

Penrith Neighbourhood Development Plan 2019 - 2032

Further Comments of the Independent Examiner

Prepared by

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John Slater Planning Ltd

10th September 2021

Opening Remarks

1. As you will be aware, I am carrying out the examination of the Penrith Neighbourhood Plan.
2. Following the hearing which took place on 9th February 2021, I issued a Post Hearing Note on 10th February 2021. That note covered a range of matters, a number of which have now been addressed.
3. The final matter in the Post Hearing Note related to the possibility of a jointly agreed policy relating to Beacon Hill and I understand that a number of meetings were held between the Town Council and the landowner's representatives and that the matter has been discussed at the Town Council. It appears that the landowners put forward a policy proposal that was not acceptable to the Town Council. The Town Council then put forward an alternative policy, but that has not been agreed by the landowners. It appears that the possibility of achieving a compromise solution of a bespoke policy for the whole of the Beacon area put forward by the Neighbourhood Plan has not been successful.
4. I said back in February, in paragraph 12 of my Post Hearing Note, that if it appears that a jointly agreed position cannot be reached, then I would continue with the examination of the issue, which will be based on the positions set out in the plan, the Regulation 16 representations and the evidence presented at the hearing from both parties.
5. I had not expected nor invited the Town Council to be promoting unilaterally a policy, that was opposed by the landowner, but that is the position I find myself faced with.
6. A neighbourhood plan examination is required by the regulations to examine the plan proposal as submitted under Regulation 15, not necessarily a policy that is amended during the life of the examination. As such my statutory role is to make recommendations based on the Local Green Space policy as submitted and I can still do so.
7. It is a practice, within examiner circles, to occasionally invite parties to come up with possible compromise policy wordings, that both parties would wish the examiner to consider recommending as modifications to meet the basic conditions, which would meet the aspirations of each party. That is the situation that I was promoted, following on from what I was sensing during the hearing.
8. I believe I now have two options
 - a) Either ignore the different versions of the draft policies put forward by both parties and examine the plan as submitted or
 - b) Alternatively seek the views of both parties on the separate policies put forward and for me to recommend accordingly. Possible outcomes could be that I could agree with one party's suggested policy as submitted, or amend either one or other policy or reject both suggestions and deal with the local green space policy as submitted.

9. The Borough Council has suggested that the latter approach may be an appropriate way forward, so that the options are fully aired and I am minded to explore the matter further, through a final exchange of correspondence, which will include the following questions that I will be asking of each party, which will allow me better to understand their aspirations.

Question for the Town Council

- A) Essentially, what is the material difference between the LGS designation and its Protected Open Space Policy, in terms of what development would be permitted?
- B) What would be the material harm to the Beacon caused by the development of small tourist related accommodation, in a small part of the woods, bearing in mind most of the Beacon will be protected as LGS?
- C) Is the primary concern that such development will have an impact on the wider landscape or is it the harm to the recreational value of the woods bearing in mind that public access is limited?
- D) Do you consider that such small-scale tourist related development for temporary accommodation such as caravan, camping and chalet sites would currently be capable of support, under Local Plan Policy EC4? Would they be considered acceptable development within the Green Belt as set out in Paragraph 103 of the NPPF?
- E) What are the Town Council's overall concerns regarding the policy as advanced by the landowner?

Questions for the landowner

- A) I understand that it was the landowner proposal that recommended the split between the LGS and the Protected Open Space - what was the criteria for drawing the boundary line where it would be drawn and would it be recognisable on the ground or is it an arbitrary boundary?
- B) Where it is proposed to locate tourist pods and lodges – is the expectation that these areas would have their own curtilages and will there be defined boundaries to the sites, either individually or as a collection and is the expectation that there will be vehicular access to the holiday accommodation with parking within the woods? Will this require the felling of trees around these accommodation areas? Will there be management buildings/ storage area covering laundry, waste disposal, reception buildings.

C) What other types of commercial development would be considered under your policy and can you give examples?

D) What are your concerns with the policy as advanced by the Town Council?

10. During the summer, I was also approached independently by the Friends of The Beacon and Keep Penrith Special Group and I have said that they would be offered an opportunity to comment on any policy that had come forward. Whilst a jointly agreed policy has not been achieved, I would like to offer the two groups an opportunity to give me their views on the respective policies put forward by the Town Council and the landowners, I would ask that the District Council write to them with the information and this note and I suggest they be given 21 days to submit their views.

Changes to the NPPF

11. The neighbourhood plan was being examined based on the 2019 version of the NPPF. On 20th July 2021, the Secretary of State published a new version of the Framework. That policy document came in to effect immediately.
12. I would therefore like to offer the Town Council, Eden District Council and all the Regulation 16 parties who submitted comments, an opportunity to make representations to me as to whether the changes to the national policy have implication for the examination of the Penrith Neighbourhood Plan. I am not inviting contributions on that matter from any other party and the Regulation 16 parties should restrict their comments to the implications of the Secretary of State changes only.
13. I would be grateful if the District Council could forward this note to all the Regulation 16 parties and invite comments to be returned to the District Council, so that they can be forwarded to me. I would suggest a 21-day consultation period should be appropriate. I will not set a specific date as I understand that the consultation arrangements may take Eden District Council a little time to organise.

Concluding Remarks

14. I am sending this note direct to Penrith Town Council, as well as Eden District Council. I would be pleased if Rachael Armstrong would forward this document on to Andy Murphy at Stansgate Planning as well as the other Regulation 16 parties and the two groups referred to in paragraph 10.
15. Can I suggest that an appropriate time for both the Town Council and the landowners to respond would be approximately one month and so I would request responses be sent to me via Rachael Armstrong by 5pm on Friday 15th October 2021.

16. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

17. It would assist me if any questions regarding these matters are directed to me, via Rachael Armstrong at Eden District Council.

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Independent Examiner to the Penrith Neighbourhood Development Plan.

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