



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DATE: 20 July 2021

NOTICE IS HEREBY GIVEN that an **EXTRA ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **Tuesday 27 July 2021**, at **6.00pm** and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at **Penrith Methodist Church, Ullswater Room**.

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am on the day of the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 1.00pm on the day of the meeting at the latest) by emailing office@penrithtowncouncil.gov.uk

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Jackson	North Ward
Cllr. Burgin	South Ward	Cllr. Kenyon	North Ward
Cllr. M. Clark	South Ward	Cllr. Knaggs	West Ward
Cllr. S. Clarke	Carleton Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. C. Shepherd	East Ward
Cllr. Fallows	East Ward	Cllr. Snell	West Ward
Cllr. Hawkins	East Ward		

Mr I. Parker, Acting Town Clerk

Members of the public are welcome to attend. Details about how to attend the meeting remotely, and how to comment on an agenda item are available on the Town Council Website.

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

AGENDA FOR THE MEETING OF FULL COUNCIL 27 JULY 2021

PART I

1. Apologies for Absence

Receive apologies from Members.

2. Declarations of Interest and Requests for Dispensations

Receive declarations by Members of interests in respect of items on this agenda and apply for a dispensation to remain, speak and/or vote during consideration of that item.

ADVICE NOTE:

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests that have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests that they have already declared in the Register, as well as any other registrable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting.

3. Public Participation

Receive any questions or representations which have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.

a) Receive public representations

The Chair will read out any questions, petitions or statements received in advance of the meeting from Members of the Public.

ADVICE NOTE:

Members of the public may make representations, answer questions and give evidence at a meeting that they are entitled to attend in respect of the business on the agenda. The public must make a request in writing to the Town Clerk **PRIOR** to the meeting, when possible. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The Chair of the meeting may direct that a written or oral response be given.

4. EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960

Determine whether item/s should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

New Business**5. Motion from Councillor Jackson supporting 'Together with Refugees'**

'How we treat refugees is about who we are. At our best, we are welcoming and kind to those facing difficult times. If any one of us feared for our lives or the lives of our loved ones, we'd want to know that others would help us to safety.

Through this motion and the campaign Together with Refugees we are calling for a better approach to supporting refugees that is more effective, fair and humane. This means standing up for people's ability to seek safety in the UK no matter how they came here and ensuring people can live in dignity while they wait for a decision on their asylum application. It means empowering refugees to rebuild their lives and make valuable contributions to our communities. And it means the UK working with other countries to do our bit to help people who are forced to flee their homes.'

As a Town Council it would be a positive statement if we could show our support to refugees. Penrith has welcomed families to live in the town, enabling those families to rebuild their lives, after escaping persecution and war. In July it will be the 70th Anniversary of the signing of the Refugee Protocol by UNHCR.

Councillor Jackson proposes that Penrith Town Council resolves:

- i To sign Penrith Town Council up to being part of the Together with Refugees campaign.
- ii That Penrith Town Council sends a letter to Neil Hudson MP to request that the rewriting of the Immigration Bill does not discriminate against refugees and ensures that refugees are treated fairly.

6. Beacon Hill

To consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan.

7. Next Meeting

Note the next meeting is scheduled for Monday 27 September 2021 at 6.00pm, with the venue to be determined.

PART II Private Section

There are no items in this part of the Agenda.

**FOR THE INFORMATION OF ALL
MEMBERS OF THE TOWN COUNCIL**

Access to Information

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website.

Background Papers

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Town Clerk between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via office@penrithtowncouncil.gov.uk



EXTRA ORDINARY COUNCIL

Tuesday 27 July 2021

MATTER: Beacon Hill

To consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan

ITEM NO:

AUTHOR: Rosalyn Richardson
Deputy Town Clerk

SUPPORTING MEMBER: Cllr S Jackson
Chair Planning Committee

RECOMMENDATIONS

1. That Council consider and approve the recommendation made by Planning Committee.
2. That the draft policy be forwarded to the Independent Examiner for inclusion in the PNDP as a new policy.

LAW

Localism Act 2011
National Planning Policy Framework (NPPF)
Town and Country Planning Act 1990
Neighbourhood Planning Regulations 2012
Planning and Compulsory Purchase Act 2004

LINK TO COUNCIL PRIORITIES

Development of a Neighbourhood Development Plan for Penrith links to the strategic priority of Growth as set out in the Council's approved workplan.

1. Report Details

Background

- 1.1 Penrith Town Council is the qualifying body to undertake the preparation of a Neighbourhood Development Plan for the parish area. The area was designated by Eden District Council on 6 September 2016.
- 1.2 Work to commence development of a Neighbourhood Development Plan for Penrith commenced in May 2016 with approval of the Terms of Reference for the Penrith Neighbourhood Development Plan Group (PNDPG). The inception meeting took place in October 2016 with the group consisting of:
- Penrith Town Council
 - Cumbria Action for Sustainability (CAfS)
 - Penrith Action for Community Transition (PACT)
 - Penrith Chamber of Trade
 - Penrith Business Improvement District
 - Cumbria Youth Alliance
 - Churches Together
 - Newton Rigg as part of Askham Bryan College
 - Queen Elizabeth Grammar School
 - Ullswater Community College
 - Eden Arts; and
 - Eden Valley Artistic Network
- Support to the PNDPG was provided by the Town Council's planning consultant, Michael Wellock of Kirkwells Planning Consultancy and the Deputy Town Clerk.
- 1.3 Emphasis was put on 'front loading' the community consultation process to engage as wide a range of local people and interested parties as soon as possible before the development of policies and proposals. This was to ensure that the views and priorities of local people informed the PNDP from the outset.
- 1.4 The initial consultation took place in Spring 2015 using a short video, electronic survey, paper survey and drop-in sessions including a stall at a town centre event. At this time all statutory groups and community groups in Penrith were invited to an event and asked to share the information and make a response. During this initial consultation period, Eden District Council released their 'Masterplan' for Penrith which was a vision to build 8,500 new homes on land on the outskirts of the parish area
- 1.5 Having received all the responses from the consultation, the group met a number of times and agreed draft policies which were consulted upon further with stakeholders and the public in June/July 2018 and publicised through press releases to local newspaper and radio stations, on social media and in drop-in sessions. The draft documentation and questionnaire was made available online and in hard copy at the Town Council offices and Penrith Library. This was to ensure that residents were content that the document had covered all the issues raised during the initial consultation.

- 1.6 The formal public Regulation 14 consultation on the draft Neighbourhood Development Plan was carried out in accordance with the Neighbourhood Planning (General) Regulations 2012 from 4 February to 1 April 2019. The full documentation was shared on the Town Council website and the consultation publicised again in the local press, radio stations and through social media. A summary booklet was produced and along with a questionnaire posted to every residential household and business within the parish boundary. A number of drop in events were held in an empty premises within the town and in the two main supermarkets. The document was also sent to the statutory consultees.
- 1.7 Following this formal consultation, the PNDPG considered the responses and made slight amendments before submitting the draft NDP to Eden District Council who carried out the Regulation 16 Consultation. The Plan was submitted in December 2019 however due to Covid the formal consultation did not take place until 23 September to 23 November 2020. Beacon Hill was prominent in all consultation discussions throughout the process.
- 1.8 The submission of the Neighbourhood Development Plan proposal in accordance with Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 were sent to an Independent Examiner (Mr John Slater BA (Hons) DMS MRTPI). Mr Slater provided initial observations on 13 January 2021 and a written response was returned in relation to representations made during the Regulation 16 Consultation.
- 1.9 A virtual public hearing, organised by Eden District Council on behalf of the Examiner, was conducted to hear oral evidence on certain matters on 9 February 2021. The hearing was open to the public and involved representatives from, and acting on behalf of, Penrith Town Council, Eden District Council and Lowther Estate Trust.
- 1.10 On 10 February, the Examiner issued his post hearing notes which stated that he was going to hold the examination in abeyance until he had received some additional information and mapping requested.

Beacon Hill

- 1.11 At the public examination held on 9 February 2021, there was a full discussion about whether Beacon Hill met all of the criteria required for designation as local green space as set out in paragraph 100 of the NPPF. This states that Local Green Space (LGS) designation should only be used where the green space is:
- In reasonably close proximity to the community it serves;
 - Demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - Local in character and not an extensive tract of land.

- 1.12 The Examiner was assured that the first two conditions were met however his key consideration was whether, at 40 ha, it was an 'extensive tract of land'. If he concludes that it is then it would not meet all of the Secretary of States' policy on local green space which is one of the basic conditions.
- 1.13 The Examiner suggested during the meeting that rather than stretching the definition of LGS to secure protection of the wooded slopes, a possible option would be to look at developing a separate policy relating specifically to the area of the Beacon identified in the NDP (attached as Appendix 1) to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner.
- 1.14 The Examiner asked representatives from the Town Council, Lowther Estates and Eden District Council to explore the possibility of drafting such a policy which would then be presented to the Examiner, once formally agreed, as a possible recommendation to make in his final report.
- 1.15 The Examiner went on to say that if either party did not wish to engage in a discussion or if it is impossible to reach a jointly agreed position then he would continue with the examination based on the respective positions as already set out. He has also stated that any new policy is likely to be the subject of a further round of consultation.

Proposed Policy

- 1.16 Members of the PNDPG met on 25 February 2021 to review the request of the Examiner after which a meeting was held on 4 March comprising representatives of Penrith Town Council, Lowther Estates and Eden District Council who were facilitating the meeting. Lowther Estates presented their suggested policy (**attached as Appendix 1**) and the Town Council asked questions of the representatives of Lowther and listened to their suggestions for the Beacon.
- 1.17 Having heard that Beacon Hill was covered by Policy EC4 of the Eden Local Plan that already allows tourism accommodation and facilities, and having reviewed the comments made during the previous consultations on the PNDP, Planning Committee at its meeting on 12 April resolved that the Town Council's Planning Consultant be asked to draft a potential policy incorporating their suggestions to provide protection to Beacon Hill.
- 1.18 On 7 June 2021, the Planning Committee considered the draft policy drawn up for Beacon Hill which had taken into account all the responses received during the public consultations into the Neighbourhood Development Plan and EDCs Masterplan. It was resolved that the policy should be shared with Lowther Estates and their comments received prior to being recommended to Council for approval.

- 1.19 It is important to note that there is only one permissive path, which can be closed off at any time, provided by courtesy of the Landowners to the top of the Beacon, starting on Beacon Edge next to 35 Beacon Edge. All other tracks, including the one from Roundthorn, are private tracks.
- 1.20 A meeting was held with Eden District Council and the landowners on Monday 19 July to share the Town Council's policy (**attached as Appendix 2**). It should be noted that the proposed planning policy:
- is for the area identified from the beginning in the PNDP document (**attached as Appendix 3**), it does not include the commercial forestry area behind.
 - includes a list of developments that may be acceptable, subject to detailed planning proposals. They are not a list of requirements that the landowner is required or obliged to provide;
 - the word construction is used in relation to footpaths as a planning term. Any work to the surface of a footpath, including to replace/include steps or to shore up paths is counted as construction;
 - includes separate well screened permeable cycle tracks, separate to footpaths. Cyclists already use the area and are keen to continue to do so but for health and safety reasons it is desirable that they are separate
 - allows for the formation of a small suitably screened off road parking area at the southern end near Roundthorn as there have been numerous comments made regarding the parking on the verges and use of that road by heavy agricultural traffic.
- 1.21 The Town Council has stated that development proposals that would provide accommodation for overnight stays would not be permitted.
- 1.22 At the meeting held on 19 July, the representatives of the landowners stated that they would oppose the proposed policy being put forward by the Town Council as they felt that it was more restrictive than designating the area as LGS. The comments of the landowners are attached. (**Appendix 4 to follow**).

2. Finance Implications

There are no financial implications arising from this report.

3. Risk Assessment

Areas of Risk	Consequence	Controls Required
Financial	There are no financial implications.	
Members and Staff Capacity	There are no capacity issues, work is managed within the normal working week.	
Reputation Management	<ul style="list-style-type: none">• The policy being put forward covers the aspirations by different sectors of the community who contributed both to the NDP consultations and the consultation on Eden District Council's Penrith Masterplan. Members felt it was important to represent all the community wishes.• There is the danger that the policy being put forward causes Lowther Estates to close the permissive path to the Beacon which goes across private land.	Ensure that the views of the electorate of Penrith are represented and that relationships with Lowther Estates are maintained moving forward.
Recognition	That Penrith Town Council is not seen as wishing to protect Beacon Hill	Ensure that the public know that the Town Council very much wishes to protect the special aspects of Beacon Hill whilst respecting the views of the electorate.

Supporting Documents

Draft Penrith Neighbourhood Development Plan

<https://www.penrithtowncouncil.gov.uk/neighbourhood-plan/neighbourhood-plan-documentation/>

Pre Hearing Initial Comments of the Independent Examiner

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/02/Penrith-Initial-comments-003.pdf>

Post Hearing Note of the Independent Examiner

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/02/Post-hearing-note-002.pdf>

DRAFT PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN

Draft Policy – Beacon Hill

Area NP14 (Beacon Hill) will be designated as a Protected Open Space, by virtue of being:

1. In reasonably close proximity to Penrith town;
2. Demonstrably special to Penrith and holding a particular local significance because of its beauty, historic significance, recreational value, tranquillity and richness of its wildlife.

This land is located outside the settlement boundary of Penrith. The management of development within NP14 (Beacon Hill) should be consistent with “A Vision for Eden’s Rural Areas” as described by chapter 3.18 of the Eden District Local Plan. The land is suitable for small scale tourism development, as defined by Eden District Local Plan Policy EC4 (tourism accommodation and facilities). This land is not suitable for permanent residential accommodation.

Description of land....TBC

Relevant District Planning Policies

ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity

ENV2 Protection and Enhancements of Landscapes and Trees

ENV4 Green Infrastructure Networks

EC4 Tourism Accommodation and Facilities

Penrith Town Council Strategic Priorities:

Health and Wellbeing.

Supporting tourism

MAP A POLICIES MAP

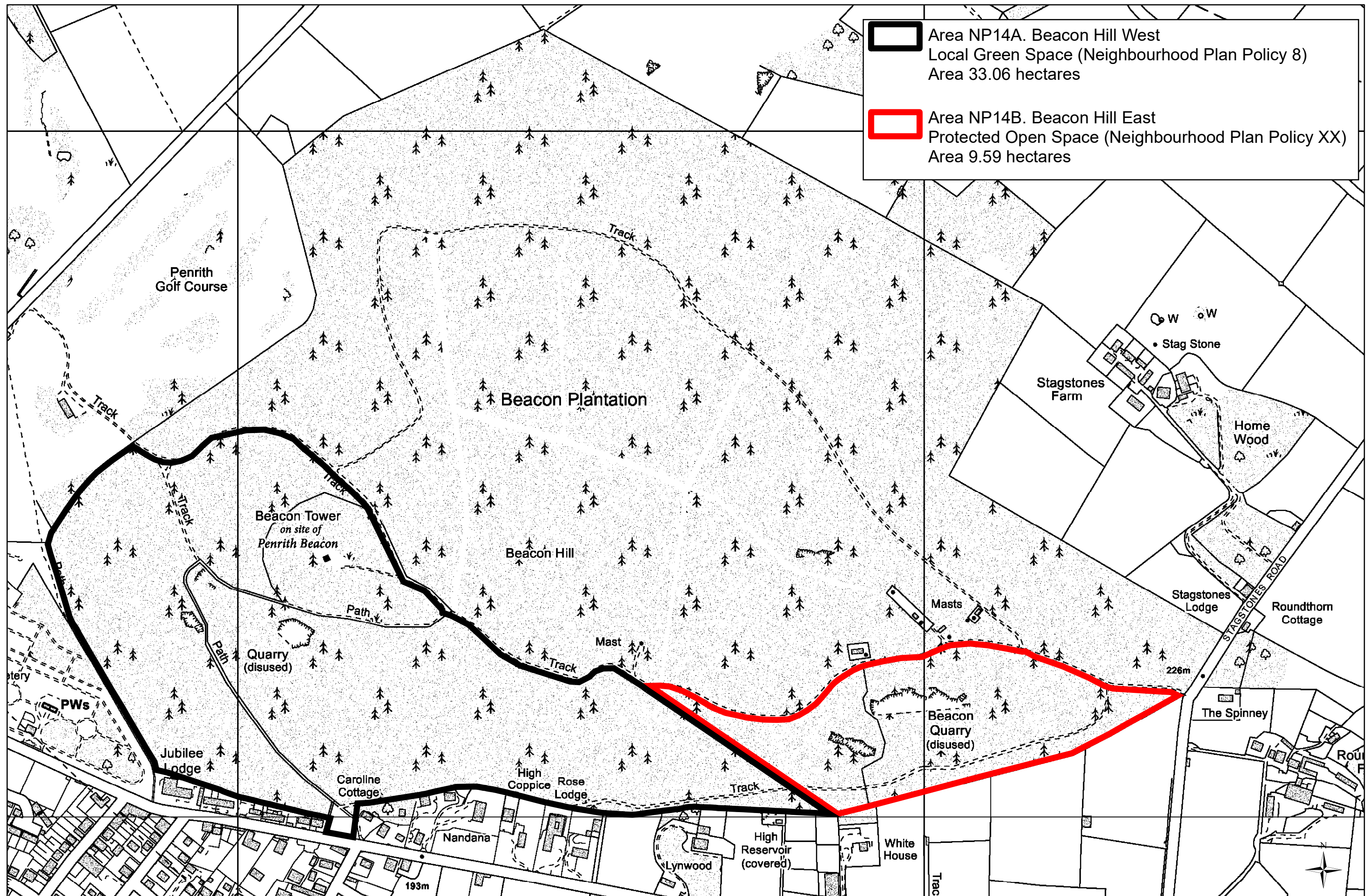
NP14 is given a different colour

The Policy 8 sites should be called “Local Green Space” rather than “Protected Green Space”

Version 1

16th Feb 2021

Penrith Beacon



Beacon Hill Protected Landscape Feature

Beacon Hill is a valued and prominent local landmark forming an elevated, wooded backdrop to the north-east of Penrith. The area **identified on the Policies Map as PN14 (attached)** will be a protected landscape feature and any new development will only be permitted when it clearly demonstrates that it conserves and enhances the area's existing landscape, character and function of this important woodland area.

The following types of development in principle may, subject to detailed proposals, be considered to be compatible with these aims:

1. the construction of narrow well screened permeable footpaths, including a permeable path suitable for disabled access to the top of the Beacon from the south eastern end of the site adjacent to the Roundthorn Hotel;
2. the erection of interpretation boards to provide information for walkers and other users;
3. the erection of a suitable open sided structure suitably screened that could be used as a forest school area by local schools and community groups;
4. the development of a forest art or sculpture trail;
5. the construction of narrow well screened permeable tracks suitable for cycling that are separate from footpaths; and
6. the construction of a small suitably screened off road parking area at the southern end of the site

Development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping) will not be permitted.

Forestry operations involved in the maintenance and management of the woodland will be supported.

Background Justification

Beacon Hill is a most valued feature of the local landscape providing an elevated, attractive, distinctive and wooded backdrop to the north-east of Penrith. Beacon Hill is plainly visible from both short and long distance views from the northern and southern approaches to the town from the M6 and A6, the eastern approach along the A66 and from many feature locations within the town itself, such as the Railway Station and Castle Park. Rising some 286m (937 feet) above sea level to the north of the

town, Beacon Hill provides an unmissable wooded backdrop with a special place in local people's affections.

Beacon Hill is also home to Penrith Beacon, a monument built in 1719, on a spot where beacons have been lit in times of war and emergency since the time of Henry VIII. From here there are open views north and south across the Eden Valley and westwards to the Lake District National Park and UNESCO World Heritage Site.

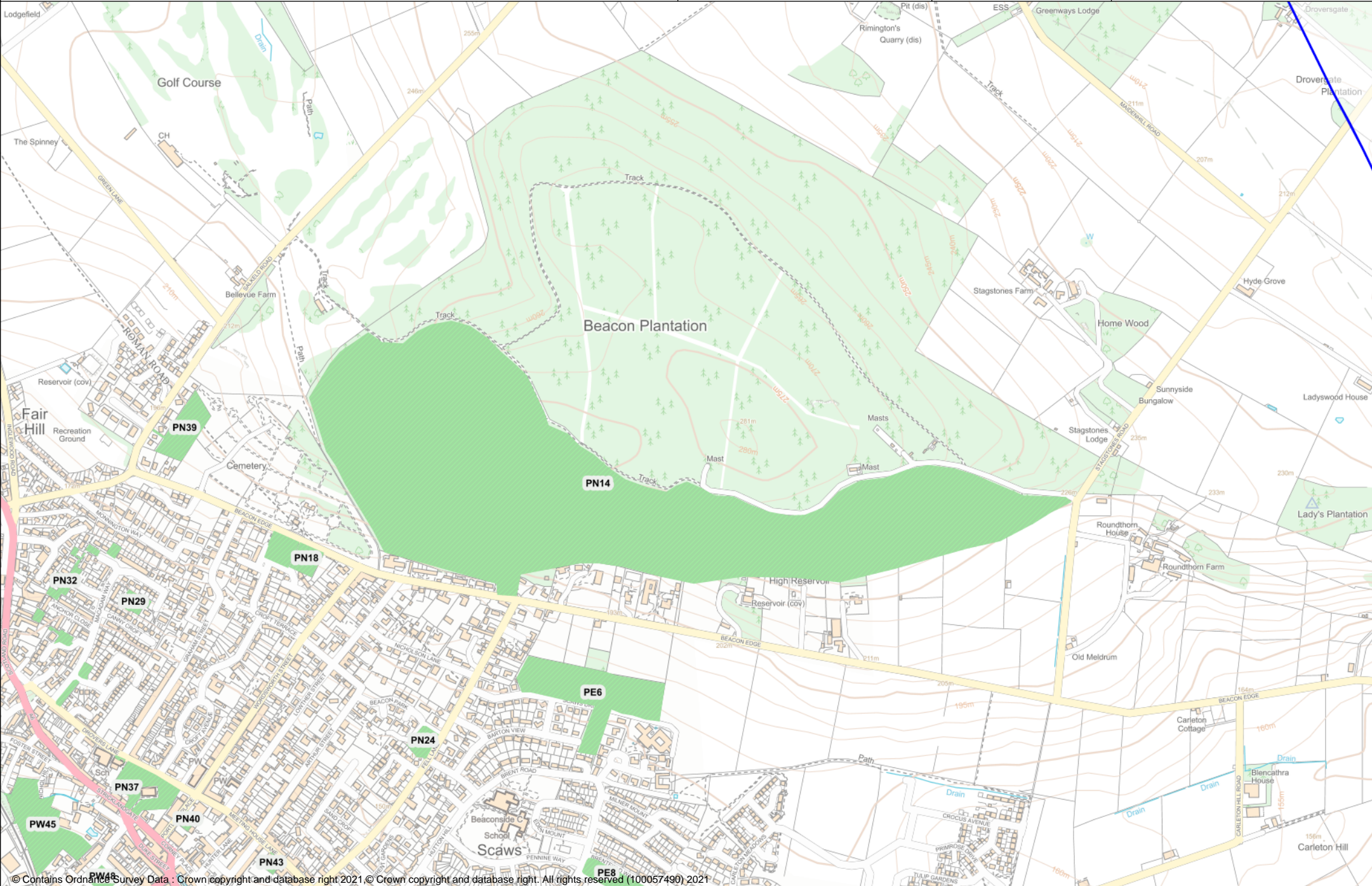
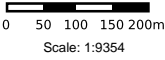
The PNDP seeks to protect the landscape, character and function of the area of Beacon Hill identified on the Policies Map from development which would have an adverse impact on its intrinsic beauty. Currently used by local residents, and those from further away, for informal recreation, the access to the area is limited to one permissive path. The Town Council would like to pursue, with the agreement of the landowners, wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging. In addition, the Town Council would seek to work in partnership with the landowners to assist with applications to appropriate funding bodies to develop this area for the benefit of the community.

APPENDIX 3

Penrith Town Council

Author:

Date: 17/02/2021



Representation from Lowther Estate Trust and Lonsdale Settled Estates

I represent the landowners of Beacon Hill – Lowther Estate Trust and Lonsdale Settled Estate. The landowners object to the draft policy “Beacon Hill Protected Landscape Feature”, for the following reasons.

1. Paragraph 10 of the Examiner’s Post Hearing Notes (10th February 2021) states: *“During the hearing I offered a possible alternative solution, that rather than stretching the definition of LGS in order to secure the protection of the wooded slopes of Beacon Hill, which the community clearly aspired to, one possible option would be to look as to whether a separate policy could achieve both the aspirations of the Town Council - to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner.”* This draft policy will frustrate the aspirations of the landowner to undertake small scale tourist development (further to Policy EC4 of the Eden District Local Plan) anywhere at Beacon Hill.
2. Policy items 1 to 6 are all community aspirations. An aspiration of the landowner for small scale tourist development limited to a minority part of Beacon Hill is specifically prohibited.
3. It is a “Local Green Space” policy by another name.
4. Measuring 41 hectares, it is an extensive tract of land and a blanket designation of open countryside.
5. It is more restrictive than draft NP Local Green Space policy 8. It includes the test of “conserve and enhance”, which is more commonly found in heritage policies. For example, Eden District LP policy ENV10 states *“The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden’s heritage assets and their setting.”* This restriction is not appropriate for Beacon Hill, which lies in open countryside and outside a Conservation Area.
6. The draft NP policy 8 states *“Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.”* NPPF Green Belt policy allows certain types of development (“not inappropriate”), set out in NPPF paragraphs 145 and 146. However, draft policy “Beacon Hill Protected Landscape Feature” will prohibit development otherwise acceptable in Green Belt. The proposed restriction is not appropriate for a site that is not National Park, AONB, Green Belt or Local Green Space.
7. It is unnecessarily prescriptive and ill-defined, referring to “narrow”, “small” “open sided”, “suitably screened”, “southern end of the site” etc. I suggest just mention paths and a car park.
8. Given the draft policy fails to recognise the commercial aspirations of the landowner, the policy is incompatible with the draft policy’s aspiration to improve public access and to “work in partnership with the landowners”. In other words, the community aspirations listed at 1 to 6 are unlikely to be delivered.

9. The draft policy does not list the relevant Eden District Local Plan policies to which it relates.

Instead, the draft policy for Beacon Hill written by the landowner and circulated to Penrith Town Council on 15th March 2021 should be the basis for a jointly agreed policy. It retains the majority (33.06 hectares) of Beacon Hill as Local Green Space, as originally intended by the draft Neighbourhood Plan. The minority part (9.59 hectares) would be suitable for development as defined by Local Plan policy EC4, which is the current situation. That draft policy is mentioned in paragraph 1.16 and copied at appendix 1 of the PTC agenda (27th July 2021). The agenda does not explain if and why the landowners draft policy has been entirely rejected by the Town Council. None of its elements have been taken forward into the Town Council's later alternative policy copied at agenda appendices 2 and 3.

Paragraph 12 of the Examiner's Post Hearing Notes (10th February 2021) states *"if it is impossible to reach a jointly agreed position, then I need to be advised and I will continue with the examination of this issue, based on the respective positions as set out already and make appropriate recommendations."* Does the Town Council still believe it is possible to reach an agreed policy? If not, then I suggest both parties inform the Examiner as soon as possible.

Andrew Murphy
Stansgate Planning