



# Penrith Town Council

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

Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DATE: 3 May 2022**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 9 May 2022, at 1.30pm 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 Unit 2 Church House, Friargate

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 Friday prior to the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 10.00am on the day of the meeting at the latest) by emailing [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)

## COMMITTEE MEMBERSHIP

Cllr. M Clark  
Cllr. Jackson  
Cllr. Kenyon

South Ward  
North Ward  
North Ward

Cllr. C Shepherd  
Cllr. M Shepherd  
Cllr. Snell

East Ward  
North Ward  
West Ward

Mrs V. Tunnadine, Town Clerk

## **Public Participation**

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.

## **Filming**

**Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.**

**Please be advised that the Town Council does not record or live stream meetings.**

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

## **General Power of Competence**

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 PLANNING COMMITTEE 9 MAY 2022**

## **PART I**

### **1. Apologies For Absence**

Receive apologies from Members.

### **2. Minutes**

Authorise the Chair to sign, as a correct record, the minutes of the meeting of the Planning Committee held on Monday 4 April 2022 and agree they be signed as such, when permissible.

### **3. Declarations of Interests 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 which 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 which 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

### **4. 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.

#### **ADVICE NOTE:**

Members of the public may make representations, answer questions and give evidence at a meeting which 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

## **5. 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.

## **6. Penrith Conservation Area**

To receive a presentation by the Conservation Officer from Eden District Council regarding the Penrith Conservation Area appraisal, and production of an appraisal for the Penrith New Streets Conservation area.

## **7. Footpath 358001 – Land at Carleton, Penrith, Cumbria**

To consider the informal consultation from Eden District Council proposing the stopping up of a footpath.

## **8. Neighbourhood Development Plan**

To note the final report of the Independent Examiner and ratify the response sent by the Chair of the Planning Committee.

## **9. Planning Applications**

### **a) DELEGATED RESPONSES TO NOTE**

Planning application number:	22/0152
Site address:	8 CANNY CROFT PENRITH CA11 9HA
Description:	Certificate of lawfulness to create a flat roof extension to the rear of the property.
Response:	No Objection

Planning application number:	22/0146
Site address:	HILL CREST FELL LANE PENRITH CA11 8BJ
Description:	Replacement of existing side garage and rear sunroom with single storey side and rear extensions.
Response	No Objection

Planning application number:	22/0105
Site address:	BOOTH'S BRUNSWICK ROAD PENRITH CUMBRIA CA11 7JX
Description:	Variation of conditions 7 (operating hours) and 8 (delivery vehicle reversing alarms) to allow for deliveries from 08:30 and store/cafe opening from 09:30 on Sundays, attached to approval 09/0256.
Response	Object – original conditions for operating hours of 1000-1600 on a Sunday and that reversing alarms should not be used between 2300 and 0700 with no vehicle on site prior to 0700 were to protect the amenity of adjacent residents which is still important.

Planning application number:	22/0193
Site address:	32 BEACON EDGE PENRITH CA11 7SG
Description:	Oak Tree, crown reduction removing up to 10ft length from overhanging branches and crown, no more than 20% overall growth.
Response	No Objection

Planning application number:	22/0226
Site address:	TYSON H BURRIDGE LTD LORRY PARK UNIT 16 COWPER ROAD PENRITH CA11 9BN
Description:	Proposed staff amenity and welfare accommodation block.
Response	No Objection

Planning application number:	22/0236
Site address:	53 CASTLEGATE PENRITH CA11 7HY
Description:	Change of use from retail shop to self contained flat.
Response	No objection but would wish to see the street scene character retained and there be provision for off street parking

Planning application number:	22/0229
Site address:	MILBURN HOUSE BOWSCAR ROAD BOWSCAR PENRITH CA11 9NW
Description:	Roof over existing open silage pit.
Response	No Objection

Planning application number:	22/0230
Site address:	MILBURN HOUSE BOWSCAR ROAD BOWSCAR PENRITH CA11 9NW
Description:	Roof over existing open silage pit.
Response	No Objection

Planning application number:	22/0156
Site address:	2 COLDSPRINGS COURT PENRITH CA11 8EX
Description:	Listed Building Consent to replace existing single glazed timber windows with double glazed timber windows and repair/replace roof as needed.
Response	No Objection, replacing single for double glazed will reduce the transfer of heat make the building more sustainable

Planning application number:	22/0187
Site address:	LAND ON THE SOUTH SIDE OF 3 SOUTHEND ROAD PENRITH CA11 8JH
Description:	Use of land as a carpark and associated infrastructure, including pay and display machine and ANPR camera.
Response	No Objection

Planning application number:	22/0188
Site address:	LAND ON THE SOUTH SIDE OF 3 SOUTHEND ROAD PENRITH CA11 8JH
Description:	Advertisement Consent for 3no illuminated signs.
Response	No Objection

Planning application number:	22/0260
Site address:	119 BRENTFIELD WAY PENRITH CA11 8HQ
Description:	Erection of white UPVC Porch/Conservatory to the side of the house facing the road.
Response	No objection although the view is that a natural wood colour would blend much better with the sandstone frontage.

## **b) PLANNING APPLICATIONS FOR CONSIDERATION**

Consider the following applications for which information can be found on the Eden District Council Website <http://eforms.eden.gov.uk/fastweb/search.asp> by inserting the appropriate planning reference number

Planning application number:	22/0256
Site address:	LAND BETWEEN INGLEWOOD ROAD AND CENTURION RISE PENRITH CA11 8QW
Description:	Erection of 194 dwellings and associated infrastructure including landscaping, open space, access, highways and drainage.

Planning application number:	22/0258
Site address:	LAND AT INGLEWOOD ROAD PENRITH CA11 8QW
Description:	Construction of access for proposed development of up to 194 dwellings.

Planning application number:	22/0261
Site address:	1 ST ANDREWS PLACE PENRITH CA11 7AW
Description:	Listed Building Consent for the addition of flue to gable wall.

Planning application number:	22/0050
Site address:	SUNEDEN BEACON EDGE PENRITH CA11 9LA
Description:	Installation of rear decking.

Planning application number:	22/0098
Site address:	SPAR SHOP 36 - 40 BURROWGATE PENRITH CA11 7TA
Description:	Advertisement Consent for 2no Illuminated fascia signs.

Planning application number:	22/0231
Site address:	25 CASTLETOWN DRIVE PENRITH CA11 9ES
Description:	Two storey side extension.

Planning application number:	22/0312
Site address:	THE LABS SKIRSGILL LANE EAMONT BRIDGE PENRITH CA10 2BQ
Description:	Ash (T1) Pollard to 5m at appropriate pollard points



Planning application number:	22/0206
Site address:	33 BARCO AVENUE PENRITH CA11 8LX
Description:	Replacement of existing lean to porch with larger pitched roof porch.

Planning application number:	22/0222
Site address:	37 BRUNSWICK SQUARE PENRITH CUMBRIA CA11 7LS
Description:	Demolition of existing single storey rear extension and erection of a new single storey structure.

## **10. Next Meeting**

Note the next meeting is provisionally scheduled for 6 June 2022 commencing at 1.30pm although the date and time need to be ratified by Annual Council in May.

## **PART II PRIVATE SECTION**

There are no further items in this part of the Agenda

## **FOR THE INFORMATION OF ALL MEMBERS OF THE PLANNING COMMITTEE AND FOR INFORMATION TO ALL REMAINING 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 or, in the case of planning applications, the link to applications on the Eden District Council Website can be found above

### **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 address overleaf between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via [office@penrithtowncouncil.co.uk](mailto:office@penrithtowncouncil.co.uk)





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Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DRAFT** Minutes of the meeting of

## **PLANNING COMMITTEE**

Held on **Monday 4 April 2022**, at 1.30pm. Board Room, Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

### **PRESENT**

Cllr Jackson North Ward

Cllr C Shepherd East Ward

Cllr M Shepherd North Ward

Deputy Town Clerk

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.

# **MINUTES FOR THE MEETING OF PLANNING 4 April 2022**

## **PART I**

### **PL22/100 Apologies for Absence**

Apologies for absence were received from Councillors M Clark and Snell.

Councillor Kenyon was absent without apologies.

### **PL22/101 Minutes**

#### **RESOLVED THAT:**

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 7 March 2022 and agreed they be signed as such.

### **PL22/102 Declaration of Interests and Requests for Dispensations**

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations. No declarations were received.

### **PL22/103 Public Participation**

Members noted that there were no questions or representations that had been received from members of the public prior to the meeting.

### **PL22/104 EXCLUDED ITEM: Public Bodies (Admission to Meetings) Act 1960**

Members considered whether any items on the agenda 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, and agreed that there were no applications to be considered without the press or public present.

### **PL22/105 Penrith Conservation Area**

The Conservation Officer from Eden District Council was unable to attend.

#### **RESOLVED THAT:**

The Conservation Officer be invited to the next meeting of this Committee on 9 May 2022.

## **PL22/106 Budgetary Control Statement: Eleven Months Ended 28 February 2022**

Members considered the budgetary control statement and were advised that committed expenditure should read £4000 as money was awarded from the grants budget towards the Speed Indicator Device Project.

Members were also advised that grants for the project had been received from Cumbria County Council and Eden District Council for the separate areas.

### **RESOLVED THAT:**

The report be noted.

## **PL22/107 Planning Applications**

### **a) Delegated Responses**

Members noted the planning responses submitted by the Deputy Town Clerk under delegated authority on behalf of the committee between the scheduled meetings of the Committee:

Planning application number:	22/0070
Site address:	11 ALDER ROAD PENRITH CA11 8TT
Description:	Replacement of existing attached flat roofed garage with two storey side extension and associated internal alterations.
Response	No Objection

Planning application number:	22/0072
Site address:	BRAMBLEHEDGE COTTAGE CARLETON VILLAGE PENRITH CA11 8TP
Description:	Replacement of extension with single-story front and side extension.
Response	No Objection

Planning application number:	22/0087
Site address:	85 CLIFFORD ROAD PENRITH CA11 8PU
Description:	Proposed side extension.
Response	No Objection

Planning application number:	22/0122
Site address:	LINGSTUBBS FARM PENRITH CA11 0BX
Description:	Permitted Development Prior Notification for erection of building to replace silage clamp, dutch barn and cover yard area, and erection of replacement implement shed.
Response	No Objection

Planning application number:	22/0128
Site address:	LAND AT WHITE OX FARM GREENGILL PENRITH CA11 8SE
Description:	Non Material Amendment to reduce the floor space of plots 54, 73, 74, 75 and 76 and re-site plots 65 to 76 further away from the north west boundary, attached to approval 19/0908.
Response:	No Objection

Planning application number:	22/0095
Site address:	20 NEWLANDS TERRACE PENRITH CA11 9DR
Description:	Raise existing garden wall to a height of 2 metres.
Response	No Objection

Planning application number:	22/0127
Site address:	21 FRENCHFIELD GARDENS PENRITH CA11 8TX
Description:	Proposed two storey side extension and single storey front extension.
Response	No Objection

Planning application number:	22/0136
Site address:	37 HOLME RIGGS AVENUE PENRITH CA11 8NL
Description:	Replacement of existing rear extension with single story rear and side extension and pitch roof over existing garage and porch.
Response	No Objection

Planning application number:	22/0154
Site address:	THOMAS LODGE GRAHAM STREET PENRITH CA11 9LB
Description:	T1 - Cypress. Remove to prevent damage to boundary retaining wall. T2 - Cherry. Reduce crown height and spread to 4m x 4m T3 - Cherry. Reduce crown spread by 1m - 2m T4 - Laburnum. Reduce height to level of street light and re-shape crown. T5 - Holly. Reduce crown height and reshape. T6 - Portuguese laurel. Reduce crown height and spread.
Response	No objection but would wish to see the Cypress replaced with an appropriate native tree / shrub to help carbon retention.

## b) Planning Applications Considered

Members considered the following applications which had been received and which required a committee decision. Further information could be found on the Eden District Council Website <https://plansearch.eden.gov.uk/fastweb/> by inserting the appropriate planning reference number

Planning application number:	22/0175
Site address:	INGLEWOOD FARM STONEYBECK BOWSCAR PENRITH CA11 8RP
Description:	Outline application for the erection of a dwelling, with all matters reserved.
Response:	<b>RESOLVED THAT:</b> A response of No Objection be returned to Eden District Council with a request that the dwelling be of a moderate size and a condition be imposed tying the occupancy to the business. Penrith Town Council would wish to consider the reserved matters application.

Planning application number:	22/0162
Site address:	BOWERBANK WAY PENRITH CA11 9BQ
Description:	Creation of 36 off road parking spaces.
Response:	<b>RESOLVED THAT:</b> A response of No Objection be returned to Eden District Council with a request that the applicant considers grasscrete as a possible solution thereby allowing hard standing for cars but retaining a green area on the estate.



Planning application number:	22/0163
Site address:	HILLANDALE LAKE LAND VIEW GREENGILL PENRITH CA11 8SE
Description:	Demolition of existing buildings, erection of a new equestrian building including associated infrastructure, siting of a residential caravan and the installation of a package treatment plant.
Response:	<b>RESOLVED THAT:</b> A response of No Objection be returned to Eden District Council with a request that a condition be imposed tying the occupancy of the caravan to the business and that a time limit for the siting of the caravan be restricted to five years.

Planning application number:	22/0166
Site address:	ROUNDTORN HOUSE PENRITH CA11 8SJ
Description:	Subdivision of existing single dwelling into two separate dwellings. Re-submission of 21/0433.
Response:	<b>RESOLVED THAT:</b> A response of No Objection be returned to Eden District Council with a request that it be conditioned that any new hardstanding associated with the dwellings should be porous to prevent runoff.

Planning application number:	22/0171
Site address:	HIDCOTE LOWTHER STREET PENRITH CA11 7UW
Description:	Proposed alterations. Re-submission of 21/0822 for the introduction of solar panels and other minor amendments.
Response:	<b>RESOLVED THAT:</b> a response of No Objection be returned to Eden District Council with a request that it be conditioned that all doors/windows should be wood to complement the conservation area and that the PV panels should blend into the roof as much as possible.

Planning application number:	22/0194
Site address:	12 CARLETON DRIVE PENRITH CA11 8JP
Description:	Erection of a single story rear extension and raised patio.
Response:	<b>RESOLVED THAT:</b> A response of No Objection be returned to Eden District Council with a request that it be conditioned that surface water runoff should go into a drainage system or soakaway rather than go into Thacka Beck

### **PTC22/108 Next Meeting**

Members noted that the next meeting was scheduled for 9 May 2022 at 1.30pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

### **PART II PRIVATE SECTION**

There are no further items in this part of the Agenda

**CHAIR:**

**DATE:**

### **FOR THE INFORMATION OF ALL MEMBERS OF THE PLANNING COMMITTEE AND FOR INFORMATION FOR ALL REMAINING MEMBERS OF THE TOWN COUNCIL**

#### **Access to Information**

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#### **Background Papers**

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Our Reference: T4\_7\_24  
Enquiries to: Rebecca Harrison  
Direct Dial: (01768) 212270  
Email: [Rebecca.harrison@eden.gov.uk](mailto:Rebecca.harrison@eden.gov.uk)  
Date: 29<sup>th</sup> April 2022

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Town Hall, Penrith, Cumbria CA11 7QF  
Tel: 01768 817817  
Fax: 01768 890470

By email to: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

Dear Sir/Madam

**Footpath 358001- Land at Carleton, Penrith, Cumbria**

An application has been received to stop up the above footpath to enable development by Genesis Homes Limited.

Eden District Council is currently informally consulting on the proposed stopping up of the footpath. I enclose the first drafts of the Orders which the Council proposes to make and the plans showing the effect of the Order.

If you wish to comment on the informal consultation please reply to [legal@eden.gov.uk](mailto:legal@eden.gov.uk) or write to Legal Services, Eden District Council, Town Hall, Penrith, CA11 7QF by 4pm Tuesday 24<sup>th</sup> May 2022.

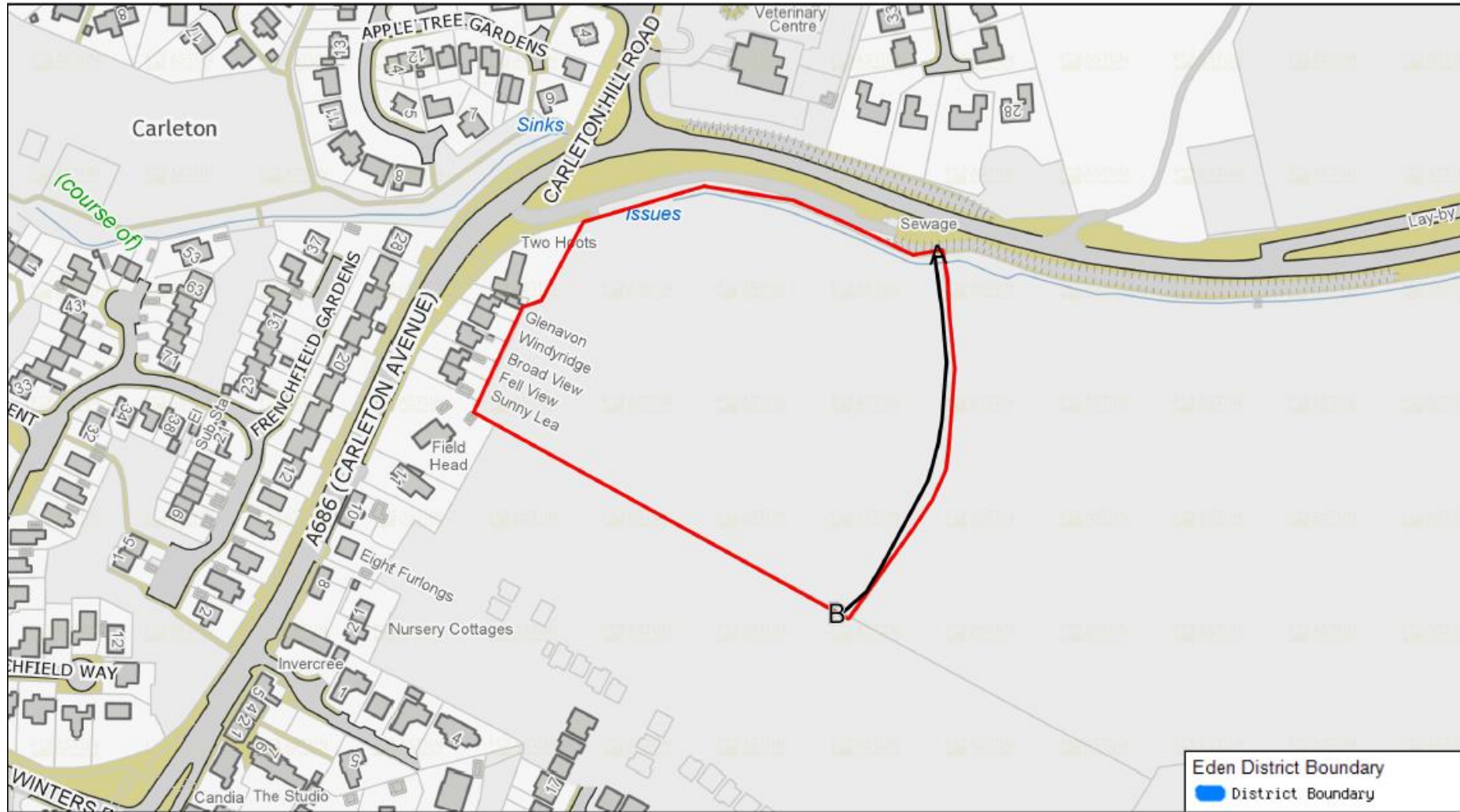
Yours faithfully,



Rebecca Harrison  
Legal Services Manager  
(Deputy Monitoring Officer)



## Plan T4\_7\_24 showing stopping up of Public Footpath 358001- Land at Carleton, Penrith, Cumbria



This plan has been created for the purpose of informal consultation into an application to stop up public footpath 358001 at Carleton Penrith. It is indicative only for the purposes of informal consultation on the application and should not be relied upon for

## Plan T4\_7\_24 showing stopping up of Public Footpath 358001- Land at Carleton, Penrith, Cumbria

determination of the definitive route or legal status of any path shown. Further details of the definitive route of footpaths can be found at [www.cumbria.gov.uk](http://www.cumbria.gov.uk)

If you would like to comment on the proposed changes you can email [legal@eden.gov.uk](mailto:legal@eden.gov.uk) or write to Legal Services at Eden District Council, Town Hall, Penrith, CA11 7QF. This informal consultation will end on 24 May 2022. If it is decided following the informal consultation to proceed with the Order a statutory period of consultation will be held following the notice of the making of the Order. If you wish to be personally notified of the making of this Order please send your request in writing including your name and address/email address to [legal@eden.gov.uk](mailto:legal@eden.gov.uk)

Key to Map

Planning application site

Footpath to be stopped up



**Public Path Stopping Up Order**  
**Town and Country Planning Act 1990, Section 257**  
**Eden District Council**  
**Public Path Stopping Up Order (No. 1) (2022)**  
**Land at Carleton, Penrith, Cumbria (footpath 358001)**

This Order is made by Eden District Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to stop up the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the Town and Country Planning Act 1990 by Eden District Council namely: Planning Permission reference 13/0033 and 20/0995 for the erection of 82 dwellings, open spaces and associated infrastructure at land at Carleton, Penrith.

1. The footpath over the land shown by a solid black line on the attached Plan between points A and B and described in Part 1 of the Schedule to this Order (“the Schedule”) shall be stopped up as provided below.
2. The stopping up of the footpath shall have effect on the date on the confirmation of this order.
3. Where immediately before the date on which the footpath is stopped up there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

**Schedule**

**Part 1**

**Description of site of existing path or way**

That section of public footpath 358001 running from point A on the Order Plan (at grid reference 353318, 529947) in a southerly direction for approximately 182 metres to point B (at grid reference 353274, 529778) as shown on the Order Plan as a solid black line.

**THE COMMON SEAL of EDEN DISTRICT COUNCIL** was hereunto affixed in the presence of:

## Confirmation of the Order

**THE COMMON SEAL of EDEN DISTRICT COUNCIL** was hereunto affixed in the presence of:

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# **PLANNING COMMITTEE**

**9 MAY 2022**

**Matter: Penrith Neighbourhood Development Plan – Next Steps**

## **Purpose of Report:**

To consider the report which includes:

- a) the final submission version of the report of the Independent Examiner
- b) provisional comments made by the Chair of the Planning Committee regarding Local Green Space.

**Item no: 8**

**Author:** Deputy Town Clerk

**Supporting Member:** Councillor Scott Jackson, Chair of Planning Committee

**This is a public report**

## **Recommendations**

The Committee is recommended to:

- i. Note the submission version of the report of the Independent Examiner;
- ii. Accept the suggested changes on policies 1 to 7 and 10 to 14; and
- iii. Ratify the comments made by the Chair of the Planning Committee regarding Local Green Space and agree that they be submitted to Eden District Council requesting that the inclusion of these policies and areas of Local Green Space be consulted upon and included within the Neighbourhood Plan.

## **Law and legal implications**

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.

## **Link to Council Priorities**

This report aligns with the strategic priorities for Living Well – An Inclusive and Vibrant Town ..

## 1. Report Details

- 1.1 Eden District Council (EDC) designated Penrith as a neighbourhood area at a meeting of it's Executive on 6<sup>th</sup> 2016 with the first meeting of the steering group taking place in October 2016.
- 1.2 The steering group comprised of representatives of the community with expertise or interest in a range of areas ie PACT (Penrith Action for Community Transition), CAFS (Cumbria Action for Sustainability), businesses (ie the BIDs[Business Improvement Districts], and Chamber of Trade), education providers (The Headteachers of Queen Elizabeth Grammar School and UCC and a representative from Askham Bryan College at Newton Rigg), Cumbria Youth Alliance, Churches Together, Eden Valley Artistic Network and a representative from health and minority groups.
- 1.3 The Group has been supported by Michael Wellock from Kirkwells, a planning consultancy business with expertise and success in Neighbourhood Plan development, with additional advice and support provided by the Planning Policy and Housing Teams at Eden District Council.
- 1.4 The Town Council and steering group were always explicit in its aim that the Neighbourhood Plan should be a plan for the town developed by the residents and businesses of the town and incorporating their priorities. A number of consultation events were undertaken to find out views and opinions as well as asking residents to identify areas of green space in town that were special to them.
- 1.5 Policies were drawn up from the consultation responses and a further round of consultation undertaken to ensure that the policies covered all the issues raised.
- 1.6 A green spaces audit was also undertaken early in the procedure to consider the areas put forward by the public, any other potential areas and assess them against para 102b of the National Planning Policy Framework. All the areas of green space are included in Appendix 8 of the Neighbourhood Development Plan (Appendix 1)
- 1.7 Para 102b states that Local Green Space designation should only be used where the green space is:
  - i. In reasonably close proximity to the community it serves;
  - ii. Demonstrably special to a local community and holds a particular local significance because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
  - iii. Local in character and is not an extensive tract of land.
- 1.8 The draft documentation was submitted to Eden District Council in December 2019 to allow them to consult as part of the Regulation 16 requirements. This also took the process out of the control of the Town Council. Unfortunately there was a delay of 18-24 months due to Covid before the report was passed to an Independent Examiner who held a public hearing in February 2021.
- 1.9 A public hearing was held in February 2021 during which the Examiner asked the Town Council to work with the landowners of Beacon Hill to try to develop a mutually acceptable policy. This did not prove possible so the Examiner wrote his own specific policy regarding the Beacon which necessitated a further consultation period. The Town Council objected to the proposed policy as did the majority of the 600 respondents.

- 1.10 The final report of the Independent Examiner is attached to this document as Appendix 2. Due to the strength of the responses regarding Beacon Hill, he has not suggested the inclusion of such a policy. He does however suggest deleting the two policies on Local Green Space (Policy 8) and Protecting and Enhancing Sports, Leisure and Recreational Facilities (Policy 9) as he feels they don't meet the basic conditions.
- 1.11 Having consulted the Town Council's Planning Consultant a response has been prepared and shared with Eden District Council suggesting that his comments on Policies 8 and 9 are fundamentally flawed. These comments are attached as Appendix 3.
- 1.12 When the Town Council responded to the Examiner in relation to his proposed Policy on Beacon Hill, we requested that Beacon Hill be removed from the list of Local Green Spaces as well as any identified green spaces from the neighbourhood plan already included in Policy COM2 of the Eden Local Plan.
- 1.13 Eden District Council as the Local Planning Authority must now consider the report of the Examiner and decide what action to take in response to each of the recommendations. A report would be prepared by EDC Officers to go to full Council which would be an explanation of the examiner's report, with our own recommendation as to whether each element was acceptable, acceptable with amendments or unacceptable. It would then be for full council to resolve how they would want the local development plan to progress as it moves towards referendum. If full Council accept the Examiners report in full it would go to referendum with all the suggested changes, including the deletion of Policies 8 and 9, as recommended by the Examiner
- 1.14 If Council decide to make a decision that differs from that recommended by the Examiner, they must invite representations within 6 weeks from the Town Council as the qualifying body, anyone whose representation was submitted to the examiner and any consultation body previously consulted. Eden District Council would then have 5 weeks to make its final decision.
- 1.15 The Planning Policy Officer suggests that a key element is that 'is it necessary to give any elements of open space not specifically designated within the local plan the additional protection afforded by 'Local Green Space' status or is it the case that these open areas are already adequately protected under local plan policy COM2 (Protection of Open Space, Sport, leisure and Recreational Facilities).
- 1.16 COM2 of the Eden Local Plan states  
'Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted. The exception to this will be where the benefits of the development outweigh the loss. Proposals must satisfy each of the following criteria:
- There is a strong social or economic justification for the development.
  - There is no longer a need for the facility in the area, or if a need remains, alternative provision will be provided nearby.

Any replacement facility must provide an equivalent or greater net benefit to the community, in terms of quality, availability and accessibility of open space or recreational opportunities.

Where development of a small area of the site would enable investment to improve the rest of the site this may be taken into account as a circumstance under which benefits may outweigh the loss of a site or facility.'

- 1.17 COM2 would allow development on these sites with replacement facilities that may be some distance away from the community they hoped to serve.

## **2. Risk assessment**

### **Risk**

There is a risk that Eden District Councillors may decide to accept the recommendation of the Independent Examiner and delete Policy 8 (Identifying and Protecting Local Green Space) and Policy 9 (Protecting and Enhancing Sport, Leisure and Recreation Facilities) from the Neighbourhood Development Plan.

### **Consequence**

Deletion of these policies would not accord to the wishes of residents who were very clear when putting them forward exactly where the areas in the heart of their communities were demonstrably special to them. This could mean that the Neighbourhood Development Plan may not succeed at referendum

### **Controls Required**

That the Town Council writes to Eden District Council asking that its comments be included as an appendix to a report and that the communities in question be encouraged to lobby Eden District Councillors about how special these areas are to them and how they use them.

## **3. Financial and Resource Implications**

- 3.1 There are no financial implications arising from this report

### **Appendices**

1. Final Submission Report of the Independent Examiner
2. Draft submission comments on the Inspectors report.

### **Background Papers**

Penrith Town Council Draft Neighbourhood Development Plan  
National Planning Policy Framework

## APPENDIX VIII: PENRITH GREEN SPACES

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Carleton Ward</b>				
<b>C1</b>	<b>Carleton Heights Play Area</b>	Open amenity space in new housing development between Beckside and Sycamore Drive.	Fenced-off play equipment and separate area with goal posts and ball wall. Funding for play equipment raised by nearby residents.	3.618 acres of unfenced open space with full public access.  Owned by EDC who advise it is protected in the Local Plan.
<b>C2</b>	<b>Penrith RUFC and adjoining land</b>	Bordered by houses and the Pategill playing field. Large car park used by a local employer as a weekday offsite car park. A 20 minutes' walk from the town centre.	Home to Penrith Rugby Union Football Club (RUFC) and the Town's squash club and tennis club.  Rugby pitches together with clubhouse, squash courts and tennis courts belonging to Penrith RUFC.  Club house let for use by community groups and as a conference venue. Car Park used for regular car boot sales. Forms a wildlife corridor linking PP53 to farmland.	17.87 acres. of fenced sports area, with public access, on the eastern edge of the Town.  Rugby pitches are already protected in EDCs Local Plan.
<b>C3</b>	<b>Cowraik Quarry</b>	To the north of the Roundthorn Country House Hotel just off Stagstones Road. Approximately 35 minutes' walk from the town centre.	Popular with residents and visitors for its variety of native trees, wildflowers, heathers, shrubs and wildlife (red squirrel, badger, woodpecker). Frequented by climbers as a local practice ground.	11.98 acres disused sandstone quarry with some of the best fossilised sand dunes in the country, native trees and heathland Nature Reserve designated a SSSI.

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Carleton Ward</b>				
<b>C4</b>	<b>Hunter Hall School Playing Field</b>	On the south eastern perimeter of the Town and adjacent to Frenchfield Sports Centre. A 9 minutes' walk from Carleton Village and 2 minutes' walk from the planned new development. This private preparatory school serves the whole of the Town and beyond.	School playing field essential to the development and wellbeing of the pupils.  Element of the wildlife corridor formed by C5 and PP54.	5.82 acres of privately-owned fenced playing field.
<b>C5</b>	<b>Frenchfield Sports Centre incorporating Penrith Football Club</b>	At the south eastern perimeter of the Town and adjacent to the A66. Planning permission has been granted for a new housing development a few minutes' walk from the playing field. Carleton village is a few minutes' walk however the facility is used by residents from all over the Town and beyond.	Sports pitches and pavilion with changing rooms, also used for meetings. Used every weekend by parkrun and for football matches. Grounds also used by archery club, rugby clubs, triathletes, runners, cyclists and the public. Part of the site is home to Penrith Football Club who have their own pitch and stadium. Sited on a wildlife corridor (River Eamont) that extends from Ullswater down the length of the Eden Valley. Linked to PP54 by an underpass (A66)	41.51 acres of sports pitches enclosed by sandstone walls and fencing. Football Stadium leased by Penrith Football Club  Owned by EDC who advise that it is protected in the Local Plan.

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>Penrith East Ward</b>				
<b>PE6</b>	<b>Land and Wood above Scaws Drive</b>	On the northern edge of the Town with housing to three sides of this significant and well-used area of grass and woodland. Well used by residents of the Scaws Estate, the New Streets and the Town. A 15 minutes' walk from the centre of Town but as few minutes from local houses.	<p>The grass and woodland have survived the development of Penrith and is greatly valued as a place for dog walking, relaxing, brambbling, picnics and children's' games.</p> <p>Affords a beautiful view to the Lakeland Fells and the Solway estuary.</p> <p>A recognised habitat for wildlife including red squirrels, deer, foxes as well as wild flowers. Element of a wildlife corridor with PN14.</p>	<p>7.017 acres of unfenced grassland and woodland accessible to the public.</p> <p>Owned by EDC. Green area above Scaws Drive given designated village green status by CCC June 2019.</p>
<b>PE7</b>	<b>Scaws Play Area</b>	In the middle of the Scaws Estate with housing to three sides - Eden Mount, Brentfield Way and Pennine Way and Beaconside School.	A valuable greenspace in the middle of a heavily developed residential area. Play area is used extensively by children and the open area by people for dog walking, exercise and relaxation.	<p>0.86 acres of unfenced land with a multi-games area.</p> <p>Owned by EDC who advise that it is protected in the Local Plan.</p>
<b>PE8</b>	<b>Land between Brentfield Way and Meadowcroft</b>	In the middle of the Scaws Estate and surrounded on three sides by housing (Brentfield Way and Meadowcroft).	Significant recreation area used extensively by local children as a play area and by local residents for dog walking, exercise and relaxation.	<p>1.407 acres of unfenced open area with public access.</p> <p>Owned by EDC who advise it is protected in the Local Plan..</p>

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>Penrith East Ward</b>				
<b>PE9</b>	<b>Folly Lane Allotments</b>	Below the houses on Folly Lane and above developments next to site of former gas works.	Important amenity for local residents as allotments.  Access by allotment holders only.	3.635 acres  Owned by PTC.  Bounded by sandstone wall, hedge and wire fence.
<b>PE10</b>	<b>Friars Bowling Club</b>	Off Friargate and bounded by residential developments and the Folly Lane Allotments. A 3-minute walk from the Town centre.	Important recreational amenity for local residents.  Access restricted to persons playing and watching bowls.	0.44 acres of privately-owned land laid to grass bounded by fences.
<b>PE11</b>	<b>Beaconside School Playing Fields</b>	In the centre of the Scaws Estate and adjacent to Beaconside School.	School playing field essential to the development and wellbeing of the pupils.	2.14 acres of fenced playing field with no public access. Owned by CCC.
<b>PE12</b>	<b>St Andrew's Churchyard</b>	Off Market Square in the centre of Penrith and surrounded by historic buildings.  A 2 minute walk from the centre of Town.	Used extensively by locals and visitors alike.  Mature trees and wild flowers make this a popular space at lunch time for local workers.  Full public access at all times of the day.	The setting for the Grade 1 Listed Parish Church with an ancient churchyard to one end and old garden at the other. 2.14 acres bounded by low sandstone wall and iron railings but with full public access at all times of the day. Area near the Mansion House is owned by EDC and the remainder by the Church Commissioners.
<b>PE13</b>	<b>Land next to Chancery Lane</b>	Next to Chancery Lane and above Carleton Road.	No public access.	1.9 acres of privately-owned land with planning permission for residential development



Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN14</b>	<b>Beacon Hill</b>	<p>The hill to the north of the Town with a boundary to the residential Beacon Edge.</p> <p>Home to Beacon Tower a scheduled ancient monument.</p> <p>A 15 minutes' walk from the Town centre to one of the access points to the hill but just a few minutes' walk from the houses of the New Streets.</p> <p>A 45 minutes' walk from the Town centre to the Beacon Tower.</p>	<p>Planted with maturing native hardwoods (predominantly oak) and pine (80%).</p> <p>Provides an unsurpassed view over Penrith to the Lake District fells.</p> <p>The Permissive footpaths have been enjoyed for over 25 years and are popular with walkers, dog owners and visitors.</p> <p>Penrith BID have produced a leaflet describing a self-guided walk through the Conservation Areas to the Beacon Tower.</p> <p>Early in 2018 the landowner and community groups cleared the trees that were obstructing the view to and from the Tower to allow the Easter Cross to be seen and to light up the Beacon for Armistice Day.</p> <p>Borderliners Orienteering Club acquired permission to have the area professionally mapped and it has been used regularly for local and national events since 2008.</p>	<p>Southern side of a wooded hill that dominates the Town and is considered part of the Town's setting.</p> <p>The Beacon Hill currently forms a natural and defining eastern boundary to Penrith</p> <p>Privately owned by Lowther Estates and the Lonsdale Settled Estates.</p> <p>100.6 acres from Beacon Edge to the track that runs from Roundthorn, behind the Tower to the golf course.</p> <p>This is not considered to be a significant tract of land as it forms a proportionate backdrop to the Town.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN14 (Cont.)</b>	<b>Beacon Hill (Cont.)</b>		<p>Used extensively by walkers and dog walkers.</p> <p>Home to deer, red squirrels, badger, fox and owls and many other bird species. Flora includes a rare Liverwort which has been brought to the attention of the landowners.</p> <p>A recently formed 'Friends of the Beacon' Group is lobbying to protect the hill from development.</p> <p>A major element of the wildlife corridor formed with PN15 and linking PN17 and PN18.</p>	

### **Additional Information – Beacon Hill (The Beacon)**

Whilst progressing the Neighbourhood Plan, Eden District Council undertook a consultation on a proposed Masterplan for Penrith which proposed development behind Beacon Hill in the plantation and land to the east. Residents set up a group to oppose any such development, such was their strength of feeling, with marches and dedicated social media sites to promote their appreciation of the space. An independent review of Eden District Council's consultation exercise was carried out by Lancaster University and the University of Cumbria which included a section dedicated to The Beacon. The findings of the independent review mirrored the views expressed by the public during the consultation events for the Neighbourhood Plan

The main finding of the University of Lancaster and University of Cumbria was that 'the Beacon is an important 'community green asset' much appreciated by residents of Penrith as a tranquil green space for leisure, relaxation and wildlife habitat close to the town. Although there is acceptance that sympathetic development, particularly in relation to paths and access, was required, the overwhelming response was one of protection and preservation, in part due to its important role as a place of wellness – for

healthy, tranquil and accessible leisure'. Penrith Town Council also received this feedback and felt that allocating it as protected green space would give it additional protection.

Although the Beacon is recognised as private land with permissive paths, there is a strong sense in Penrith that it is a local gem which people have loved and used for generations, and part of their community heritage. The Beacon and especially the part that we are seeking to allocate as protected green space, exerts a strong sense of place in Penrith with people stating that when they see it they feel that 'they are home'.

The views relating to the Beacon, as borne out by our own consultations and that of Eden District Council, were particularly strong amongst the 25-65 age group who appreciate the Beacon as 'iconic', an unspoilt green space and a wildlife area promoting health and wellbeing although they also recognised that it could be enhanced and improved by creating of improving paths'.

Concerns have also been raised about inappropriate interpretations and that the area should not be developed as a tourist attraction.

The front of the Beacon that Penrith Town Council wishes to designate as Protected Green Space is too steep for development.



Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN15</b>	<b>Beacon Plantation</b>	On the north side of Beacon Hill and not in close proximity to the community.	<p>Although public access is not encouraged the forestry tracks through the plantation are popular with dog walkers and residents of the area taking exercise.</p> <p>With the permission of the owners the area is used for local and National orienteering events.</p> <p>The Habitat for many species of bird, red squirrels, badgers and roe deer. Forms a wildlife corridor between PN14 and the farmland to the north.</p> <p>Visible from the North Pennines Area of Outstanding Natural Beauty.</p>	<p>Plantation of Scots pine with an understory of heather and bilberry.</p> <p>Commercial forestry covering 206.5 acres that is in the ownership of Lowther Estates and the Lonsdale Settled Trust.</p>
<b>PN16</b>	<b>Playground and recreation area at Milton Street</b>	Playground and recreation area on the edge of the Raiselands development to the west of the Town and bounded by houses (Raiselands Croft, Milton Street, Thacka Lane) and a caravan site.	<p>The only recreation/community area in this part of the Town.</p> <p>Equipped with goal posts and play equipment.</p>	<p>1.15 acres of playground, bounded by walls and fence, but with public access</p> <p>Owned by EDC.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN17</b>	<b>Open area at top of Croft Terrace against Beacon Edge</b>	<p>Area on Beacon Edge opposite the entrance to Penrith Cemetery with houses to west (Graham Street) and south (Croft Terrace).</p> <p>Easy access on foot from properties in New Streets Conservation Area.</p>	<p>Local residents applied, unsuccessfully, to register this area as a 'village green'.</p> <p>Affords the only view, from above the residential area, across the Town to the eastern fells of the Lake District.</p> <p>Used extensively by children, local residents and dog walkers.</p> <p>Wildlife corridor with PN18 linked to PN14 via PN28.</p>	<p>0.8 acres of greenspace overlooking the Town.</p> <p>Unfenced on lower (south) side offering easy access.</p> <p>Advised by EDC that this is protected in the Local Plan.</p>
<b>PN18</b>	<b>Field on Beacon Edge next to area PN17</b>	<p>Opposite the entrance to Penrith Cemetery with houses to east (Wordsworth Street) and south (Croft Terrace).</p>	<p>One of a diminishing number of green spaces in the Town.</p> <p>With PN17 affords the only view across the Town to the Eastern fells of the Lake District.</p> <p>Wildlife corridor with PN17 linked to PN14 via PN28.</p>	<p>0.7 acres. A privately-owned area that is used for grazing.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN19</b>	<b>Penrith Golf Course</b>	The Town's only golf course on the northern edge of and overlooking the Town. Bisected by Salkeld Road	<p>This popular 18-hole golf course is an important venue for recreation.</p> <p>Open to members and visitors. Public access via footpath from Beacon Edge.</p> <p>Excellent views to the Lakeland Fells and the Solway estuary.</p> <p>Forms a link for wildlife between open farmland and PN14.</p>	<p>Formerly Penrith Racecourse so has long been a grassed area. 104.68 acres.</p> <p>EDC advise that this site is designated in the Local Plan under Policy COM2</p>
<b>PN20</b>	<b>Penrith Golf Course Practice Ground</b>	The practice ground for the golf course on the outskirts of and overlooking Penrith.	An integral element of Penrith Golf Course that is important to golfers wishing to practice their shots.	<p>Area of enclosed mown grassland adjacent to the golf course.</p> <p>This land is designated as a future growth site for housing in the Local Plan.</p>
<b>PN21</b>	<b>Fairhill Playing Field</b>	<p>Playing field close to northern boundary of Town.</p> <p>A new housing development is being built around it.</p>	<p>The Fairhill Community Group, with support from the Town Council, purchased (2017) new play equipment for use by local children and goal posts funded by PTC (2018).</p> <p>Grassed area used by children and dog walkers.</p>	<p>8.02 acres of enclosed land with full public access.</p> <p>Owned by PTC. EDC advise that it protected within the Local Plan</p>

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>Penrith North Ward</b>				
<b>PN22</b>	<b>St Catherine's School Field</b>	<p>School playing field, with small car parking area for staff, bounded on three sides by housing (Drovers Lane, Macadam Gardens and Graham Street).</p> <p>Just 7 minutes' walk from the centre of the Town.</p>	<p>School playing field essential for the development and wellbeing of the pupils.</p> <p>One of two greenspaces central to the Town.</p>	<p>1.12 acres bounded by fences and hedge.</p> <p>Owned by the Catholic Church.</p>
<b>PN23</b>	<b>Land at top of Sandcroft</b>	<p>Area of land at top end of Sandcroft, overlooked by Lonsdale Villa and houses on Arthur Street.</p> <p>Just a minute from the houses in Sandcroft.</p>	<p>Area of grassland at the head of Sandcroft that was considered by EDC for inclusion in the ELP 2014 to 2032.</p> <p>Potential for extension of Sandcroft.</p>	<p>0.8 acres opening onto Sandcroft and with walls and hedges to other three boundaries.</p> <p>Privately owned by a developer.</p>
<b>PN24</b>	<b>Fell Lane Pinfold</b>	<p>Area of woodland adjacent to rear of properties in Fell Lane, below entrance to Lonsdale Villa.</p>	<p>Originally used for holding stock.</p> <p>Dense, well established woodland that is a habitat for wildlife and a green oasis in an area of housing.</p> <p>No public access.</p>	<p>1.02 acres of quite dense native woodland bounded by walls and very visible in the area.</p> <p>Owned by EDC.</p>
<b>PN25</b>	<b>Green space on corner of Scotland Road and Drovers Lane</b>	<p>Small area of green space with mature trees surrounded by residential properties on a main road into Penrith</p>	<p>Request to be included on the register during the Reg 14 Consultation. Small green area with a bench used by the public whilst waiting for buses.</p>	<p>Visible green area of 0.16 acres on a main road into Penrith.</p>

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>PN26</b>	<b>Open Spaces on Voreda Park</b>	Small areas of open green space surrounded by houses on the Voreda Park estate	A number of smaller green areas used extensively by children on the estate for free play and requested for inclusion by the public during the consultation	6 small areas on the estate. Unfenced, very visible on the estate and adds to the character of the area.  Owned by EDC
<b>PN27</b>	<b>Green Space on Cockell House Gardens / Drovers Lane</b>	Surrounded by residential properties	Green space with a small parking area in the centre with mature trees on the entrance to a residential estate. Requested for Inclusion by the public during the Reg 14 Consultation	Open green space, unfenced totaling 0.25 acres  Owned by EDC
<b>PN28</b>	<b>Green Space on corner of Cockell House Gardens and Macadam Gardens</b>	In a housing estate surrounded by residential properties	Area of grassland with a mature tree and bushes on a prominent position at the entrance to the estate, often used by young people for free play	0.18 acres of open unfenced green space adding to the character of this green open estate.  Owned by EDC
<b>PN29</b>	<b>Green Space in Centre of Voreda Park</b>	Area of open green space in the centre of the estate surrounded by residential properties.	Area of open green space bisected by a footpath and with a small car park to one side. Area contains mature trees and is used extensively by children on the estate for free play, walkers and dog walkers. Requested for inclusion by public during Reg 14 Consultation.	Approximately 0.36 acres of unfenced green space.  Owned by EDC
<b>PN30</b>	<b>Green Space at Head of Macadam Way</b>	Area of open green space between residential flats at the head of Macadam Way fronted by a footpath and parking area.	Open green space containing mature trees and shrubs, a 'green lung' in the estate. Requested for inclusion during Reg 14 Consultation.	0.10 acres unfenced.  Owned by EDC



<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>Penrith North Ward</b>				
<b>PN31</b>	<b>Pembroke Place</b>	Surrounded by residential property on the Anchor Farm housing estate.	Requested for inclusion during the Reg 14 consultation. Grassed open green space with mature trees used by children on the estate for free play and by walkers and dog walkers taking exercise.	Grassed open space of 0.10 acres adding to the open feel of the estate.  Owned by EDC
<b>PN32</b>	<b>Land in Voreda Park</b>	Multiple small areas of open grassland with some mature trees and shrubs surrounded by residential properties.	All together an extensive bit of green spaces bisected by footpaths with mature trees. Used by children for free play and by others for exercise. Along with other green spaces on the estate good for wildlife. Requested for inclusion during Reg 14 Consultation.	8 areas in total with a combined acreage of approximately 0.65 unenclosed acres.  Owned by EDC
<b>PN33</b>	<b>Plimsoll Close</b>	Small area of open green space with mature trees and shrubs surrounded by residential properties.	Along with other green spaces on the estate, good for wildlife. Used in conjunction with other spaces for children to play, walking and dog walking	0.2 acres of unfenced green space with mature trees and bushes. Only accessible by footpath.  Owned by EDC
<b>PN34</b>	<b>Cambridge Drive next to Greencroft</b>	Open green space at the entrance to Cambridge Drive surrounded by residential properties	Grassed area with mature trees connected to other grassed areas by footpaths. Used by children playing, walkers and dog walkers. Along with other green spaces on the estate good for wildlife. Requested for inclusion during Reg 14 Consultation.	0.15 acres of unfenced land with mature trees and shrubs.  Owned by EDC

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN35</b>	<b>Land at corner of Sandcroft and Fell Lane</b>	<p>Small grassed area steeply sloped at edges.</p> <p>Open green space surrounded by residential development (Sandcroft and Fell Lane) 5 minutes' walk from the centre of Town.</p>	A small area of greenspace in a developed area.	Grassed open space. 0.4 acres, understood that land may be covenanted.
<b>PN36</b>	<b>St Catherine's Churchyard</b>	Small churchyard surrounded by houses. A 6-minute walk from the Town centre	<p>The setting for St Catherine's Church and with public access.</p> <p>A quiet space for reflection.</p>	<p>0.1 acres, bounded by sandstone walls.</p> <p>Owned by the Church Commissioners.</p>
<b>PN37</b>	<b>Christchurch Churchyard</b>	Between Stricklandgate (A6 to the north of the Town centre) and Drovers Lane. Just 5 minutes' walk from the Town centre.	<p>A former site for local burials so with local family connections.</p> <p>A well-used public footpath from Drovers Lane to Stricklandgate passes through the churchyard.</p> <p>Potential for development as parking for a Community Hub for the estates to the north of the Town.</p>	<p>This 2.5-acre site is bounded by sandstone walls and forms the setting for the church.</p> <p>Owned by the Church Commissioners.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith North Ward</b>				
<b>PN38</b>	<b>Penrith Cemetery</b>	Located above Beacon Edge and overlooking Penrith. Approximately 15 minutes walk from the Town centre.	Local burial ground which, as such, has close connections with many local families.  Consecrated ground and a public amenity.  Views across the Town to the Lakeland Fells.  Forms a link for wildlife between PN14, PN19, PN17 and PN18.	21.9 acres. An extensive area with little space for new burials.  Bounded by sandstone walls and iron railings but with public access.  Owned and managed by EDC who advise it's protected in the Local Plan.
<b>PN39</b>	<b>Salkeld Road Allotments</b>	Located off Salkeld Road behind houses on Beacon Edge.  A 20-minute walk from the Town centre but close to residential areas.	Important amenity for local residents as allotments particularly as many houses, on the new developments, have very small gardens.	1.9 acres surrounded by hedges and fences.  Access by allotment holders only. Owned by PTC.
<b>PN40</b>	<b>Coronation Gardens</b>	Located off Portland Place between Voreda House and the Town Hall.  A 5-minute walk from the Town centre.	Created in 1938 to celebrate the Coronation of King George VI.  Currently partly tended by Penrith Community Gardeners.	Community garden and artworks covering an area of approximately 40 meters by 30 meters.  Owned by EDC.
<b>PN41</b>	<b>Bowscar Play Area</b>	Located at Bowscar surrounded by houses in the hamlet	Formalised play area with swing used by the community	Small fenced play area and surrounding land of 0.09 acres currently owned and managed by EDC who advise it is protected in the Local Plan.

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>PN42</b>	<b>Bowscar Open Space</b>	Located at Bowscar surrounded by houses in the hamlet	Non formalised play area used by children and the community for informal gatherings	Small piece of land 0.12 acres currently owned by EDC
<b>PN43</b>	<b>Friends Meeting House Garden and Allotments</b>	Located next to and behind the Friends Meeting House surrounded by residential houses	A small green oasis in the middle of houses for people and wildlife to enjoy	0.22 acres owned by the Friends Meeting House
<b>PN44</b>	<b>Arthur Street / Beacon Park</b>	Located at the top of Arthur Street at its junction with Beacon Park surrounded by residential properties		
<b>Penrith West Ward</b>				
<b>PW45</b>	<b>Nichol Hill Nature Reserve</b>	Between the railway line and Foster Street and an 8 minutes' walk from the Town centre but a short walk from the residential areas to the north of the Town	A haven for wildlife in a heavily developed area on the edge of the Gilwilly Industrial Estate. An important element of a wildlife corridor (PW32, PW34, PW35, PW36 and PW37) Open access to the public. Until recently the reserve was under the protection of Cumbria Wildlife Trust.	6.25 acres of native woodland  Owned by EDC.  Open access.
<b>PW46</b>	<b>Thacka Beck Nature Reserve</b>	Located between the M6 motorway and the railway line, to the edge of northern edge of the East Lakes Business Park (Gilwilly).  A 22 minutes' walk from the centre of Town.	A popular area for bird watchers, dog walking and relaxation. Public access. An important wildlife corridor with PW31, PW34, PW35, PW36 and PW37.	33.54 acres of hay meadows, wet grassland, and scrub, centered on an attenuation pond and the beck, established as part of the Town's flood defenses.  Area managed and owned by Cumbria Wildlife Trust.

<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>PW47</b>	<b>Land Adj to Dog Beck</b>	Located next to Dog Beck between Mardale Road and Myers Lane, next to houses	A popular green area for dog walkers and walkers with public access. A wildlife haven.	1.4022ha
<b>Penrith West Ward</b>				
<b>PW48</b>	<b>Brunswick Square Gardens</b>	Surrounded by the houses that form Brunswick Square and a 5 minutes' walk from the centre of Town.	Private garden for the use of residents of this attractive square.  Largely to grass, with a goal post for the children, surrounded by mature shrubs and trees	0.5 acres making Brunswick Square a quiet haven in central area of Town.  Privately owned by the residents of the square.
<b>PW49</b>	<b>James Street Allotments</b>	Bordered by industrial buildings, Gilwilly Road, York Street and James Street on the edge of Castletown.  A 9 minutes' walk from the Town centre but a few minutes from the local properties	Important amenity for local residents as allotments. Access by allotment holders only. Forms an important piece of the wildlife corridor between PW31, PW32, with PW35, PW36 & PW37.	0.7 acres bounded by railings and a sandstone wall.  Owned by PTC.
<b>PW50</b>	<b>Castletown/ Musgrave St/Brackenber Allotments</b>	Bordered by Newton Road, Gilwilly Lane, Gilwilly Road and Musgrave Street between the Industrial Estate and Castletown residential area.	Known by a number of names these allotments are an important amenity for residents of Penrith. Allotment gardens and hen runs. Part of the wildlife corridor with PW31, PW32, PW33, PW34, PW36 and PW37. Permissive path runs around the outside of the allotments used by residents going to and from work and those walking their dogs.	6.95 acres bounded by fence and sandstone wall.  Owned by PTC.

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith West Ward</b>				
<b>PW51</b>	<b>Castletown Recreation Area</b> (The Rec)	In the centre of Castletown bounded on 3 sides by Gilwilly Road, Gilwilly Lane and the industrial estate.	<p>Donated to the Town in perpetuity (covenanted).</p> <p>Site accommodates a play area, football pitch (Castletown United, Castletown Juniors and Wetheriggs United)</p> <p>Castletown Recreation Hall. Used regularly by the community for sports and events.</p> <p>Part of the wildlife corridor with PW31, PW32, PW34, PW35 and PW37.</p>	<p>3.8 acre field with sandstone boundary wall enclosing the community building and small children's fenced play area.</p> <p>Owned by PTC who advise it is protected in the Local Plan</p>
<b>PW52</b>	<b>Recreation area</b> between Musgrave St allotments and Newton Rd	<p>On the edge of the Castletown residential area and bordered by new residential development, Newton Road and Castletown</p> <p>Allotments with access via a gate from Newton Road</p>	<p>An Informal area of grassland used by local children for recreation, and dog walkers and people accessing the permissive footpath around the allotments.</p> <p>Part of the wildlife corridor with PW31, PW32, PW34, PW35 and PW36.</p>	<p>0.45 acres, accessible area of grassland.</p> <p>Owned by EDC who advise that it is protected in the Local Plan.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith South Ward</b>				
<b>PS53</b>	<b>Wetheriggs Country Park</b>	<p>Located just north of A66 (between the North Lakes Hotel at J40 and Kemplay Roundabout) bounded on one side by houses on Clifford Road.</p> <p>A few minutes' walk from the Wetheriggs Estate.</p>	<p>A valuable buffer zone between the busy A66 National East-West highway and the housing estate.</p> <p>Publicly accessible with woodland path with seats and fitness equipment.</p> <p>With PS39 part of a wildlife corridor along the Town's southern edge connected to PS40 to PS43.</p>	<p>17.23 acres, area of grassland and native trees forming a green boundary to the Town.</p> <p>Owned by EDC who advise that it is protected in the Local Plan.</p>
<b>PS54</b>	<b>The Crescent</b>	<p>Between the North Lakes Hotel (Clifford Road) and Wetheriggs Country Park.</p> <p>A few minutes' walk from the Wetheriggs Estate.</p>	<p>Football pitch (goal posts in the Summer months only) used for pre-season training and for friendly fixtures when main pitches are undergoing maintenance.</p> <p>Accessible to the public at all times.</p> <p>Part of a wildlife corridor with PS38 and PS40 to PS43.</p>	<p>2.5 acres mown grass.</p> <p>Owned by EDC who advise that it is protected in the Local Plan.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith South Ward</b>				
<b>PS55</b>	<b>Ullswater Community College Playing Fields</b>	To the southern side of the Town, bounded by Bridge Lane, Wetheriggs Lane, Clifford Road and Penrith Cricket Club	<p>School playing field used for sports and recreation (athletics, cricket, rugby, football, hockey).</p> <p>Essential for the wellbeing and development of pupils.</p> <p>Continuous with PS55 and 56 thus forming a wildlife corridor with PS38 and 39.</p>	<p>9.9 acres fenced school playing field.</p> <p>Owned by CCC.</p> <p>Playing field to the south of the Cricket Ground is already designated as public open space in the Local Plan</p>
<b>PS56</b>	<b>Penrith Cricket Ground</b>	Adjoining school playing field bounded by Bridge Lane and Wetheriggs Lane.	<p>Thriving cricket club that offers coaching to local children and regularly holds matches during the season.</p> <p>Cricket pitches and a clubhouse that is hired to local groups. Continuous with PS53, 54 and 56 thus forming a wildlife corridor.</p> <p>Access only for training and events.</p>	3.521 acres privately owned land part enclosed with fences and sandstone wall.
<b>PS57</b>	<b>Playing Field</b> at southern gateway to Town between A66 and Clifford Rd	At the southern gateway to the Town bordered by the A66, Bridge Lane and Clifford Road. A 15 minutes' walk from the Town centre.	Currently used by UCC as a playing field. Forms a wildlife corridor with PS53, PS54 and PS55. No public access.	<p>6.96 acres bounded by fencing.</p> <p>Owned by the County Council.</p>



<b>Ref No.</b>	<b>Green or Open Space</b>	<b>Is the site near the local community it serves?</b>	<b>Demonstrably special to a local community</b>	<b>Local in character and not an extensive tract of land?</b>
<b>Penrith South Ward</b>				
<b>PS58</b>	<b>Clifford Road Play Area</b>	<p>Small area just below houses on Clifford Road, and adjoining PS42.</p> <p>A 15 minutes' walk from the Town centre.</p>	<p>Children's play area with footpath connecting Clifford Road to Bridge Lane.</p> <p>Used extensively by the public for access to Bridge Lane (Doctors' surgeries, hospital, superstore) and the exercising of dogs.</p>	<p>1.207 acres bounded by a fence but accessible to the public.</p> <p>Small wooded area on western side.</p> <p>Owned by EDC.</p>
<b>PS59</b>	<b>North Lakes School Playing Field</b>	<p>Bounded by the school buildings, and houses on Huntley Avenue and Porthouse Road.</p>	<p>School playing field used for sport and recreation, essential for the wellbeing and development of pupils.</p> <p>No access to the general public.</p>	<p>1.8 acres bounded by hedges and walls.</p> <p>Owned by CCC.</p>
<b>PS60</b>	<b>Land between Wetheriggs Lane and Astro Turf at Leisure Centre</b>	<p>Open grassed area between Wetheriggs Lane and Penrith Leisure Centre (Astroturf).</p> <p>A 5 minute walk from the Town centre but a few minutes from houses on the Wetheriggs Estate or Penrith Leisure Centre.</p>	<p>Regularly used by public and UCC for sports.</p> <p>Accessible at all times by the public.</p>	<p>1.78 acres. Bounded by fence and wall.</p> <p>Owned by EDC.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith South Ward</b>				
<b>PS61</b>	<b>Common Garden Square</b>	In Penrith New Squares and bounded by multistorey car park, Penrith Leisure Centre, supermarket, social housing and an hotel.	Only significant greenspace in this development.  Maintained grass bounded by young trees.	0.6 acres owned by EDC.
<b>PS62</b>	<b>Queen Elizabeth Grammar School Playing Field</b>	School playing field Bounded by the Ullswater Road, Skirsgill Close, Skirsgill Gardens and the Wetheriggs Estate.	Used daily for sports and recreation the field is essential for the wellbeing and development of pupils  Public access limited to the footpath that runs across the field.	11.62 acres* bounded by fence and sandstone walls.  Owned by the school which is an academy.  *Northern boundary of protected area taken to be the public footpath.
<b>PS63</b>	<b>Queen Elizabeth Grammar School 6<sup>th</sup> Form Centre</b>	Adjacent to Ullswater Road and behind houses on Castle Drive.	Used between classes by 6 <sup>th</sup> form students and teachers. Important for the wellbeing of pupils.	0.65 acres bounded by hedge and sandstone wall, land has been offered in the local plan for development.
<b>PS64</b>	<b>Castle Park</b>	Bounded by Ullswater Road, Cromwell Road and housing on Castle Drive and Castle Terrace.  Immediately opposite Penrith Station and a 10-minute walk from the centre of Town but just minutes from housing on the Wetheriggs Estate.	A public park since 1923. The Town's park is the site of a Grade 1 scheduled ancient monument (Penrith Castle), bowling green, tennis courts, crazy golf, bandstand, café, children's play area, open green space and gardens.	9.45 acres, bounded by sandstone walls and hedges.  Owned by EDC.

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith Pategill Ward</b>				
<b>PP65</b>	<b>Land between Penrith Hospital and A686</b>	<p>Field at the southern gateway to the Town between Bridge Lane and Carleton Avenue.</p> <p>A 15-minute walk from the Town centre.</p>	<p>At the southern gateway to the Town at the junction of the A66 and A686.</p> <p>Creates a favourable first impression of the Town.</p> <p>Used for grazing and a natural extension to PP51 (Thacka Glen) thus contributing to the wildlife corridor formed with PS38 to PS43 and PS52.</p>	<p>2.03 acres of agricultural land that is understood to have been transferred to the ownership of Cumbria NHS Foundation Trust.</p> <p>Fenced boundary.</p> <p>No public access.</p>
<b>PP66</b>	<b>Thacka Glen. Land between hospital, Eden Arts and Thacka Beck</b>	<p>Located to east of Tynefield Drive and following the course of Thacka Beck to Carleton Avenue.</p> <p>Readily accessible to residents of Pategill, Scaws and Carleton estates and a 15 minutes' walk from the Town centre.</p>	<p>Wooded valley of Thacka Beck that forms a green buffer to the southeastern edge of the Town.</p> <p>Unofficial footpath used extensively by the public for walking and exercising dogs.</p> <p>Forms a wildlife corridor with PP50, PP52 and linking to PS38 to PS43.</p>	<p>Attractive 9.8 acres of deciduous woodland and pasture currently used for summer grazing.</p> <p>Currently owned by Cumbria County Council.</p> <p>Approval given for transfer to Penrith Town Council in due course.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith Pategill Ward</b>				
<b>PP67</b>	<b>Pategill Back Field</b>	<p>At the end of Pategill Walk on the edge of the Pategill Estate and above Thacka Glen (PP51).</p> <p>A few minutes' walk from the centre of the estate.</p>	<p>Pategill has serious issues with parking and the Residents &amp; Tenants' Association has expressed a wish to see this field used for a combination of recreation and parking.</p> <p>Applied unsuccessfully for Village Green status. Temporary (10 years) registration as Amenity Land.</p> <p>Currently used as an informal play area by children on the estate. Forms a wildlife corridor with PP50, PP51 and linked to PS38 to PS43.</p>	<p>0.449 acres with public access.</p> <p>Owned by EDC who advise it is protected in the Local Plan.</p> <p>Registered as an Asset of Community Value 10 January 2013 for recreation, social activities, dog walking and viewing wildlife.</p>
<b>PP68</b>	<b>Pategill Play area</b>	<p>Bounded by Penrith RUFC and housing on Mary Langley Way, Prince Charles Avenue and Windsor Court.</p> <p>A few minutes' walk from the houses on the estate.</p>	<p>The only significant greenspace on the Pategill Estate.</p> <p>Fenced play area with equipment plus a grassed area with goal posts.</p> <p>Forms a wildlife corridor with C2 to farmland.</p>	<p>1.44 acres unfenced grassed area.</p> <p>Owned by EDC who advise it is protected in the Local Plan.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith Pategill Ward</b>				
<b>PP69</b>	<b>Carleton Park</b>	<p>Immediately to the east of Cumbria Constabulary (Carleton Hall), between the A66 and the River Eamont.</p> <p>A five-minute walk from houses at Eamont Bridge on the southern edge of the Town.</p>	<p>Part of the River Eamont's flood plain.</p> <p>Footpath along the edge of the river, from Kemplay Rise to Brougham, is popular with dog walkers.</p> <p>On a wildlife corridor that extends from Ullswater along the River Eamont to the River Eden and the length of the Eden Valley. Linked to C5.</p>	<p>Pasture primarily used for grazing sheep.</p> <p>In the ownership of CCC.</p>
<b>PP70</b>	<b>Open space to the south of Eden Housing Association (EHA)</b>	<p>Between Bridge Lane and Tynefield Drive and bounded on one side by Eden Housing Association's office and on the other by the Ambulance Station.</p> <p>A 12 minutes' walk from the Town centre but of most use locally.</p>	<p>At a gateway this is an important green area that, in the summer, is used by NHS staff, residents of sheltered housing and the nursing home.</p> <p>Accessible to the public.</p>	<p>At a key gateway to the Town. 0.9 acres area of grass and mature trees bounded on one side by a low sandstone wall.</p> <p>Understood to be owned by the NHS.</p>

Ref No.	Green or Open Space	Is the site near the local community it serves?	Demonstrably special to a local community	Local in character and not an extensive tract of land?
<b>Penrith Pategill Ward</b>				
<b>PP71</b>	<b>Open space to the north of Eden Housing Association</b>	<p>Between Bridge Lane, Tynefield Drive and Greengarth Nursing Home.</p> <p>A 12 minutes' walk from the centre of Town but an amenity for those living adjacent to the greenspace.</p>	<p>An open space at a gateway to the Town.</p> <p>Principally accessible to residents of the nursing home and Tynefield Drive.</p> <p>Home to the 'plague stone' (Grade 1 Listed).</p> <p>Fully accessible by the public.</p>	<p>0.4 acres grassed area with mature trees bounded on one side by a low stone wall.</p> <p>Owned by CCC.</p>
<b>PP72</b>	<b>Open space to the north of Greengarth</b>	<p>Bordering Greengarth Nursing Home, Tynefield Court and Bridge Lane.</p> <p>A 10 minutes' walk from the Town centre but more of an amenity for local residents.</p>	<p>An open space at a gateway to the Town.</p> <p>Open access to the public.</p>	<p>0.6 acres unfenced grassed area with mature trees.</p> <p>Ownership understood to be CCC.</p>

# Penrith Neighbourhood Plan 2019-2032

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## **Submission Version**

A Report to Eden District Council on the Examination of the Penrith Neighbourhood Development Plan

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29<sup>th</sup> March 2022

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## Executive Summary

My examination has concluded that the Penrith Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- That Policy 1 dealing with Sustainable Development in Penrith be deleted.
- Policy 2 should “encourage” rather than “require” applicants to demonstrate how they meet zero or low carbon targets and include climate change resilience measures.
- Policy 3 requiring 15% of predicted energy requirements to be from on-site renewable energy should apply to commercial development only.
- Policy 4 should specifically apply to development within or adjacent to the urban area.
- Policy 6 should clarify the specific requirements of High Quality New Homes.
- Delete Policies 8 and 9 regarding protecting Local Green Spaces and protecting Sport, Leisure and Recreational Facilities.
- Delete Policy 12 relating to traffic management.
- Policy 13 should require any contributions to town centre improvements to have to meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

The referendum area does not need to be extended beyond the plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Eden Local Plan. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Penrith Town Council. A steering group, the Penrith Neighbourhood Development Plan Group was appointed to undertake the plan's preparations on behalf of the Town Council.
3. This report is the outcome of my examination of the Submission Version of the Penrith Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Eden District Council.

## The Examiner's Role

4. I was appointed by Eden District Council in November 2020, with the agreement of Penrith Town Council to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 43 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Eden District Council and Penrith Town Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
  - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the plan should proceed to referendum, if modified.

- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Penrith Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?
  9. I am able to confirm that the Plan, if modified in accordance with my recommendations, does now only relate to the development and use of land, covering the area designated by Eden District Council, for the Penrith Neighbourhood Plan, on 6<sup>th</sup> September 2016.
  10. I can also confirm that it does specify the period over which the plan has effect, namely the period from 2019 up to 2032.
  11. I can confirm that the plan does not contain policies dealing with any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  13. I am satisfied that Penrith Town Council as a parish council can act as a qualifying body under the terms of the legislation.

## **The Examination Process**

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I carried out an unaccompanied visit to Penrith on the afternoon of 5<sup>th</sup> January 2021 and the morning of 6<sup>th</sup> January 2021. I spent the afternoon driving around Penrith and familiarised myself with the different areas of the town and saw some

of the new housing developments which are being built on the east side of the town. I also visited a small number of the proposed local green spaces and recreation areas before it became too dark. On the following morning, I walked from my hotel through the town centre and I was able to admire the New Squares development as well as the many small town centre shops, which regrettably, were mostly closed. I then visited all the identified sites referred to in Policies 8 and 9. I also went past Roundthorn Hotel to Beacon Hill and continued along the lanes to join the Salkeld Road. I then proceeded north out of Penrith on the A6 and visited Bowscar.

17. Following my site visits, I prepared a document seeking clarification on a number of matters, which I sent to both the Town Council and Eden District Council, entitled Initial Comments of the Independent Examiner, dated 8<sup>th</sup> January 2021. I indicated that I felt it necessary to call for a hearing to allow me to explore a number of specific issues.
18. Unfortunately, due to the restrictions imposed, as a result of the COVID 19 outbreak, the submission of oral representations could only be conducted, “virtually” via “teleconferencing” The Secretary of State had issued PPG advice that these would be appropriate for neighbourhood plan examinations, where needed. The video conference took place on 9<sup>th</sup> February 2021.
19. Following the hearing, I issued a Post Hearing Note dated 10<sup>th</sup> February 2021. This covered a range of matters, most of which had been raised during the virtual hearing. I requested information as to the scale of responses to individual topics raised during the plan’s consultations, revised mapping of the Policy 8 and 9 sites, the exploration of a jointly acceptable policy on Beacon Hill, and informing the District Council that I believed that it was its responsibility to screen the plan under the Habitats Regulations. It also sought clarification from the Town Council as to the circumstances where applicants would be expected to contribute to town centre improvements.
20. I was advised that a preliminary meeting took place on 4<sup>th</sup> March 2021. Following that meeting the landowner’s proposals were considered at a further meeting of Penrith Town Council held on 12<sup>th</sup> April 2021. The Town Council’s planning consultant was asked to prepare an alternative policy with a view to it going to the Town Council’s Planning Committee on 7<sup>th</sup> June 2021 before being shared with Lowther Estates and with the intention of it being referred to the Full Town Council.
21. On 1<sup>st</sup> June 2021 I received an unsolicited email from the Friends of The Beacon and on 4<sup>th</sup> June an email from the Keep Penrith Special Campaign Group. I asked that their letters be placed on the respective websites.
22. On 19<sup>th</sup> July 2021 a virtual meeting took place between the Town Council and Lowther Estates where the Town Council rejected the policy put forward by the landowners. On 27<sup>th</sup> July the Full Council met and considered a report which put forward the Town Council’s own preferred policy. It also received representations on behalf of the Friends of Penrith Beacon and Keep Penrith Special.

23. On 9<sup>th</sup> August 2021 I received a letter on behalf of the landowners confirming that from their perspective, it had not been possible to arrive at a mutually agreed form of wording for an alternative policy.
24. Accordingly on 19<sup>th</sup> August 2021, I issued my Further Comments of the Independent Examiner document which asked for the Town Council's perspective on the outcome of the discussions and also following the July changes to the NPPF, asking Eden District Council to contact the parties who submitted comments at Regulation 16 whether they wished to comment on the implications of the NPPF changes for this examination.
25. On 31<sup>st</sup> August 2021 I received the response from the Town Council in response to the other matters that I had raised in the Post Hearing Note.
26. The consultation for the NPPF changes was held between 14<sup>th</sup> September and 6<sup>th</sup> October 2021 and I received the replies on 8<sup>th</sup> October 2021 along with comments from the Friends of the Beacon and Keep Penrith Special Group.
27. The responses to my Further Comments document were submitted to me on 18<sup>th</sup> October 2021.
28. At that stage, I began to prepare my initial draft of this report. I considered carefully the comments that I had received. It did seem to me that there was the possibility of drafting a policy which would offer the protection to the majority of the Beacon which clearly the Town Council was considering, alongside its proposed improvements to public access and informal recreational facilities, could actually be delivered by a policy which also supported limited tourism accommodation that would accord with Eden Local Plan Policy EC4, which already covered the Beacon. I therefore drafted a proposed modification to the plan which would have satisfied both aspirations, through the inclusion of a policy, which I considered met the test of the basic conditions.
29. However, I was conscious that introducing this new policy at the examination stage, it would not have been the subject of any public consultation and there had not been an opportunity for the public and stakeholders to express their views on my draft policy. Accordingly I prepared a document entitled "Consultation on Proposed Policy on Beacon Hill" dated 1<sup>st</sup> December 2021 which set out my thinking, by including an extract from my draft report, alongside a proposed policy for Beacon Hill.
30. This was the subject to a four-week consultation that was organised by Eden District Council which ran from 7<sup>th</sup> January 2022 until 4<sup>th</sup> February 2022. At the start of the consultation, the Town Council questioned the officers at Eden District Council whether I had the legal power to propose such a modification. In response, I produced a Clarification Note dated 10<sup>th</sup> January 2022 which explained the legislative basis that would allow a modification of the plan to ensure that it met the basic conditions. The District Council sought its own legal advice and this agreed with my conclusions.
31. By the conclusion of the public consultation, a total of 573 responses were received, along with 55 individual responses and these were forwarded to me by

Eden District Council on 2<sup>nd</sup> March 2022. I will discuss the results of that consultation in the relevant section of this report.

32. All the relevant documents have been placed on Eden District Council's website.

## **The Consultation Process**

33. The first public consultation exercise had the tagline "Talk about Penrith", to seek the views of residents and businesses on a range of issues affecting the town. This was launched at a public event held on 15<sup>th</sup> March 2017 and the first face-to-face consultations took place in the town centre a few days later on 18<sup>th</sup> March. A second event was held on 1<sup>st</sup> April 2017 at Penrith Parish Centre. At these events of public were able to comment on which green spaces were important to them and what non-designated heritage assets were valued.

34. This initial consultation helped to identify key issues and objectives for the neighbourhood plan. This was supplemented by a housing needs survey which was circulated in the period May to July 2018.

35. The group published a Preferred Options Draft Plan which it consulted upon during the period June and July 2018. This produced 70 individual responses.

36. All this activity culminated with the preparation of the Pre-Submission version of the neighbourhood plan which was the subject of an eight week consultation, known as the Regulation 14 consultation, which ran from 4<sup>th</sup> February to 1<sup>st</sup> April 2019. A summary version of that draft plan was prepared but unfortunately, it omitted the policy on shopfront and a further round of publicity was given to cover that omission. This Reg 14 consultation was publicised through a range of publicity and other media outlets including on the website and letter sent to businesses in the town centre, correspondence with statutory undertakers and community groups, dropping events, social media and by Eden's local magazine. In total, 93 people attended the drop-in sessions and 290 questionnaires were returned, 253 from residents and 32 from businesses and five from community groups. These are fully set out in a document on the Town Council's website, which both records the comments made and the resultant changes made to the plan as a result of consultation responses.

37. I am satisfied that the Town Council has actively sought the views of local residents and other stakeholders and their input has helped shape the plan.

## **Regulation 16 Consultation**

38. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 23<sup>rd</sup> September 2020 and 4<sup>th</sup> November 2020. This consultation was organised by Eden District Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

39. In total, 36 responses were received, from Natural England, Cumbria Police and Crime Commissioners Office and Cumbria Constabulary, Sports England, Friends of the Lake District, National Grid, Environment Agency, Rotary Club of Penrith, The Coal Authority, Historic England, Eden District Council, Penrith Tennis Court, Cumbria County Council, Homes England, Brougham Parish Council, Penrith and the Borders Liberal Democrats, United Utilities, Persimmon Homes Lancashire and Stantec on behalf of the Lowther Estate Trust and from 5 local residents and 2 County Councillors. It should be noted that some parties submitted more than one representation.
40. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

### **The Basic Conditions**

41. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
42. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
  - Will the making of the Plan contribute to the achievement of sustainable development?
  - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
  - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
  - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

43. The plan had been submitted at the time of the 2019 version of the National Planning Policy Framework. In July 2021 the Secretary of State published a revised NPPF and it is against the policies in that document that the examination will have regard to.

### **Compliance with the Development Plan**

44. For the purpose of this neighbourhood plan, the overarching strategic policy context is provided by the Eden Local Plan, 2014 - 32 which was adopted on

11<sup>th</sup> October 2018. That contains the strategic policies of the development plan, for the consideration of one of the above basic conditions.

45. The overall spatial strategy is set out in Policy LS1 – Locational Strategy which highlights that in Penrith this allows sustainable development appropriate to a larger town and in particular it refers to improvements in town centre facilities and the public realm, development of strategic employment areas and the provision of large-scale housing development to the east and north of the town. Policies for the areas outside the urban area are much more restrictive and encourage only the reuse traditional buildings, affordable housing and rural exception sites. Penrith is required, in the local plan, to provide 50% of the houses in the district which equates to 2,178 dwellings out of a district target of 4,356 dwellings which as set out in the table in Policy LS2 and that identifies that there is a residual requirement of 835 dwellings to be provided in the town over the plan period.
46. Specific policy for Penrith is set out in Policy PEN 1–A Town Plan for Penrith. This states that the main locations for housing are at Carleton to the east and at Salkeld Road, White Ox Farm and Raiselands Farm to the north. The policy identifies 10 sites to meet the Penrith allocation with the sites to the east expected to deliver homes in the short to medium term. Policy PEN2 requires masterplans to be provided for the remaining strategic sites to the north and east and all developers are required to work with the infrastructure providers to look at the funding of the physical and social infrastructure needed in the town to accommodate the new development proposed.
47. Other policies relevant to the neighbourhood plan include Policy DEV5 dealing with the design of new development and Policy HS 1- Affordable Housing which requires 30% provision on schemes of 10 units or more or 1000 m<sup>2</sup> of floor space and with no contributions expected on site below that threshold. Policy HS4 deals with housing type and mix and Policy HS5 addresses the need for accessible and adaptable homes.
48. Policy EC4 refers to tourist accommodation and facilities and is of importance in terms of the policies for Beacon Fell which allows subject to conditions, both large scale and small scale tourism development.
49. Policy ENV5 sets requirements for environmentally sustainable design. Finally of particular relevance is Policy COM 2 which seeks to protect open space, sport, leisure and recreation facilities and this sets out that any development proposal that results in the loss of open space, sport, leisure, allotments, recreational and cultural spaces, will not be allowed unless the benefits and development outweighs the loss.
50. My overall conclusion is that the neighbourhood plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Eden District Plan.



## **Compliance with European and Human Rights Legislation**

51. Penrith Town Council issued a Screening Opinion, in a report dated January 2019, which concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required. The 3 statutory consultees agreed with that conclusion
52. It appears that the Town Council carried out its own HRA screening in the same report as the SEA screening, which concluded that an assessment under the Conservation of Habitat and Species Regulations would not be required. The District Council issued a statement in its response to my Initial Comments document dated 26<sup>th</sup> January 2021 that it agreed with that screening opinion.
53. However, under the terms of the above regulations, it is the District Council rather than Penrith Town Council that is the competent authority, which is required to screen the neighbourhood plan. I raised this issue with the District Council in my Post Hearing document and subsequently it commissioned the Greater Manchester Ecology Unit to undertake that screening of the neighbourhood plan on its behalf. This report also considered the neighbourhood plan in terms of the impact on the nearest European protected sites, which is the River Eden SAC and it concluded that there were no likely significant impacts and the plan could be screened out.
54. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

## **The Neighbourhood Plan: An Overview**

55. I must firstly commend the Town Council on taking the lead and preparing a neighbourhood plan for the whole town. The plan is not seeking to make housing or employment allocations as that has already been done by the Eden Local Plan. The plan is however seeking to drive its own local agenda, particularly when it comes to expectation as to whether development within the town should meet higher sustainability standards. However, there are limits on what can be achieved by neighbourhood plan and this is set out clearly by the Secretary of State. His position is that it is the local plan, rather than neighbourhood plans that can set higher standards and furthermore the key driver for addressing climate change by reducing the carbon footprint of new development as well as driving higher energy standards is being taken forward at a national level, by such measures as the building regulations.

56. I know that some members of the Steering Group will be disappointed by my conclusions, but during the hearing there was an appreciation that the planning permission could not necessarily be refused, if the higher standards were not being delivered. I sensed that the Town Council wished to be seen to be driving higher standards, but it had an expectation that in reality, decision makers would “water down the expectations in the planning balance”. That undermines the importance of the role neighbourhood plans can play in the management of development, as the expectation is always that the determination of planning application should be in accordance with the development plan unless material circumstances dictate otherwise. That is why the role of the examination is important to assess the plan against the basic conditions which include but the plan has had regard to Secretary of State policy and advice.
57. The other area where I have had to make significant changes from the submitted plan relates to the treatment of green spaces within the town. I am afraid that the approach taken to identify what are to be local green spaces, which has been confirmed was based on the function of the green space, is at variance with the approach advocated by the Secretary of State which seeks to reserve the local green space designation to the open spaces which are particularly valued by the local community, having particular significance.
58. Having regard to the extent of the changes that I have to recommend, did lead me to consider whether the plan as a whole should be allowed to proceed to referendum, as some of the changes, it could be argued, go to the heart of the plan. However, I have concluded that there are significant benefits in allowing the plan to proceed to referendum and I will be recommending the subject to the modifications, a number of which are significant, the plan does proceed. I have through my modifications been able to retain some of the ambition of the Town Council by changing specific requirements to a policy which offers encouragement to the attainment of these high standards.
59. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the supporting text. These changes are likely as a result of my recommendations, in order that the plan will still read as a coherent planning document.
60. Following the publication of this report, I would urge the Town Council and Eden planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes.

## The Neighbourhood Development Plan Policies

### Policy 1: Sustainable Development in Penrith

61. This policy seeks to place the issue of the sustainability of new development at the heart of decision-making of planning applications within Penrith. The policy seeks to apply to all development proposals and are expected to incorporate sustainable development principles and measures. This requires the development to build in resilience to allow development to be adaptable to meet the challenges of climate and socio-economic change. It then sets out nine criteria which should be met, “where practical”.
62. However, in my view, the policy only offers a partial view of what the NPPF identifies as the key elements of sustainable development. For example, it does not cover the economic thread of sustainable development, such as supporting growth, innovation and improved productivity. Similarly, the policy does not address the need to provide a “sufficient number or range of homes to meet the needs of the present and future generations.”
63. As such this policy, offers only a restrictive picture of what constitutes sustainable development and by concentrating only with these particular policies, the decisionmaker is not being asked to consider other elements that are equally as important components of sustainable development.
64. At the hearing there was a discussion as to whether the neighbourhood plan was intended to take precedence over the non-strategic local plan policies on the basis of it being a more recently approved document. The Town Council’s response was that its intention was the neighbourhood plan would be complimentary to the policies in the local plan and it was not intended that the policy should supersede the policies in the Eden Local Plan.
65. As the NPPF states, “Neighbourhood plans offer the community the ability to develop a shared vision for their area” and allowing them to shape direct and deliver sustainable development “by influencing local planning decisions as part of the statutory development plan”. The NPPF, in paragraph 28, suggests that non-strategic policies can set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities, establishing design principles and conserving and enhancing the natural and historic environment and setting out other development management policies.
66. In my experience it is quite usual for the neighbourhood plan policy to provide an additional local dimension to a local plan policy. Indeed, it is a requirement that a neighbourhood plan should support the strategic policies in the local plan.
67. However, I am also conscious that the Secretary of State, in paragraph 16f) of the NPPF, states that plans should “avoid unnecessary duplication of policies that apply to particular area”.
68. I have carefully reviewed each of the elements contained within the policy and my conclusion is that the local plan is actually providing the same or greater

levels of detail as to what is expected from a development, compared to the “criteria” which is set out in the Policy1. In particular, I am satisfied that the Eden Local Plan in Policies DEV3, DEV4, DEV5, ENV4 and ENV5, which already apply to development taking place within Penrith, provide clear guidance to decisionmaker as to how a planning application is to be considered, apart from two elements.

69. The first area where the criterion in Policy 1, which is not covered by the strategic policies in the local plan, is the requirement for schemes to demonstrate that the design includes measures to minimise energy use and consumption. However, the Secretary of State in a Written Ministerial Statement to the House of Commons, dated 25<sup>th</sup> March 2015, states that neighbourhood plans should not set “any additional local technical standards or requirements relating to the construction, internal layout and performance of new dwellings.” There was some debate at the hearing as to how relevant that 2015 Statement is, but I am satisfied that this remains the current policy advice from the Secretary of State, as the statement, unlike others, has not been revoked and is also still referred to in the advice in the Planning Practice Guidance which was issued in 2019. Reference was made to recent statements made in the Government’s response to the Future Homes Standard consultation, but that relates to matters primarily covered by the Building Regulations. I therefore believe that the inclusion of the criteria raising expectations regarding energy use and consumption, within a neighbourhood plan, would not be in accordance with the Secretary of State advice and as such would not meet the basic condition.
70. The other area relates to the use of “use of .... healthy products (e.g. by avoiding toxic or carcinogenic materials) that employ low energy output and are, wherever possible, sourced locally”. The sources of materials within a development is not a matter that is within the control of the planning system and certainly would not be subject of planning control.
71. To give an example of the more detailed policy requirements which are set out in local plan policy, the final criterion of the policy requiring “protection and enhancement of the local identity, character and environmental distinctiveness of the town by way of sympathetic use of building styles, layouts, materials and landscaping” is actually dealt with on a more comprehensive basis by Policy DEV5 which sets out ten criteria and refers to the design principles in the Eden Design Guide.
72. Whilst I understand that the Town Council wishes to make a strong statement regarding its expectations for development within the town, I am satisfied that the strategic policies within the local plan, which apply to the town, actually provide the same or greater level of detail as to how planning applications are to be considered in terms of the delivery of sustainable development.
73. I am therefore recommending that Policy 1 should be deleted, but that the neighbourhood plan document within the supporting text can highlight these

issues and signpost the decision maker to the respective policies in the local plan.

***Recommendation***

***That the policy be deleted.***

**Policy 2: Environmentally Sustainable Design**

74. I consider that the overall thrust of this policy will ensure that the plan delivers sustainable development. The second element of the policy requires major developments to prepare a renewable energy strategy with zero or low carbon targets and include climate change resilience measures.
75. The Eden Local Plan already dictates under what circumstances a Renewable Energy Strategy will be required and how it should show the predicted energy demands of the proposed development and the degree to which the development meets current energy-efficient standards. This policy goes further and requires a statement to show how the development will meet zero or low carbon targets. I do not consider that imposing these extra requirements through a neighbourhood plan, in respect of residential schemes, would be in accordance with the requirements set out in the aforementioned Written Ministerial Statement. Such requirements are not affected, in the case of commercial schemes.
76. However, I am conscious that, as admitted during the hearing, that the effect of the additional costs of meeting the enhanced standards have not been tested as to effects on scheme's viability, which is something that would be required of a local plan policy, according to the Planning Practice Guidance (Paragraph: 009 Reference ID: 6-009-20150327).
77. I fear that by imposing this requirement at a local level could result in employment generating development choosing not to locate to Penrith, which could undermine the strategic employment policies in the Eden Local Plan as it could be more expensive to be building in Penrith compared to other areas of Eden District or the wider North West.
78. I acknowledge the desire of the Town Council to require higher energy efficiency/ sustainability standards in the town, but I believe that the policy is too onerous. I will be recommending that the emphasis of the policy should be changed, so that the meeting of the higher standards will be encouraged, but that the requirements of the Local Plan policy should remain the determining test. The support for the higher standards was acknowledged during the hearing's discussions, as being the best that could be achieved and it would mean that a planning application could not be refused, on the grounds of not meeting the zero or low carbon targets.
79. The final element of Policy 2 is a policy that encourages development to be at the forefront of contemporary, sustainable building design. I consider that this part of the policy is consistent with the Secretary of State's aspirations as set out in paragraph 134b) of the NPPF. This introduces an evidence-based methodology to assess application seeking approval based, on being the

proposal offering an innovative sustainable design solution, rather than being a policy which imposes these technical standards on other proposals.

#### **Recommendation**

***In 2., after “Renewable Energy Statement”, replace “shall” with “will be encouraged to” and at the start of the second sentence, delete “As a minimum, for” and replace with “for commercial building schemes which meet” and at the end, replace “should be achieved” with “will be supported”.***

***In 3. set out the requirements i. to v. as a list***

### **Policy 3: Energy and Reducing Carbon Emissions**

80. This policy is proposing more stringent policy requirements on developers than is required by Policy ENV5 of the Eden Local Plan, which does not set a threshold for the percentage of total energy predicted requirements. As previously mentioned, the setting of these standards within the neighbourhood plan, would be contrary to the Secretary of State’s policy as set out in the previously mentioned Written Ministerial Statement. I will therefore be recommending the restriction of the policy’s remit to commercial development only.

81. I am satisfied that the policy’s caveats, regarding practicality and viability, will allow economic development not to be discouraged from investing in Penrith.

#### **Recommendation**

***After “major” insert “commercial” and delete “10 dwellings”***

### **Policy 4: Accessibility and Social Inclusion**

82. The policy is intended to apply to all development taking place within the plan area. There could be some schemes, such as those taking place within the wider rural areas, where it will be unreasonable for the policy’s accessibility requirements to be insisted upon. I would therefore recommend that the provisions of the first element of the policy should be limited to the urban area.

83. In terms of the final requirements relating to social inclusion, I consider in the interest of clarity of which schemes need to provide public open space etc, the policy should only apply to major residential development.

#### **Recommendation**

***After “community”, replace “they” with “those that are within or are adjacent to the urban area”***

### **Policy 5: Conservation Areas in Penrith**

#### **A. Penrith Conservation Area**

84. My only concern regarding this policy is that the reference to key views and vistas from the green above Scaws Drive and from Beacon Fell towards the Lakeland Fells would be more appropriately located within the Penrith New Street Conservation Area section of this policy.

### ***Recommendation***

***In 7., delete ii.***

## **B. Penrith New Streets**

85. Apart from the issue of the key views, I have no comments to make on this part of the policy.

### ***Recommendation***

***Insert “5. Key views and vistas within and of the Conservation Area including the view of the Lakeland Fells from the green above Scaws Drive and from Beacon Edge.***

## **Policy 6: High Quality New Home**

86. In the interest of the clarity of the document I could be recommending that the title of the policy should refer to “High Quality New Homes”.

87. This policy sets out a number of considerations the planning applications will be judged against. However, a number of the criteria do not provide guidance as to whether proposal should be supported. In order to give guidance for a decision maker, I will propose setting out specific criteria against which a planning application will be judged. This includes a requirement that proposals should not have a detrimental impact on the visual and landscape character of the locality. The development should also be located so as to be capable, where possible, for residents to be able to access local facilities and services by a range of transport modes, as required by Policy 4. In the light of the provisions of paragraph 111 of the NPPF, it is only possible to refuse planning permission if there will be a severe residual cumulative impact on the road network.

88. Reference to social infrastructure should differentiate between social and green infrastructure which could cover green space and landscaping.

### ***Recommendations***

***Change title to “High Quality New Homes”***

***Replace 2. With “the extent to which the proposal conserves and enhances the visual and landscape character of the immediate vicinity of the site”.***

***Replace 3 “whether the location of the development allows access to local facilities and services by means other than the private car”.***

***Replace 5. with “whether the traffic generation resulting from the development will an unacceptable impact on highway safety or will have a severe residual cumulative impact on the road network”***

***In 6 after “social” add “and green”***

## **Policy 7: Housing Types and Mix**

89. The first part of the policy is essentially a requirement to comply with an existing local plan policy, which will already be covering the plan area. As such it is unnecessary. I will clarify the wording so that it is clear that the local need



set out in accordance with Local Plan Policy HS4, is as per the remainder of the policy.

### **Recommendation**

***After the first sentence insert “In the case of Penrith, the specific components of local housing needs are as follows.”***

## **Policy 8: Identifying and Protecting Local Green Space and Policy 9: Protecting and Enhancing Sport, Leisure and Recreation Facilities**

90. On my site visit, I visited each of the proposed local green space and public open spaces. The position regarding these green spaces is slightly complicated by the fact that the Eden Local Plan has already identified a number of the sites as public open space which are protected under the provisions of Policy COM2. The neighbourhood plan is proposing that a number of these areas of public open space should now be designated as local green space, which is the highest level of protection of green spaces available. That is entirely appropriate. Some of the existing site COM2 sites are retained as such, but in addition, the neighbourhood plan includes a number of new sites which are to be designated as public open space, so as to be protected by Local Plan Policy COM2. In addition, the plan is proposing to include new areas, which are not currently protected by the public open space, as local green spaces.
91. The COM2 sites are to be protected through Policy 9 of the neighbourhood plan. The interrelationship between the two policies means that it is sensible to refer to them both two together in this section of my report.
92. The criteria used by the Town Council to determine which sites are to be protected and by which route, were discussed during the hearing and I subsequently asked the Town Council to confirm what criteria was used. I was informed in Councillor Jackson’s letter, dated 24<sup>th</sup> August 2021, that the criteria used to designate local green spaces were those spaces identified as being “informal areas used by residents for unstructured play, gathering together and in some places are spaces which are maintained and planted by residents and community groups”. The criteria for being identified as COM2 sites include “more formal sports, leisure and recreation facilities with play equipment, including school playing fields.”
93. It appears to me that the Town Council has chosen to identify what are to be local green space, not based on the relative importance of the spaces to the local community, but rather the selection has been based on whether the spaces are used for passive or for active leisure pursuits such as sports ground or play areas.
94. The Secretary of State in the NPPF sets out a hierarchy, whereby the greatest level of protection is afforded to those green spaces that are designated as local green spaces, compared to those other facilities, which are covered by paragraph 99 of the Framework. That latter paragraph countenances the loss of such facilities, if one of the three conditions are met. The Secretary of State’s approach towards the protection of local green space requires that



green space would be protected for the lifetime of the plan and beyond and that development is managed consistent with policies in the Green Belt and in effect their loss will only be allowed, if there were very special circumstances.

95. I heard repeatedly, during the hearing, that the choice of the local green spaces was determined by the local knowledge of the town councillors based on responses from the local residents, but I am not convinced that the choices have been informed by a clear understanding of the different criteria set out in the framework for identifying local green spaces as opposed to other open spaces. Paragraph 102 of the NPPF requires that the identification and protection of green spaces should be given to those green spaces which hold a particular importance to the local community. I am not necessarily convinced that the town's residents would have placed greater importance on the protection of some sites, which are offered a higher level of protection via Policy 8, compared to some other sites which are protected as COM2 sites set out in Policy 9. I am sure that some of the Policy 9 sites would be considered to be demonstrably special to the local community, holding local significance because of their recreational value or other reasons. I am not satisfied that the Town Council has demonstrated that the town's community, places greater value on the protection of the areas of undeveloped informal open space around the Macadam Way housing estate, than it will say place protecting the grounds of Penrith Cricket club or indeed Castle Park, both of which are identified within Policy 9.

96. I am reinforced in my view that there has been a lack of understanding of the relative importance in two categories, based on the revised mapping which I was sent, following the request I made in my Post Hearing Note. I was asked for clarification by the Town Council on that what the maps should show and I responded on 18<sup>th</sup> February 2021 by stating that I expected the maps to show the following 3 categories:

*“-Local green spaces which are being designated by the NP. If they are already a COM 2 site then the LGS status “trumps” that as it is a higher level of protection - don’t show them as covered by both  
-Existing sites protected by COM2 in the Local Plan which are not being upgraded to LGS  
- New COM 2 sites being designated by the NP - no need to differentiate them between green space or leisure space as the extent of the protection is the same.”*

97. The plans that I have been sent, show in blue, not just the local green space sites but also sites which are also to be covered by Policy COM2. Therefore, it is not possible to identify from the maps, the sites which are proposed for the higher level of protection offered by Policy 8, compared to those remaining sites which are to be covered by Policy 9, which I had expected to be shown, alongside the new areas proposed for designation which are shaded purple. The plan only shows a small number of sites in red, which are COM2 sites, but the added sites do not differentiate whether they are protected by Policy 8 or Policy 9.

98. My conclusion is that the identification of the local green spaces based on the Town Council's criteria has not had proper regard to the Secretary of State criteria and I conclude that both Policy 8 and 9 does not meet the basic conditions of having regard to Secretary of State policy and advice.
99. Under this heading, I now wish to discuss the position with regard to Beacon Fell which was proposed to be designated as local green space by the submitted neighbourhood plan. That designation been the subject of an objection made at Regulation 16 stage, on behalf of the landowner, the Lowther Trust. The policy sought to designate the part of forest, which forms the backdrop to Penrith, as local green space. The landowners argued that the policy would be more restrictive than would be otherwise agreed by Eden Local Plan Local Plan Policy EC4, in that it would frustrate the landowner's aspirations to undertake small-scale tourism development. They also pointed out that the proposed designation did not meet one of the required criteria for the designation for local green space, as set out in the NPPF, in that, at 40 ha., the woodland constituted an extensive tract of land. I agree that the designation of the whole woodland, on the south western face of the hillside, which essentially forms the eastern flank of the town, is well within the scope of being an extensive tract of land. I would not have been able to recommend it met the Secretary of State criteria for being a local green space. However, I do recognise that it is valued and important resource to the town of Penrith.
100. During the hearing itself, I sensed that there could be scope for an accommodation of the Town Council's desire to protect the forest area, particularly for its landscape value. I heard that currently its recreational value is limited, due to their only being restricted public access via a permissive path into the forest. It appeared, during the debate, that there was scope for meaningful discussions to take place between the two parties which could allow some of the Councils aspirations for greater access and enhanced recreational uses, whilst allowing some limited tourism related uses.
101. I therefore suggested that rather than pursue the local green space designation which was doomed to fail, there was scope for further discussions on the possibility to allow development of a bespoke policy for Beacon Hill, which could protect the special character of the forest which is clearly valued by the residents but which would not prevent development, which currently meets policy requirements.
102. Following the issuing of my Post Hearing Note, I learnt that discussions had taken place between the landowners and Penrith Town Council, but rather than the topic being approached in a collaborative basis to achieve mutually acceptable outcomes, it is clear that the respective positions had become entrenched.
103. The Lowther Trust put forward a proposal which would have retained the western part of the proposed local green space, which would still have an area of 33.06 ha and the separate identification of an eastern part based on an arbitrary line through the woodland, showing a protected open space area with

an area of 9.59 ha. The landowners suggested a new policy, which included reference to the provision for small-scale tourism development, as defined by Eden Local Plan Policy EC4. They argue that the national planning policy framework for managing development in areas designated as local green space is that the development should be consistent with policies for managing development in the Green Belt. That raised the question, in my mind, as to whether the landowners wish to site tourist pods and lodges, falls within the scope of paragraph 149 b) of the Framework which refers to the “provision of appropriate facilities for... outdoor recreation”, and whether the siting of these units would preserve the openness of the land.

104. The landowners argue that their proposals will be in accordance with Local Plan Policy EC4 which refers to temporary accommodation (caravans, camping and chalet sites), where it meets the three criteria, including that the development is capable being of removed, without damage or material changes to the land on which it was sited and the units are screened by existing topography and vegetation. Therefore, the question of policy compliance with Policy EC4 depends on whether those pods are to be treated as temporary structures rather than as permanent buildings.
105. In my experience it is normal practice that these types of structure, which can be delivered on a lorry and assembled on site, are accepted as a change of use of land, rather than constituting operational development. They are not usually treated as permanent structures, such as the building of new holiday cottages as set out in an earlier section of Policy EC4. They tend to be covered by the provisions of the Caravan Sites and Control of Development Act 1960 and any services required to comply with a site license are normally classed as permitted development under Part 5 of Schedule 2 of the General Permitted Development order 2015. It is not unusual for such facilities to be accompanied by the provision of services and hardstandings.
106. The Town Council’s version of the proposed policy would only allow the provision of footpaths, interpretation boards, the construction of an open sided structure - capable for being used, for example, by a Forest School, a forest art or sculpture trail, cycle paths and a small parking area. It goes on to say explicitly that the policy should prevent “development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping)”. However, that would mean that the policy would not be in accordance with the local plan policy, Policy EC4 which explicitly allows such facilities subject to the policy’s three criteria and which would bring additional economic benefits to the town by providing additional tourist accommodation, close to the town’s facilities and services. To explicitly rule out such uses would bring into question whether the policy would meet the basic condition of being in general conformity with strategic planning policy and indeed whether it would be likely to lead to less development being permitted than that allowed by the local plan.
107. It is evident to me that my attempt to find a way of providing enhanced public access alongside the limited tourist development that the existing Local Plan

policy allows, did not attract public support. Overwhelmingly, the public rejected my suggested wording of the bespoke policy. I read each and every representation made, and my “tallying up” was that there were only around 18 responses, out of over 600 replies which offered support to the bespoke policy and the reasoning set out in my draft report. That figure is based on my categorisation rather than the responder’s confirmation as to whether they were offering support, opposition or an observation.

108. It is clear that the over whelming desire of the residents is to seek to prevent any development on the Beacon taking place. The Neighbourhood Plan seeks to do that through the designation as Local Green Space, which will mean that development is managed in a way consistent with Green Belt policy.
109. I therefore will not be recommending the bespoke policy, I had initially drafted and consulted upon, should proceed. It is clear that it does not have the support of the Town Council and the other organisations, who clearly value the woodland, nor does it have the support of the general public. The purpose of the consultation was to gauge whether there was support for a pragmatic, compromise solution and clearly there is not. Nevertheless, it was a worthwhile exercise.
110. In the absence of public support for the proposed bespoke policy which I felt did meet the basic conditions, I now need to look at whether the identified land at The Beacon (PN15) should be protected as Local Green Space, as proposed by the Regulation 15 submission version of the plan and whether it would meet the basic conditions. That was the position I indicated earlier in the examination, I would be forced to take if agreement could not be reached and appears to be the position still accepted by the Town Council.
111. My conclusion on this matter, is that whilst the protection of the woodland meets the requirements of paragraphs 102 a) and b) of the NPPF for designation as local green space, it would still fail the third test, as set out in Paragraph 102 c) as it is, in my opinion, an extensive tract of land, and therefore does not meet the basic condition of having regard to Secretary of State policy and advice, regarding local green space designation. It would be necessary for a local green space to meet each of the three criteria and as such it should not be designated as a local green space. Equally I do not consider that there are compelling grounds for seeking to depart from the national policy tests in terms of the Beacon.
112. In conclusion, I will therefore be recommending that the two policies, Policies 8 and 9 be deleted, as I do not believe, as currently proposed, they are compatible with the Secretary of State’s policy and advice regarding local green space. The Town Council, as part of any future review of the neighbourhood plan, can revisit the question of which areas are to be designated as local green space, based on the relative importance to the community of the facilities, rather than differentiating them based on whether they are used as active or passive open spaces.

### ***Recommendation***

#### ***Delete Policies 8 and 9***

### **Policy 10: Protecting and Enhancing Health and Community Facilities**

113. I have no comments to make on this policy in terms of the basic conditions.

### **Policy 11: Walking and Cycling**

114. Again, I have no comments to make on this policy in terms of the basic conditions.

### **Policy 12: Traffic Management**

115. I do not consider this is a policy which can be used with confidence by decisionmaker. It is too vague and non-specific. Neighbourhood plan policy is required by law, to be a policy which relates to the use and development of land and which can be used to determine a planning application. Issues relating to traffic flows and existing congestion are matters which are covered by highway legislation and which are the responsibility of the Highway Authority rather than the Local Planning Authority.

116. I find the policy regarding support for a new route, without any idea of a route would be unworkable as a tool of development management. I recommend that the policy be deleted as a planning policy but the intention can be included with the neighbourhood plan, for example as a community aspiration.

### ***Recommendation***

***That the policy be deleted.***

### **Policy 13: Penrith Town Centre Improvements**

117. I have no concerns regarding the aspirations of policy. However, any proposals seeking a planning obligation to either provide the services directly or to seek contribution to their provision, will be required, by law, to meet the three tests that are in Regulation 122 of the Community Infrastructure Levy Regulations 2010 namely, that the obligation: -

- is necessary to make the development acceptable in planning terms and
- is directly related to the development
- and is fairly reasonable related in scale and kind to that development

118. I note the requirement is caveated by the use of “where appropriate” but I consider to be more explicit to include reference to the three tests, so that the decision maker knows that contributions can only be sought when these tests are satisfied.

### ***Recommendation***

***Replace in the first Paragraph “Where appropriate” with “Where the following three tests are met, namely that the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly reasonable related in scale and kind to that development”***

## **Policy 14 Shopfront Design**

119. I have no comments to make on this policy.

## **The Referendum Area**

120. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Penrith Neighbourhood Plan as designated by Eden District Council on 6<sup>th</sup> September 2016 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended

## **Summary**

121. I congratulate Penrith Town Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Town Council can be proud of the final document. It is a plan that concentrates on a range of key issues that are clearly important to the local community. The plan will, in conjunction with the Eden Local Plan, provide a sound basis for determining planning applications in Penrith into the future.

122. I appreciate that the Town Council will be disappointed with some of my key recommendations but these modifications are required to ensure that the plan does meet the basic conditions tests.

123. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

124. I am therefore delighted to recommend to Eden District Council that the Penrith Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

29<sup>th</sup> March 2022

## Penrith Town Council

### Penrith Neighbourhood Development Plan

#### Comments about Inspectors Report

Although disappointed by some of the comments relating to the Neighbourhood Development Plan, the Town Council's Working Group which looked to develop the Neighbourhood Plan from the initial consultation responses provided by residents, always knew that some of the policies were going to be challenging however it was felt that some proposed policies, such as the one on sustainable development were important to challenge developers to think about incorporating measures to help reduce climate change.

Having considered the Inspectors comments, the Town Council could accept the comments on Policies 1 to 7 and 10 – 14.

The Town Council however feels that the Inspectors comments on Policy 8 (Identifying and Protecting Local Green Space) and Policy 9 (Protecting and Enhancing Sport, Leisure and Recreation Facilities, which he considers together, are fundamentally flawed.

In his report in Para 93 he states that 'it appears to him that the Town Council had chosen to identify local green space not based on the relative importance of the spaces to the local community but on whether the spaces are used for passive or active leisure pursuits, he goes on to say in para 95 that he is not sure we demonstrated that the community placed greater value on the protection of undeveloped informal open space eg around Macadam Way housing Estate that it would on say protecting the grounds of Penrith Cricket Club.

Para 102b in the NPPF states b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, **recreational value (including as a playing field)** tranquillity or richness of its wildlife.

All the sites that we included within these policies were put forward by residents in close proximity to them and assessed in Appendix 8. The residents adjoining these sites, should you ask them again, would be adamant that to them these green spaces were as important as the Cricket Club. When asked to state how they were important we specified how the community used them for recreational value – this was their importance. Just as the cricket pitch is important to those who play cricket, these additional places were as equally important to residents, we don't believe we are stating that one or the other is of greater importance. We were just trying to ensure all respondents views were incorporated and the importance of these areas to them were included. Castle Park is for more formal recreation but many of these spaces allow

residents to step out of their doors and use them informally for; play, kicking a ball about, walking dogs, taking a stroll, sitting, and meeting friends and in some areas tending to plants and creating small gardening areas. Over the last two years especially these spaces, some relatively small, have become Penrith's 'green lungs' and people have stated how they have benefited their physical and mental health.

When Penrith Town Council responded to the Inspector's consultation on the Beacon Hill Policy, we said that we would much rather that Beacon Hill was removed from the list of green spaces along with other areas already classed as COM2 in the ELP, with the remaining areas retained in policies for protecting local green space and protecting and enhancing sport, leisure and recreation facilities. This is still something that the Town Council would like to see retained within the NDP to respect the wishes of residents who put them forward and who explained passionately during the consultations why these spaces were important.

A revised Policy 8 would therefore include:

C2	Land between rugby pitches and houses on Carleton Road
PE8	The additional bit of land missed between Brentfield Way and Meadowcroft
PN18	Field on Beacon Edge next to field already allocated under COM2
PN24	Fell Lane Pinfold
PN27	Cockell House Gardens / Drovers Lane
PN28	Cockell House Gardens / Macadam Gardens
PN29	Voreda Park Central Space
PN30	Head of Macadam Way
PN31	Pembroke Place
PN32	Land in Voreda Park
PN33	Plimsoll Close
PN34	Cambridge Drive
PN36	St Catherine's Churchyard
PN40	Coronation Gardens
PN42	Bowscar
PN43	Friends Meeting House Allotment Gardens
PW45	Nichol Hill Nature Reserve
PW48	Brunswick Square Gardens
PP66	Thacka Glen (the half not already protected under Com2)
PP67	Pategill Back Field
PP70	Open space to the south of Eden Housing Association
PP71	Open space to the north of Eden Housing Association
PP72	Open space to the north of Greengarth site



A revised policy 9 would include:

C1	Carleton Heights Play Area (the remaining part not already covered by COM2
C2	Part of C2 (field between Rugby pitches and houses on Carleton Rd)
C4	Hunter Hall School Playing Field
C5	Frenchfield Sports Centre including Penrith Football Club
PE11	Beaconside School Playing Field
PN19	Penrith Golf Course (the early holes not covered in COM2)
PN22	St Catherine's School Field
PN41	Bowscar Play Area
PS54	The Crescent Playing Fields
PS55	In part – Ullswater CC Playing Fields (the area to the south is already designated in COM2 the field between the cricket ground and Bridge Lane is not)
PS59	North Lakes School Playing Field
PS60	Land between Wetheriggs Lane and Astro turf at Leisure Centre
PS62	QEGS Playing Field (part already designated under COM2)
PW51	Castletown Recreation area (some already designated)
	The car park of Penrith Leisure Centre to ensure it can be used (the LC is already designated under COM2)