is prepared to accompany a planning application an air quality assessment must be included. A general Air Quality Assessment has been prepared by the Council which is being monitored. The effects of traffic pollution are generally addressed through efforts to reduce the need to travel and through reducing dependency on private cars which is expressed in travel plans. The planting of trees and woodland particularly along transport corridors is encouraged as a means of removing air-borne pollutants and particulates.

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. 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.

CP26 Contaminated land

Development on contaminated land will be permitted provided that:

- 1) a satisfactory site investigation assessment report is submitted which details the type and extent of contamination**
- 2) a satisfactory scheme of remediation and restoration is proposed**

Previously used or brownfield land that is contaminated or thought to be contaminated must be brought back into beneficial use as soon as possible in order to use scarce land resources efficiently. It is current government policy to encourage the use of brownfield sites in preference to greenfield sites. In 2001 the City Council published its Contaminated Land Strategy. This sets out its statutory responsibilities in relation to contaminated sites and identifies the process whereby it will identify such land. Priority in the redevelopment of derelict and contaminated sites will be given to those in urban locations. The redevelopment of contaminated sites such as former gasworks, sewage works, waste disposal and metal processing sites can provide a means of cleaning up sites which remain a threat to health or the wider environment. The responsibility for providing information on whether the land is contaminated rests with the developer. Liaison with the Environment Agency is advisable. The City Council maintains a public register of contaminated sites as required under the Environmental Protection Act 1990.

CP27 Derelict Land

Development involving the reclamation of derelict land and buildings will be permitted provided that the use is appropriate to the location, and the development and accompanying landscaping are in keeping with the surroundings. Where the derelict land has reverted to a natural state its quality will be taken into account in any decision about its future development.

The City, in particular, has a long industrial heritage. The reclamation of derelict land can provide development opportunities and these involve environmental enhancement to ensure any development integrates with its surroundings. In addition, areas that have been derelict some time may provide important wildlife habitats. Where appropriate, the City Council will encourage developers to safeguard such habitats.

CP28 Recycling of waste

Residential developments of 20 dwellings or more, business, industrial or commercial floorspace of 300 m² or more, or for retail floorspace of 500 m² or more must be accompanied by a waste audit at the planning application submission stage. The audit shall comprise an estimation of the type and volume of waste that the development will generate both during construction and, where possible, during occupation and the waste management options to be employed to manage this waste. Waste audits will be assessed against the hierarchy of options in the following order of preference:

- ◆ reduction in the amount of waste produced
- ◆ re-use of waste on site without significant processing
- ◆ recycling and/or composting of waste on-site
- ◆ recycling and/or composting of waste off-site
- ◆ disposal of waste on-site
- ◆ disposal of waste off-site

All such planning applications shall also include facilities for the storage, collection and recycling of waste.

To encourage waste elimination in line with sustainable development policy, including the RPG draft Policy EQ8 and Policy ST1 of the emerging Cumbria Structure Plan 2001-2016, new employment developments must be accompanied by a waste audit. The audit should include the type and volume of waste that the development will generate and the steps taken to reduce, reuse and recycle any waste that is produced, both through the development process and once the development is occupied. The design and incorporation of recycling and composting facilities within new development will assist the effort to create opportunities for recycling in commercial developments.

POLICY E56

Access and Mobility

When considering proposals for new development including changes of use where the public are to have access, the provisions of Part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings. In addition the City Council will seek to ensure that pedestrianisation schemes and the general pedestrian environment are designed to accommodate the needs of the disabled, elderly, blind and partially sighted and others with mobility problems.

Reasons/Explanations

2.217 The City Council has a statutory obligation to consider the needs of the disabled in all new development, including extensions and changes of use. The Disabled Persons Act 1981 requires that appropriate provision should be made for access by disabled people. This Policy ensures that the needs of the disabled and others with restricted mobility are taken into account when proposals for development are considered. Highway improvements, pedestrianisation schemes, and the general pedestrian environment should be designed to facilitate access for the disabled, elderly, blind and partially sighted and others with mobility problems. Measures should include the consistent positioning of street furniture (which should be kept to a minimum) so that it is detectable with a cane and does not cause a nuisance to people in wheelchairs and those with pushchairs. The use of dropped kerbs and tactile surfaces at road crossings will be safer for blind people.

2.218 In addition, the City Council will seek to adapt existing outdoor recreational or leisure facilities such as nature reserves, footpaths and other designated primary leisure areas, and design any such new facilities to accommodate where possible disabled users. Examples of this are the disabled fishing platform in Rickerby Park which allows wheelchair access directly from a path adjacent to a parking area, and Kingmoor Nature Reserve with its network of wheelchair accessible paths, trails for the blind and partially sighted, and variety of seats for those who need to take frequent rests.

POLICY EM17

Access

When considering proposals for new employment related development, including extensions, where the public are to have access, the provisions of part M of the Building Regulations will apply. Beyond this requirement, the City Council will seek to negotiate the extent of provision for disabled people to, from and within buildings.

5.76 There is a statutory obligation placed upon local planning authorities to consider the needs of the disabled in all new developments which require access by the public, including extensions and changes of use. The Access Committee for England has published design guidance notes for developers, and the City Council will produce supplementary planning guidance on disability and access, which will be taken into account when considering development proposals.

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Policy S16

Access

The City Council will negotiate with developers to ensure that proposals for retail development take account of the needs of the disabled, the elderly and those with pushchairs in the provision of parking, access to and from the building and adequate circulation within the building.

Reasons/Explanations

6.80 Paragraph 55 of PPG1: *General Policy and Principles*, suggests that the development of land and buildings provides the opportunity to secure a more accessible environment for everyone, including wheelchair users, people with other disabilities, the elderly and people with pushchairs.

6.81 The development of new shops provides an ideal opportunity to fulfil this requirement and the City Council will encourage developers, through negotiation, to consider these matters at an earlier stage in the design process. The City Council's Access Officer is able to offer advice to developers and has produced Supplementary Guidance to provide further advice.

POLICY L20

Access

Proposals for the development of leisure, recreation and community facilities should seek to take account of the needs of the disabled for parking, access to and from the building and circulation within the building.

Reasons/Explanations

7.67 Access to leisure, recreation and community facilities play an important part in peoples' everyday life, whether able bodied or disabled. It is therefore important to ensure that facilities and equipment for people with disabilities are provided and that adequate access into the building can be achieved by all sections of the community. In addition, a network of facilities which reflects the distribution of the residential population in the District will be encouraged so as to minimise travel distances and maximise access opportunities for people with disabilities.

CP29 Accessibility, Mobility and Inclusion

The layout and design of any development will be encouraged to meet the highest standards of accessibility and inclusion for all potential users regardless of disability, age or gender. Development proposals will be expected to demonstrate that they have made provision for easy, safe and inclusive access to, into and within buildings and facilities through the submission of an access statement alongside their planning application. The need for adequate parking facilities for disabled people should also be taken into account.

Facilities for disabled people should be included in proposals for extending and altering buildings and open spaces and changes of use where they are to be used by the public, in accordance with Part M of the Building Regulations 2004 and the Disability Discrimination Act 1995. Beyond these requirements, the City Council will seek, where applicable, to negotiate the extent of provision required for disabled people.

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- in terms of street furniture, circulation areas and pedestrian routes
- Location of any development proposal in relation to its potential users, customers, employees
- Accessibility by all transport modes and provision for parking for disabled people
- Provision of on site facilities e.g. baby changing facilities, public toilets, disabled parking, lifts and appropriate signage.

Consideration should also be given to the guidance in 'Better Access' produced by Carlisle City Council, regarding building details and accessibility for all and BS 8300: 2001 'Design of buildings and their approaches to meet the needs of disabled people- Code of Practice'.

Creating an inclusive 'Barrier free' environment where everyone can participate equally and fully is an essential objective of sustainable development. The Disability Discrimination Act 1995, reinforces this view giving disabled people important rights of access to everyday services. 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 disabled people, the sensory impaired and others with restricted mobility are taken into account when proposals for development are considered. Part M of Schedule 1 to the Building Regulations 2004 imposes requirements on the design and construction for non-domestic buildings to make them accessible for all people.

Access to new buildings and public open space, and their approaches and space around them should be designed in a way to allow freedom of movement for all. The provision of a range of modes of transport including access for pedestrians, cyclists and non car users should be put in place and considered in the early design stages of a development.

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 an Access Statement, how they have sought to balance these competing objectives.

POLICY T15**Cyclists & Pedestrians**

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

Reasons/Explanations

3.67 This Policy seeks to encourage walking and cycling as acceptable alternatives to the private car and is therefore consistent with the sustainable Strategy of the Plan. Shopping, leisure, education and employment trips all have the potential to be undertaken by cycling or walking and so reduce the reliance on the private car.

3.68 Carlisle City Council in conjunction with Cumbria County Council have approved a number of cycle routes within Carlisle. All these provide safe routes for cyclists avoiding busy junctions and will hopefully encourage more people to cycle rather than use cars. Some of these routes have been provided and the remainder are shown on the Proposals Map. Additional routes will be promoted during the Plan period. Improvement of facilities for cyclists will be allied to environmental enhancement schemes, or measures to restrict vehicular access.

3.69 In major new allocations of development land provision of footpaths and cycleways will be required. The City Council will also require appropriate provision for access and secure parking facilities for cycles in all new development where there is access by the public.

3.70 Although cycling as a means of journey to work was only 2.8% in the urban area (1991 Census),

cycling facilities should be provided as part of new development. The normal standard of provision is one cycle space per eight car parking spaces required by the development, with a minimum of two cycle spaces irrespective of car parking requirement. In large out of town retail stores the required provision is one cycle space per 16 car parking spaces. Educational provision should be two spaces per eight students. Where there are 10 or more spaces these should be located under cover, be well lit and appropriately signposted.

3.71 In designing pedestrian and cycle routes care should be taken to ensure that areas are safe for pedestrians and cyclists not only from a traffic point of view but also to ensure that neither a sense of fear is created, nor crime encouraged by isolating the route from other activities, especially at night. Cycle parking facilities should be located as close as possible to the destination served, in secure positions where surveillance by passers-by is maximised.

3.72 A high proportion of travel is local. Improving the ease of getting to local facilities on foot or bicycle is an important way of reducing dependence on cars, and are a cheap, pollution free and healthy means of travel. Priority measures for both pedestrians and cyclists combined with traffic calming measures can help to make walking and cycling safer.

CP30 Public Transport, Pedestrians and Cyclists

Existing provision for cyclists and pedestrians will be protected, promoted and enhanced. All new development, accessible by the public, should include provision for safe and convenient pedestrian and cycle access, including secure cycle parking facilities where appropriate. New development should help to create places that are sustainably well connected with each other, providing the right conditions to encourage walking, cycling and the use of public transport.

In assessing the suitability of new developments account will be taken as to the availability of alternative modes of transport to the private car to ensure that new sites can be reached sustainably. In considering the layout of a proposal, care should be taken to ensure that the needs of pedestrians and cyclists are placed before other traffic.

This policy seeks to promote the use of alternative means of transport to the private car through requiring adequate provision to be made in association with new development and safeguarding and enhancing existing provision in line with guidance in PPG13. This not only serves to reduce emissions and improve safety, but also enables those without regular access to a car to have access, promoting social inclusion. In addition existing or planned cycle or pedestrian routes will be protected unless a suitable alternative can be provided.

In designing pedestrian and cycle routes care should be taken to ensure that areas are safe for pedestrians and cyclists not only from a traffic point of view but also to ensure that neither a sense of fear is created, nor crime encouraged by isolating the route from other activities, especially at night. Cycle parking facilities should be located as close as possible to the destination served, in secure positions where surveillance from passers-by is maximised. Normal standards for cycle parking are one space per eight car parking spaces with a minimum of two cycle spaces per development. Educational provision should be two spaces per eight students. In development accommodating ten or more cycle spaces appropriate shelter, lighting and signage should be provided.

The Council will seek to ensure that major new developments or the expansion of existing sites are capable of being served by public transport and where appropriate will require contributions from developers for the provision of, or improvements to public transport facilities.

Applicants will be expected to submit a Transport Assessment in accord with national guidance for large-scale proposals demonstrating how the proposal seeks to minimise the need to travel and encourage journeys by sustainable modes. A Green Travel Plan which promoting sustainable transport solutions should also be included within the assessment, or on its own for smaller scale non residential projects not requiring a transport assessment but likely to

generate a significant increase in traffic. Guidance as to the scale of development requiring this additional information is listed in policies T27 *Transport Assessments* and T28 *Travel Plans* of the Cumbria and Lake District Joint Structure Plan 2001-2016, Deposit Plan, May 2003.

POLICY L5
Rights of Way

The City Council will seek to retain all existing bridleways, footpaths and rights of way and to establish new routes wherever possible. New development should seek to maintain the existing rights of way network and provide replacement routes for any lost to new development.

Reasons/Explanations

7.32 There is an extensive system of public footpaths and bridleways within the Plan area. These rights of way provide opportunities for local walks and perform a valuable leisure function. It is important that existing footpaths are safeguarded. Diversion and closure of footpaths remains the responsibility of the Highway Authority, however the City Council is consulted and will normally resist development proposals which would prejudice the amenity of footpaths, unless an adequate alternative route for the right of way is provided.

7.33 When new development abutting footpaths is proposed, suitable landscaping and means of enclosure will be required.

7.34 Wherever possible, opportunities for extensions or links with other rights of way should be explored. Within the City Centre priority will be given to improving paths within and linking the river valleys and major open spaces. The East Cumbria Countryside Project and the City Council's Department of Leisure and Community Development have carried out valuable work in developing and interpreting the rights of way network in the District, including physical improvements, signposting and the publication of interpretation leaflets. The Council will encourage and undertake further work of this type.

CP31 Rights of way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Carlisle District has an extensive system of public footpaths and bridleways. These rights of way are a valuable resource providing opportunities for local walks and as such provide an essential leisure function. It is important that these rights of way are safeguarded. When new development abutting footpaths is proposed, suitable landscaping and means of enclosure will be required by the developer.

Development proposals may sometimes present opportunities to provide new footpaths or improvement to existing ones to bring them to a standard suitable for use by all. Agreement will be sought between the authority and the developer(s) to try and exploit this opportunity should it arise.

Whilst diversion and closure of footpaths remains the responsibility of the Highway Authority, the City Council is consulted and will normally resist development proposals that would prejudice the amenity of footpaths, unless an adequate alternative route for the right of way is provided.

POLICY L2

Primary Leisure Areas

Within Primary Leisure Areas and other significant leisure areas proposals, that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

Reasons/Explanations

7.23 The Primary Leisure Areas are the main focal points for leisure activities. They include the Sands Centre, Tullie House, community centres, the Sheepmount, other areas of public open space and parkland as well as privately owned leisure facilities. It is important that these Primary Leisure Areas should be retained and that opportunities are given for the development of new buildings and facilities to keep pace with current needs.

7.24 This Policy includes a presumption in favour of leisure, sport and recreational development in appropriate locations. Any new development should harmonize with its surroundings, and in areas of parkland, proposals for the erection of new recreational buildings should incorporate careful design, siting and landscaping.

7.25 It is important that Primary Leisure Areas and other important leisure facilities such as village halls and playing fields are protected from inappropriate development. Inappropriate proposals include non-leisure development and changes of use from leisure. Where it can be conclusively shown that an existing area of land or building is no longer needed for leisure purposes, consideration will be given to an appropriate alternative use.

CP32 Primary Leisure Areas

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

- 1. an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or**
- 2. there is an assessment as set out in PPG 17 demonstrating a lack of need for the open space.**

Primary Leisure Areas are shown on the Local Plan Proposals Map and cover a range of sites used for leisure activities, from small areas of amenity land with a few seats to Rickerby Park. They include the Sands Centre, Tullie House, community centres, the Sheepmount, school and other playing fields and privately owned leisure facilities such as football or rugby clubs. In the rural area facilities such as village halls and village greens are identified as Primary Leisure Areas. It is important that these sites and buildings should be retained and that opportunities are given for the development of new buildings and facilities where appropriate to keep pace with current needs.

This Policy includes a presumption in favour of leisure, sport and recreational development in appropriate locations. Any new development should harmonize with its surroundings, and in areas of parkland, proposals for the erection of new recreational buildings should incorporate careful design, siting and landscaping.

It is important that all land and buildings identified as a Primary Leisure Area are protected from inappropriate development. Inappropriate proposals include non-leisure development and changes of use from leisure. Where there is evidence that an existing area of land or a building is no longer needed for leisure purposes, consideration will be given to an appropriate alternative use.

In the urban area there is a total of 96.41 hectares of playing field space providing an allocation of 1.377 hectares per 1,000 population of play space and play area. This is very slightly below the guidance level, which was previously set at the national level. This figure however, does not take into consideration the dual use of playing fields which are under school ownership, many of which the community can use as a recreational facility outside of school hours. The dual use of facilities in this way provides the community with the desired level of playing field provision. A similar assessment of the amount of play area to population will be undertaken and where shortfalls exist these areas will be protected from development.....

The Council is currently undertaking an assessment of the existing and future needs of the population for open space, sports and recreation facilities, together with an audit of existing open space, sports and recreational facilities in line with the requirements of PPG 17: Planning for Open Space, Sport and Recreation. This assessment and audit will allow the Council to identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the District. They will form the basis for establishing an effective strategy for open space, sport and recreation at the local level, and will be linked to the Community Strategy.

It is recognised that not all open space, sport and recreational buildings and land are of equal merit, and some may be available for alternative uses. Prior to the Council completing the above assessment and audit, any applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.

CP33 Amenity Open Space

Permission will not be granted for development that would result in the loss of amenity open spaces within settlements.

This Policy recognises the need to retain open spaces which contribute to the character of settlements, whether or not there is public access. Planning Policy Guidance, contained in PPG 3: Housing, and PPG 17: Planning for Open Space, Sport and Recreation, identifies the need to retain valuable amenity open space which can include parks, playing fields, informal open space, allotments and private gardens.

Land subject to this policy is shown on the Proposals Map as Amenity Open Space. It has been selected on the basis that the land is of public visual amenity value, and therefore visible from a public place, including roads and footpaths. The areas are considered to be prominent in the street scene and make a positive contribution to the visual amenity of the area. In residential areas, such open spaces are considered to enhance the outlook and enjoyment of nearby properties. The contribution of trees, shrubs, grassland, water or other landscape features has been taken into account in designating amenity open space.

Within the smaller settlements of Brampton, Longtown, Dalston and the many villages within Carlisle district, amenity open spaces often provide important views within villages or from villages to the open countryside. They provide visual and physical contrasts with the built environment. Sites such as those with mature trees, gardens or orchards are often important features which contribute to the character of the village. In addition, the grounds of many churches provide attractive open areas suitable for quiet contemplation and also of value to wildlife.

However, it is not only open space within residential areas that is subject to this policy. Important landscaping within industrial estates, along major traffic routes and associated with other uses is also designated as amenity open space. Landscaped areas are often an integral part of the environment, and their piecemeal erosion for development should be avoided.

The range of open space that is covered by this Policy can provide significant opportunities for enhancing the value of an area for wildlife through, for example, such measures as small scale planting, mowing regimes or the creation of wildlife gardens as a recreational and educational resource.

CP34 Planning Out Crime

The design of all new development must contribute to the requirement for security and crime prevention to help create a safe and secure environment minimising the opportunity for crime. The following points should be taken into account in development proposals:

1. Security measures should be an integral part of the design
2. Building design should deter criminal and antisocial activity through natural surveillance
3. Public and private spaces should have clearly defined boundaries
4. Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment
5. Landscape design should prevent opportunities for concealment and access to property
6. Lighting should deter criminal and antisocial behaviour whilst minimising light pollution
7. Buildings, signs and public spaces should be designed to minimise the opportunities for vandalism and graffiti.
8. A sense of neighbourhood should be created
9. Closed circuit television may be considered necessary in certain circumstances

The planning system can be instrumental in producing environments that are well managed, lively and attractive, which discourage crime and anti social behaviour. 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 developments 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.

The Council has supplementary planning guidance 'Designing Out Crime in Residential Areas' which was produced in line with the then DoE circular 5/94 'Planning out Crime' which states that "there should be a balanced approach to design which attempts to reconcile the visual quality of a development with the need for crime prevention."

It is intended that this policy will take this guidance further and ensure that the principles are applicable to all types of development.