

**Lake District National Park Authority
Murley Moss
Oxenholme Road
Kendal
LA9 7RL**

And

**South Lakeland District Council
South Lakeland House
Lowther Street
Kendal
LA9 4DL**

1 March 2011

Dear Sirs

Land adjacent to the A591 at Ratherheath, near Plantation Bridge

**Development of business park (including B1, B2 & B8 uses) and ancillary modal transfer facility (to include future provision for potential park & ride) on 15.5ha site. Approximately 25% of the site would be developed as buildings (providing an initial phase of up to 26,000m² of floorspace with latent capacity for a total of 39,000m² floorspace), 15% as parking and 60% as landscaping. Access to be provided by a new roundabout on the A591.
(Resubmission 7/2009/5665)
As Illustrative masterplan**

The Ratherheath Partnership and others

Please find two planning applications for the above one addressed to the Lake District National Park Authority [LDNPA] and one addressed to South Lakeland District Council [SLDC]. One application seeks permission for so much of the development as falls within the area of the Lake District National Park Authority, and one seeks permission for so much of the development as falls within the area of South Lakeland District Council.

Essence of the planning application

The planning application seeks to sensitively develop part of an accessible parcel of land that has a high development absorption capacity and is uniquely well serviced by existing infrastructure networks. The site represents a small fraction of the land mass of the Lake District National Park, whose change of use into a high quality business park has the potential to provide approximately 1000 plus employment opportunities to underpin the economic prosperity of the National Park and the locality.



In the near 18 months since Planning Application 7/2009/5665 was submitted it is believed that no new employment land has been brought forward for development in the Lake District National Park or close to its borders in South Lakeland. It is also known that the NWDA ceased funding the LDNPA Employment Sites Programme.

The critical issue of the lack of available employment land is recognised by the Centre for Regional Economic Development at the University of Cumbria and the Cumbria Intelligence Observatory in their Report: CUMBRIA LOCAL ECONOMIC ASSESSMENT, KEY FINDINGS FOR EDEN & SOUTH LAKELAND NOVEMBER 2010 which concluded that *"There is a critical relationship between employment land and access to the M6"* and *"Shortage of employment land is even more marked in South Lakeland where there is a lack of a range of sufficient sites across market sectors which can be readily developed and that are in locations where businesses require land and premises"*.

The land at Ratherheath is located on the only arterial transport route from the M6 into the Lake District National Park and as such has sequentially superior attributes to other sites in the locality. The land is also needed in the short term. Expressions of interest in the form of direct, and indirect reservations, and pre-contract agreements have been received for occupation of the substantive majority of the floorspace.

Economic impact of the proposal

The development proposal seeks to create a mixture of occupancy and tenure amongst a wide variety of buildings creating a critical business mass that will enable small and medium sized enterprises to grow and flourish.

The Masterplan is for an initial phase of up to 26,000m² of floorspace with latent capacity for a further 13,000m² of development nominally indicated, from enquiries from prospective occupiers, as B1 Office: 25%, B2 General: 25% and B8 Distribution: 50%. Based on a definitive 2001 report by Arup Economics & Planning, commissioned by English Partnerships and the Regional Development Agencies, entitled "Employment Densities", such floorspace provision would generate approximately 1000 plus jobs.

	Employment Rate	Available space m ²	Jobs
B1 Office	20m ² per job	9750	488
B2 General	30m ² per job	9750	325
B8 Distribution	50m ² per job	19500	390
		Total	1203

The report also identifies that in rural areas and during economic hardship jobs per m² increases above the rates used in the table above.

Results from the 2010 ASHE (Annual Survey of Hours and Earnings) show that median weekly pay for full-time employees in the UK grew by 2.1 per cent in the year to April 2010, to reach £499. Median earnings of full-time male employees were £538 per week in April 2010; for women the median was £439.

Based on the above using the average of male and women's earnings the site has the potential to generate, in wages, alone over £30M per annum.

Environmental Impact Assessment

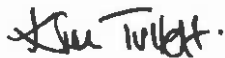
The retained Ecologists for the project, Lloyd Bore, have confirmed that the previously undertaken environmental studies and analysis submitted with Planning Application 7/2009/5665 remain relevant and contemporary: as substantiating evidence for this planning submission. The land has remained in intensive agricultural use with fertilisers applied on a routine basis. The tenant farmer also confirms not having noticed any evidence of changed ecological conditions.

It is contended that there have been no changes in the past 18 months to the steady state conditions since Planning Application 7/2009/5665 was submitted.

If further clarifications or additional information are required during the determination process please advise and we will endeavour to satisfy any request.

Thank you.

Yours faithfully



ECK Tullett
MRPTI

Attached: Summary rebuttal of the LDNPA reasons for refusal

Summary rebuttal of the LDNPA reasons for refusal

1 The proposed development is a major development proposal. Under Policy ST4 of the Cumbria and Lake District Joint Structure Plan 2001-2016 major development will only be permitted where there are no alternative sites available outside the National Park; where the need for the development cannot be met in any other way and where the development has a proven case in the public interest. In this case the applicants have failed to demonstrate that there is a need for this large employment site on this land in the National Park; that existing employment sites in South Lakeland are unavailable; that the employment needs for the National Park cannot be met in any other way but on this site and not elsewhere on other sites more conveniently located to settlements and that there is a proven case in the public interest (rather than local interest) sufficient to override a nationally designated landscape. The proposed development fails to satisfy the relevant policy.

The need for an employment park is established by the Local Authorities in their commissioned reports, namely:

- Regeneris Consulting (with Land Use Consultants and Transport for Leisure) Lake District Economic Futures study: December 2003.
- SLDC Knowledge-based Employment Land Study
- Lake District National Park Employment Sites & Premises Study: Final Report and Executive Summary for the LDNPA (Atkins: December 2007)
- LDNP Employment Sites Programme - November 2008 (Capita Symonds and Peill & Co).

This and the previously submitted planning application specifically addressed the issue of need, together with a rigorous sequential assessment of alternative sites, demonstrating the lack of brownfield, infill, sites contiguous to settlement boundaries, or sites outside the National Park: which of their nature are by definition ergonomically less sustainable. The need for private sector employment opportunities is "the public interest" in the current economic climate.

2 The proposed development would lead to development in the open countryside away from established settlements. As such the proposed development would undermine the existing and emerging spatial strategy for the National Park which is to provide jobs within or next to settlements where employment needs are greatest and where the capacity and infrastructure is available to accommodate growth without adversely affecting the landscape and minimising the need to travel. If permission was granted it would be more difficult to attract jobs to areas most in need and make it less likely that brownfield sites would be brought back into productive use which could harm the quality of our built environment. This would also conflict with national policy for delivering sustainable development in paragraph 27 of PPS1 (Delivering Sustainable Development), Policy EC6 and Policy EC12 of PPS4 (Planning for Sustainable Economic Growth); and Policy DP2 of the North West of England Plan Regional Spatial Strategy to 2021.

This, and the previously submitted planning application, specifically addressed the issue of population demographics in the National Park and demonstrably justify where access to jobs ought to be made available. It is also demonstrated that the built form of existing settlements is incapable of expansion for employment land provision purposes or that appropriate brownfield sites existed. The adopted spatial strategy did not address the parameters and constraints of the necessity of utilising existing infrastructure networks such as, roads, electricity gas and water supplies and access to high speed broadband.

3 The proposed development would lead to sporadic development in the open countryside contrary the proper and efficient use of land, contrary to the need to protect a landscape of nationally recognised importance as set out in PPS7 (Sustainable Development in Rural Areas) (paragraphs 17 and 21) and contrary to national policy to strictly control economic development in the open countryside away from existing settlements (Policy EC6 – PPS4). As such the proposal is contrary to the sequential approach set out in Policy DP4 of the Regional Spatial Strategy because the applicants have not demonstrated that previously developed land cannot be used in preference to this site; that infill opportunities within settlements have been fully explored and that other land that is well located in relation to housing, jobs and other services have been properly considered. The development is also contrary to Policy RDF2 of the Regional Spatial Strategy because there is not an essential requirement for this proposal to be located in the open countryside nor has it been demonstrated that it is required to sustain an existing business. It is not well integrated with other uses nor does it accord with development plan policies to meet the socio economic needs of local communities in a manner that is consistent with saved Policy NE1 of the Lake District National Park Local Plan.

The development is unique in many facets and driven by an essential need: the right and requirement to have access to employment to have an independent self sufficiency. It would not set a precedent. The locational appropriateness of the site to satisfy a fundamental need is validated by its access to an arterial highway, public transport and infrastructure services.

4 The proposed development would create a new roundabout access onto the A591, the busy main arterial route into the south-eastern Lake District. The application (in particular the submitted Transport Assessment) provides insufficient and unsatisfactory information and detail to demonstrate that the proposal will not have an adverse impact upon the immediate road network or the road network of the wider area. The proposed development is therefore considered to be contrary to the provisions of Policies DP1, DP3, DP4, DP5, DP9 and RT2 of the North-West of England Plan: Regional Spatial Strategy to 2021, and the national policy approach of PPS1.

This, and the previously submitted application, demonstrated that the proposed roundabout could function in all conditions based on established technical design standards and that no adverse impact would occur on the existing road network.

5 The proposed development seeks to provide a new Park & Ride facility to serve Kendal, Windermere and the South Lakes area. The Travel Plan submitted fails to demonstrate that this is a sustainable location in transport terms and that the proposed Park & Ride would be a viable, self-supporting or sustainable long-term option. The application also fails to demonstrate that the site has, or could have, satisfactory links to the main population centres of Kendal and Windermere by walking, cycling or other sustainable transport methods. The absence of sustainable transport links leaves the proposed development as an unsustainable development in the open countryside, which would generate significant car-based movements. The proposed development is therefore considered to be contrary to the provisions of Policies DP1, DP3, DP4, DP5, DP9 and RT2 of the North-West of England Plan: Regional Spatial Strategy to 2021, and the national policy approach of PPS1.

The "Park & Ride facility" was incorrectly assessed. It was offered as an elective function, such that the built infrastructure embedded in the business park could have a duality of function: it offered parking spaces where travelers could chose to safely leave their vehicle and proceed further by other means. The site is exceptionally well connected to the viable public transport route in the National Park that connects the recognised major settlements and beyond. It is contended that the distances experienced in rural areas make the assessment of employment site locations suitability primarily from the aspect of walking and cycling unreasonable and unsustainable: accessibility by viable public transport ought to be the determining factor.

6 The land at Ratherheath is a fine example of a drumlin field landscape with a strong field pattern of parliamentary enclosure walls, which in combination produce an attractive landscape with strong and obvious natural and cultural elements. This is a high quality landscape which is an unusual feature locally and a rare example at the national scale, and makes a positive contribution to the quality landscape of the Lake District National Park. The proposed development would by reason of the amount and size of the proposed buildings, access roads and landscaping cause unacceptable harm both to the character and appearance of the countryside immediately at the application site, but also to the quality, character and landscape of the wider Lake District National Park. The proposed development is therefore contrary to the provisions of Policies DP7 and EM1 of the North-West of England Plan: Regional Spatial Strategy to 2021, saved Policy NE1 of the Lake District National Park Local Plan, PPS1 and PPS7, and the purposes of National Parks as set out in the Environment Act 1995.

The locality contains many examples of drumlin field landscapes with a strong pattern of parliamentary enclosure walls: there is no exceptional value to this particular parcel of land. In reality the development proposal retained both the drumlins, as mitigating landscaping, together with the same linear metreaage of walls: recycling them within the site

7 The proposed application site, whilst of some ecological interest in its own right, is hydrologically connected to the River Kent and Tributaries Special Area of Conservation (a site of European importance). The application submission fails to provide sufficient details of the mitigation measures to be employed both during construction, and during the operation of the site, to satisfactorily demonstrate that the proposed development would not result in unacceptable harms to the nature conservation interests of the SAC. The proposed development is therefore considered to be contrary to Policy EM1 of the North-West of England Plan: Regional Spatial Strategy to 2021, to PPS9 (biological and geological conservation), and to the provisions of the Conservation (Habitats &c.) Regulations 1994.

The planning application is in outline and protection of such interests could be protected by condition. The indication of the early installation and use of the water attenuation features, a more than adequate standard construction technique, at this juncture in the planning process.

8 The proposed development would have an effect upon European Protected Species present on land beyond the site boundary including such effects upon Great Crested Newts that a European Protected Species licence would be required. The proposed development is not necessary in the public interest, and the Local Planning Authority considers that satisfactory alternatives to the development are available. The proposed development therefore fails the derogation tests of the Conservation (Habitats &c.) Regulations 1994, and is contrary to the provisions of Policy EM1 of the North-West of England Plan: Regional Spatial Strategy to 2021, and PPS9.

It is clearly demonstrated that the development would have no such effect, and that precautionary protective measures could be readily implemented.

9 The application has failed to demonstrate through an appropriately rigorous methodology (such as a BS4142 assessment) that the proposed development would not have an unacceptably detrimental effect upon the amenity of noise-sensitive receptors, including nearby residential properties (in particular the properties Heathfield, Heathcote and Gale Syke which are nearest to the application site, and those properties in the wider Plantation Bridge area), by reason of noise which may result from the industrial uses at the proposed development. The proposed scheme therefore stands contrary to the national guidance contained in PPG24: Planning and Noise.

The planning application is in outline: it could be readily conditioned by a Model Condition to overcome any concern when the building design stage was reached.

10 The application has failed to demonstrate that the proposed development would not have an unacceptably detrimental effect upon the amenity of residents of nearby residential properties (in particular the properties Heathfield, Heathcote and Gale Syke which are nearest to the application site, properties in the wider Plantation Bridge area), and the Ashes Lane Caravan Park, by reason of odour and air pollution which may result from the industrial uses at the proposed development.

The planning application is in outline: it could be readily conditioned by a Model Condition to overcome any concern when the building design stage was reached.