



# STANWIX RURAL PARISH COUNCIL

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## RESPONSE TO CONSULTATION IN RESPECT OF:

**Appn Ref: 23/0347**

**Location: Land at Brunstock Lane, Houghton, Carlisle**

**Proposal: Residential Development Consisting Of 163no. Dwellings & Associated Infrastructure**





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### OBJECTION

This response constitutes the Parish Council's objection to the above application for planning consent.

The Parish Council reserves the right to amend its response, and to submit any supplementary comments, observations or recommendations that it may consider necessary.

The Parish Council reserves its right to speak at the Planning Committee and or any other committee, sub-committee or working group of Cumberland Council where that right may be exercised.

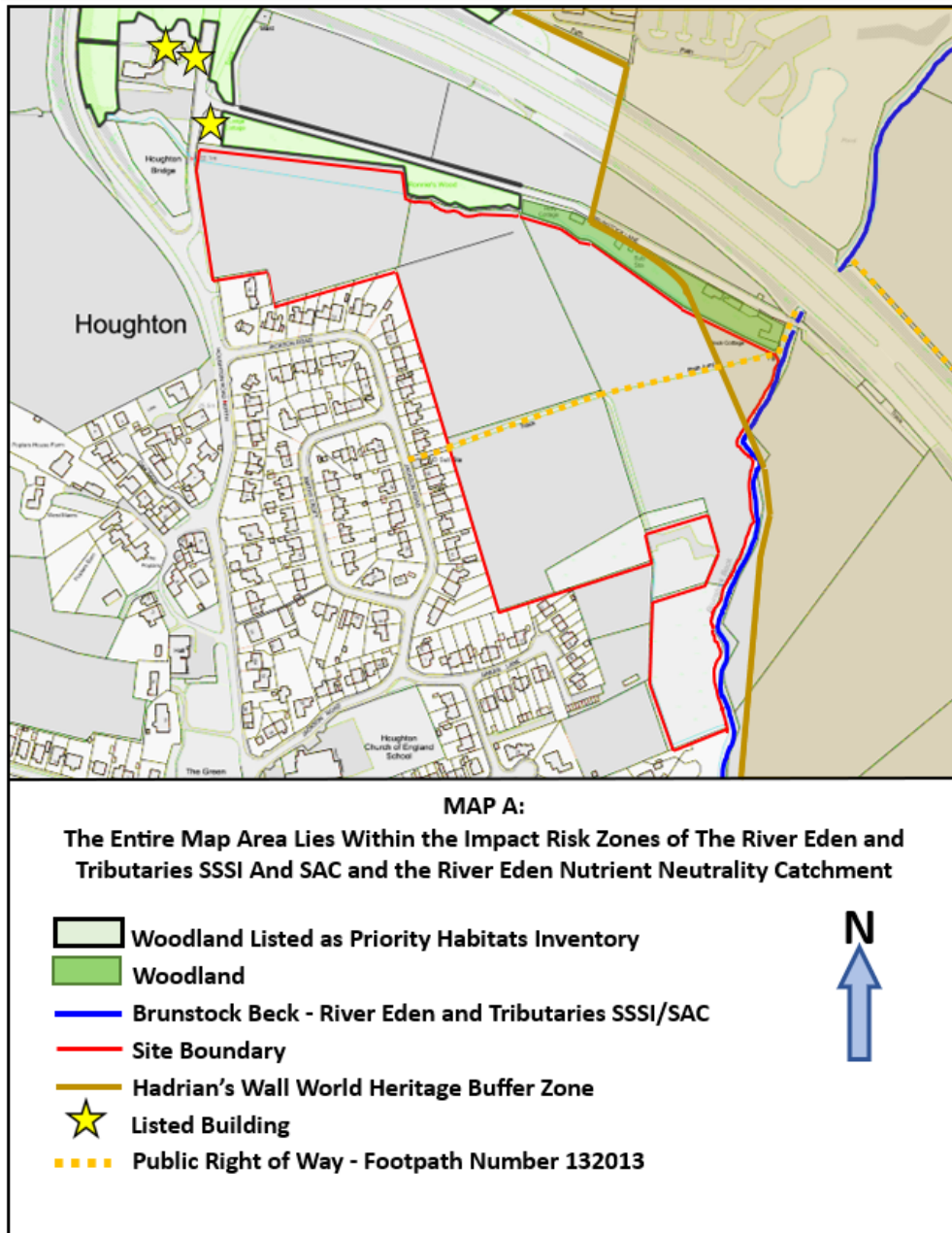
The following sections are not arranged in any particular order of importance and no such inference should be assigned.

#### Contents:

- 1 Overview
- 2 Highway and Traffic Issues
- 3 Conflict with Planning Policy
- 4 Biodiversity and Habitat
- 5 Flood Risk
- 6 Nutrient Neutrality
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- 8 Education

# 1. OVERVIEW

1.1 Located to the north of the village of Houghton the site lies entirely within the River Eden Nutrient Neutrality Catchment. It is not allocated for housing in the Carlisle District Local Plan 2015-2030 – MAP A.



1.2 The site is bounded to the south and west by existing dwellings. The northern boundary abuts Ronnie's Wood, which contains a number of trees protected by Tree Preservation Orders, and is listed under the Priority Habitats Inventory. School Sike, a tributary of Brunstock Beck runs through the woodland.

- 1.3 The Due Diligence Report states that the site is “*northeast of the **town of Houghton***” (emphasis added). **It is important to note that Houghton is not a town it is a village.**
- 1.4 Brunstock Beck itself adjoins the length of the eastern boundary and is a tributary of the River Eden Site of Special Scientific Interest (SSSI), and River Eden Special Area of Conservation (SAC). It is also designated as an Environment Agency Main River.
- 1.5 The Buffer Zone of the Hadrian’s Wall World Heritage Site also lies immediately east of the site, while three listed buildings lie immediately to the west, these being St John’s Church, Houghton War Memorial, and The Lodge.
- 1.6 The site therefore lies within the following environmentally sensitive and protected zones:
- River Eden Nutrient Neutrality Catchment
  - Impact Risk Zones (IRZs) of the River Eden SAC
  - Impact Risk Zones (IRZs) of the River Eden and Tributaries SSSI
- It also closely abuts the following protected features:
- Priority Habit Protected Woodland
  - Three listed buildings
  - The Buffer Zone of the Hadrian’s Wall World Heritage Site.
- 1.7 Although the Environment Agency Flood Map indicates that the majority of the site lies outside the recorded flood zones, the limits of inundation shown by the EA are below the levels observed by local residents.
- 1.8 Access to site is restricted to a field gate opposite St John’s Church, or via the Public Right of Way from Jackson Road, i.e. footpath number 132013.
- 1.9 The site has a high water table, and significant areas are regularly flooded beyond the limits currently recorded by Environment Agency mapping.
- 1.10 The site is adjacent to Brunstock Beck, a tributary of the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The beck is considered suitable habitat for water voles, and white clawed crayfish, while otters are known to use the beck as a foraging corridor at least as far upstream as The Knells.
- 1.11 Disregarding this evidence the applicant states that there are no protected and priority species, designated sites, important habitats or other biodiversity features on land adjacent to or near the proposed development. [Application Form]

- 1.12 The applicant and or agent, acknowledges a direct connection, or relationship, with Cumberland Council. The nature and or closeness of this relationship is, however, redacted.
- 1.13 Although the reason for this redaction is thought to be due to an overzealous interpretation of the General Data Protection Regulation 2018 it fails to comply with the principles of openness and transparency, engenders suspicion and doubt, and is patently not in the public interest. It is eminently possible, as with previous applications, to disclose the nature of the relationship without revealing sensitive personal information.
- 1.14 It is illuminating to note that the applicant’s Desk-based Assessment: Land at Brunstock Lane, prepared by Gerry Matin Associates Ltd., states: ***“The study area was probably unfavourable to past settlement due to the close proximity of Brunstock Beck.”*** (Emphasis added)
- 1.15 Houghton Church of England Primary School currently reaching capacity and is over-subscribed for September 2023. It is not possible to accommodate additional pupils.
- 1.16 There is only one medical practice in north Carlisle approximately 3miles from the proposal site, the NHS advises that this is not accepting new patients, and is not on a direct bus route. There are only two pharmacies the closest of which is almost 2 miles distant. There are no dental practices in north Carlisle.
- 1.17 **This overview provides a brief insight into the reasons, discussed below in greater depth, for refusal of planning consent. The Parish Council strongly opposes this proposal, and fully supports the many objections from other Statutory Consultees and, more importantly, those of the community it serves.**

## 2. HIGHWAY AND TRAFFIC ISSUES

- 2.1 The proposed primary access would be a new 6m carriageway off Church Lane, from the C1012(101) Houghton Road North. A secondary access, also proposed for use by emergency vehicles, would be via the Public Right of Way, Footpath 132013, U1238 (101) from the U1238 (101) Jackson Road – both IMAGE 1, below.

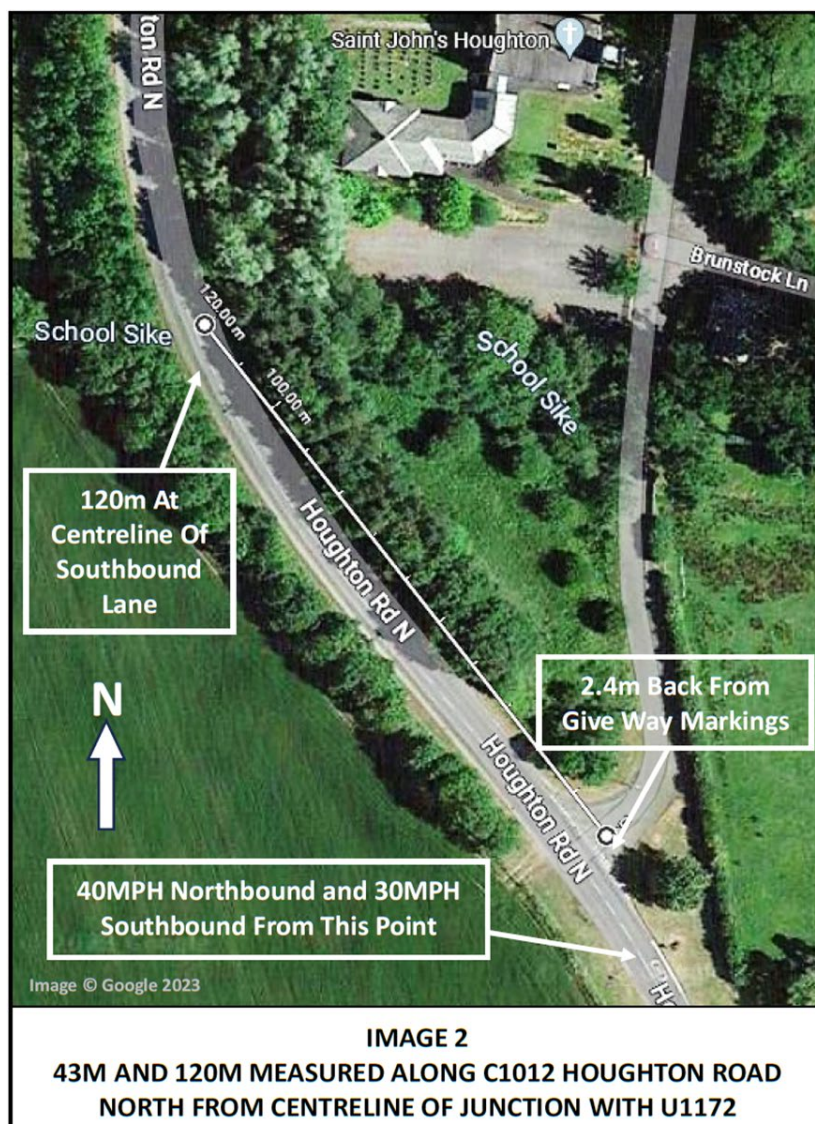


### Primary Access

- 2.2 New primary access is proposed from the C1012(101) Houghton Road North, via the cul-de-sac known informally by many in the community as 'Church Lane' but identified by Cumberland Council as the 'U1172 (101) C1012 Jct (Houghton Rd Nth) to Nr St John's Church'. Brunstock Lane itself is identified as the U1172 (102) and commences at the right turn opposite St John's Church, extending to the M6 overbridge of Brunstock Beck.

- 2.3 Leaving the village the C1012 (101) Houghton Road North is subject to a 40MPH speed limit. No alternative speed limit signage applies to the U1172 (101) – IMAGE 1 above. With the exception of one street lighting column, near its junction with the C1020 (101), the U1172 is unilluminated. The U1172 (101) is therefore also subject to a 40 MPH (64.37KPH) speed limit, or may be unrestricted.
- 2.4 The applicant's Transport Assessment concludes that the very low level of passing traffic on Brunstock Lane (i.e. 3 vehicles during the AM peak hour, and 18 vehicles during the PM peak hour) will not create operational or safety issues relating to the formation of the proposed development site access [Transport Assessment, paragraph 6.28]. This traffic is, however, currently generated by only three dwellings, St John's Church and occasional walkers who park in the cul-de-sac.
- 2.5 Between its junction with Jackson Road and St John's Bridge the C1012, Houghton Road North, forms an elongated 'S'. The road also has a distinct change in elevation. Although subject to the same 40MPH (64.37KPH) speed limit these elements generate two clearly different visual envelopes when the road is viewed from the U1172.
- 2.6 Turning left from the U1172, toward the village the 40 MPH (64.37KPH) speed limit on the C1012 reduces to 30 MPH within approximately 25m of the U1172 centreline. Also when looking left from the U1172 the Give Way markings lie on the outside of the bend, thus aiding driver intervisibility. These conditions suggest that a visibility splay of up to 43m in this direction, measured from 2.4m behind the U1172 Give Way markings, would be acceptable [Manual for Streets & Cumbria Design Guide & Appendices]. However, this sightline intersects third party land which may provide scope for obstructions to block a drivers view.
- 2.7 Turning right from the U1172 the 40 MPH (64.37KPH) limit applies up to, and beyond, the junction with the A689, at St John's Bridge. Although the speed restriction remains a significant consideration, the topography of the highway is very different from that encountered when turning left.
- 2.8 When turning right the point 2.4m behind the Give Way, markings lies on the inside of the bend thus reducing driver intervisibility. In addition, the elevation of the C1012 rises from its junction with the U1172 toward St Johns Bridge. The applicant's Transport Assessment appears, however, to lean heavily upon analysing the capacity of the junction, while largely disregarding the effects of traffic speed and topography when approaching or exiting it.

- 2.9 Although the relevant section of the C1012 has a speed limit of 40MPH (64.37KPH), it cannot be assumed as a matter of fact that this speed will not frequently be exceeded. Having slowed to turn from the A689 southbound drivers will then accelerate, the rate of acceleration being assisted by the downhill gradient. It is therefore likely that the actual speeds attained by vehicles approaching the junction from via St John's Bridge will, to varying degrees, exceed the speed limit. While vehicles descending the gradient from the north will be liable to exaggerated acceleration, those exiting northward from the U1172 may experience some level of retarded acceleration as they turn across C1012.
- 2.10 The applicant's Transport Assessment fails to determine 85<sup>th</sup> percentile speed of vehicles at this, or any other point on the C1012. It is therefore quite possible that the 85th percentile speed of southbound vehicles will be greater than 40 MPH (64.37KPH) and that a visibility splay of at least 120m, or perhaps up to 160m, will be required to the north of the U1172 [Manual for Streets].





2.11 While visibility when exiting the U1172 is a major consideration, of equal importance is the forward visibility envelope of drivers approaching the junction. The 40 MPH ((64.37KPH) speed limit again requires 120m of forward visibility for drivers [Manual for Streets]. IMAGE 2, above, shows that due to it intersecting obstructive third party land it is impossible to achieve a clear 120m intervisibility northward from the U1172.

**2.12 In view of the speed limit on the C1012 Houghton Road North; the absence of data on the actual 85th percentile speed of vehicles descending the gradient from the north; and the significant unlikelihood of meeting the required intervisibility distance, and the concomitant impacts of these factors upon highway safety, the Parish Council objects to the proposed development and recommends refusal of planning consent.**

#### Secondary and Emergency Access

2.13 Paragraph 5.6 of the applicant's Transport Statement asserts: *"In accordance with the Council's guidance the development also provides an emergency vehicle access, with connects to Jackson Road via a PROW."* This statement is patently false.

2.14 Cumbria Design Guide requires developments of over 50 dwellings to have emergency vehicle access and a secondary vehicular access for over 100 dwellings. Note that this access is 'required' i.e. needed, compulsory, or otherwise considered essential.

2.15 A secondary/emergency access is proposed via existing Public Right of Way, footpath 132013, from the U1238 (101) Jackson Road. Footpath 132013 has a width of approximately 4m, this width being constrained by the boundaries of the adjoining dwellings and of the Electricity Sub-Station, and is accessed from the U1238 (101) Jackson Road which has a measured kerb to kerb width of only 4.9m – IMAGE 1.

2.16 The navigable width of Jackson Road is frequently significantly reduced by parked vehicles. To avoid obstructing drives these may often overlap the entrance to footpath 132013, which is kerbed and not intended for vehicle access.

2.17 The only Swept Path Analysis referred to in the applicant's Transport Assessment is shown at 'Plan 7 Swept Path Analysis - Refuse Vehicle (drawing VN232581-TR100)'. This considers only swept paths within the proposed development and that of the proposed primary access onto the U1172, Brunstock Lane. No swept path analysis is provided in respect of vehicles accessing the proposed development via the proposed secondary/emergency access from Jackson Road via footpath 132013.

2.18 The Cumbria Fire & Rescue Service states that the appliances used i.e. Pump Ladder Type B with Compressed Air Foam Systems (CAFS), and Water Bowser/ Driver Training Vehicles, are based upon the Volvo FL chassis and manufactured by Emergency One (UK) Ltd and Angloco Ltd [Cumbria Fire & Rescue website].

2.19 The overall length of the Type B appliance is stated to be 8.6m, a custom length lying between 8.425m and 8.915m as shown on the Volvo Specification Sheet for the FL chassis [Volvo UK]. The Specification Sheet for the FL chassis also states that it has a kerb to kerb turning circle diameters of 15.9m for a chassis 8.425m long, and 16.8m for the 8.915m chassis. These figures indicate a turning radius for the FL chassis of between 7.95m and 8.4m.

**2.20 It has been clearly demonstrated that the significant constraints imposed by the narrowness of footpath 132013 and Jackson Road, which is frequently restricted by parked vehicles, make it impossible to achieve the clear swept path required for access by emergency vehicles. As secondary/emergency access is an essential requirement and cannot be provided the Parish Council Objects to the proposal and urges refusal of planning consent.**

#### Traffic Volume

2.21 The proposed development would have 352 resident's parking spaces and 37 visitor spaces [applicant's Transport Statement]. As weekend observation of similar developments suggests that most parking spaces are usually occupied, the number of spaces provided is indicative of the ultimate number of vehicles expected to finally reside within the development.

2.22 Paragraph 6.16 of the Transport Assessment states that the assessment of the three junctions actually considered has been carried out using modelling software produced by the Transport Research Laboratory (TRL), the Priority Intersection Capacity and Delay (PICADY) module being used. Paragraph 6.16 also explains that the performance of these junctions is expressed as a Ratio of Flow to Capacity (RFC) and queue length, and that an RFC of 0.85 or above is often taken as an indication that a junction is approaching capacity.

2.23 However, the Transport Research Laboratory provides guidance on the use the 0.85 Ratio of Flow to Capacity, stating: *"Although it is understandable why such values are popular, and genuinely have their place, there may be a tendency for these values to become the ONLY goal, at the expense of evaluating situations in a more thorough and useful way."* [Sic]

2.24 The TRL guidance further advises as to why reliance should not be placed on just one single acceptable RFC, stating: *"RFC values vary throughout a peak, and can rise and fall sharply or slowly. The consequences of a high RFC depend on the flow. An RFC value of 1.2 might not matter with a very low flow whereas a value of 0.8 might be disastrous with a high flow. The important criteria for judging the success of a design (from the point of view of congestion) are the total delay to all vehicles, and the mean delay per vehicle on each of the approaches."*

- 2.25 The Transport Assessment relies upon a Ratio of Flow to Capacity of 0.85, but in doing so fails to evaluate the situation *“in a more thorough and useful way”*. It also fails to adequately consider the cumulative effects of multiple junctions in the village on flow rates, contrary to the advice that, *“The important criteria for judging the success of a design (from the point of view of congestion) are the total delay to all vehicles, and the mean delay per vehicle on each of the approaches.”*
- 2.26 Table 6.1, ‘Proposed Development Trip Rates and Trip Generations’, and paragraph 6.12, of the applicant’s Transport Assessment, suggest that only 82 morning peak time (08:00-09:00) vehicle movements would be generated by the proposed development. It is also suggested that only 72 such movements would be generated during the evening peak (16:30-17:30).
- 2.27 The above peak trip generation equates to a flow rate per minute of 1.36 vehicles (a.m.) and 1.2 vehicles (p.m.) requiring to use the junction of Houghton Road North with Brunstock Lane. The real time flow would not, of course, be so conveniently spaced.
- 2.28 The applicant’s Transport Statement entirely ignores the effects of the mid-afternoon peak generated by traffic associated with the end of the school day and which frequently gridlocks the village. It also ignores conflicting traffic flows at the two significant junctions of the U1238 Jackson Road with the C1012 Houghton Road one of which lies just 40m from the gates of Houghton Primary School and just 13m from those of the neighbouring Nursery School.
- 2.29 The Transport Statement also fails to consider the effect of the junction with U1237 Orchard Lane/The Green where the traffic generated by 70 dwellings joins the C1012 Houghton Road. Also not considered are the junctions with the U1396 Tribune Drive serving 180 dwellings and the junction with the unadopted Gladwin Drive serving 99 Dwellings. The junction with Tarraby Lane, serving just 30 dwellings is, however, considered.
- 2.30 Table A, below, shows three data acquisitions from the C1012 Houghton Road North, within the 30 MPH traffic controlled centre of the village, over an 11 year period, and a point also on the C1012 approximately 1km to the south.
- 2.31 It is apparent that during this 11 year period a 7 day average of 2,812 vehicles per day, i.e. 19,684 per week, used the C1012 Houghton Road. **Based conservatively on only 350 days this gives an existing annual total of 984,200 vehicle movements through the village.**
- 2.32 While the applicant’s Transport Assessment focuses on demonstrating that junction capacity will not be exceeded, it avoids study of the damage to community well-being that would be inflicted by the additional traffic.

- 2.33 In 2021 33% of households had two or more cars and 45 % had one car, while 22% are without a car. [National Travel Survey 2021: Household car availability and trends in car trips - Office of National Statistics (ONS), 31 August 2022]
- 2.34 Based on this ONS data Table B, below, shows the number of vehicles likely to be generated by the proposal. The table rounds down the total figure of 2 vehicles per household rather than attempting to calculate the rather vague 2 or more used by the ONS. The overall total would certainly be higher perhaps by a significant margin.

<b>TABLE A: TRAFFIC VOLUME – HOUGHTON ROAD 2012-2023</b>				
<b>Date</b>	<b>Direction</b>	<b>Total vehicles</b>	<b>5-day average</b>	<b>7-day average</b>
<b>Houghton Road North</b>				
Fri 13 April – Thurs 19 April 2012	N	9756	1493	1394
Fri 13 April – Thurs 19 April 2012	S	12079	1852	1726
Fri 13 April – Thurs 19 April 2012	Total	21835	3345	3119
<b>Houghton Road</b>				
Wed 9 Dec – Tue 15 Dec 2015	N	8896	1362	1271
Wed 9 Dec – Tue 15 Dec 2015	S	7794	1206	1113
Wed 9 Dec – Tue 15 Dec 2015	Total	16690	2568	2384
<b>Houghton Road</b>				
Fri 16 June – Thurs 22 June 2023*	N	8980	1372	1285
Fri 14 July – Thurs 20 July 2023†	S	11637	1793	1648
	Both	20617	3165	2933
* and †: Dates are different as speed indicator only records oncoming vehicles. Analysis of four months' of data clearly shows that these figures are typical of vehicle movements.				

<b>TABLE B: NUMBER OF VEHICLES PER HOUSEHOLD BASED ON ONS % OF 163 DWELLINGS</b>		
<b>ONS Households %</b>	<b>Vehicles Per Household</b>	<b>Total Vehicles</b>
33	2 or more	108*
45	1	74
22	0	0
100	Totals	182
* Maximum of 2 vehicles only counted, ONS figures suggest a higher figure. Total rounded up to nearest whole number		

- 2.35 Based on the above, one two-way trip per vehicle per day would generate 364 trips per day, i.e. up to 2,548 trips per week. Due to the reduced maximum household/vehicle count of 2, above, this is likely to be a conservative estimate. Again erring on the side of caution, multiplying the daily trip rate by only 350 days gives an annual trip rate of 127,400.

2.36 These additional vehicle movements in conjunction with the existing totals shown in in Table B are shown below at Table C.

<b>TABLE C: Vehicle Movements on C1012 Houghton Road</b>			
	Daily	Weekly (7 day)	Annual
Existing	2,812	19,684	984,200
Additional	364	2,548	127,400
Combined*	3217	22,232	1,111,600
* Combined Annual Total Based on 350 days			

2.37 IMAGE 3, below, shows the impact of existing traffic congestion in Houghton. Table C, above, shows that the proposal would lead to an annual total of over 1 million vehicle movements on the C 1012 Houghton Road. The proposed development would therefore generate a patently untenable and unsustainable increase in traffic volume.



- 2.38 The Highway Authority expresses doubts that the proposed garages meet the dimensions required to enable their consideration as parking spaces, it therefore questions the adequacy of the proposed total of 389 resident's parking spaces and states that up to 437 spaces may be required. Subtracting the 37 visitor spaces leaves an overall total of 400 residential parking spaces - i.e. 2.45 spaces per dwelling, a figure not far removed from the average of 2.25 spaces residential requirement for major development [2.25 derived from Cumbria Design Guide, appendix 1]
- 2.39 Although some level of inbuilt overprovision is likely to be included as a buffer, to be considered as justifiable the number of parking spaces demanded must surely be indicative of the theoretical maximum number of vehicles expected to reside on the development.
- 2.40 Although it is unlikely that the proposal would generate a resident population of 400 vehicles, it is highly likely that it would generate more than one vehicle per household. Halving the number of parking spaces required Highway Authority suggests a total of 200 resident vehicles - i.e. 1.22 vehicles per household.

#### Construction Traffic

- 2.41 **It is important to be aware that the applicant proposes a construction period of 7 years, stating "Last home to be delivered summer 2030."** [Document presented at 'drop-in' session held in Houghton 28 June 2023]
- 2.42 *"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 4th 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"*
- 2.43 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."* [MRTU Heavy Lorries - do they pay for the damage they cause?]

- 2.44 Each HGV accessing the site during the construction phase would therefore subject the approach roads to excessive levels of wear, and inflict damage equivalent to many thousands of cars. The U1172 having an acute U bend when entered from the north, to be immediately followed by the proposed 90% corner at the site entrance, would be particularly susceptible to this damage.
- 2.45 A short distance from the proposed primary access a small bridge crosses School Sike. This bridge provides the sole vehicular access to three dwellings and St Johns Church. The structural condition and load bearing capacity of this structure is unknown.
- 2.46 The Parish Council is therefore concerned that should Brunstock lane be used to accommodate queuing HGVs, and or heavy plant, prior to their reception on site, their use of the bridge could lead to substantial damage or structural failure and thus risking isolation of the dwellings and the church from shops, the community, and the emergency services.
- 2.47 Further impacts would be suffered from the effects of dust and perhaps other, more hazardous, particulates arising from construction operations; diminished air quality arising from the passage of a significantly increased volume of heavy traffic. Mud, and perhaps other substances, carried from the site onto neighbouring residential roads would, given the topography and profile of the C1012, certainly create an unacceptable skid risk.
- 2.48 Although a Construction Management Plan may be required the Parish Council, along with many in the wider community, is aware that these are frequently ignored by developers when expediency becomes their overriding consideration. The provision of such a plan is therefore no safeguard against the sometimes dangerous nuisances visited upon existing communities by development that is inadequately supervised through ineffective enforcement.

**2.49 It has been shown that the proposed development would generate cumulative, conservative, total vehicle movements on Houghton Road of 3217 daily, 22,519 weekly, and 1,125,950 annually. In consideration of the unacceptable impact these increases would force upon the community of Houghton the Parish Council strongly objects to this unsustainable proposal.**

### **3. CONFLICT WITH PLANNING POLICY**

- 3.1 *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.” [National Planning Policy Framework (NPPF)] “Development Plan is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans” [NPPF]*
- 3.2 Under the heading ‘Pre-application Advice’ the applicant states that advice was received *“regarding the proposed layout and submission documents.”* However, in his response to consultation the Cumberland Council Planning Policy Officer states that: *“Our advice to the applicant on this has been, and will continue to be, that a site of this scale, within this location must be considered through the Local Plan allocation process.”*
- 3.3 The Policy Officer then discusses the policy implication for the proposal before concluding *“It is for this reason I would recommend that the application be refused on the principle of being major development on an unallocated site within the village of Houghton at a scale too large to be appropriately considered as windfall development under policy HO2.”*
- 3.4 Notes accompanying the Pre-Application Advice Request Form issued by the Local Planning Authority explain the various levels of service provided. The minimum cost Stage One Service provides:
- Written correspondence or short meeting with Planning Officer detailing:
  - Assessment of principle of proposed development; and Identification of key planning issues/constraints relevant to proposed development.
  - Identification of relevant planning policies
  - Identification of validation requirements.
- 3.5 As the application is for a major housing development pre application advice to the applicant must certainly have included reference to Policy HO2, Windfall Housing Development. In view of the Policy Officer’s recommendation it is inconceivable that the applicant would not have advised that the proposal is not compliant with the CDLP.

#### CDLP Policies with which the Planning Statement (PS) seeks to prove compliance

- 3.6 The applicant’s Planning Statement lists 23 Local Plan policies, but attempts to show compliance in respect of only 13. These are examined below.



- 3.7 **Policy SP6 – Securing Good Design.** This policy states that proposals should, *“respond to the local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns and by making use of appropriate materials and detailing”*
- The local context of the proposal site is essentially that of agricultural pasture bounded to the west by existing dwellings. Examination of any site plan submitted by the applicant clearly shows the proposed density to be greater than that of the neighbouring dwellings the gardens of which could easily accommodate up to 4 or 5 of the proposed units. On this point alone the proposal fails to comply with Policy SP6.
- 3.8 Policy SP6 also states that proposals should: *“ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development.”*
- It is clear from the foregoing sections of this submission, and those that follow, that the proposal entirely fails to ensure there is no adverse effect on the residential amenity of existing areas and, in fact, has a quite contrary and damaging impact.
- 3.9 Occupying the flood plain of Brunstock Beck, the site overlies very shallow groundwater, as encountered at only 0.6m, i.e. less than 2 feet, below ground level during site investigations by FWS Consulting, and suffers poor drainage. Future occupiers of any dwellings would certainly suffer the same flooding of gardens and dwellings as do existing residents in the locality, entirely unacceptable conditions for new dwellings constructed with certain foreknowledge of the risk. The proposal is therefore contrary to Policy SP6 of the CDLP.
- 3.10 **Policy HO1 – Housing Strategy and Delivery.** This policy clearly states that its intention is to deliver the allocations set out in the policy and that, *“Any unallocated sites which come forward for development and which would prejudice the delivery of this strategy will be resisted.”* The policy sets out, in a table, the sites allocated for housing as identified on the Local Plan Policies Map, and directs attention to issues set out in Appendix 1 - Sites Allocated within Policy HO 1, states that its site profiles are intended to aid identification of the sites allocated for housing development in Policy HO 1. Only 1 site is allocated in Houghton and identified in the CDLP this is site R10 Hadrian’s Camp. 99 dwellings, including 25 affordable, were approved in 2014. These are now occupied.
- 3.11 Working with the Commission for Architecture and the Built Environment (CABE), Parish Councils and the communities, Carlisle City Council created detailed settlement profiles for 22 villages. The information gathered then formed an evidence base contributing to construction the Local Plan [Rural Masterplanning in Carlisle District, Cumberland (Carlisle) Council]. The Houghton Rural Masterplan 2014 states that,

following approval in 2012 of outline planning consent for Hadrian's Camp, *"This will provide for enough housing for local housing needs for the next 15 years and therefore no more sites will be allocated for development through the Local Plan. Windfall (sic) developments will be assessed on their own merits through the planning process as and when they come forward."* Thus there is no need for further site allocations in Houghton until at least 2029-30.

- 3.12 As part of the evidence base informing the CDLP this paragraph has also informed policy HO1. As a result the proposal site is not allocated in the CDLP, and no further sites will be allocated for Houghton until 2029-30, while a major development in the village would prejudice delivery of the strategy. The proposal is therefore contrary to Policy HO1.
- 3.13 **Policy HO2 - Windfall Housing Development.** (Also referred to in the Houghton Rural Masterplan) This policy states that development on sites on the edge of Carlisle, other than those allocated, would be acceptable if they do not prejudice delivery of the spatial strategy of the Local Plan. It also states that:
- the scale and design of the proposed development should appropriate to the scale, form, function and character of the existing settlement;
  - the scale and nature of the development should enhance, or maintain, the vitality of the rural community within the settlement
  - on the edge of settlements the site should be well contained within existing landscape features, physically connected, and integrated with the settlement,
  - does not lead to an unacceptable intrusion into open countryside;
  - it is demonstrated that the proposed development will enhance or maintain the vitality of the communities, and that
  - Applicants will work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.
- 3.14 It has been shown above that the proposal is contrary to Policies SP6 and HO1 and that Cumberland Council Policy Officer has objected to the proposal stating the proposed major development in Houghton is too large to be considered as windfall under policy HO2.
- 3.15 The proposal represents an approximate 24.32% expansion of Houghton and is therefore of an inappropriately out of scale with the villages form, function and character. Rather than enhancing or maintaining the vitality of the community, i.e. its energy and strength, by placing additional burdens on already strained traffic congestion, lack of school places, poor public transport links etc. the proposal would have a marked negative effect on community wellbeing. The proposal would not

therefore be integrated with the settlement, but would be environmentally and socially intrusive. The proposal is therefore entirely contrary to Policy HO2.

- 3.16 **Policy HO4 - Affordable Housing.** This policy addresses the delivery of affordable housing within an application to which the policy may apply. In this instance the policy would become applicable only if the proposal were to found to be acceptable, and then through the implementation of a Section 106 Agreement. It cannot be considered to be relevant in isolation. As the proposal has been shown to lack conformity with other policies of the CDLP Policy HO 4 is not considered to be relevant at this time.
- 3.17 **Policy IP2 - Transport and Development.** This policy states: *“All new development will be assessed against its impact upon the transport network. Development that will cause severe issues that cannot be mitigated against will be resisted.”* The policy further states that the Travel Plan should show how the development will help to reduce the need to travel, particularly by private motor car, and that the accessibility needs of more vulnerable people have been taken into account.
- 3.18 It has been clearly shown above that the proposal would indeed cause severe issues for the community of Houghton. Public transport links are sparse and infrequent, while the closest bus stop lies approximately 640m from the furthest proposed dwellings and thus a major obstacle to the use of public transport by those of impaired mobility. These factors are, at the very least, highly unlikely to discourage the use of private transport despite the unfeasible and unenforceable aspirations of the Transport Plan. The proposal therefore signally fails to comply with Policy IP2 of the CDLP.
- 3.19 **Policy IP3 - Parking Provision.** This policy states that proposals for new development will be expected to provide a minimum number of parking spaces in accordance with any local standards in operation. The Highway Authority has questioned the viability of the proposed arrangements for parking, stating that the proposed garages do not appear to be of sufficient proportions to be considered as parking spaces, and that the site therefore has a shortfall of 52 spaces. The policy also states that an important consideration when applying parking standards is a need to encourage the use of alternative means of travel, other than private cars. It has been shown above that the proposal is incapable of discouraging the use of private transport. The proposal therefore fails to comply with policy IP3 of the CDLP.
- 3.20 **Policy CC4 - Flood Risk and Development.** This policy states that the Council (now Cumberland Council) will seek to ensure that new development does not result in unacceptable flood risk or drainage problems and that Development of the size

proposed should be supported by a Flood Risk Assessment (FRA). This assessment should establish, among other significant factors:

- whether a proposal is likely to be affected by flooding at any time, from any source, and whether it will increase flood risk elsewhere, or interfere with flows
- that no lower risk alternative site exists and whether appropriate mitigation measures are proposed to deal with potential risks and effects;
- that adequate floodplain storage capacity can be provided and that the capacity of the water supply, drainage and sewerage networks have been considered.

The policy makes clear that with particular regard to floodplain storage capacity, water supply and drainage/sewerage networks, developers should liaise with the relevant statutory bodies should establish the impact of development on infrastructure.

- 3.21 In its response to consultation, dated 20 June 2023, the Environment Agency (EA) objects to the proposal stating that it is, *“not currently satisfied that the development would be safe without exacerbating flood risk elsewhere. The EA also states, “there is encroachment into Flood Zone 2 & 3, which has not been assessed in the FRA”*

The EA concludes that:

*“The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.”*

- 3.22 The applicant submitted an amended Drainage Strategy dated 13 July 2023. The EA issued its response on 18 July 2023. This was brief and very clear, stating:

*“The drainage plan amendments do not materially affect the site constraints that are of relevance to the remit of the Environment Agency and our previous response regarding flood risk still applies (please see letter ref NO/2023/115315/01-L01 dated 20 June 2023).”*

The proposal is therefore patently non-compliant with policy CC4 of the CDLP.

- 3.23 [Policy CC5 - Surface Water Management and Sustainable Drainage Systems](#). It has been shown immediately above that the applicants Drainage Strategy is wholly inadequate and has been twice rejected by the EA. As Policy CC5 is inextricably linked with Policy CC4, with which it fails to comply, the proposal must, therefore, also fail to comply with Policy CC5 of the CDLP.

- 3.24 [Policy CM 2 - Educational Needs](#). As the Education Authority Cumberland Council states that too few places are available at Houghton Primary School, the catchment school. The next closest primary school to the proposal being Stanwix Primary School,

stated by the Authority to be over the 2 mile distance threshold from the proposed development. The closest secondary school also has insufficient capacity, and again the next closest is beyond the distance threshold - 3 miles for such schools.

- 3.25 Although the Education Authority has sought S106 contributions toward educational provision totalling £1,108,230.00, this should it be forthcoming would not overcome the problems associated with the lack of space at Houghton, where there is no scope for additional building. As a result all pupils would need to be driven to out of catchment schools, either by parents/carers or be bussed from the village.
- 3.26 Cumberland Council owns land earmarked for a new primary school near Tarraby. Pupils attending this school, should it ever be built, would be required to walk almost 2 miles there from their homes on the proposed development, be driven by a parent/carer, or bussed.
- 3.27 Policy CM2 states: *“Proposals for the development of new educational facilities as well as for the expansion, alteration and improvement of existing educational facilities will be supported where they are well related to the catchment they will serve.”* And: *“Where there is a need for new educational facilities outside of an existing site, the location should be close to the intended catchment in order to minimise travel in line with sustainable development principles.”*
- 3.28 It has been clearly demonstrated that the proposal is not well related to existing educational facilities. It has also been clearly demonstrated that a new primary school, on the Cumberland Council owned site at Tarraby, even if enabled through a S106 contribution from the developer, is not close to the site and certainly would not minimise the need to travel. The proposal is therefore contrary to Policy CM2 of the CDLP.
- 3.29 **Policy CM 5 - Environmental and Amenity Protection.** This Policy states: *“The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers.”*  
It has been shown above, and elsewhere in this submission, that the site overlies very shallow groundwater, and that future occupiers would suffer the same flooding of gardens and dwellings as do existing nearby residents.
- 3.30 The policy also states: *“Development will not be permitted where it would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters or impact on human health;”* The site is bounded by Brunstock Beck, a tributary of the River Eden and Tributaries Site of Special Scientific Interest (SSSI). This, and the shallow groundwater, make the SSSI especially vulnerable

to contamination from a variety of sources. The use of garden pesticides, fertilisers etc., along with other pollutants including those associated with motor vehicles may very easily soak away to ground water, and ultimately to the SSSI.

- 3.31 In referring to impacts on human health, the policy includes all aspects of this important consideration. Living in a home where the site is subject to flooding and waterlogging may have obvious physical effects upon the health of the occupiers if damp were to affect the property. Not overlooked, however, is the considerable toll such conditions would take on their mental health. The applicant has yet to provide evidence that these obstacles can be overcome, therefore the proposal can only be viewed as being contrary to Policy CM5.
- 3.32 [Policy HE5 - Historic Battlefields](#). In addressing heritage policy the applicant's Planning Statement refers to the conclusions of an Archaeological Desk Based Assessment, and asserts that the proposal does not physically impact upon any known archaeological features. Interestingly, in view of the nature of the proposed development, the Archaeological Desk Based Assessment states, "***The study area was probably unfavourable to past settlement due to the close proximity of Brunstock Beck.***" [Emphasis added]
- The Planning Statement then concludes that proposed development of the site is considered to accord with Policy HE5 of the adopted Local Plan. As there is no known evidence of any battle on, or close to, the site this conclusion is not challenged.
- 3.33 The site is partly intersected by the adjoining Hadrian's Wall World Heritage Site Buffer Zone, to which Policy HE 1 - Hadrian's Wall World Heritage Site, applies. Historic England has not, however, expressed any concerns regarding the proposal.
- 3.34 [Policy GI 1 – Landscapes](#). This policy states that "***All landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development,***" (Emphasis added). Although not a protected landscape, as an Area of Outstanding Natural Beauty might be, the proposal site does, nevertheless, constitute a landscape of local significance. As the flood plain of Brunstock Beck and School Sike the open area of pasture forms a natural buffer between these natural features, and inundation from their frequent overtopping. It also distances existing dwellings from the M6 motorway.
- 3.35 "*Proposals for development will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit (or successor documents)*" (CLCGT) The document is retained by Cumberland Council, and remains active. It identifies the site as Sub Type 5b: Low Farmland, and, under heading 'Vision', seeks to minimise urban intrusions stating, "***The key features of this well maintained working landscape will be conserved and enhanced.***" (original emphasis). Note, "*will be conserved and*

*enhanced.*” - not ‘may be’, ‘could be’, ‘might be’ etc. This statement is not a request, or an aspiration, it is a demand.

- 3.36 The CLCGT considers the effects of climate change on this landscape stating, *“An increase in rainfall and extreme weather events could result in an increase in flash flooding.”* As has been shown above and elsewhere in this submission the site lies on a flood plain subject to inundation. The CLCGT states that new development should respect the historic form and scale of villages, and use materials sympathetic to local vernacular styles. The CLCGT resists *“creeping urbanisation”* which *“can degrade the traditional landscape characteristics”*, while supporting ribbon, or fragmented development and even then only *“where it is compatible with the wider landscape character.”*
- 3.37 The proposed high urban density housing development is patently incompatible the demands of the CLCGT and of the policy which leans upon it. The proposal therefore fails to comply with Policy GI1 of the CDLP.
- 3.38 **Policy GI 6 - Trees and Hedgerows.** This policy demands the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Figure 4. First Edition Ordnance Survey map 1868 of the applicant’s Desk Based Assessment clearly shows the hedgerows in place.
- 3.39 A hedgerow protected under the Hedgerows Regulation 1997 if it is more than 20m long with gaps of 20m or less in its length; or less than 20m long, but meets another hedge at each end. A hedgerow is also protected if it is on or next to land used for agriculture or forestry, a site of special scientific interest, a protected European site such as a special area of conservation or special protection area. The hedgerows are on land adjoining the River Eden SSSI/SAC, while the applicant’s Shadow Habitats Regulation Assessment Rev A (SHRA) states: *“It cannot be concluded that the project will not adversely affect the integrity of the The River Eden and its tributaries SAC/SSSI, either alone or in-combination with other plans or projects.”* (Sic) [SHRA 7.0] Although the SHRA considers that the incorporation of Nutrient Neutrality mitigation would mitigate a negative impact. No evidence is presented to support this assertion.
- 3.40 A hedgerow is designated as ‘important’, and is further protected under the Hedgerows Regulation, if it’s at least 30 years old and, among other criteria,
- contains protected species listed in the Wildlife and Countryside Act 1981
  - contains species that are endangered, vulnerable and rare and identified in the British Red Data books

- includes woody species and associated features as specified in Schedule 1, Part II Criteria, paragraph 7(1) of the Hedgerow Regulations (one fewer woody species is needed northern counties).

Despite the proximity of the SSSI/SAC, and other evidence, the applicant states that there are no protected and priority species, designated sites, important habitats or other biodiversity features on land adjacent to or near the proposed development. [Application Form]

- 3.41 The applicant’s Tree Survey Report (TSR) states, at 2.3.1, that 11 trees, 140m of field boundary hedges, and a section of roadside hedge will be removed. However, examination of the applicant’s Landscape Concept Plan, Rev A, indicates that a closer to 350m of hedgerow would be removed, or denied opportunities for regeneration where the life cycles of contributing species may create temporary breaks in continuity.
- 3.42 It has been shown that the proposal would result in the loss of trees, and protected hedgerows of designated importance; that this loss would occur on land adjoining a SSSI/SAC, and that that no evidence of viable mitigation has been presented. The proposal is therefore contrary to Policy GI 6 of the CDLP.

#### Other Spatial Strategy and Strategic Policies of the CDLP

- 3.43 **SP1 - Sustainable Development.** The PS states only that, *“when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. This includes working proactively with applicants and communities to find solutions which mean that proposals can be approved wherever possible.”*

With regard to working proactively with the community the Parish Council hosted a public meeting to discuss the proposal on 10th June 2023. Although invited the applicant declined to attend. Following further discussion with the applicant the Parish Council succeeded in brokering a 4 hour ‘drop-in’ session, held by the applicant on July 19th 2023. Other than this session there has been no meaningful proactive community involvement by the applicant.

Policy SP1 also states that this proactive engagement is intended to: *“secure development that improves the economic, social and environmental conditions of the District.”*

- 3.44 It is clear from the foregoing sections of this submission, and those that follow, that the proposal entirely fails to improve the economic social and environmental conditions of the district – still less the village of Houghton, which would suffer



significant negative impacts in respect of all three considerations. The proposal is therefore contrary to Policy SP1 of the CDLP.

- 3.45 **Policy SP2 - Strategic Growth and Distribution.** This policy states: *“specific sites have been identified within the Plan, alongside an allowance for windfall developments, to accommodate the majority of growth required. Carlisle South has been identified as a broad location to accommodate additional housing growth in accordance with SP 3.”* It also states: *“Within the District’s rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive.”* And: *“Within the open countryside, development will be assessed against the need to be in the location specified.”*

In view of the above reference, Policy SP2 must be considered alongside Policy SP3.

- 3.46 **Policy SP3 - Broad Location for Growth:** Carlisle South, referred to by Policy SP2 , states: *“A broad location for growth for a major mixed use development, focusing on housing, is identified on the Key Diagram at Carlisle South.”* It further states *“specific sites have been identified within the Plan, alongside an allowance for windfall developments, to accommodate the majority of growth required.”*

This policy clearly intends to direct the majority of additional housing growth, i.e. windfall developments, to Carlisle South. In proposing a large scale high density housing development on an unallocated site in the north of Carlisle, the proposal is patently at odds with Policies SP1 and SP3 and is therefore prejudicial to the strategy set out in the CDLP.

3.47

**It has been shown that the proposal fails to comply with important policies of the Local Plan; would have significant negative impact upon environmental and social infrastructure, and would prejudice local plan strategy with regard to the delivery of housing. The Parish Council therefore urges refusal of planning consent.**

#### 4. BIODIVERSITY AND HABITAT

- 4.1 Policy GI3 of the Plan - Biodiversity and Geodiversity states: *“Biodiversity assets across the District will be protected and, where possible, enhanced.”*

The policy also states that development will only be permitted when its benefits clearly outweigh its likely impacts on the special interest features of the site, and any broader impacts on the national network of Sites of Special Scientific Interest (SSSIs), and: *“Permission for development will be refused if significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated for;”*.

- 4.2 As shown above the site abuts the River Eden and Tributaries Site of Special Scientific Interest/Special Area of Conservation (SSSI/SAC), and woodland listed in the Priority Habitats Inventory; also that the site contains important and protected hedgerows.

- 4.3 The sites eastern boundary is defined by Brunstock Beck, a tributary of the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), and lies within the Impact Risks Zones of these protected sites and also within the River Eden Nutrient Neutrality Catchment.

- 4.4 The beck is considered suitable habitat for water voles, and white clawed crayfish. Otters are known to use the beck as a foraging corridor up to The Knells. The beck also supports a variety of other protected aquatic and amphibian species. It also adjoins Ronnies Wood, a Priority Habit Protected Woodland. Red squirrels, bats, badgers, deer and other protected mammal species are known to reside, visit or forage in this woodland and on the site.

- 4.5 The applicant’s Due Diligence Report states; *“There was no evidence of vulnerable habitats or species within 500m of the site.”* While the Application form states that there are no protected and priority species, designated sites, important habitats or other biodiversity features on land adjacent to or near the proposed development. In view of substantial evidence to the contrary, the Parish Council is astounded that the applicant choose to state in these documents that vulnerable receptors do not lie on land adjacent to or near the application site.

- 4.6 Although much of the applicants Shadow Habitats Regulation Assessment (SHRA), Rev A, is devoted to explaining the process, stages, guidance and conservation objectives of the Habitats Regulations, rather than analysis of the potential impacts, it is quite clear on certain important facts, stating:

*“The proposed development will result in an increase in nutrient loading within the hydrological catchment of the SAC/SSSI, through the production of wastewater during*

*construction or operation, potentially leading to degradation of habitat or changes in water quality. And;*

*“The proposed development could result in species mortalities and injuries e.g. through pollution incidents during wet weather to the adjacent watercourses. The increased input could lead to eutrophication of the watercourse” And;*

***“It cannot be concluded that the project will not adversely affect the integrity of the (sic) The River Eden and its tributaries SAC/SSSI, in-combination with other plans or projects. However, with suitable Nutrient Neutrality mitigation measures incorporated within the final layout of the site it is not considered that there will be a negative impact from the Brunstock Lane development.”*** (Emphasis added)

- 4.7 with reference to Nutrient Neutrality the applicant’s SHRA states: *“The Nutrient Neutrality Budget Calculator used to calculate outputs for the site follows a generic ‘board-brush’ approach and therefore cannot be tailored to meet each specific sites or situations. And; “Additionally, there is limited information regarding the existing site drainage and uncertainty on the efficacy of mitigation measures that may be already in place on the proposed site.”* And: *“Nutrient neutrality cannot yet be demonstrated for the project”*
- 4.8 The Conservation of Habitats and Species Regulations 2017 require the Competent Authority, in this case Cumberland Council, to carry out an appropriate assessment of the implications for the site before authorising any plan or project which is likely to have a significant effect on a European site, and which is not directly connected with, or necessary to, the management of that site.
- 4.9 The assessment must consider effects on the integrity of the site. *“ A significant effect should be considered likely if it cannot be excluded on the basis of objective information **and it might undermine** a site’s conservation objectives. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment.”* [Defra] (Emphasis added)
- 4.10 *“The habitat regulations require that mitigation be secured for the lifetime of the development which Natural England consider to be 80-120 years.”* [Department for Levelling Up, Housing and Communities July 2022], while from November 2023 the currently required mandatory biodiversity net gain must be secured for at least 30 years.
- 4.11 ***“Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.”*** [Defra]

4.12 Paragraph 174 of the National Planning Policy Framework (NPPF) states: *“Planning policies should contribute to and enhance the natural local environment by:*

- *Minimising impacts on, and providing net gains for biodiversity, including establishing coherent networks that are more resilient to current and future pressures.”*

While paragraph 180 states: *“When determining planning applications, local planning authorities should apply the following principles:*

- *If significant harm to biodiversity resulting from development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.”*

4.13 The construction phase of the proposal, i.e. the building of 163 dwellings and associated infrastructure, would obviously require the use of heavy vehicles and plant to operate on site for a protracted period of time. The contamination of the SSSI/SAC through the accidental discharge of pollutants during construction cannot therefore be ruled out. Consideration must also be given to the cumulative lateral migration of relatively minor, but repeated, leaching of contaminants to the SSSI/SAC via the sites shallow groundwater, cannot be ruled out.

4.14 The potential long term effects of repeated compaction of the surface by heavy vehicles and plant essential to operations appears not to be considered in application documents. The effects of site levelling also appear not to be considered. In view of the shallow groundwater and site levelling, the unknown effects of prolonged compaction upon natural the infiltration and migration of contaminants cannot be disregarded.

4.15 The accelerated effects of climate change, and the vagaries of human intervention, make it impossible for an adverse effect upon the site’s integrity to be *“ruled out”* during the statutory timescales of 80-120 years and 30 years for which mitigation is required to be secured.

4.16 **There is no imperative reason of overriding public interest that requires the proposal to predominate over the interests of the SSSI/SAC, while it impossible for an adverse effect on the site’s integrity to be “ruled out” through mitigation. The proposal therefore conflicts with Policy GI 3 of the CDLP, the requirements of the NPPF, and The Conservation of Habitats and Species Regulations 2017. The Parish Council therefore strongly opposes the proposal and urges refusal of planning consent.**

## 5. FLOOD RISK

- 5.1 The applicant's Phase 1 & 2 Ground Investigation Report states: *"The entire site is noted to be in an area with potential for groundwater flooding to occur below ground level and at surface."*

The applicant's Flood Risk Assessment and Drainage Strategy Report (FRADS) states that: *"Shallow groundwater was encountered widespread across the site"* and that this reached a level 0.6m below ground level, during excavation of an exploratory hole in May 2022. The FRADS states also that, *"Due to the presence of shallow groundwater on site, BRE365 Soakaway testing has not been undertaken and infiltration drainage has been discounted."*

The FRADS proposes that surface water will pass through an attenuation basin before discharging to Brunstock Beck, a tributary of the River Eden and Tributaries SSSI/SAC.

- 5.2 With regard to drainage the FRADS asserts that the Highway Authority *"will"* adopt and be responsible for highway drainage; and that United Utilities (UU) *"will"* will be responsible for the maintenance and upkeep of the systems serving the site, including the attenuation basin.

- 5.3 Despite the applicant's optimistic assertions the Cumberland Council, as Highway Authority, states that *"No highway drainage details have been provided."*, adding that the information submitted with regard to surface water drainage is inadequate and unsatisfactory. As Lead local Flood Authority Cumberland Council also notes comments and fully agrees with the comments of the Environment Agency.

United Utilities also rejects the applicant's proposals stating: *"If the applicant intends to offer the site drainage forward for adoption to United Utilities, they should be aware that the proposals submitted within this application do not currently meet with our adoptions criteria."*

- 5.4 The Environment Agency states, *"we are not currently satisfied that the development would be safe without exacerbating flood risk elsewhere."* It also refutes the applicant's FRADS (referred to by the EA as FRA) assertion that the EA provided Product 4 information (i.e. flood risk assessment data for planning), stating *"No product 4 flood risk data is presented in the FRA, neither is there any assessment of the design flood needing to be considered or comparison of relative levels."*

The EA also states, *"Clearly from examination of the Planning Layout drawing, the Drainage Layout drawing and the Landscape Concept drawing, there is encroachment into Flood Zone 2 & 3, which has not been assessed in the FRA."*

- 5.5 The EA objects to the application and recommends that planning permission is refused on the grounds that FRADS does not comply with the requirements for site-specific

flood risk assessments and does not therefore adequately assess the flood risks posed by the development.

- 5.6 The applicant submitted an amended FRADS and drawings dated 13/07 2023. These too were rejected by the EA, which states: *“The drainage plan amendments do not materially affect the site constraints that are of relevance to the remit of the Environment Agency and our previous response regarding flood risk still applies (please see letter ref NO/2023/115315/01-L01 dated 20 June 2023).”*
- 5.7 The consultation response of the Environmental Health Officer states: *“This department has previous involvement in cases of flooding on this site. Properties on Jackson Road were regularly adversely affected by frequent flooding during heavy rain.”* This flooding attributed to inadequate surface water drainage from the road surface, a large number of residential properties in the vicinity of Jackson Road, and defective/inadequate pipework to the rear of Jackson road. However, while these are significant contributors, the prevention of effective infiltration due the rapid saturation of the land overlying very shallow groundwater must also be considered.
- 5.8 Google Earth imagery obtained by a Houghton Resident in 2003 and 2023 [Image 4] clearly shows the marked expansion, over that period, of grasses commonly associated with water meadows. The expansion of these areas is particularly visible in the northwestern part of the site, close to the proposed primary access, and in the southern part of the site. It is possible that this expansion may be due to increased rainfall resulting from climate change encouraging a persistent general rise groundwater levels.
- 5.9 In its consultation response of 20 June 2023 the EA states that School Sike was not modelled and that its flood mapping is due to be updated in 2024. This accords with local knowledge, that the limits to which site is known to inundate are above those shown by Environment Agency (EA) flood mapping. In addition, Carlisle City Council Strategic Flood Risk Assessment (SFRA) identifies the site as an Area of Groundwater Flood Risk [SFRA Appendix A, Fig A5]. The Parish Council therefore anticipates that the EA’s 2024 remodelling will extend the identified flood zones beyond their current limits, to include a greater area of the site.
- 5.10 As referred to above the potential impacts of site levelling, and compaction arising from construction operations, cannot be disregarded. These impacts may include effectively raising the level of already shallow groundwater, resulting in a greater risk flooding in in respect of existing and proposed dwellings.



5.11 Photographs 1- 7, below, show recent flooding of the site and neighbouring property in Jackson Road.

FLOODING OF SITE AND JACKSON ROAD – APPROXIMATE VIEWPOINTS









5



6



5.12 It has been clearly demonstrated above that the entire site is in an area with potential for groundwater flooding to occur below ground level and at the surface, and that this risk is clearly stated in application documents. It has also been demonstrated beyond doubt that the Environment Agency has twice objected to the proposal, and that the Highway Authority and the Lead Local Flood Authority concur with The Agency. It has also been shown that the proposals do not meet United Utilities criteria for adoption.

5.13 **It is evident from the foregoing paragraphs that the proposal presents an existential risk of increased flooding, both of the site and of proposed and existing dwellings, and that it is impossible to rule out this risk through mitigation. The Parish Council is of the strongly held opinion that approval would undoubtedly lead directly to increased inundation of neighbouring and proposed dwellings, and the well-being of their occupiers. The Parish Council therefore urges strenuously that the proposal be refused consent.**

## 6. NUTRIENT NEUTRALITY

6.1 A major 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.

*“Nutrient neutrality is a means of ensuring that a development plan or project does not add to existing nutrient burdens within catchments, so there is no net increase in nutrients as a result of the plan or project.”*

6.2 Defra’s 28 June 2023 update of ‘Nutrient pollution: reducing the impact on protected sites’, states: *“Nutrient pollution is an urgent problem for our freshwater habitats and rivers, many of which are internationally important for wildlife. We must tackle this pollution to help meet our legal commitments to restore species abundance.”* And: *“Our protected sites represent some of the nation’s most precious and sensitive habitats, providing wintering and breeding habitats for wetland birds and supporting rare species.”*

6.3 *“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)]

In essence this means that the developer must demonstrate that its proposal is ‘nutrient neutral’ - i.e. the nutrients, primarily 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.

6.4 Natural England states that the Conservation Objectives relating to the River Eden Special Area of Conservation (SAC), should: *“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features,”*

6.5 The proposal site lies within the Impact Risk Zone of the SSSI/SAC, and is bounded by two environmentally sensitive tributary streams of the SSSI/SAC. Ensuring nutrient neutrality is therefore of paramount importance in achieving the required conservation objectives.

- 6.6 The Applicant's Shadow Habitats Regulation Assessment (SHRA), Rev A, states:
- *“The proposed development will result in an increase in nutrient loading within the hydrological catchment of the SAC/SSSI,” through the production of wastewater during construction or operation, potentially leading to degradation of habitat or changes in water quality. “ and:*
  - *“The proposed development could result in species mortalities and injuries e.g. through pollution incidents during wet weather to the adjacent watercourses. The increased input could lead to eutrophication of the watercourse and connected waterbodies during construction or operation.” and;*
  - *“When considered alone, without suitable mitigation, the proposed development cannot be determined to have no adverse impact on the integrity of the River Eden SAC/SSSI due to the potential linkage of the proposed drainage network” and;*
  - *This (sic) proposals will likely result in an increase in nutrients that will be treated in the catchment and ultimately discharged into the River Eden SAC/SSSI. Due to the sensitivity of the SAC/SSSI, any increase in nutrients could cause further degradation or changes to water quality to the waterbodies that support the aquatic and invertebrate assemblage and vascular plants named previously in section 4.” and;*
  - ***“Nutrient neutrality cannot yet be demonstrated for the project and therefore there may be an effect on the SSSI/SAC due to an increase in nutrients. However, with suitable Nutrient Neutrality mitigation measures incorporated within the final layout of the site it is not considered that there will be a negative impact to the River Eden SAC/SSSI”*** [Emphasis added] and;
  - ***“It cannot be concluded that the project will not adversely affect the integrity of the The (sic) River Eden and its tributaries SAC/SSSI, in-combination with other plans or projects.*** [Emphasis added]
- 6.7 The Applicant's SHRA also highlights the limitations of the Nutrient Neutrality Budget Calculator, stating that it uses a generic 'board-brush' approach and therefore cannot be tailored to meet each specific sites or situations.
- 6.8 Notwithstanding its statements, copied above, the applicant's SHRA considers that suitable nutrient neutrality mitigation measures, incorporated within the final layout of the site will, somehow, avoid a negative impact from the development. However, the SHRA provides no evidence, or suggestion of any kind, to substantiate this optimistic aspiration.

- 6.9 *“The habitat regulations require that mitigation be secured for the lifetime of the development which Natural England consider to be 80-120 years.”* [Department for Levelling Up, Housing and Communities July 2022]

The developer is therefore required to prove that the nutrients present in the all surface water run-off and wastewater from the proposal site will not exceed that of the current use, as agricultural land, for a period of 80-120 years i.e. until at least 2103, or perhaps until 2143.

- 6.10 It is clearly impossible to ensure mitigation sufficient to provide effective nutrient neutrality throughout the duration of the period for which it is required, and that, as a result, the integrity of the SSSI/SAC would undoubtedly be negatively impacted by the proposal.

- 6.11 Paragraph 180 of the National Planning Framework (NPPF) states: *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*

Having regard to land within or outside a Site of Special Scientific Interest, the same paragraph states that development which is likely to have an adverse effect on the site (either individually or in combination with other developments), *“should not normally be permitted”*.

- 6.12

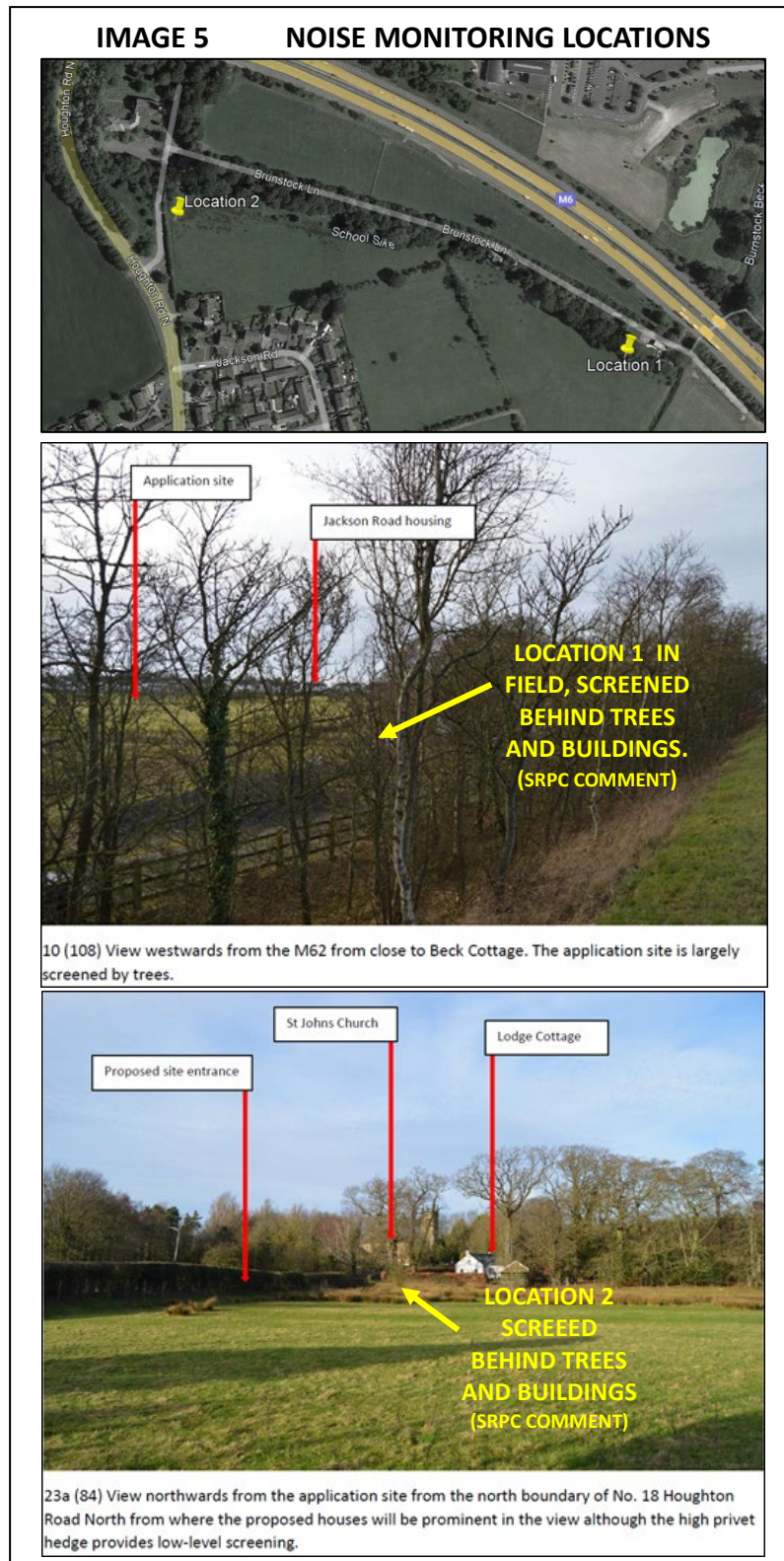
**The applicant’s Shadow Habitats Regulation Assessment freely admits that the proposal will result in an increase in nutrient loading, and could result in species mortalities, and that it cannot be concluded that the project will not adversely affect the integrity of the River Eden and its tributaries SAC/SSSI. It has also been clearly demonstrated that it is impossible to ensure nutrient neutrality for the 80-120 years period over which it is required to endure. These facts demand nothing less than the outright refusal of planning consent.**

## 7. NOISE AND LIGHT POLLUTION

### Noise

- 7.1 The applicant's Noise Impact Assessment (NIA) discusses the results of monitoring undertaken at only two locations:
1. On the eastern boundary of the site, adjacent to Brunstock Lane, and located approximately 60m from the edge of the M6.
  2. On the northern boundary of the site, adjacent to Brunstock Lane and Houghton Road North, and located approximately 150m from the edge of the M6.
- 7.2 These monitoring locations are identified at IMAGE 5, below. It is clear that both locations are very close to the woodland that screens the north of the site. Monitoring took place over a period of less than 24 hours, on Tuesday 28th February and Wednesday 1st March 2023, and included the evening and overnight period between 19:00-07:00, when M6 traffic volume, and therefore its noise level, is significantly reduced. The NIA states that it did not rain and that wind speeds were below 5 m/s. This wind speed equates to 18KPH or 11.1mph – a moderate breeze on the Beaufort Scale. The wind direction, and the height above ground of the monitoring equipment are not stated.
- 7.3 Monitoring Location 2 lies below the level of the M6, which runs through a shallow cutting at this point, while Monitoring Location 1, also below the level of the motorway, is also screened by buildings. Both locations are also sheltered from the M6 by woodland and hedgerow.
- 7.4 The important benefits of screening, to protect receptors from the impacts of noise, are highlighted in the NIA:
- *“it is likely that a low impact will be experienced on the screened side of dwellings”* and;
  - *“gardens located on the screened side away from the main source of noise.”* and;
  - *“As an example, bedrooms could be located on screened side of dwellings, facing away from the M6.”*
- 7.5 Forest Research, the research agency of the Forestry Commission, states: *“Planting ‘noise buffers’ composed of trees and shrubs can reduce noise by five to ten decibels or every 30m width of woodland, especially sharp tones, and this reduces noise to the human ear by approximately 50%”* Although monitoring took place while the largely deciduous woodland was extensively leafless, the density of their planting would,

nevertheless, have allowed the trees to retain some measure of their effectiveness in attenuating noise from the M6. IMAGE 5, below, is derived from applicant's NIA Figure 4.1 Monitoring Locations and Outline Landscape and Visual Impact Appraisal and Appendices, and clearly shows how the locations are screened by their proximity to nearby trees and buildings.





7.6 In addition to the screening afforded by the woodland and buildings, much of the M6 is itself set below an embankment in the vicinity of the monitoring locations. This embanking can be clearly seen in image 37 of the applicant’s NIA, reproduced below.

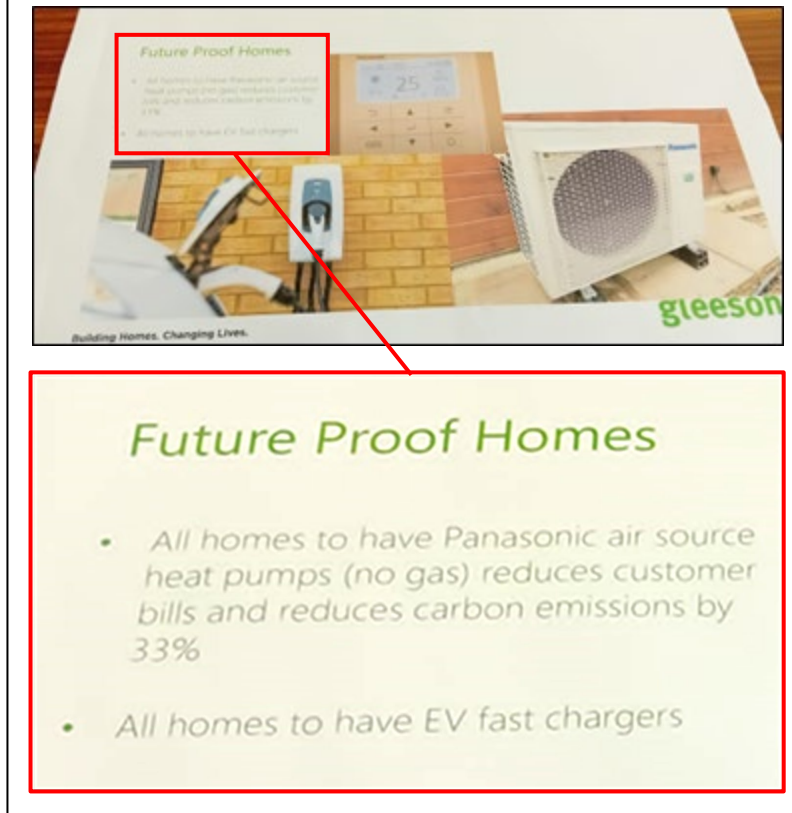


37 (125) View south-eastwards from Town Head Farm/The Steading guest House car park showing St John’s Church, Houghton within the trees. The application site lies beyond the church and is fully screened from view.

Notwithstanding the importance of screening, highlighted in the NIA and referred to above, the screening effects of topographical features such as embankments and trees are not considered by an NIA which does not reference even these words.

7.7 The applicant held a drop-in session in Houghton Village Hall, on 28 July 2023, at which a selection of documents were presented - IMAGE 6, below. One of these documents related to the method of heating the proposed dwellings, stating: *“All homes to have Panasonic air source heat pumps (no gas) reduces customer bills and reduces carbon emissions by 33%. All homes to have EV fast Chargers.”* The document does not explain if these are to be air to air, or air to water, systems. Air to Air systems would require further measures to heat water.

**IMAGE 6**  
**INFORMATION PROVIDED BY APPLICANT**  
**AT DROP-IN SESSION 28 JULY 2023**



- 7.8 An air source heat pump generates approximately 40-60 decibels from a distance of one metre away. This decibel (db) range is often defined as:
- 40 db = refrigerator hum,
  - 60 db = normal conversation/average office
- 7.9 Microgeneration Certification Scheme (MCS)1 approved heat pump installations are allowed under Permitted Development (PD) rights. However, the Institute of Acoustics (IoA) warns: *“Where more than one unit is proposed, a cumulative impact from multiple units on one site or single units on adjacent sites may occur as a result of the combined sound from the various units.”* And: *“the potential implications of noise and vibration should not be ignored.”* And: *“the technology generates noise, and it can operate during the night and day. As a result, it has the potential to cause significant adverse effects to people living nearby.”*[IoA Briefing Note, Heat Pumps, November 2022]
- 7.10 The IoA also warns not to locate heat pumps in quieter locations or near *“sensitive amenity spaces”*, and states: *“adherence to the MCS scheme alone may not avoid the creation of significant adverse impacts from noise and vibration. This is because there*

*are a number of factors that can increase the potential for disturbance that are not fully covered in the MCS Scheme<sup>3</sup>, including: Tonality, intermittency of operation, sound levels in reverse cycle, low background sound levels, structure borne sound and vibration transmission.” [IoA Briefing Note, Heat Pumps, November 2022]*

- 7.11 This cumulative effect is currently subject of a Government review amid concerns their constant humming could be too noisy in residential areas if hundreds of them are placed outside homes: *“The Department for Energy Security and Net Zero has commissioned an independent review of heat pump noise emissions. This will determine whether existing permitted development rights are appropriate and in line with advances in heat pump technology.”* [Rt Hon Graham Stuart MP, Minister of State (Department for Energy Security and Net Zero), Written questions, answers and statements 16 June 2023].
- 7.12 In addition to the noise impact upon existing homes and families, that on wildlife must also be considered. Wild animals depend greatly upon their hearing, or vibration sensitivity, for their survival. Bats and owls being perhaps the most readily identifiable species. *“Predators often have limited strike opportunities such that, while they might live another day after missing dinner, they probably would not live many more.”* [Noise Distracts Foraging Bats - Proceedings of the Royal Society 10 Feb 2021]
- 7.13 Owls have very well developed hearing which enables them to pinpoint the location of their prey. *“A hunting owl, therefore, will use the calls and movements made by a mouse, vole or shrew to direct its strike.”* [British trust for ornithology]
- 7.14 The intrusive cumulative noise impact on existing homes, and the environment of 163 air source heat pumps each generating 40db–60db, is not addressed in the applicant’s NIA or any other application document. The NIA is therefore wholly inadequate.

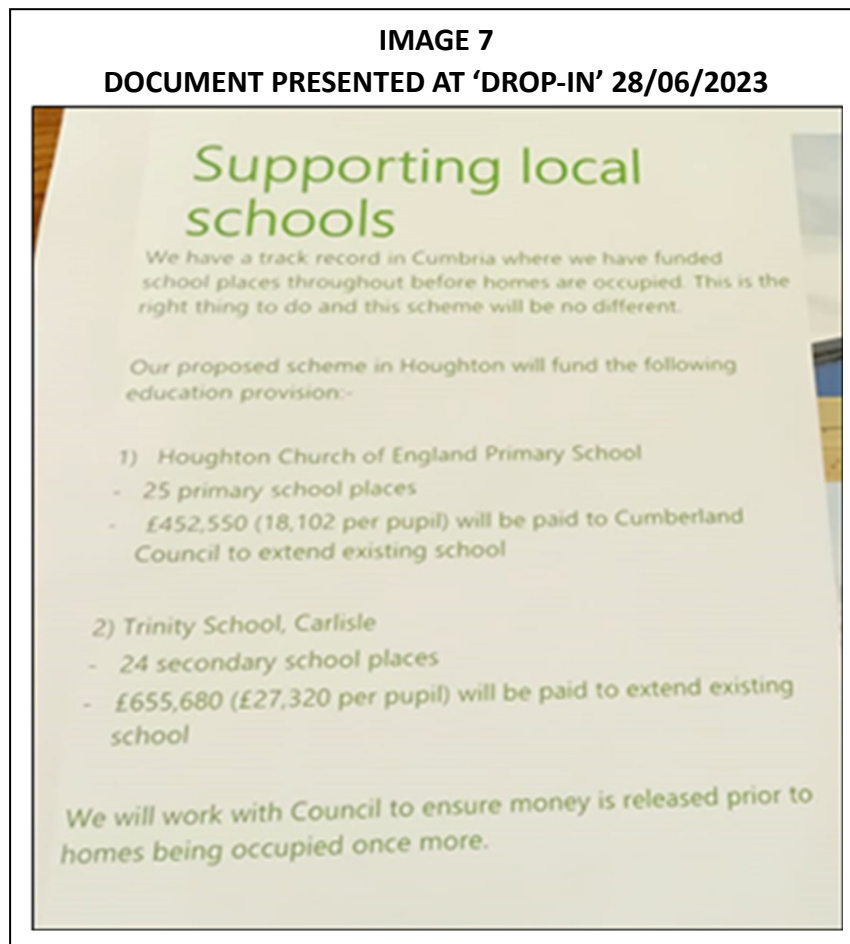
### Lighting

- 7.15 Jackson Road (U1238 101) is approximately 511m in length and currently has only 10 x 5m high street lights, 2 further lights, 5m high, are shared at junctions with the C1012 Houghton Road. Smithy Croft (U1238 102) has only 3 x 5m street lights. This limited street lighting is extensively screened from the proposal site and SSSI/SAC by houses.
- 7.16 The only reference in application documents to the impact of additional artificial lighting accruing from the proposed development is found in the Outline Landscape and Visual Impact Appraisal. This reference is restricted to a passing remark that the introduction of a new housing development into three fields of improved and semi-improved grassland, *“would increase the amount of built development and lighting in the landscape.”* The application therefore fails to consider the impact of intrusive additional street lighting on existing nearby homes or the environment.

- 7.17 *“Light intrusion occurs when the light ‘spills’ beyond the boundary of the area being lit. For example, light spill can result in safety impacts related to the impairment or distraction of people (e.g. when driving vehicles), health impacts arising from impaired sleep, cause annoyance to people, compromise an existing dark landscape and/or adversely affect natural systems (e.g. plants, animals, insects, aquatic life).”* [Light Pollution, Department for Levelling Up, 2014 updated 1 November 2019]
- 7.18 *“Wildlife species differ from humans in their sensitivity to light (e.g. they can be affected by very low levels of light) and may be adversely affected in a number of ways by it (see the Royal Commission on Environmental Pollution’s 2009 report, Artificial light in the environment). The positioning, duration, type of light source and level of lighting are all factors that can affect the impact of light on wildlife.”* [Light Pollution, Department for Levelling Up, Housing and Communities (DLUHC), 2014 updated 1 November 2019]
- 7.19 The Royal Society Report cited by the DLUHC, above also states: *“Poor lighting practices have a negative impact on the visual amenity of the night sky and have unproven benefits, possibly even negative impacts, on road safety and personal security. They may also have negative impacts on ecosystems and wildlife that we have barely begun to comprehend.”* And:  
*“We are also concerned that we simply do not know enough about the biological impacts of light pollution on plants and wildlife, particularly at the population and ecosystem levels. In many cases scientists have barely begun to look.”*
- 7.20 The site is bounded on the north by protected woodland and approximately 470m of School Sike, and to the west by approximately 340m of Brunstock Beck. Both watercourses being tributaries of the River Eden SSSI/SAC. Brunstock Beck runs for a distance of approximately 3.9km (2.4mls) between the M6 and its confluence with the River Eden. Of this length only 250m of Brunstock Beck’s 3.9km (2.4ml) passes close to housing development, this being to the rear of Tribune Drive, the closest points to the highway being approximately 40m distant.
- 7.21 **It is clear that the proposed development presents a clear and significant threat of inflicting major negative impact upon existing neighbouring homes, and the interests of the SSSI/SAC, through the generation of intrusive noise and light pollution, and that these are not considered by the applicant. The Parish Council therefore strenuously objects to the proposal.**

## 8. EDUCATION

- 8.1 The applicant states that £452,550 will be paid to Cumberland Council to extend Houghton Church of England Primary school, in order to provide an additional 25 school places; and that £655,680 will be paid to extend Trinity School – IMAGE 7, below [Document presented at ‘drop-in’ meeting 28 June 2023]



- 8.2 Houghton CoE Primary School was substantially extended, 2016-17 in accordance with Appn Ref: 16/9004, when investigations confirmed that the foundations will not support a first floor extension. Further ground floor extensions would lead to an unacceptable loss of play and sports areas, and may require pupils to cross and re-cross Houghton Road to use the public open space of Houghton Village Green, when effective safeguarding of the children may be impaired.
- 8.3 The school is currently near capacity and, being the preferred choice for 36 children, is already over-subscribed with regard to the September 2023 intake. The School Governors have stated an opinion that *“it is not possible to provide adequate education provision for additional pupils should the proposal go ahead.”*

- 8.4 The absence of sufficient educational provision within Houghton, to accommodate the additional required places, would result in some children being driven to out of catchment schools by parents/carers or being bussed from the village. The next closest primary school to the proposal is Stanwix Primary School, stated by the Education Authority to be over the 2 mile distance threshold from the proposed development.
- 8.5 Cumberland Council owns land earmarked for a new primary school near Tarraby. The shortest route for pupils to attend this school would be to walk almost 2 miles from their homes and 2 miles back again, be driven by a parent/carer, or bussed – this route being via Houghton Road and the single track Tarraby Lane. Or alternatively, to be driven 3.5miles, via a rat-run through Stanwix, then via Kingstown Road, Windsor Way and Raisbeck Close.
- 8.6 A school represents its catchment community in microcosm, and this effective segregation of primary school children, during their formative years, would undoubtedly be prejudicial to community cohesion, though the inevitable creation of divisive ‘us and them’ factionalising of the children and consequently of their families.
- 8.7 With regard to secondary education Cumberland Council, as the Education Authority, states that the closest secondary school also has insufficient capacity, and that the next closest school again the beyond the distance threshold - 3 miles for secondary schools. The divisive effect of children from the same catchment attending different schools would therefore persist into young adulthood.
- 8.8 It is therefore clear that:
- there is no possibility of any contribution to educational infrastructure ever enabling an extension to Houghton CoE Primary School and that;
  - the proposal would, inevitably, result in a number of children of all ages being transported daily to schools some distance from their homes and their community and that;
  - a new school in at Tarraby would not alleviate the need to bus children from their community and that;
  - this divisive segregation the villages children would be prejudicial to community well-being.

8.9 **No overriding reason for the proposal has been advanced that would justify countenancing its negative community impacts outlined in the foregoing paragraphs. For this reason, the Parish Council strongly objects to the proposal and urges the refusal of planning consent.**