



Penrith Town Council

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13 October 2021

Mr John Slater
John Slater Planning Ltd

Dear Mr Slater

Further Comments of the Independent Examiner

Following receipt of your further comments on the examination of the Penrith Neighbourhood Development Plan and in particular the issue of Beacon Hill, Planning Committee have considered your comments and questions and would like to make the following response to complement our letter dated 24th August.

In relation to Paragraph 5 of your comments, we would like to add that the Landowners presented a unilateral policy both to us and direct to yourself. Our Planning Committee considered their policy at its meeting on 12 April along with the public consultation responses carried out during the NDP process and EDCs Masterplan consultation and made suggestions as to what they would consider to be acceptable for the front of the Beacon. There was strong concern that at a meeting with the landowners that they stated that they saw no problem with incremental development along the front.

In respect of your specific questions:

- 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?**

There is very little difference between the LGS designation and the Protected Open Space Policy. LGS policy would be consistent with the policy for green belt. NPPF Green Belt policy would allow for 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation' (paragraph 149b). Any planning proposal coming forward could and would be assessed against this and other relevant paragraphs of the NPPF.



The policy we are proposing is consistent with the NPPF and also sets out more distinct development/projects that the Town Council would support.

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?**

In the policy presented by the Landowners, it was suggested splitting the area in half (see 4a in our letter dated 24 August) by an arbitrary line which does not follow a fence or wall line or footpath. The landowners suggested that 33.06ha could be Local Green Space however we understood at the hearing that this size area would still be far in excess of other designated areas. We also believed at the hearing that you had accepted that the whole area shown in our documentation was demonstrably special for the reasons given. The material harm would arise from the two-tier nature of this suggested way forward with one area being treated as consistent with Green Belt policy – the fundamental aim of which is to keep land ‘permanently open’; the other area being offered with a lower planning policy protection that allows for a wider scope of development which is very much against the wishes of the residents of Penrith. This contrasting policy approach would potentially lead to a significant adverse impact on the whole of The Beacon – leading to a loss of openness, impact on landscape, impact on wildlife (such as the deer, squirrels etc), noise, traffic and the introduction of uses and activities of a domestic nature eg garden areas, hot tubs, barbeques, washing lines, play equipment etc. It would also introduce light to The Beacon in an area which is currently totally unlit. These uses are incompatible with the openness of The Beacon. As we stated in our earlier letter, our proposed policy does not frustrate the commercial aspirations of the landowner who owns the remainder of the land behind the backdrop to the town which totals some 84ha which is less steeply wooded and on which they could, should they wish, submit an application for tourism related activity.

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?**

See above. Our concern centres around the impact on the wider landscape of The Beacon and also the impact of adding development on the town. At the present time access is limited however it is used by individuals and family groups for walking and some cycling as a peaceful area in the town. This peaceful area has been greatly appreciated over the centuries and particularly during the last 18 months. Small tourist related activity for caravans, camping, chalets etc would have an impact on the flora and fauna currently residing on The Beacon and would by its very nature impact outside any area that may be allocated as such. Developments that allow caravans and motorhomes would also impact a wider area as the roads leading up to the possible access are quiet, almost single track, residential roads, mainly used by agricultural traffic and not suitable for this sort of additional traffic.

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?**

Policy EC4 for small scale tourism includes the following, our responses are directly under each point:

- Any proposed new-build development is located within a Town or Key Hub.
The Beacon is not within the town
- The proposal involves the re-use of an existing building, or previously developed land.
There are no existing buildings so there is no scope to re-use nor is the land previously developed.
- The proposed development forms part of a farm diversification scheme.
The land is not farmed
- The development proposed is located outside of a Town or Key Hub, but due to the nature of the development proposed it relies upon a specific geographic resource or countryside location, and the specific location selected for the development can be justified.
The landowners suggested uses are not reliant on a specific geographic resource or countryside location. There would be no justification eg for tourist related development on The Beacon.

Would they be considered acceptable development within the Green Belt as set out in Paragraph 103 of the NPPF?

We do not consider the landowners proposed development is acceptable. Such development is not one of the exceptions listed in paragraphs 149 and 150 of the NPPF. Such development were it to come forward would have to be justified through the 'very special circumstances' test (NPPF paragraph 148).

e) **What are the Town Council's overall concerns regarding the policy as advanced by the landowner?**

The Town Council has not put forward a unilateral policy. Unlike that submitted by the landowners, our policy is based on numerous public consultations and further written submissions with and from the residents of Penrith that we represent.

We believe our concerns are set out above and in our previous submissions

Yours sincerely,

A handwritten signature in black ink that reads "Scott Jackson". The signature is stylized with a large, looped 'S' and 'J'.

Councillor Scott Jackson
Chair of Planning Committee, Penrith Town Council

