

Penrith Neighbourhood Development Plan 2019 - 2032

Initial Comments of the Independent Examiner

Prepared by

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8th January 2021

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Penrith Neighbourhood Plan. I have now carried out my initial review of the plan and the accompanying documents.
2. I visited the town on Tuesday and Wednesday 5th and 6th January 2021. I spent Tuesday 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 Wednesday 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 Boscar.
3. Whilst generally, the presumption is that neighbourhood plan examinations will proceed based on the consideration of written material only, in this case there are matters which I wish to further explore, in more detail. These are matters which have been prompted by my site visit, by my initial consideration of the documents and Regulation 16 submissions. Normally this would have led me to call a public hearing, but the situation at the present time, is far from normal.
4. The Secretary of State, last year, issued fresh advice in his Planning Practice Guidance regarding the conduct of neighbourhood planning examinations during the COVID 19 crisis.

“Examinations: The general rule remains that examinations should be conducted by written representations. If an examiner considers that oral representations are necessary, these should not take place in person. *Where feasible, oral representations may still take place using video conferencing or other suitable technologies.”*

5. I therefore propose to invite representatives from Eden District Council, Penrith Town Council and a representative from Stansgate Planning on behalf Lowther Estate Trust, to join me in a video conference call. The purpose of the video conference call is essentially, for me to lead a discussion on a specific number of key questions. I will set these matters out below.
6. I have asked Rachael Armstrong at Eden District Council, to make the necessary arrangements and facilitate the conference call and I will ask her to liaise with all parties, regarding a suitable date and time and check that everyone has the necessary IT equipment to participate.
7. My intention is that this conference call should take place within the next month, if possible, as I wish to maintain the momentum on this examination. It

would be helpful if a recording of the hearing to be made and made available in the interest of the transparency of the process.

8. I must stress that at this stage, I have not come to any conclusions, whatsoever and that by raising specific issues or by asking specific questions, does not mean that I am in any way prejudging my considerations of the issues before me.

Matters to be dealt with by Written Material

9. As I have said, I wish the video call to concentrate on a limited number of key matters, but there are some other matters which can be dealt with by way of further written submissions.

Regulation 16 Comments

10. Firstly, I would like to offer the Town Council the opportunity to respond to any of the comments made in the representations submitted as part of the Regulation 16 consultation. I am not suggesting every representation requires a response, but if there are any matters which the Town Council wish to comment on, I would be pleased to receive them before the hearing, in case the responses are relevant to our discussions.

The Clarity of the Mapping in respect of Policies 8 and 9

11. The sites, covered by Policies 8 and 9 are mainly shown on Map A, with a detailed inset map covering Anchor Farm and also Boscar. At the scale of A4, or even at A3, it is difficult to identify the sites, let alone read the reference numbers, a task which is made doubly difficult by being printed in a green box. This plan, which is required to show both the locations, and importantly the extent of the sites which are covered by the designations, I am afraid is not fit for purpose and could not be used with confidence by users of the document, local residents or decision makers. The requisite clarity is provided by the close-up maps for the Anchor Farm estate and Boscar. I note that Local Plan mapping divides the town into more manageable areas which allows its green spaces to be shown against a clear background map and at a scale that allows the individual sites boundaries to be defined.
12. It may be that following the discussion we have on the conference call, that the mapping for these green spaces may need to be revisited. We can discuss this on the conference call.

Strategic Policies

13. I would be grateful if Eden District Council could advise me, prior to the video conference call, which of its policies in the development plan, it considers are strategic policies, for the purpose of the considering the plan's compliance with the basic condition, namely that the neighbourhood plan is in general conformity with the strategic polices in the development plan.

HRA Screening

25. Can Eden District Council provide me with a copy of its screening decision / report as to whether the neighbourhood plan is required to carry out an Appropriate Assessment under the Habitat Regulations. Can it also confirm that it is happy with the Town Council's screening under the SEA Regulations?

Topics for Discussion During Video Conference Call

Topic A

14. On the video conference call, I will firstly wish to explore the relationship between policies in the neighbourhood plan, and the policies in the local plan. To what extent are the policies in the plan merely duplicating existing policies, which are already covering Penrith through the local plan and to what extent are there offering a local dimension, specific requirements or are delivering the community's shared vision for the town.

Topic B

15. The Secretary of State in a Written Statement to the House of Commons dated 25th March 2015, stated that "neighbourhood plans should not set ...any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings." I wish to discuss whether the neighbourhood plan is actually setting additional requirements in Policy 2, by stating that development should meet zero or low carbon targets and climate change resilience measures. Are the Town Council's expectations in respect of Policies 1 and 2 to cover all development or just new buildings? Is the expectation that the requirements should cover minor development or domestic extensions etc?
16. To what extent are matters such as standards of thermal insulation, energy efficiency already covered by building regulations. How would the planning system be able to regulate the use of "sustainable, renewable, healthy products that embody low energy output and are wherever possible, sourced locally"
17. Can the District Council confirm whether applicants are expected to submit a Renewable Energy Statement in its published Local Validation Checklist and has that list been reviewed in the last two years.

Topic C

18. I wish to understand the criteria that the Town Council has used to identify which sites are to be designated as local green space (LGS) and which sites are identified as Sport, Leisure and Recreation facilities. How were LGS sites differentiated as "being demonstrably special to the local community and holds a particular local significance" from other green spaces. I was struck on my site visit that there appeared to be some striking inconsistencies, where incidental amenity space is identified as LGS in one area when in other comparable

housing estates, similar areas of incidental open space are not proposed to be designated as LGS.

19. What is the value in the neighbourhood plan protecting through its policy, sites that are already identified and protected by the Local Plan? Would it be possible to prepare a plan that only shows the additional Policy 9 sites, which are not already protected by inclusion in the Local Plan policy maps?
20. Is the level of protection offered by LGS status, justified, setting a higher threshold than the other community facilities? For examples, some allotments could be only developed under the circumstances set out in the NPPF, whilst development on an adjacent playing field could be allowed if the benefit of the development outweighs the loss, or the policy allows the development on part of the site to fund investments on the rest of the site. I would be interested in the Town Council's responses to the Sports England's Regulation 16 comments on this topic.
21. Should site C2 be protected under both Policy 8 and Policy 9 and which policy would take precedence?
22. I wish to dedicate a specific part of the discussion, on the merits of inclusion of Beacon Hill as a local green space which will include hearing further representations on behalf of Lowther Estate Trust and whether PN14 meets the NPPF criteria based on whether it can be described as an extensive tract of land? Is the Town Council able to point me to examples of other sites, which are in excess of 100 hectares, which have been designated as a local green space and I wish to come to a view as to whether there are grounds in the Penrith context which justify taking a local approach.
23. In the absence of LGS status, I would like to understand what policies would protect the woodland area from development.

Topic D

24. Is Policy 12 a policy for "the use and development of land" which can be used to determine a planning application, or is a policy seeking to influence the decisions of the Highway Authority?
25. What would be the threshold for schemes to be expected to contribute to town centre improvements required by Policy 13?

Concluding Remark

26. I am sending this note direct to Penrith Town Council, as well as Eden District Council. I would be pleased if Rachael Armstrong would forward this document on to Andrew Murphy at Stansgate Planning.
27. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.
28. It would assist me if any questions regarding these arrangements are directed to me, via Rachael Armstrong at Eden District Council. These are unusual times and I am sure that I can rely upon everybody's cooperation and forbearance in

making these arrangements work. I have organised one previous virtual hearing and I am pleased to say that it ran smoothly.

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Independent Examiner to the Penrith Neighbourhood Development Plan.

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