



**STANWIX RURAL PARISH COUNCIL**

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## **CONSULTATION RESPONSE**

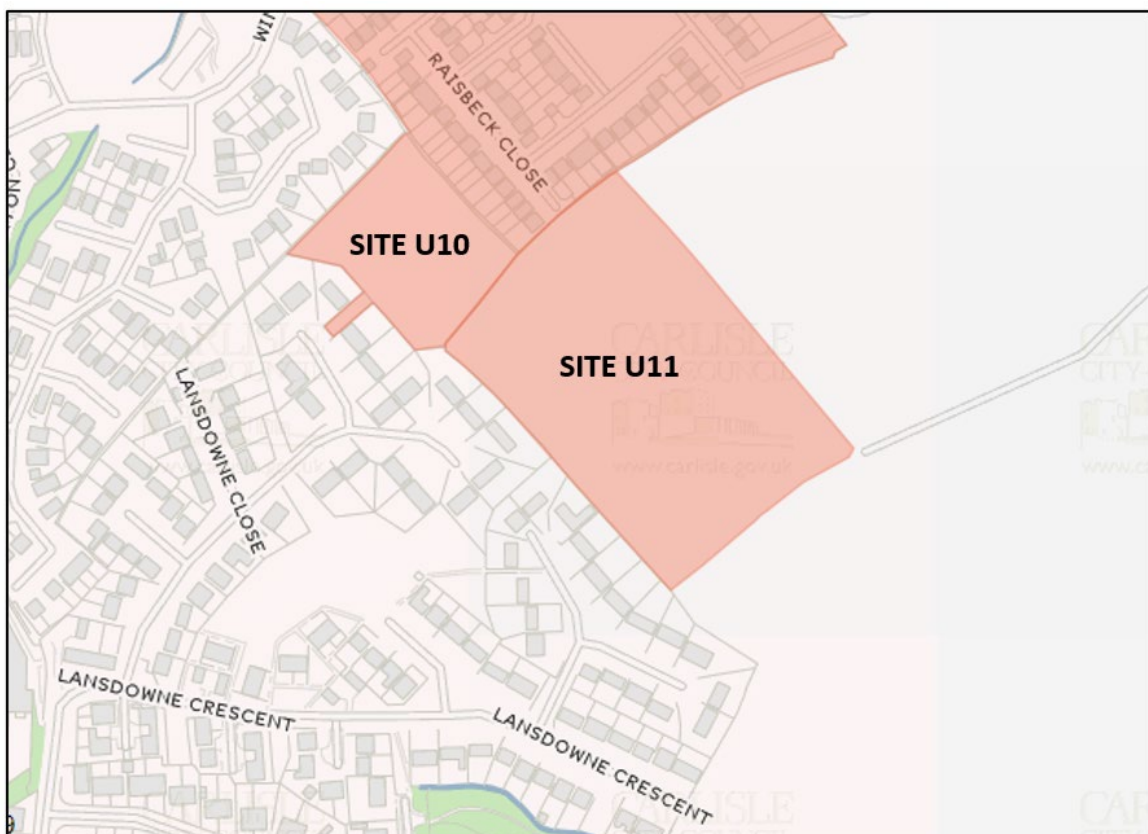
**Appn Ref: 22/0297**

**Location: Land to the east of Lansdowne Close/Lansdowne Court, Carlisle**

**Proposal: Erection Of 101no. Dwellings With Associated Parking,  
Landscaping, Drainage And Surface Water Attenuation, Public  
Open Space And Access**

## 1 SITE

- 1.1 The greenfield site occupies the south western end of a low elongated hill, lying on north east to south west alignment, approximately 200m to the north west of Hadrian's Wall.
- 1.2 The majority of the site is identified in the Carlisle District Local Plan 2015-2030 (CDLP) as U11: Land off Windsor Way and land east of Lansdowne Close/ Lansdowne Court – MAP A below. A lesser part of the proposal site, to include a proposed access road and SUDS pond, lies outside U11 and intrudes into the Buffer Zone of the Hadrian's Wall World Heritage Site - designated by the United Nations in 1987 in recognition of it comprising the most complex and best preserved of the frontiers of the Roman Empire.
- 1.3 The CDLP describes the site as, agricultural grassland bordered by mature hedgerows *"...which are likely to provide wildlife corridors and habitats for a variety of species."*
- 1.4 Currently, the site does not have vehicular access.



**MAP A – EXTRACT FROM CARLISLE DISTRICT LOCAL PLAN 2015-30  
SITE NUMBERS ADDED**

## 2 ACCESS

2.1 Page 233 of the CDLP states of site U11 and adjacent site U10:

*“Careful consideration needs to be given to the relationship/boundary between the two sites, as U11 is landlocked.”*

And:

*“Therefore the development of U10 must maintain access to U11.”*

2.2 However, development of U10 to provide 19 dwellings, under approved Application Ref: 17/0093, sealed off access to U11 which, according to the CDLP must now be considered to be ‘landlocked’.

2.3 The CDLP further states at page 233:

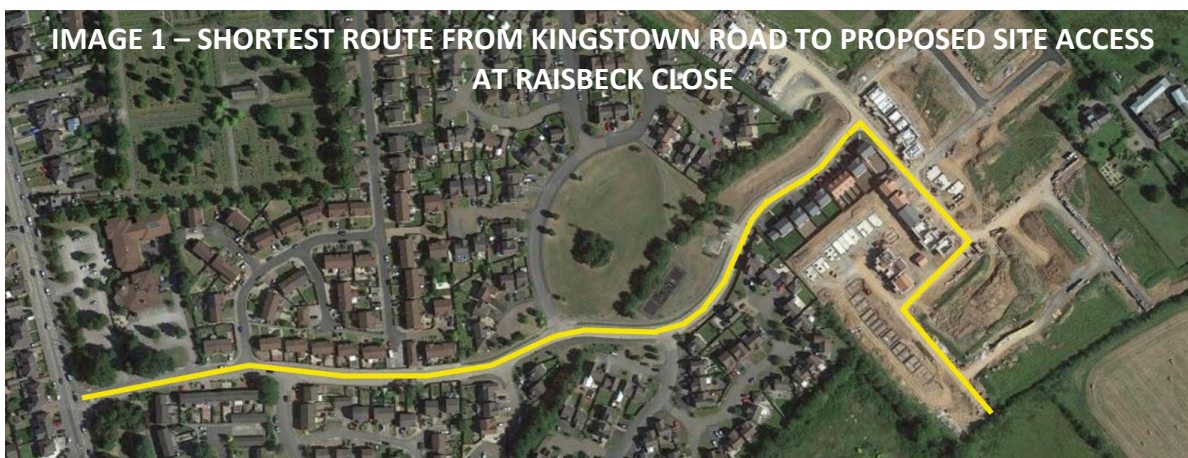
*“Highways Advice: The Highway Authority has expressed some concern over traffic generation, and indicated that a loop road would be required so that a bus service can access the site and the adjoining housing area. Capacity issues are likely with M6 junction 44 and onto Kingstown Road, as well as other major junctions to the north of Carlisle. Any further development will need improvements to the resilience of the site (i.e. additional access points).*

2.4 Despite the site now being landlocked according to the CDLP, the applicant proposes 2 points of site access from the A7 Kingstown Road, these being at the existing termination points of Raisbeck Close and Lansdowne Crescent.

Addressing each in turn.

2.5 Raisbeck Close:

Using the shortest route the Raisbeck Close access point lies approximately 800m (875yds) i.e. approximately half a mile from the A7 Kingstown Road - IMAGE 1 below, and is reached first via Windsor Way and then via Edderside Drive and Raisbeck Close. This route terminates in a cul-de-sac formed by the south eastern stub Road end. Windsor Way is approximately 7m wide. Edderside Drive and Raisbeck Close are each 5m wide, and have right angle corners rather than bends. Raisbeck Close is bounded by footways of 2m in width at this point.



2.6 Lansdowne Crescent:

Using the shortest route the Lansdowne Crescent access point lies approximately 750m (820 Yds) i.e. approximately half a mile from the A7 Scotland Road - IMAGE 2 below, and is reached first via Beechwood Avenue and then via Lansdowne Crescent. This route has a 90° bend and terminates in a circular turning head forming a cul-de-sac. Lansdowne Crescent is 5.45m in width at this point.



2.7 General Overview of Access Issues

Cumbria Highways consultation response, of 21 April 2022, states:

*“A carriageway of 4.8m will allow a HGV and a car to pass without the need to give way, whilst a 5.5m carriageway will allow 2 HGV’s to pass each other without the need to give way.”*

2.8 This statement appears to be based upon an unrealistic model presupposing the entire absence of obstructions such as parked vehicles, or junctions with 90° corners of necessarily restricted radius.

2.9 However, Raisbeck Close is only 5m in width - IMAGE 3 below, and although the maximum width of a HGV is 2.5m (not including side mirrors), Part IV B, Paragraph 82 (2) (b) of The Road Vehicles (Construction and Use) Regulations 1986 (As Amended), allows for a lateral projection (i.e. a load overhanging the side of the vehicle) up to a maximum overall vehicle and load width of 2.9m.

2.10 Clearly, therefore, 2 such vehicles having a combined width of 5.8m would **not** in fact be able to pass without giving way on Lansdown Crescent, 5.5m, or Raisbeck Close 5m.



**IMAGE 3 – RAISBECK CLOSE PROPOSED ACCESS POINT**

**It is important to note that the edge of the narrow carriageway at the proposed Raisbeck Close access point lies just a little over 2.m from the wall of a dwelling.**

- 2.11 The applicant's Transport Assessment refers only once to swept paths (i.e. the envelope swept out by the sides of the vehicle body, or any other part of the structure of the vehicle) stating:  
*"4.14 Turning heads are provided and tested using swept path analysis to ensure a 10.5m refuse HGV can enter and egress in forward gear (Appendix 2)."*
- 2.12 Appendix 2 of the Transport Assessment does not, however, refer to swept paths. This subject is addressed in Appendix 3, which examines only a generic example based upon a refuse collection truck.
- 2.13 Thus, the only consideration given to actual or likely swept paths appears to be a single reference to a refuse collection vehicle operating within the confines of the proposed new road layout. There seems to be no Swept Path Analysis provided in respect of existing approaches to the site and how these might be impacted by the passage of construction traffic, which may include articulated HGVs or low loaders carrying construction plant, or of anticipated post occupation attendance by large vehicles.
- 2.14 As can be seen from IMAGE 4, below, the gate at the end of Lansdowne Crescent is new. The Parish Council is informed that this access was created as recently as 2021 when the hedgerow was removed by United Utilities, in order to gain access to the field for the purpose of conducting works, and later replaced with a fence by that company. The Parish Council is further informed that part of this fence was replaced by the new gate later in 2021.

- 2.15 The hedgerow at the terminus of Lansdowne Crescent, from which the section was removed, is deemed to be 'important' and 'protected' by The Hedgerows Regulations 1997



- 2.16 Prior to removal or partial removal of any section of these hedges the submission to the local planning authority, of a Hedgerow Removal Notice is required. This requirement extends to statutory undertakers, and United Utilities have confirmed to the Parish Council that it created the access, which was fenced, rather than gated, on completion of the works – the fence and gate have since been removed and the hedge re-instated by residents.
- 2.17 In the event that a local planning authority receives a hedgerow removal notice The Regulations require that the Parish Council is consulted. In this case the Parish Council was not consulted and Carlisle City Council has confirmed that no application for consent to remove this section of hedgerow appears in the record.

- 2.18 It is therefore quite possible that the hedgerow has been removed without the required consultation and consent, in contravention of The Hedgerow Regulations 1997, and exposing the responsible party to the risk of unlimited fine.
- 2.19 However, the local authority has legal powers to direct the responsible party to remove the fence and gate, to replace the hedgerow, and to ensure that this is done. The Parish Council strongly urges that this course of action is pursued with the utmost vigour.
- 2.20 Sheet 4 of the applicant's Underground Utility Survey shows gas and water infrastructure running in a northwest/southeast alignment toward the terminus of Lansdown Crescent. These assets lie in protection zones at the proposed Lansdowne Crescent access point, which would be required to also encompass the new United Utilities asset at the terminus of Lansdown Crescent.
- 2.21 However, in its consultation response of 19 May 2021 United Utilities states:  
*"United Utilities will not allow building over or in close proximity to a water main. United Utilities may not allow building over or in close proximity to a public sewer."*  
UU also refers to an easement dated 07/03/1966 UU Ref: N1967, which has restrictive covenants that must be adhered to, and states  
*"Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access."*  
And:  
*"The easement described above includes an easement width of 15ft either side of the centre line of United Utilities water main and allows only for use as grass arable and garden purposes. We request confirmation from the applicant that the proposed SUDS area and access from Lansdowne Crescent are not within this 15ft strip."*
- 2.22 UU's statement therefore appears to suggest that the applicant may be denied use of proposed Lansdowne Crescent access point.
- 2.23 The Parish Council understands that there may also be other legal impediments to the provision of site access via Lansdowne Crescent. While it fully aware that these may be civil issues, and thus not material planning considerations, it contends that the ramifications, i.e. those arising from the possibility that only a single narrow site access may ultimately become available, are in fact a significant material planning consideration.
- 2.24 It is stated at paragraph 2.13 of the applicant's Planning Statement that parking spaces will be provided in accordance with Cumbria County Council Development Guidelines and the Application Form proposes 259 parking spaces.

- 2.25 Using the same guidelines to calculate and subtract the visitor parking requirement, of 47 spaces, leaves a balance of 212 residential spaces – the required number of disabled spaces is not subtracted here, as an unknown number of potential residents may have impaired mobility.
- 2.26 Thus, post occupation, up 424 additional vehicle movements per day may be generated by the proposal, not including those requiring disabled spaces, visitors and service and delivery vehicles (some of which may be large or HGVs).
- 2.27 It must also be borne in mind that, in general, vehicle ownership is increasing; also that a number of households will be occupied by persons who also rely upon the daily use of a light commercial vehicle – IMAGE 3, above. In addition drives are often insufficiently long to accommodate those having a longer wheelbase. This then reduces the overall availability of off-road parking space and of necessity leads to on-road parking – often with vehicles forced into close proximity on the carriageway, or being obliged to occupy part of the footway to allow the passage of other vehicles.
- 2.28 This effectively ‘planned in’ congestion inevitably leads to access issues for larger vehicles e.g. emergency services. A public meeting held in May, to address issues arising from the proposed development, heard from residents of Raisbeck Drive and Pennington Drive that alarmingly, due to parking congestion, a fire engine had been unable to readily gain the required ease of access to a recent incident.
- 2.29 Should access via Lansdowne Crescent become unavailable, as discussed above, then these additional vehicle movements would all be required to use the single Raisbeck Close access point.
- 2.30 Cumbria County Council Development Design Guide (the Guidance) states, at page1 that it: *“...takes account of current national policy, best practice national guidance...”*. And that: *“The government has placed an expectation on all planners and decision-makers to always seek to secure high quality design.”* And, at Appendix 4: *“Where development proposals however do not align with either the principles or guidance set out in this document it is likely that we will seek to resist and even may recommend refusal on those proposals in the interest of the users of the highway network and its primary role in providing safe and effective transport for all”*
- 2.31 The Guidance therefore stresses throughout that developers are expected to adhere to this guidance, stating at, at p11:  
*“Minimum standards for certain elements within a development are therefore necessary to ensure that new additions to the highway network are acceptable for adoption.*  
And: *It is for this reason, that a general description of the road types expected to form or connect to residential developments has been included here along with some baseline standards expected to apply to each type.”*



- 2.32 With regard to the minimum standards necessary to ensure general road types are suitable for adoption the Guidance provides the following definitions and specifications for types of new residential highway, stating these are: *“typical types of road which are be expected to make up a residential development”*. Descriptions are included: *“of the recommended attributes that each road should have in order to satisfy its functionality.”* [P 13]
- PRIMARY STREET – This links other roads which in combination give access to in excess of 300 dwellings **if more than two access points are provided, and it has an assumed carriageway width 5.5m** - 6m if it is bus route, with widening to 6.75m if on-street parking is also to take place.
  - SECONDARY STREET - a residential highway to serve up to and including 300 dwellings and **having a carriageway width of 5.5m**. Emergency vehicle access is required for more than 50 dwellings and a secondary vehicular access is required for more than 100.
  - SHARED SURFACE ROAD - a residential highway serving up to 25 dwellings as a cul-de-sac or 50 dwellings as a loop and have having **a nominal carriageway width of 4.8m**.
- 2.33 Having a carriageway width of 5m Raisbeck Close is patently a hybrid demonstrably closer in character to a 20cm narrower Shared Surface Road than to a 30cm wider Secondary Street. However, **if the Lansdowne Crescent access point is unavailable Raisbeck Close would then become the single 5m wide access serving well in excess 200 dwellings.**
- 2.34 The Guidance states that:  
***“The classification and treatment of a road appropriate to its function is essential in maintaining a reasonable balance between the safe and efficient accommodation of all road users without causing unnecessary delay or unreasonable hardship on any one particular group.”*** [Emphasis added]
- 2.35 Therefore, if it is to maintain any reasonable balance between the safe and efficient accommodation of all road users, the minimum standards necessary to ensure suitability for adoption, and remain within the parameters *“of best practice national guidance”*, Raisbeck Close, as either a Shared Surface Street or Secondary Street, is only capable of serving 25-100 dwellings.
- 2.36 It is clearly evident that serving in excess of 200 dwellings would render Raisbeck Close incapable of maintaining the required reasonable balance between the safe and efficient accommodation of all road users and the minimum standards demanded by *“best practice national guidance”*.
- 2.37 The Guidance also states: *“Residential developments, with their emphasis on people, means that the roads which serve them will be expected to have low traffic flows and low numbers of heavy vehicles using them.”*

- 2.38 If for any reason Raisbeck Close is compelled to serve well in excess of 200 dwellings, including the construction of 101 of these, then the long term traffic flow will double while during the construction phase it must channel HGV traffic, engineering plant, and other site traffic along a 5m residential road, sometimes within 2.5m of dwellings, for a perhaps lengthy period of construction. The impacts of construction, and subsequent daily use, of the future school site must also be considered.
- 2.39 It is abundantly clear that these impacts on Raisbeck Close are not appropriate to its function, and utterly fail to maintain any reasonable balance between “the safe and efficient accommodation of all road users” and most certainly would cause unnecessary delay and unreasonable hardship for residents of Raisbeck Close and the rest of Tarraby View.
- 2.40 These effects are manifestly contrary to the Guidance and also therefore to the current national policy and best practice national guidance from which it derives its authority.
- 2.41 A further effect of the constraints imposed by the nature of Raisbeck Close is that of prohibiting its use as a bus route. This currently requires residents Tarraby View to walk up to 850m to the closest bus stop in Kingstown Road. Residents of the proposed development would have a longer walk perhaps exceeding 1km.
- 2.42 These distances are a clear deterrent to the use of public transport and obviously have a significant impact on the quality of life and wellbeing of those affected by impaired mobility.
- 2.45 It is clear from IMAGE 3 that residents of Raisbeck Close, some of whose principle rooms may lie within 2.5m of the road, could then be exposed to the noise and vibration from over 400 additional daily vehicle movements, excluding service and delivery vehicles.
- 2.46 Should a Lansdowne Crescent point of access become available residents of that road would also be subjected to a significant increase in the number of daily vehicle movements past their homes. These movements, too, would include the impacts of service and delivery vehicles.
- 2.47 While the impact of post occupation traffic would be significant it pales in comparison with the likely major impact of construction vehicles and plant pounding the narrow residential carriageways of Raisbeck Close, Edderside Drive and Windsor Way and possibly Lansdowne Crescent.

2.48 *"The structural road wear attributable to vehicles is normally assumed to be proportional to the fourth power of the axle weight"* [UK Government Department of Transport online guidance]

The Metropolitan Transport Research Unit (MTRU) states that:

*"the heaviest HGV axle does over 150,000 times more damage than a typical car axle"*

Using the 4<sup>th</sup> power formula MTRU calculates the following comparative damage:

*"Comparison of HGV to car:*

*Car with 2 X .5 tonne axles 171,920 times more damaging*

*Car with .4 + .6 tonne axles 138,467 times more damaging*

2.49 MTRU continue: *"It should be noted, however, that such calculations have to be treated with caution in relation to vehicles which are able to lift axles off the road. This can change, for example, a 6 axle vehicle into a 4 axle vehicle. The trade-off is reduced vehicle costs but higher road damage. At maximum weights the lifting of axles should not be allowed, but at lower weights there is no real monitoring of how this is affecting road damage."* [MTRU Heavy Lorries - do they pay for the damage they cause?]

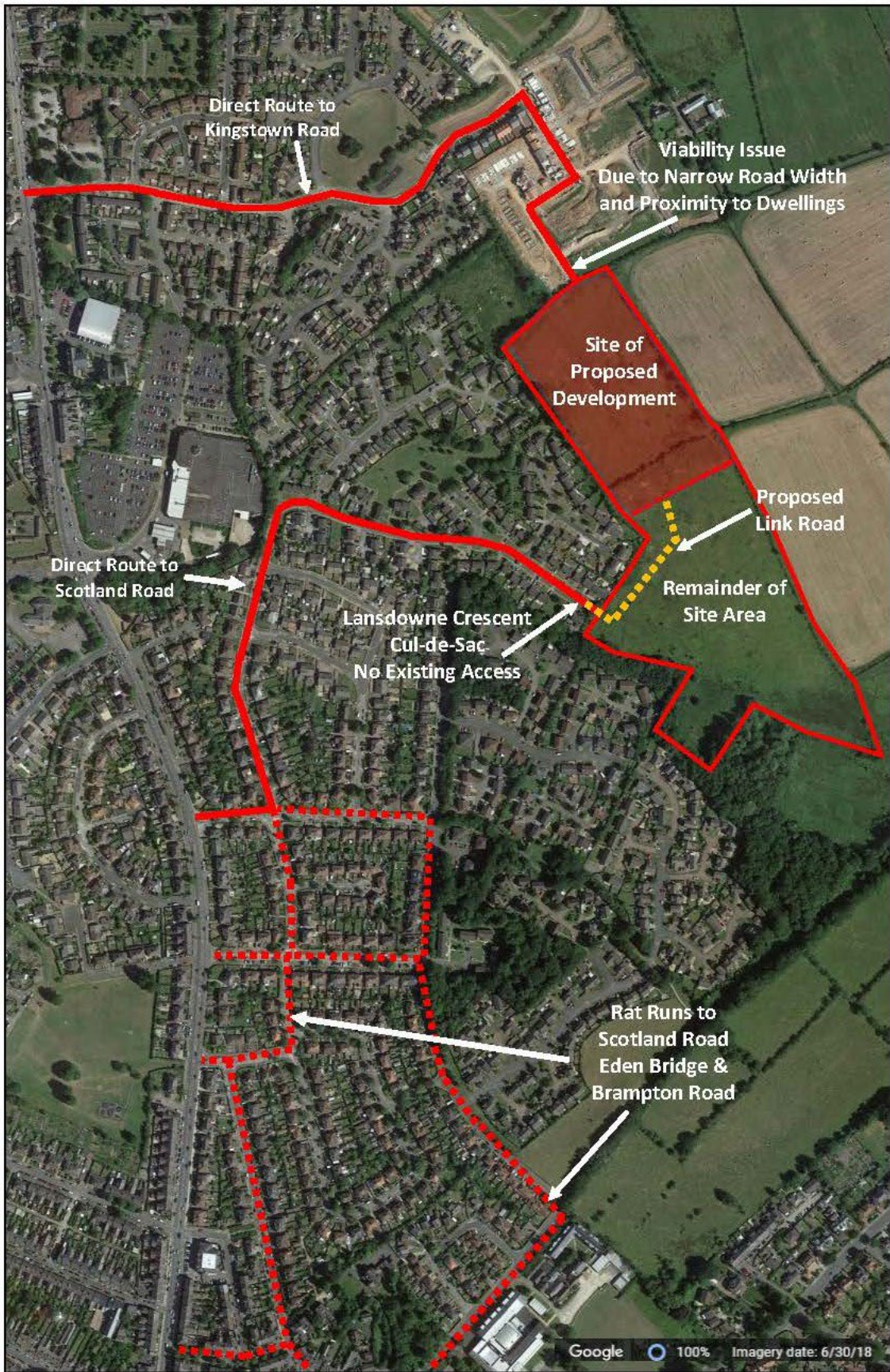
2.50 Each HGV accessing the site would therefore subject the residential approach roads to excessive levels of wear, and inflict damage equivalent to many thousands of cars. More importantly nearby homes, some very close to the carriageway, would also be subjected to significant noise and vibration.

2.51 Further impacts would be suffered from the effects of dust and perhaps other particulates arising from construction operations; diminished air quality arising from the passage of a significantly increased traffic volume, both during construction and subsequent occupation, with mud, and perhaps other substances, carried from the site onto neighbouring residential roads.

2.52 An impact that cannot be controlled is that of rat-running. Although opportunities for rat-running from the Raisbeck Close access are currently unavailable, future development may provide them. The road layout through Stanwix does, however, provide several alternative routes to Scotland Road, Stanwix Bank and Brampton Road - illustrated at IMAGE 5, below.

2.53 At the recent public meeting held in Houghton several Stanwix residents described existing problems with rat-running drivers using Knowe Road and Church Street to bypass traffic congestion on Scotland Road, and using Knowe Road and Well Lane to access Brampton Road in order to avoid congestion on Stanwix Bank.

2.54 These and other rat-runs bring impatient drivers into the vicinity of Stanwix Primary School, with obvious serious implications for road safety - especially that of pedestrians, including young children.

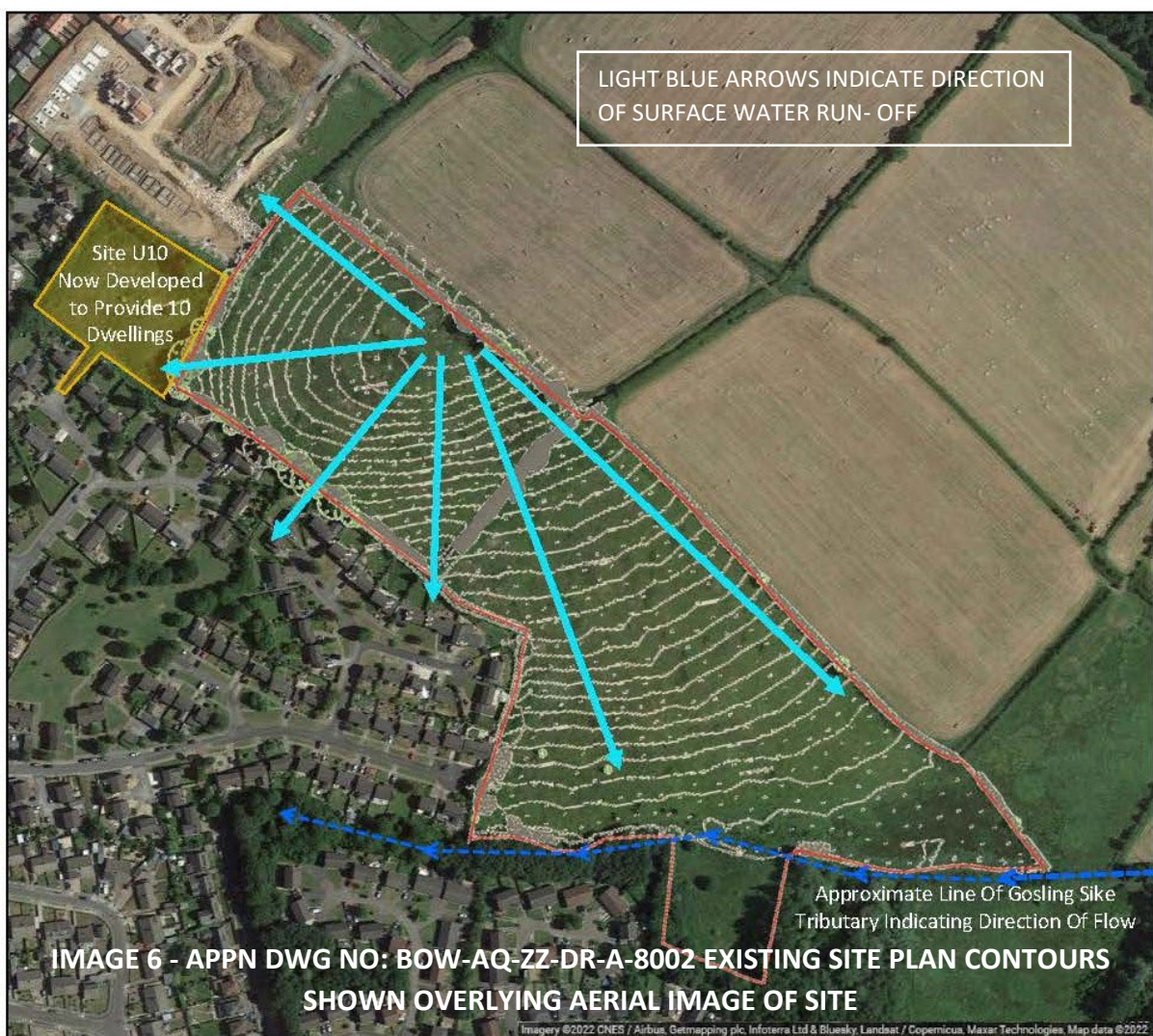


**IMAGE 5 – SHOWING VIABILITY ISSUES OF PROPOSED SITE ACCESS POINTS, DIRECT ROUTES, AND RAT-RUNS**

- 2.55 The layout and narrowness of the roads proposed as access routes, and their very close proximity to existing homes, therefore render Lansdowne Crescent, Edderside Drive and Raisbeck Close wholly unfit for use in accessing any site beyond their current termini. And, in the case of the Lansdowne access point the generation of a greater number of rat-running drivers will only serve to exacerbate an already dangerous situation near Stanwix Primary School.
- 2.56 It is beyond doubt that accessing the site via either proposed point would subject residents of Beechwood Avenue, Windsor Way, Edderside Drive, Lansdowne Crescent and Raisbeck Close to a significant long term increase in traffic volume; while the construction phase would, for a protracted period of time, require heavy vehicles to transit the route perhaps many times per day passing very close to family homes.
- 2.57 Approval of the proposed development would therefore condemn residents to suffer an assuredly devastating and totally indefensible impact upon their quality of life and, ultimately, upon their physical and mental well-being.

### 3 DRAINAGE

- 3.1 The site occupies the south western end of a low elongated hill, lying on a north east to south west alignment, approximately 200m to the north west of Hadrian's Wall.
- 3.2 IMAGE 6, below, shows the existing site plan contours overlying an aerial image of the site and includes additional detail to indicate the general flow of existing surface water run-off; and the approximate line and direction of flow of the Gosling Sike tributary beck, which application documents erroneously show as flowing in the opposite direction.
- 3.3 This tributary, like Gosling Sike, is designated as Main River by the Environment Agency.



- 3.4 It is evident from IMAGE 6 that surface water will run off toward dwellings lying in a arc from northeast to southwest. It is local knowledge that this run-off does not easily penetrate the subsoil, as recognised in the applicant's Flood Risk Assessment & Drainage Strategy (FRADS):
- "The use of infiltration methods for the disposal of surface water has been considered and is not deemed feasible due to the existing geological makeup of the site."*

This surface water run-off can often be heavy and residents whose homes adjoin the site report instances of significant inundation as surface water run-off cascades into gardens. Such an instance is evidenced in a video which the Parish Council believes to have been submitted in support of an objection – stills from which appear below as IMAGE 7.



- 3.5 However, the applicant’s FRADS states:
- “The Surface Water Flood Map below [Reproduced below using its original title - Figure 2 Surface Water (Pluvial) Map.] indicates there is a low risk from surface water (pluvial) flooding due to low risks around the site, moderate to high risks areas are highlighted outside of the site boundary to the South-East. The areas highlighted are at levels lower than the site as the site falls away North to South and West to East.*
- And that:
- “The risk of flooding from this source is therefore considered manageable and low.”*

A view no doubt of great comfort to any local residents whose gardens may sometimes resemble that illustrated at IMAGE 7, above.

**NOTE:** ‘Pluvial’ refers to surface water run-off usually associated with rainfall, while ‘Fluvial’ refers to flooding from rivers and the sea. The FRADS ‘Figure 2 Surface Water (Pluvial) Map’ is therefore not to be confused with that at Appendix D of the FRADS i.e. The Environment Agency (EA) Flood Map for Planning, of which EA explanatory notes state: “The flood map for planning shows river and sea flooding data only. It doesn’t include other sources of flooding.”

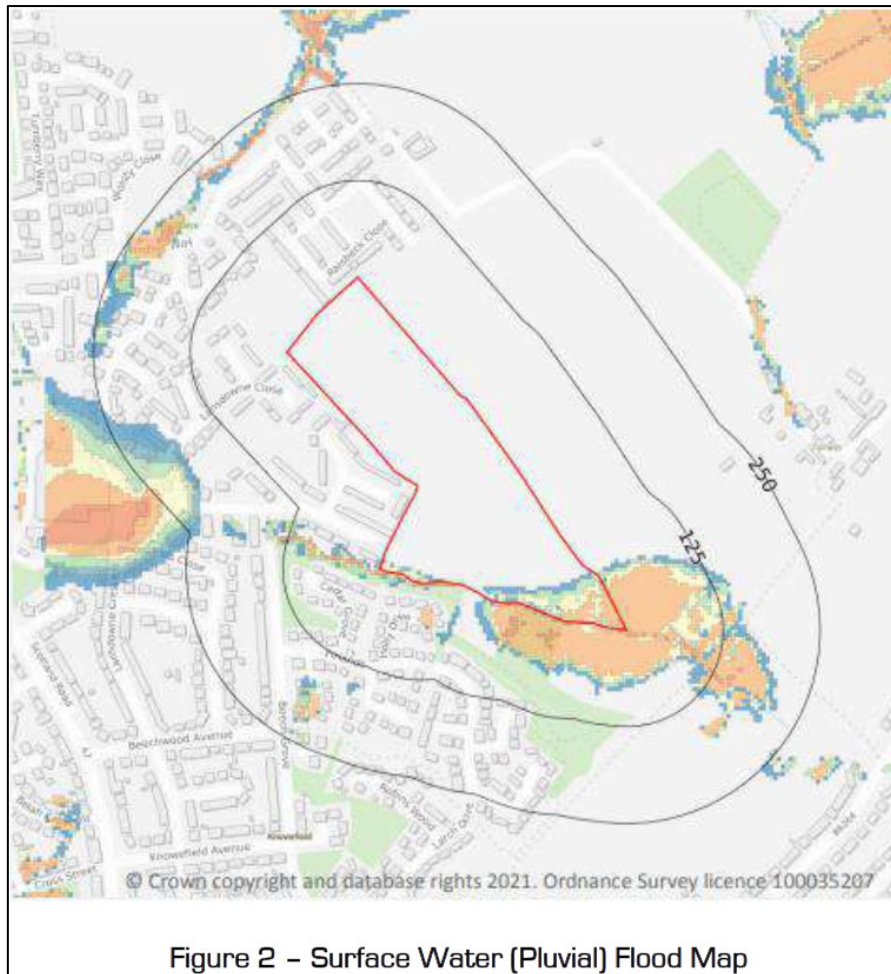
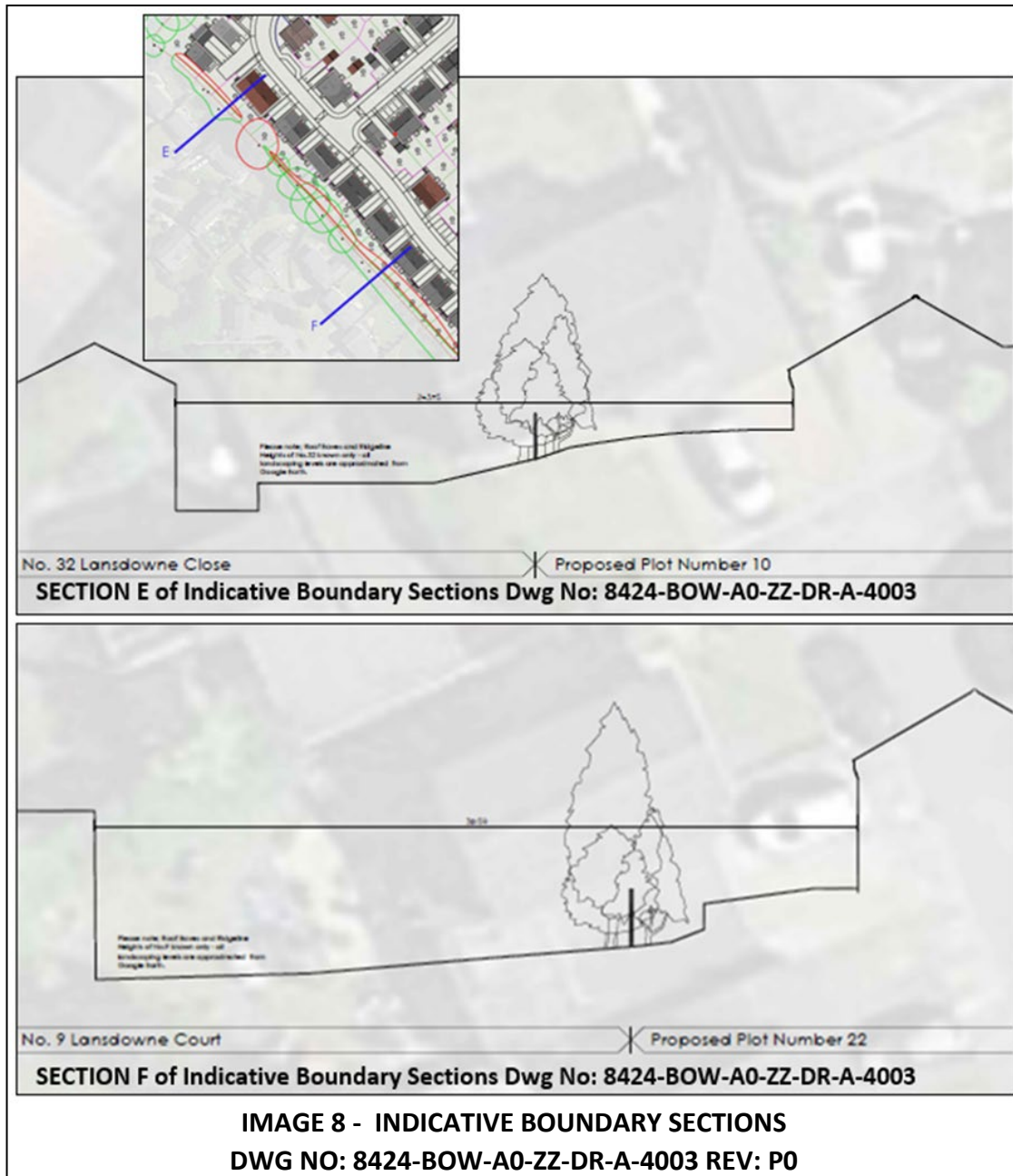


Figure 2 – Surface Water (Pluvial) Flood Map

- 3.6 The Surface Water (Pluvial) Flood Map appearing in the FRADS shows where surface water run-off will accumulate to a depth sufficient to be regarded as flooding. However, in order to accumulate it must first reach that point by flowing across intervening land – including domestic gardens. Reference to FRADS Appendix D shows that off-site areas of Lansdowne Close and Lansdowne Crescent lie in Flood Zone 3 and have a high probability of flooding. Pluvial overburden on Gosling Sike may then result in property inundation at these locations.
- 3.7 It is clear from IMAGE 6, above, that surface water running off the site, to accumulate at the locations shown on the FRADS Surface Water Pluvial Flood Map, will arrive at that point only after passing through existing property while some may remain pooled until action by the property owner, evaporation, or what little infiltration as may occur, can take effect.



- 3.8 Reference to the applicant's submitted Indicative Boundary Sections, Dwg No: 8424-BOW-A0-ZZ-DR-A-4003, reproduced (compressed) as IMAGE 8 below, shows the gradient fall from the site to neighbouring property. It must be remembered that these sections E- E and F- F are already at the foot of the overall site gradient.



- 3.9 Generic representations of trees shown on the Indicative Boundary Sections illustrate the actual treeline, largely defined by mature trees, that delineates the boundary between the site and adjacent dwellings. A number of these trees are situated within the curtilage of private gardens and the roots extending into the site must be protected, along with those of other on-site trees that are subject of Tree Preservation Orders (TPOs).

- 3.10 The need to provide root protection zones indicates that it would be impossible to install a drainage system close to and parallel with the site boundary, in order to mitigate the effects of additional run-off into neighbouring property from large new areas of impermeable surfacing.
- 3.11 All drainage would need to be to the front of new dwellings as shown in drawing D004 Rev 1 Overall Drainage Plan, of the FRADS. This clearly shows surface water drainage infrastructure situated beneath the roadways to intercept run-off via road-side gully drains.
- 3.12 In an attempt to overcome drainage issues the applicant proposes to drain the site via gravity piped network and an attenuation basin and states: *“Due to the proximity of the watercourse to the South of the site, it is deemed the most suitable discharge point for surface water.”* [FRADS page 11]
- 3.13 Referring to this watercourse the FRADS incorrectly states, at page 4: *“An existing watercourse marked as Gosling Sike on OS maps is located to the South of the development flowing West to East.”*
- 3.14 This watercourse is not identified on OS maps as Gosling Sike, that particular sike flows approximately northeast to southwest some 250m north and west of the site; while the watercourse identified in the FRADS is actually a tributary beck of Gosling Sike and does not flow West to East - but East to West.
- 3.15 With regard to foul drainage the FRADS states:  
*“Foul water from the development site is proposed to discharge at 4.68 litres/second into existing public combined water sewer Lansdowne Crescent to the West of the site as per the United Utilities Pre-Development Enquiry.”*  
However, for the reasons outlined at paragraphs 2.20 - 2.22, above, the applicant may be denied use of this sewer.
- 3.16 However UU advice contained in the pre-development enquiry, dated 5 August 2021, states: *“Our preferred point of discharge would be to the 225mm diameter public foul water sewer within Lansdowne Court.”*
- 3.17 It must be clearly understood that UU’s preferred point of discharge, Lansdowne Court, is not at the terminus of Lansdowne Crescent as proposed by the applicant – IMAGE 9, below; and that UU’s pre-application advice is now superseded by its consultation response of 19 May 2022 referred to above.



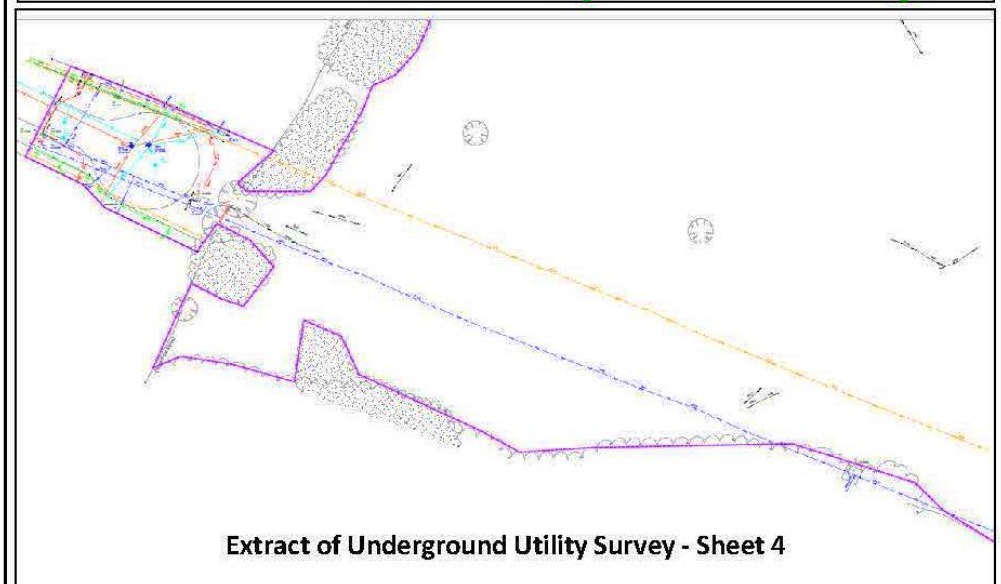
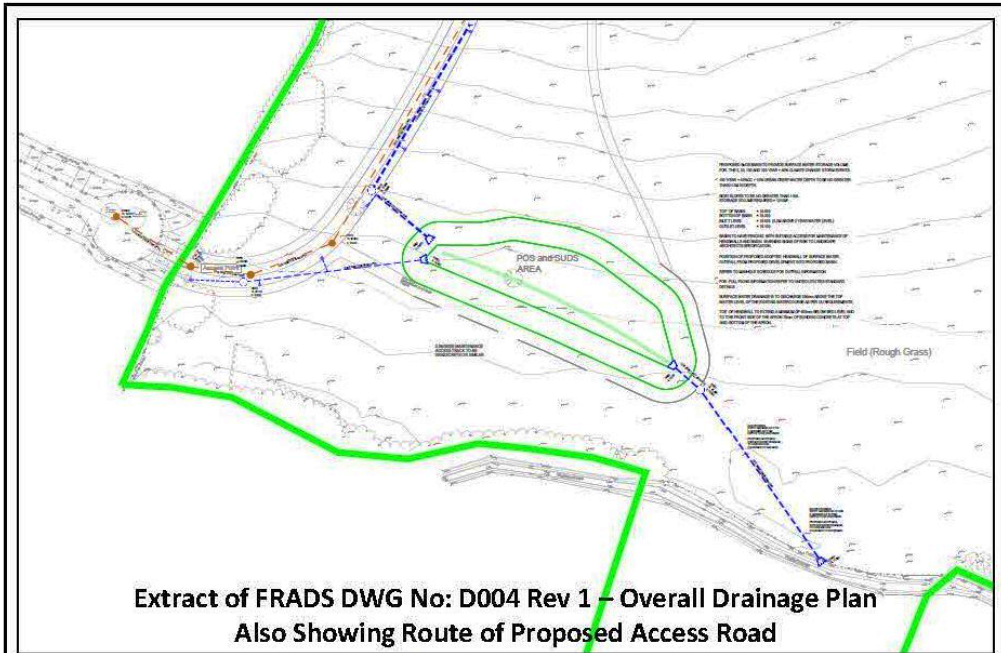
3.18 MAP B, below, extracted from the FRADS and the Underground Utilities Survey, shows the proposed attenuation basin, associated pipework discharging to the watercourse, the line of the proposed access road and the relationship these have with buried infrastructure assets.

It can be seen from MAP B that the proposed pipe discharging to the watercourse must cross UU's watermain while the proposed access road also crosses the main and also the newly installed UU infrastructure at the terminus of Lansdowne Crescent

3.19 In its response to consultation of 19th May 2022, United Utilities states: *"United Utilities will not allow building over or in close proximity to a water main. United Utilities may not allow building over or in close proximity to a public sewer. According to our records there is an easement in the vicinity of the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 07/03/1966 UU Ref: N1967 has restrictive covenants that must be adhered to."*

And:

*"Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access. The easement described above includes an easement width of 15ft either side of the centre line of United Utilities water main and allows only for use as grass arable and garden purposes. **We request confirmation from the applicant that the proposed SUDS area and access from Lansdowne Crescent are not within this 15ft strip.... A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way.**" [Emphasis added]*



**MAP B – EXTRACT MAPS SHOWING RELATIONSHIP BETWEEN PROPOSED ATTENUATION BASIN AND ASSOCIATED PIPEWORK, PROPOSED ACCESS ROAD, UU WATER ASSET AND NGN GAS MAIN.**

- 3.20 In view of UU’s statement regarding the protection of their assets it appears likely that the company will resist the crossing of its water main by the proposed discharge pipe and access road. Such an outcome would prohibit site access from Lansdowne Crescent and access to the watercourse from the proposed attenuation basin. If this were so then it would have a major impact on the applicant’s proposed drainage layout and discharge options.
- 3.21 **Any drainage option must, as its first priority, be the full safeguarding of existing homes and the environment.**

### Nutrient Neutrality

- 3.22 A key ancillary consideration in respect of drainage is that of ensuring that the proposal is compliant with Nutrient Neutrality requirements; and is capable of proving a neutral effect on the River Eden Special Area of Conservation (SAC) with regard to the discharge of nutrient - particularly Phosphates and Nitrates.
- 3.23 On 16 March 2022 Natural England issued advice concerning nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). This emphasised that within identified catchment areas of these protected habitats certain types of new development such as housing have the potential to cause adverse impacts through nutrient pollution.
- 3.24 Natural England states:  
*“Nutrient neutrality is a means of ensuring that a plan or project does not add to existing nutrient burdens so there is no net increase in nutrients as a result of the plan or project.”* [Natural England: Nutrient neutrality principles and use of Diffuse Water Pollution Plans (DWPPs) and Nutrient Management Plans (NMPs)]
- 3.25 In essence this means that the developer must demonstrate that its proposal is ‘nutrient neutral’ - i.e. the nutrients, e.g. nitrogen and/or phosphorus, from all surface water run-off and wastewater, will actually be less than, or no more than equal to, the nutrients generated by the existing land use.
- 3.26 Therefore, in the case of this proposal the developer will be required to prove that the nutrients present in the all surface water run-off and wastewater from the site will not exceed that of the current use - i.e. *“an abandoned grazing pasture.”* [Preliminary Ecological Appraisal Report, p8]
- 3.27 In clarifying the implications of Nutrient Neutrality requirements the Local Government Association’s (LGA) Planning Advisory Service states:  
*“Pollution from nutrients can arise from the way that land is used in areas close to water bodies (known as ‘water catchments’). **Where sites are already in unfavourable (poor) condition, extra wastewater from new housing developments can make matters worse. Pollution most typically arises from:***
- *Agricultural activity - fertilisers, animal waste, slurry*
  - ***Use/occupation of buildings (homes especially)** – untreated or partially treated sewage and wastewater entering rivers over and above the limits that water companies’ permits allow.*
  - ***Surface water ‘run-off’ - from development”*** [Emphasis added]
- 3.28 It is important to note that the LGA also states:  
*“LPAs will need to develop a strategy to deal with planning applications. It is likely that LPAs will place a temporary pause on determination of planning applications while they consider the full implications of Natural England’s advice.”*

And: *“Some authorities may decide on a blanket pause on issuing decisions whereas others with small areas affected may decide to pause determination of planning applications within the catchment only.”*

3.29 The LGA PAS also advises that Local Planning Authorities should contact applicants to notify them that there will be a delay in determining planning applications to enable screening the need for nutrient neutrality, and urges that LPAs should negotiate extensions of time (9 month minimum) or a Planning Performance Agreement (PPA).

3.30 This advice is reflected in the advice published online by Carlisle City Council:  
*“Whilst the Council carefully assesses the consequences of the guidance, it cannot lawfully conclude that relevant development within the identified catchments of these Special Areas of Conservation will not have an adverse effect. Therefore, until these matters are resolved the Council will not be able to grant planning permission for current schemes under consideration or for new proposals within the affected catchments.”*

3.31 In responding to consultation Natural England state:  
*“When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts.”*

And: *“A Habitat Regulations Assessment is required under the Conservation of Habitats and Species Regulations 2017.”*

3.32 It has been suggested that although planning consent cannot be granted in the absence of a Nutrient Neutrality Assessment approved by Natural England, the Development Control Committee could issue consent dependent upon an assessment being approved and allow officers to ‘rubber stamp’ the final decision.

3.33 However, in real terms this expedient would entail a consent being granted by the DCC, albeit a conditional one, leaving officers to execute what would amount to a basic administrative function. This would be contrary to the requirements of s63 of The Conservation of Habitats and Species Regulations 2017 (cited above by Natural England) which state that before deciding to give any consent, permission or other authorisation for, a plan or project which is likely to have a significant effect on a European site, a competent authority (in this case Carlisle City Council) **must make an Appropriate Assessment**. The assessment should, of course based on expert evidence and conclusions and, without redaction, disclosed to the public.

- 3.34 Further, a delegated decision would preclude any opportunity for the public to comment on the required Habitat Regulations Assessment and/or Nutrient Neutrality Assessment before it is approved. However s63,(4) of the 2017 regulations instructs the competent authority, in this case Carlisle City Council, that:  
*“It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.”*
- 3.35 In view of the unprecedented level of public interest generated by this application, and the number of objections it has received, the City Council would be ill-advised in the extreme not to consider it appropriate to engage further with the public on the merits or otherwise of a Habitat Regulations Assessment and/or Nutrient Neutrality Assessment.

## 4. EDUCATION

- 4.1 The applicant's Planning Statement asserts that:  
*"Kingsmoor (Sic) Infant School and Kingsmoor (Sic) junior school are 1 mile to the east of the site, with James Rennie School located 1.2 miles to the north, and Secondary provision including Trinity School, Newman Catholic School, Richard Rose Central Academy all within 2.4 miles south of the Site."* [Planning Statement p6]
- 4.2 This information is inaccurate and misleading. James Rennie School is very well regarded as an outstanding school providing specialist education and support for pupils aged 3 to 19 living in north Cumbria who have severe or profound learning disabilities, it is not 'mainstream'.  
After twice being flooded in 2005 and 2015 Newman Catholic School operated from a temporary site in Harraby before occupying a new building, in Scalegate Road, Harraby, at the end of August 2020 - it has been 4 miles distant from the proposal site for 6 years.
- 4.3 The table of survey responses at pages 15-22 of the Planning Statement reveals that impact on local infrastructure including schools, GPs, etc. ranked highly as a public concern.
- 4.4 Page 233 of the Carlisle District Local Plan 2015-2030 (CDLP) states:  
*"The main infrastructure issue in north Carlisle is the current lack of primary school places. Additional housing in this area has the potential to help fund the development of new primary school provision."*
- 4.5 This shortfall in school places was reported in 2016 when county councillor Alan Toole called for *"Urgent action needs to be taken to solve a continuing shortage of school places in north Carlisle."* The report revealed that Kingmoor Primary School was then 11 pupils over capacity, while Stanwix Primary was also oversubscribed and had applied to Carlisle City Council to make a temporary classroom permanent. [News & Star 27th May 2016]
- 4.6 And 6 years later in 2022 it was reported that, *"Current predictions suggest there is likely to be a shortfall of 280 primary school places in north Carlisle as a result of the all (Sic) existing and planned housing developments across north Carlisle."*  
The report quotes Belah Ward Councillor Gareth Ellis, Deputy Leader of Carlisle City Council: *"We're reaching a tipping point. The surrounding schools in the area – largely Kingmoor – have expanded where possible to absorb the growing number of pupils. It's also affected schools at Rockcliffe, Blackford, and Stanwix."* [News & Star 4 March 2022 and Cumbria County Council letter to LPA dated 04/01/2022 re Appn 21/1109]
- 4.7 North Carlisle still awaits its new school.



- 4.8 Policy CM 2 - Educational Needs of the CDLP states:  
*"To assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought."*
- 4.9 While justification paragraphs of Policy CM2 state:  
*There are two additional schools currently planned within the urban area in response to large scale housing developments at Crindledyke and Morton.*  
And:  
*"Cumbria County Council, as the responsible Education Authority, has highlighted the potential need for more primary and secondary school places in different parts of the District in order to keep pace with the demand generated by new housing developments."*
- 4.10 The submitted Planning Statement reveals that the applicant received 64 completed comment forms and 21 email representations from local residents. In addition 17 online surveys were completed on the Castles and Coasts website of which 15 objected to the proposal and 2 were supportive.
- 4.11 The applicant's analysis of the results of these data is contained in a table at pages 15-22 of the Planning Statement and reveals that in answer to the question *"Do you support the proposed development?"* **89% of respondents did not support the development, 9% were unsure and only 2% voiced any support.**
- 4.12 Commenting on these percentages the applicant 'notes the lack of support' for the scheme and attempts to explain the overwhelming lack of support by claiming that:  
*"the majority of the respondents are made up of residents local to the development and therefore it does not necessary (Sic) represent the views of those in need of affordable housing in Carlisle."* [Planning Statement p 18]
- 4.13 However the applicant also states, at p 51 of the Planning Assessment that, as an affordable housing led scheme to meet local needs:  
*"...it is expected that the majority of the residents will already reside in the area, and already be occupying school places/or included within the future forecasts."*, i.e. the majority of potential occupiers of the development already reside in the area and their children already occupy school local places, or are included within the future forecasts.
- 4.14 Thus the Planning Statement simultaneously proclaims that an 89% majority of respondents are local and unsupportive of the proposal because they are not in need of affordable housing, while also asserting that those expected to occupy the affordable homes are already locally resident and have children already occupying places in local schools, or included in future forecasts. However, unlike the first assertion the second is not supported by the evidence.

- 4.15 The applicant has not provided any evidence to substantiate such immediately local demand, or requirement to prove a local connection. However, if the majority of potential occupiers of the proposed affordable homes already reside in the area, whether or not they have children of school age, the level of local support for the proposal would surely be much greater than the recorded 2% who simply *'showed an interest'*, and wider support would also be reflected in the balance of public representations to the Local Planning Authority – currently standing at **381 Objections with 0 Supportive**.
- 4.16 The applicant's consultation exercise and the unprecedented level of public objections submitted to the Local Planning Authority therefore provide conclusive evidence that by far the great majority of potential occupants of the proposed dwellings would move to the area and that additional school places, along with other expansion of social infrastructure, will be required.
- 4.17 In its consultation response, dated 21 April 2022, Cumbria County Council in its capacity as Education Authority calculates that the proposed development will yield 28 children requiring school places – 16 primary and 12 secondary; and that in order to mitigate this impact the following contributions are required:
- Primary education 16 x £16,690 = £267,040
  - Secondary education 12 x £25,189 = £302,268
- A total requirement of £569,308
- The County Council states that no contribution for school transport would be required subject to the contributions requested above being provided.
- 4.18 The applicant states, at page 51 of the Planning Statement:  
*"A contribution to education will be subject to discussion with the Local Planning Authority. A viability assessment accompanies this Planning Application, and will inform any negotiations for offsite contributions."*
- 4.19 However that Viability Assessment and associated appendices (containing a combined total of 52 no doubt costly to produce pages) conclude that: *"The assessment of viability, in this case, demonstrates that the scheme cannot be viable if any s.106 contributions are required."* [Viability Assessment p25].
- 4.20 This indicates that although the applicant may profess a willingness to discuss a contribution to education; the Viability Assessment signals a steely intent to avoid contributing anything at all to educational provision.
- 4.21 The applicant must not be permitted to shirk its obligations with regard to educational contributions. Allowing the viability card to trump compliance with a valid requirement for an educational contribution can serve only as a signpost for future developers to follow the same route, and perhaps encourage developers e.g. Persimmon, to recover, or evade, significant contributions already made, or agreed.

- 4.22 What has been, for all practical purposes, an unrestricted 'gold-rush' of housing development in the north of Carlisle has seen schools oversubscribed and resulted in a reported likely shortfall of 280 primary school places. This situation worsens with every new housing development permitted north of the River Eden. Such essentially unfettered development is unsustainable and places almost intolerable stresses on schools, communities and householders.
- 4.23 The Parish Council is somewhat perplexed by the County Council's statement that the catchment school for the proposed development is Houghton Primary School, 2.7 miles distant while also stating that Stanwix School, only 0.9 miles distant, is the "*next nearest primary school*" but is "*closer to the development than the catchment school*"
- 4.24 The Parish Council is of course very aware that many communities now suffer great inconvenience arising from school parking congestion and believes that this impact is unavoidable worsened as the distances between existing schools and the homes of their pupils are extended by new housing developments.
- 4.25 Designation of Houghton CoE Primary as the catchment school signally fails to recognise the key importance of sustainability as material consideration, as it will inevitably generate more car journeys than would the designation of Stanwix Primary in that role. Walking, or cycling to Houghton School via Tarraby Lane will certainly become less safe and more hazardous, as further housing consents are delivered and construction traffic uses the narrow lane - to be followed by increased domestic and service traffic.
- 4.26 In contrast the designation of Stanwix as the catchment primary, 1.8. miles closer to the proposal than Houghton would provide far greater and certainly more sustainable opportunities for travel to and from school - perhaps encouraged through the introduction of a 'walking bus,' as part the City Council's Walking for Health programme.

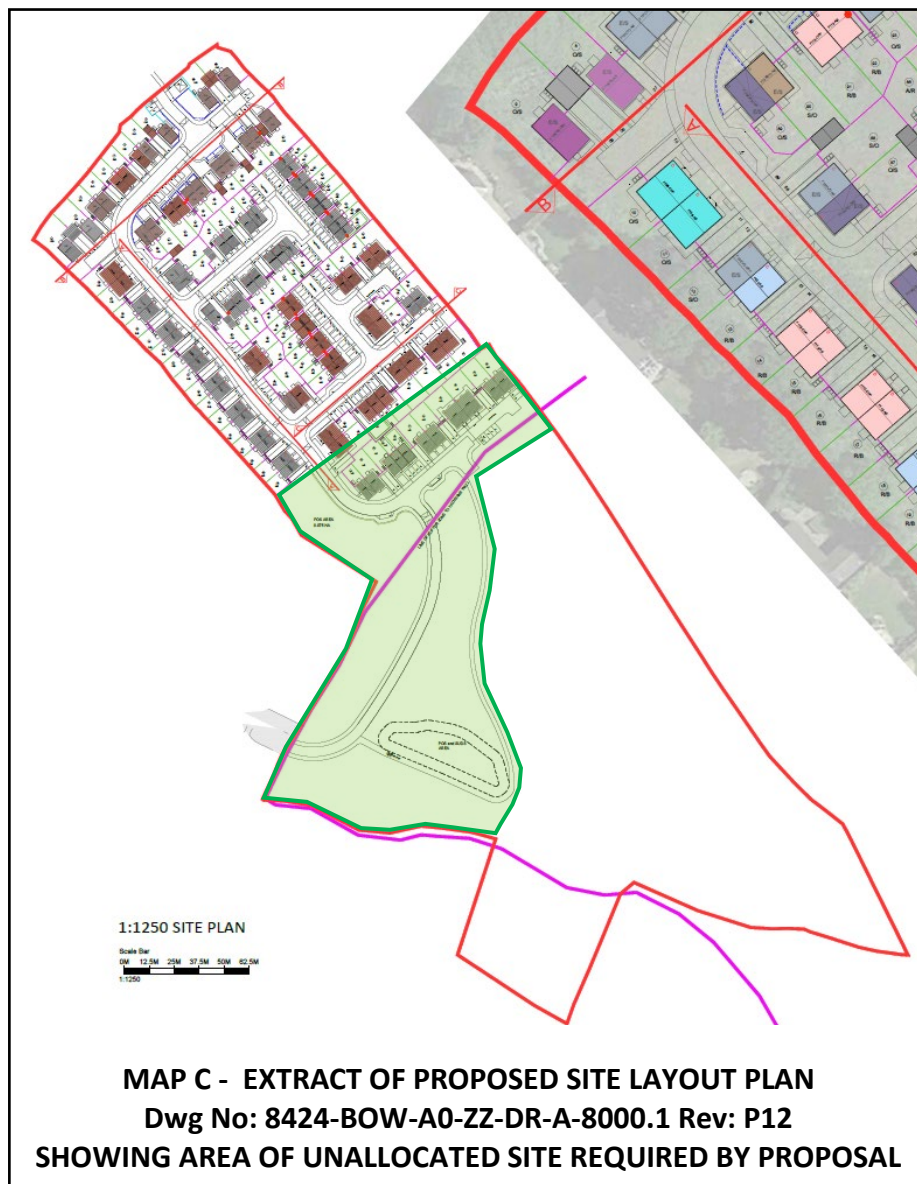
## 5. CONSULTATION

- 5.1 The applicant states that a public consultation 'drop-in' event was held during the afternoon and early evening of the 17 November 2021, at Stanwix Community Association Centre was well attended by local residents [Planning Statement page 15] It has been reported to the Parish Council that this consultation session was widely criticised by those who attended on the grounds of notice being both short and restricted, complaints acknowledged in the Planning Statement and repeated by many residents who stated, at the public meeting held in Houghton on 10 May 2022 that the consultation exercise was publicised only 4 days prior to its taking place.
- 5.2 The Planning Statement reveals that the drop-in session, and subsequent submissions by the public, resulted in the receipt of 64 completed comment forms, circa 21 emails and 17 online surveys on Castles & Coasts website.
- 5.3 These total 102, of which 89% were unsupportive, 9% unsure while only 2% supported the proposal. Compare these with the enormous number of objections and 0 expressions of support received by Carlisle City Council and the inadequacy of the applicant's consultation exercise becomes apparent.
- 5.4 The Planning Statement explains that engagement with the local planning authority and statutory bodies should include a summary of the consultation with the local planning authority and a record of the issues discussed with the Council at pre-application stage.
- 5.5 Although the site lies entirely within Stanwix Rural Civil Parish, the boundary of which is clearly shown on pre application mapping, the Parish Council, a statutory body, was not consulted or informed of the drop-in session.
- 5.6 The Parish Council sought Spawforths reasons for this lack of engagement. Spawforths apologised, recognising that it should have consulted the Parish Council and in its defence explained: *"...the properties most directly affected by the proposals are outside the administrative area of Stanwix Rural Parish Council."* And that the consultation strategy was based, *"...around the location of the existing properties that would be affected by the Proposed Development..."* Explanations that entirely ignore the fact that Tarraby View's Edderside Drive and Raisbeck Close lie well within the parish.
- 5.7 Spawforths also informed the Parish Council that the Local Planning Authority i.e. Carlisle City Council *"...is only offering a basic pre-application service because of their existing workloads"*.
- 5.8 The applicant's pre-application consultation strategy and subsequent explanations for its failings reveal it to be an exercise in the minimal fulfilling of an administrative requirement rather than a meaningful commitment to stakeholder engagement.

## 6. WINDFALL SITE

6.1 Although site U11, shown as being of 2.51ha (6.2 acres) on the Local Plan Map, is allocated for housing development. The neighbouring field of 5.12ha (12.64 acres) which also forms part of the application site is not allocated. The applicant includes this entire unallocated field as part of the proposal site.

6.2 The Parish Council is greatly concerned that approval of this large field as a Windfall Site is to put its entirety at significant risk of further development. MAP C, below, shows the proposed area of the Windfall site rivals that of the allocated site.



6.3 Policy HO 2, Windfall Housing Development, of the Carlisle District Local Plan 2015-30 (CDLP), states that new housing development, on sites other than those allocated, will be acceptable on the edge of Carlisle provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan, and that the scale and design of the proposal is appropriate to the scale, form, function and character of the existing settlement.

- 6.4 Policy HO 2 also requires proposals for windfall sites on the edge of settlements to be well contained within existing landscape features, physically connected and integrated with the settlement, and to avoid unacceptable intrusion into open countryside.
- 6.5 Although the existing area of Lansdowne Crescent, Lansdowne Close, Lansdowne Court and Pennington Drive has the lower density and more open character Tarraby View, comprising Edderside Drive, Burtholme Avenue and Raisbeck Close also boasts a more relaxed spacing of dwellings than would be permitted by the confining and restrictive layout proposed by the applicant.
- 6.7 The proposal would therefore result in the development of an anomalous core of high density housing encircled by a lower density belt.
- 6.8 Removal of the hedge dividing the allocated site from the proposed windfall, and the topography of the windfall site itself, would give the entire proposal a much greater prominence within the landscape than would occur through development of the allocated site alone. Further, should the proposal be denied access to Lansdowne Crescent the development would be unable to connect physically to this part of the area.
- 6.9 It is therefore clear that the scale, form, function and character of the proposed development are not appropriate to juxtapose with what, in this instance, may be termed the existing settlement, i.e. the areas comprising the 'Lansdownes', Pennington Drive, and Tarraby View and that it is not well contained within existing landscape features, and physically connected and integrated with the settlement.
- 6.10 The proposal is not therefore appropriate to the scale, form, function and character of the existing settlement, and is contrary to policy HO 2 of the CDLP.
- 6.11 Additionally, Policy HO2 clearly state *"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community."*  
As has been shown above the applicant has, thus far, failed to work closely, in any way, with those directly affected by their proposals.

## 7. WILDLIFE AND HABITAT IMPACTS

- 7.1 In describing the proposal site the Carlisle District Local Plan 2015-2030 states: *“the land is agricultural grassland, and is bordered by mature hedgerows which are likely to provide wildlife corridors and habitats for a variety of species.”* while the applicant’s Planning Statement describes it as *“dominated by species poor habitat ‘other neutral grassland’, which is an abandoned grazing pasture.”* These descriptions primarily concern the allocated site however they are also useful reflections of opinion in respect of the non-allocated site, which the applicant proposes to incorporate as a ‘windfall’ development.
- 7.2 The Planning statement describes the site as *“abandoned grazing pasture”* and, as far as the Parish Council is aware, this has been the status of the land for a number of years.
- 7.3 With regard to grassland, the Office of National Statistics(ONS) statistical bulletin - Habitat extent and condition, natural capital, May 2022, states:
- Natural England reported 97% of wildflower meadows have been lost since the 1930s, with the UK now having
  - 1% of its land area as flower-rich grassland. The butterfly index for semi-natural grassland has declined by 61%
  - between 1976 and 2020. The bird index has steadily declined 18% from 2005 to 2019. By contrast, the average number of bees in semi-natural grassland increased 32% between 2010 and 2020
- 7.4 The applicant’s Preliminary Ecological Appraisal Report (PEAR) states that it: *“is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary the PEAR may be sufficient, and suitable to support a planning application.”*
- 7.5 However, the PEAR also acknowledges that the Site lies within the 2km Impact Risk Zones (IRZs) for the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and the River Eden Special Area of Conservation, both of which do apply constraints in respect of planning certain applications.
- 7.6 The PEAR states that: *“at least 10% of the Site was inaccessible due to very dense vegetation, which could not be closely inspected. This could have concealed invasive species or protected species evidence.”*  
The PEAR also states that: *“Some plant species will have died back ahead of the December visit, however, the habitats could still be assessed by the surveyor.”*
- 7.7 Taken together these statements represent at least a 10% commensurate margin for error in appraising the sites ecological, environmental and habitat potential, coupled with an unquantified level of uncertainty with regard to the accuracy of recorded plant species.

In appraising animal species the PEAR states: *“The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.”*

- 7.8 However, it must be thought reasonable to expect the presence on a grassland site of insects and other invertebrates, of which many species are known to be endangered, the Natural History Museum and wildlife charity Butterfly Conservation reporting in May 2022 that over half of all British butterflies, alone, have been placed on the latest UK Red List of species. Yet, despite their universally acknowledged critical importance in maintaining environmental viability, invertebrates are not mentioned at all in the PEAR.
- 7.9 The site, along with other local fields and their hedgerows, are known locally to provide long established foraging opportunities for bats, badgers, foxes, rabbits, hares, Barn and Tawny Owls, Kestrels and Sparrow Hawks. Roe Deer are often seen in the fields especially during half-light at dawn and dusk.
- 7.10 The hedgerows ringing the site, including the one proposed for removal are recorded on the OS map of 1840, reproduced in the applicant’s Heritage Statement, perhaps much older, and are protected under the Hedgerows Regulations 1997.
- 7.11 The PEAR Summary states: *“Boundary trees, hedges and the drainage ditch are the best habitats and efforts to retain and enhance these should be made.”* Advice repeated at p 17 *“..it is not good practice to remove established hedges, associated trees and ditches so these should be retained and enhanced.”*
- 7.12 However, also appears self-contradictory in also stating *“...there are no habitats of higher distinctiveness which would need to be avoided.”* [p17]. While the Summary states: *“The site is of limited wildlife value with no significant faunal constraints identified.”* It must be remembered, however, that the site was not fully surveyed and there was no survey for invertebrates, the validity of the above claim is therefore questionable.
- 7.13 In its response of 17 May 2022 Natural England states: *“A Habitat Regulations Assessment is required under the Conservation of Habitats and Species Regulations 2017.”* The PEAR omits consideration of this requirement and also that the assessment should be informed by the Nutrient Neutrality Methodology.
- 7.14 In consideration of the foregoing the Parish Council believes the PEAR to be deficient in the scope of its survey and is therefore inadequate in informing the decision making process.

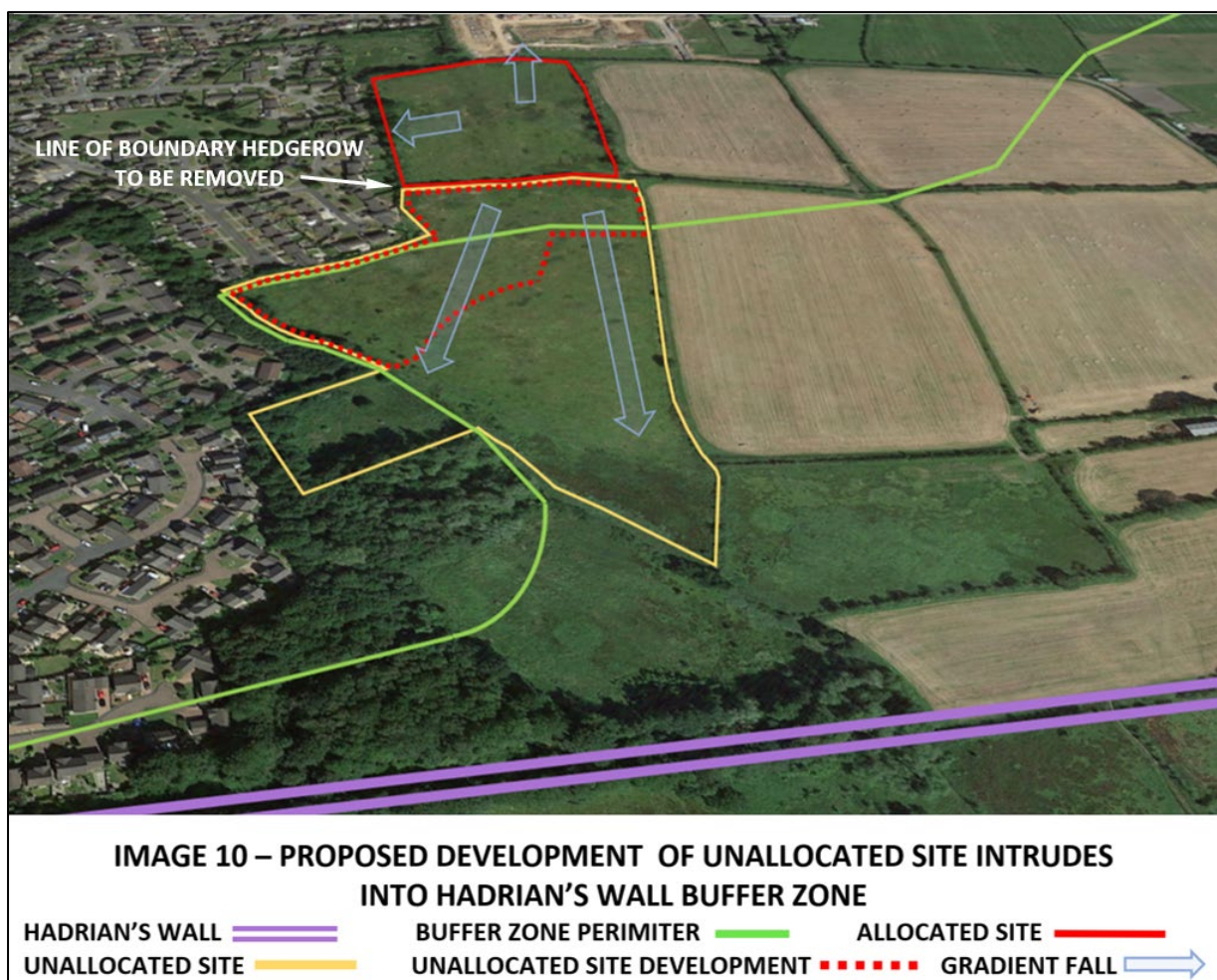


## 8 HADRIAN'S WALL WORLD HERITAGE SITE and BUFFER ZONE

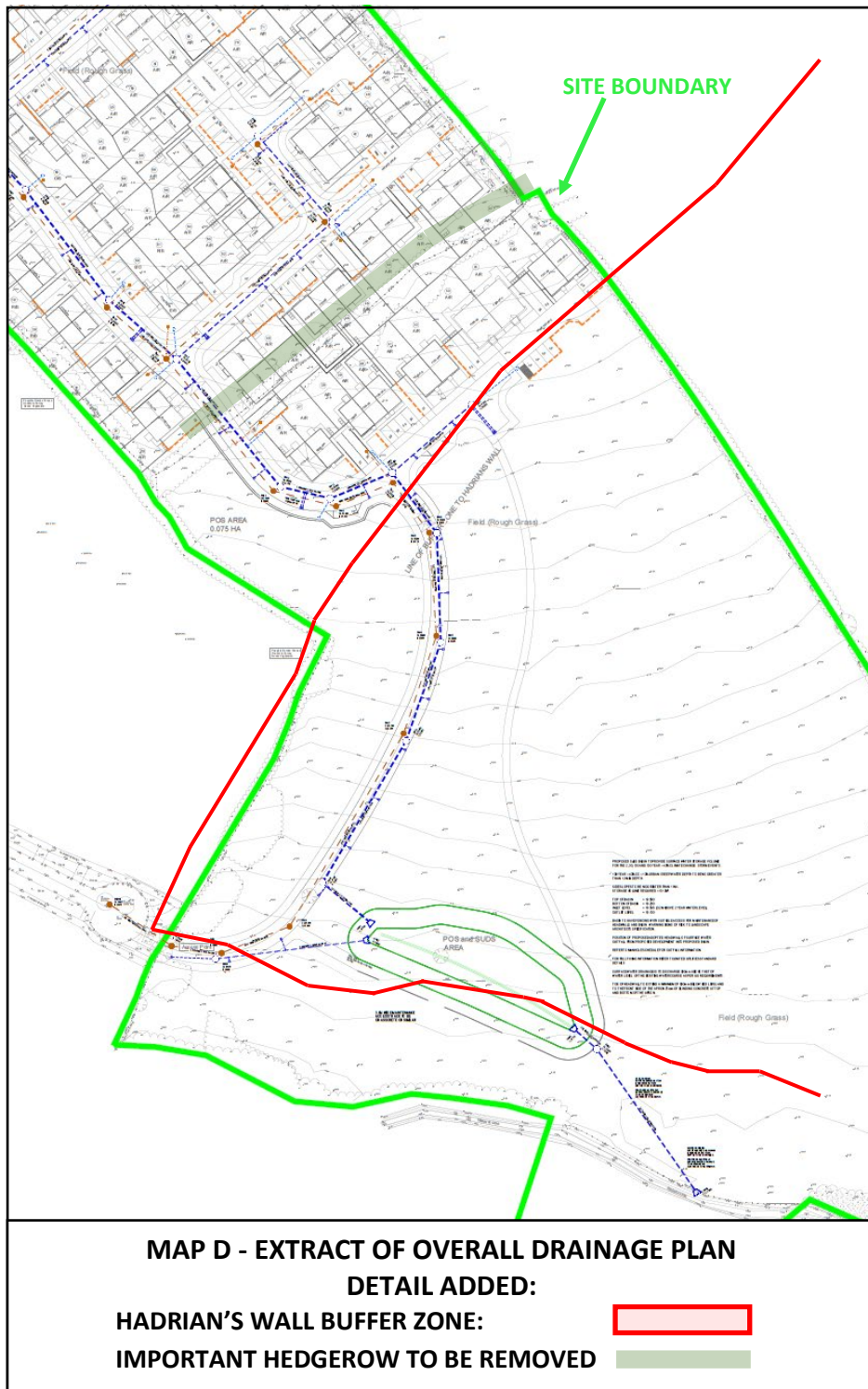
- 8.1 The United Nations Educational, Scientific and Cultural Organisation (UNESCO) designated Hadrian's Wall as a World Heritage Site (WHS) in 1987, recognising that it comprises the most complex and best preserved of the frontiers of the Roman Empire. It also forms an important part of the Frontiers of the Roman Empire a wider WHS designation extending from Ravenglass in West Cumbria to South Shields in Northumbria.
- 8.2 Each World Heritage Site has to have a Management Plan, as part of its management system, An overview of the progress of the Plan is maintained by a Partnership Board. Carlisle City Council is one of 20 member organisations of the Hadrian's Wall Partnership Board and therefore subscribes to its aims and objectives.
- 8.3 The Hadrian's Wall Management Plan Statement of Universal Value states that Hadrian's Wall As part of the Roman Empire's general system of defence Hadrian's Wall has *"...an extraordinarily high cultural value."*  
And that it: *"...bears an exceptional testimony to the maximum extension of the power of the Roman Empire through the consolidation of its northwestern frontiers and thus constitute a physical manifestation of Roman imperial policy."*
- 8.4 Importantly the Hadrian's Wall Management Plan also states:  
*"When considering proposals for development, **local planning authorities should ensure that they protect or better reveal the significance of the OUV of the World Heritage Site**, through the adoption and application of high standards of decision-making, that are consistent throughout the World Heritage Site."* [Objective 3: To protect the OUV of the World Heritage Site, using appropriate legislation, planning policy, guidance and management measures. – Emphasis added]
- 8.5 Policy HE 1 - Hadrian's Wall World Heritage Site of the Carlisle District Local Plan 2015-2030 States:  
*"There is a presumption in favour of preserving the fabric, integrity and authenticity of archaeological sites that form part of the Outstanding Universal Value of Hadrian's Wall World Heritage Site."*  
And of the Buffer Zone:  
*"Proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. **Development that would result in substantial harm will be refused.***  
*Proposed development outside the boundaries of the buffer zone will, where appropriate, be carefully assessed for its effect on the site's Outstanding Universal Value, and **any that would result in substantial harm will be refused.**"*  
And:  
*Where development proposals would result in less than substantial harm to the site's Outstanding Universal Value, this harm will need to be assessed against the public benefit by way of reference to the above objectives.*

- 8.6 The Justification for Policy HE1 states:  
*“A World Heritage Site (WHS) is a designated heritage asset of the highest significance. Accordingly such sites are afforded the strongest degree of protection through the planning system. **The overriding objective of the planning system in this regard is to ensure that the Outstanding Universal Value of such sites is in no way undermined by development.**”* [Emphasis added]
- 8.7 The Justification explains that the buffer zone was established in the 1996 Management Plan as a means of helping to protect the site’s Outstanding Universal Value and that the buffer highlights areas where non-scheduled archaeological remains, i.e. those parts of Hadrian’s Wall that are not formally included within the WHS designation, **“...can be given focussed protection,”** And importantly: **“The buffer also serves to protect the visual setting of the site.”**
- 8.8 The Buffer Zone is a UNESCO recommendation: ***“Its purpose is to signal the area around the WHS that is particularly sensitive to change which could impact on its Outstanding Universal Value.”*** [Hadrian’s Wall Management Plan, emphasis added]  
In urban areas, the Buffer Zone includes the remains of Hadrian’s Wall that are not visible and thus may not enjoy the statutory protection of scheduling.  
*“These buried remains are, nevertheless, of national and international significance and are protected through the planning system.”* [Hadrian’s Wall Management Plan]
- 8.9 Recurring emphases throughout the Hadrian’s Wall Management Plan and Policy HE 1 are the Outstanding Universal Value of the WHS and the need to ensure the protection of its physical and visual integrity against prejudicial development.
- 8.10 **The Buffer Zone of Hadrian’s Wall is not therefore intended primarily as a deformable impact absorbing defence, or tool, to accommodate development, but as a robust palisade to protect against it.**
- 8.11 The part of the proposal site allocated for housing in Carlisle District Local Plan 2015-2030 (CDLP) is to an extent, but not entirely, screened from the visual envelope of the Hadrian’s Wall Buffer Zone. However, the overall proposal also includes a large field to the south east of the site, which is not allocated in the CDLP.
- 8.12 These allocated and unallocated sites straddle a low elongated hill forming a short ridge running south west to north east.
- 8.13 The boundary hedgerows of both sites and also that which divides them appear on the Tarraby Tithe Map of 1840, contained in the applicant’s Archaeological Desk-Based Assessment, and may easily pre-date the map perhaps by a considerable period of time. These hedgerows are therefore designated as ‘important hedgerows’ by the Hedgerows Regulations 1997.

- 8.14 From the crest of the hill the gradient declines through the Buffer Zone toward Hadrian's Wall to the southeast. The important hedgerow dividing the allocated and unallocated sites lies a little way below the crest of the hill to its south eastern side.
- 8.15 Existing development to the south, west and north of the site is extensively screened from the WHS by the long established pre 1840 hedgerows and Hadrian's Wood.
- 8.16 That part of the allocated site lying to the northwest of the crest would, if developed for housing, be partly screened from the World Heritage Site, by the fall of the gradient and the dividing hedgerow, until the roofs of the newly constructed houses project above the site's horizon line as viewed from the World Heritage Site.
- 8.17 IMAGE 10, below, shows the relationship of the allocated and unallocated sites with the Buffer Zone, and the direction of fall of the gradient. The highest point of the hill has an OS spot height of 33m, falling by almost 15m (50ft) to the foot of the unallocated site.
- 8.18 It is clear that any development encroaching south-eastward beyond the horizon of visibility would become increasingly intrusive, when viewed from the World Heritage Site, as its topography would act to intensify the visual impact of the development by effectively tilting the plane of view toward the observer.



8.19 An appreciable area of the unallocated site is required to allow the construction of an access road linking to Lansdowne Crescent, a SUDS basin and buried infrastructure – MAP D, below.

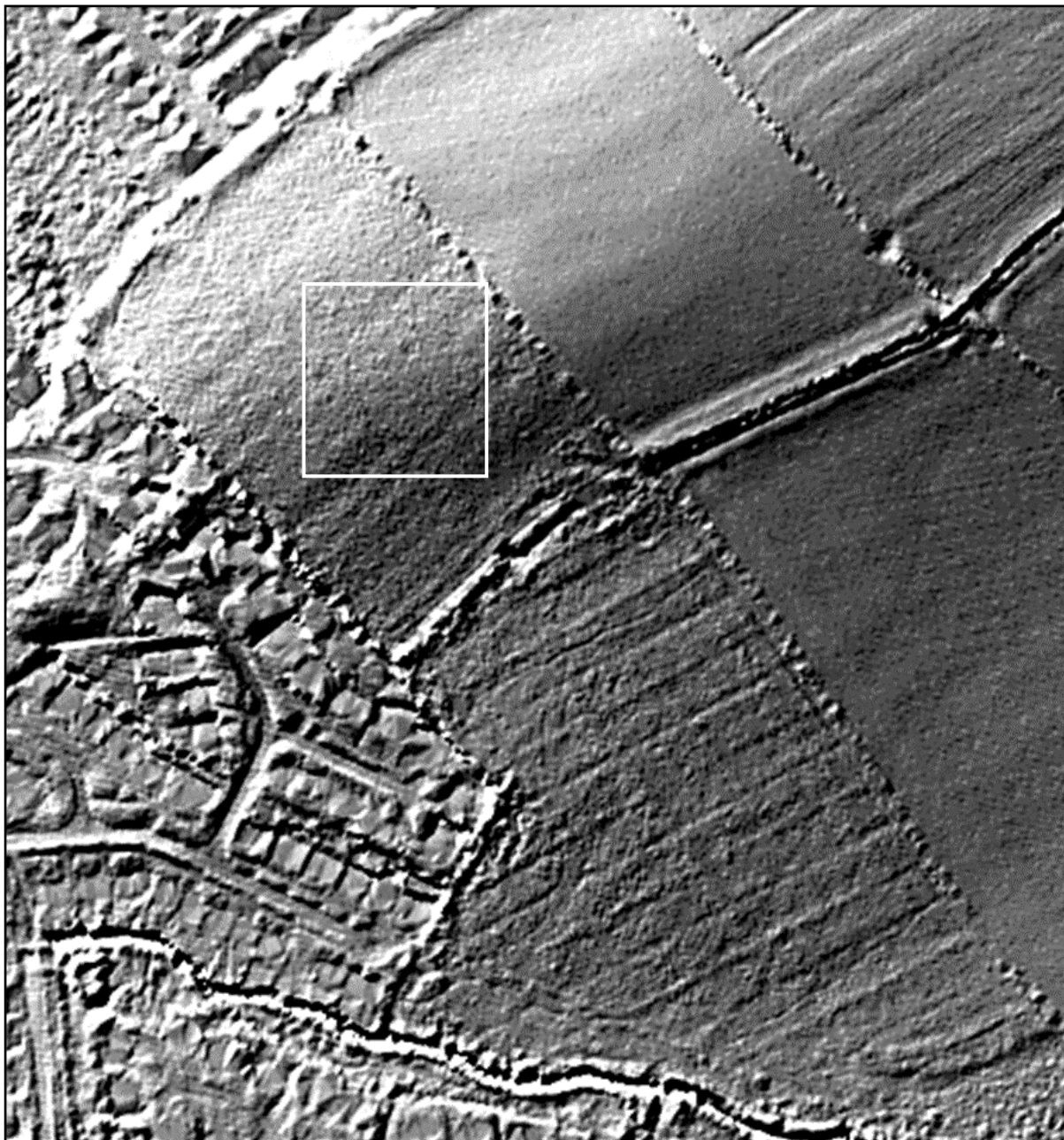


8.20 These proposals would require extensive engineering works, including significant excavation and embanking in order permit the construction and operation of the SUDS basin on hillside site. It is possible that unrequired spoil may be dispersed on site to avoid landfill charges.

- 8.21 It is beyond doubt that when completed these intrusive works, with their backdrop of a new housing estate, would have a major urbanising effect upon what currently, remains an essentially rural setting of the World Heritage Site.
- 8.22 These Intrusive urbanising impacts upon the presently rural setting of the WHO are entirely contrary to both the Hadrian's Wall Management Plan and Policy HE 1 of the CDLP, e.g.:
- ***“When considering proposals for development, local planning authorities should ensure that they protect or better reveal the significance of the OUV of the World Heritage Site,”*** [Hadrian's Wall Management Plan]
  - ***“Proposed development in the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on key views both into and out of it. Development that would result in substantial harm will be refused.*** [Policy HE1, CDLP]
  - ***“A World Heritage Site (WHS) is a designated heritage asset of the highest significance. Accordingly such sites are afforded the strongest degree of protection through the planning system.*** [Policy HE1, CDLP]
  - ***The overriding objective of the planning system in this regard is to ensure that the Outstanding Universal Value of such sites is in no way undermined by development.”*** [Policy HE1, CDLP HE1]
  - ***“The buffer also serves to protect the visual setting of the site.”*** [Policy HE1, CDLP]
  - ***“Its purpose is to signal the area around the WHS that is particularly sensitive to change which could impact on its Outstanding Universal Value.”*** [Hadrian's Wall Management Plan]
- 8.23 Figure 12 of the applicant's Archaeological Desk-Based Assessment shows a LiDAR 1m DTM plot (LiDAR - Light Detection and Ranging; DTM - Digital Terrain Models (DTM) sometimes called Digital Elevation Models).
- 8.24 The Lidar image used in the Archaeological Desk-Based Assessment seems to be 'washed out' and of low contrast in comparison with that appearing below as MAP E and which appears to suggest the presence of an ovoid feature at the south western end of the low hill occupied by the allocated site.
- 8.25 This feature, if in reality it exists, is surely worthy of further investigation prior to any form of disturbance other than archaeological.
- 8.26 Paragraph 199 of the NPPF states: ***“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”***

8.27 In consideration of the foregoing and Outstanding Universal Value of the World Heritage Site Parish Council is astounded by Historic England's response which states that paragraphs 199-202 of the National Planning Policy Framework (NPPF) are not believed to be relevant, and requests urgent clarification on how this decision was reached.

8.28 Does Historic England's conclusion result from a site visit and first hand examination of the evidence, or from a basic Desk-Top Evaluation of the applicant's Desk-Based Assessment?



**MAP E - ARCHI MAPS LIDAR: DIGITAL TERRAIN MAP (DTM) SUGGESTING OVOID FEATURE (FRAMED WHITE) ON ALLOCATED SITE**