

Allithwaite and Cartmel Neighbourhood Plan 2022 - 2032



Basic Conditions Statement October 2022

Prepared by Allithwaite and Cartmel Parish Council

with the assistance of



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1. Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B of the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. A draft neighbourhood plan or order meets the basic conditions if—
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
 - the making of the plan contributes to the achievement of sustainable development
 - the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
 - the making of the neighbourhood plan does not breach and is otherwise compatible with European Union (EU) obligations.
- 1.2 Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:
- the making of the neighbourhood plan is not likely to have significant effects on a European site or a European offshore marine site either alone or in combination with other plans or projects and
 - having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to the examination of the NDP as it is not about a neighbourhood development order).
- 1.3 A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:
- In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act - The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.4 This Basic Conditions Statement sets out how the Allithwaite and Cartmel NDP has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the NDP independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2. Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

The Submission Plan is being submitted by a qualifying body, namely Allithwaite and Cartmel Parish Council.

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

2.3 The proposed Neighbourhood Plan states the period for which it is to have effect

The proposed Neighbourhood Plan states the period for which it is to have effect. That period is from 2022 to 2032 (from the current year and for a period of 10 years as agreed with South Lakeland District Council).

2.4 The policies do not relate to excluded development

The Neighbourhood Plan proposal does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The Neighbourhood Plan proposal relates to the designated Allithwaite and Cartmel Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Parish at the time of the designation and is shown on Map 1 in the NDP.

3. Basic Conditions

3.1 a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

3.1.1 The Allithwaite and Cartmel Neighbourhood Development Plan Review has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, updated on 20th July 2021)².

Note - only those policies and sections in the NPPF that are relevant to the NDP are addressed below.

NPPF Section 2. Achieving Sustainable Development

3.1.2 Paragraph 1 of the NPPF explains that 'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.' Paragraph 7 sets out that 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.'

3.1.3 The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These objectives should be delivered through the preparation and implementation of plans (paragraph 9). The NDP includes various policies which, together, should deliver sustainable development. Table 1 sets out how the Allithwaite and Cartmel NDP delivers the 3 overarching Objectives.

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	Allithwaite and Cartmel NDP Objectives and Policies
<p>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by</p>	<p>Allithwaite and Cartmel parish has two villages, Allithwaite and Cartmel, with two different identities.</p> <p>The NDP recognises that a number of South Lakeland District Council (SLDC) policies protect existing employment and promote small businesses and seek to</p>

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	Allithwaite and Cartmel NDP Objectives and Policies
<p>identifying and coordinating the provision of infrastructure;</p>	<p>enhance the rural economy and does not seek to add a further level of policies to the existing Development Management SPD.</p> <p>There are three objectives within the NDP which support this:</p> <p>Objective 9 is to ensure caravan and chalet parks are well contained in the landscape and remain proportional to the size of the residential villages and hamlets</p> <p>Objective 10 is to ensure a range of local businesses thrive and are well supported by broad band connections.</p> <p>Objective 11 is to ensure the tourist economy grows in a way which supports and enhances the environment and does not adversely impact on traffic and parking issues.</p> <p>Policy AC9 relates to caravans and chalet parks and seeks to ensure that future development of these is in keeping with the character of the surrounding countryside.</p> <p>Policy AC10 seeks to ensure broadband and digital connections are provided.</p>
<p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</p>	<p>Allithwaite and Cartmel NDP has a strong focus on social sustainability, reflecting the needs and aspirations of the local community. Allithwaite and Cartmel are identified as villages in the Local Plan settlement hierarchy.</p> <p>Objective 5 is to promote safer use of the wider road network, to ensure safer pedestrian and cycle access within the Parish, improve and enhance the cycle network, and improve disabled access to the footpath network.</p>

NPPF Overarching Objectives	Allithwaite and Cartmel NDP Objectives and Policies
	<p>Objective 6 is to ensure housing stock meets local affordable needs and enables people of all ages to continue to resident within the local area.</p> <p>Objective 7 is to ensure new housing developments are of a scale, design and density that reflects the character of the surrounding area.</p> <p>Objective 8 is to ensure the proportion of permanent dwellings to holiday homes remains at a level that supports a sustainable local community.</p> <p>There are no housing allocations in the NDP as SLDC are currently reviewing their settlement hierarchy.</p> <p>Policy AC7 relates to improving pedestrian movement by enhancing and improving the existing footpath/cycleway network.</p> <p>Policy AC8 relates to ensuring new housing within Cartmel has a principal residence requirement, to ensure that housing is available as main dwellings and not holiday lets and second homes to ensure the vitality of the village is retained.</p> <p>Parish Aspiration 1 seeks to ensure that the Parish Council will work with landowners and the relevant bodies to bring forward improvements to footpaths and PRow.</p> <p>Parish Aspiration 2 seeks to ensure that the Parish Council will work with SLDC to ensure that new housing development respects the character of the surrounding landscape.</p>
<p>c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving</p>	<p>The Allithwaite and Cartmel NDP has a strong emphasis on protecting and enhancing the natural and built environment.</p>

NPPF Overarching Objectives	Allithwaite and Cartmel NDP Objectives and Policies
<p>biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>Objective 1 is to protect the built environment both in the villages and in the wider countryside and raise awareness of Cartmel’s Conservation Area.</p> <p>Objective 2 is to protect locally significant green spaces and views both within the villages and in the surrounding countryside from inappropriate development.</p> <p>Objective 3 is to protect and enhance the locally, nationally, and internationally recognised natural environments.</p> <p>Objective 4 is to protect and enhance existing levels of access to the local countryside.</p> <p>Policy AC1 relates to design of development across the Parish and includes a Design Code,</p> <p>Policy AC2 relates to design of development in Cartmel Conservation Area, and within its setting.</p> <p>Policy AC3 relates to protecting and enhancing landscape character around Allithwaite and Cartmel.</p> <p>Policy AC4 relates to Local Green Spaces and their protection.</p> <p>Policy AC5 relates to the protection and enhancement of biodiversity.</p> <p>Policy AC6 relates to minimising light pollution in the parish.</p>

3.1.4 The presumption in favour of sustainable development is explained in relation to plan making in NPPF paragraph 11:

'11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

3.1.5 Paragraph 13 explains that *'the application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.'*

NPPF Section 3. Plan Making

3.1.6 In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address.

3.1.7 Table 2 sets out how the Allithwaite and Cartmel NDP addresses each of these in turn.

Table 2: Plan Making

NPPF Plan Making	Allithwaite and Cartmel NDP
a) be prepared with the objective of contributing to the achievement of sustainable development	<p>The NDP has been prepared to contribute to sustainable development; NDP policies support appropriate housing development and there is a strong emphasis on sustainable and high quality design.</p> <p>Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.</p>

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NPPF Plan Making	Allithwaite and Cartmel NDP
<p>b) be prepared positively, in a way that is aspirational but deliverable;</p>	<p>The NDP has been prepared positively. The Steering Group has worked hard to ensure policies are positively worded to 'support' and 'encourage' suitable and appropriate development.</p> <p>A Design code was commissioned through the Locality Technical Support programme to underpin policies on design and to provide more detail.</p>
<p>c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;</p>	<p>The work on the NDP has been led by a Steering Group of local residents and parish councillors.</p> <p>The NDP's preparation has been supported by officers from South Lakeland District Council and independent planning consultants.</p> <p>The accompanying Consultation Statement sets out the details of the various community consultation and engagement activities which have been undertaken at various stages of the Plan's preparation. Briefly these have included:</p> <ul style="list-style-type: none"> - Public meetings to assess local interest and commence work on the NDP. - Early community engagement in 2016. - Informal consultation on the draft NDP, Design Code and Local Green Spaces. - Regulation 14 formal consultation.
<p>d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;</p>	<p>The NDP policies and proposals have been prepared by the Steering Group, with support from a planning consultant. The technical evidence underpinning policies and proposals includes a design code prepared by AECOM through the Locality technical support programme.</p>

NPPF Plan Making	Allithwaite and Cartmel NDP
	Amendments have been made through the process in response to suggestions provided through public consultation. It is understood that the Examiner is likely to recommend further changes to wording following the examination process.
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and	All relevant documents have been provided on the NDP website at various stages and the website has been updated to include all documents from each stage prior to submission. Responses by email and using an online response form were invited at informal and formal consultation stages.
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).	The NDP has been amended and updated throughout its preparation to reduce any duplication with South Lakeland District Council policies and national policies.

3.1.8 Paragraph 18 sets out that '*Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.*'

3.1.9 The Allithwaite and Cartmel NDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies.

Non-strategic policies

3.1.10 Paragraph 29 advises that '*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.*'

3.1.11 The NDP refers to the relevant South Lakeland Core Strategy and Development Management policies and paragraphs of the NPPF in the supporting text. Allithwaite and Cartmel are identified as villages in the Local Plan settlement hierarchy, however this is currently under review by South Lakeland District Council as part of their Local Plan review.

3.1.12 The South Lakeland Land Allocations DPD allocates site for development in both Cartmel and Allithwaite, and therefore the NDP does not seeks to allocate further land for housing development.

3.1.13 Paragraph 30 goes on to say that '*Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.*'

NPPF Section 5. Delivering a sufficient supply of homes

Rural housing

3.1.14 Paragraph 65 sets out that '*strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations.*'

3.1.15 The Parish has seen some housing development in recent years and the NDP recognises that some further modest growth should be supported in accordance with SLDC settlement hierarchy. Development should be sensitively designed and be of a suitable size and type which responds to local needs and community consultation responses.

3.1.16 Paragraph 78 advises that '*In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.*' The NDP supports this principle in Policy AC8 and Parish Aspiration 2.

NPPF Section 6. Building a strong, competitive economy

Supporting a prosperous rural economy

3.1.17 Paragraph 84 advises that '*Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

3.1.18 The NDP recognises that existing SLDC policies are appropriate to economic development within the parish and does not seek to add a further level of policies to the existing SLDC Development Management Policies. Policy AC9 seeks to ensure that caravan and chalet park development is in keeping with the character of the surrounding countryside, and Policy AC10 requires developers to provide best available broadband and digital communications links to all new properties.

NPPF Section 8. Promoting healthy and safe communities

3.1.19 Paragraph 92 sets out that *'Planning policies and decisions should aim to achieve healthy, inclusive and safe place which c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling'* Paragraph 98 goes on to say *'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'*

3.1.20 The NDP has a strong emphasis on healthy lifestyles and active travel through policies and proposals which support improved linkages to important local walking and cycling routes through the Parish.

NPPF Section 9. Promoting sustainable transport

3.1.21 Paragraph 104 c) advises that opportunities to promote walking, cycling and public transport use should be identified and pursued. The NDP promotes walking and cycling in Policy AC7.

NPPF Section 11. Making effective use of land

3.1.22 Paragraph 119 advises that *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'* Paragraph 120 goes on to say, *' Planning policies and decisions should:*

- a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.'*

3.1.23 The NDP supports development within the villages and includes Policies AC3 which ensures that the landscape character is protected and enhanced and Policy AC5 which encourages enhancing local wildlife, provide new and restored habitats and to contribute to biodiversity net gain.

NPPF Section 12. Achieving well-designed places

3.1.24 Paragraph 126 explains that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'* Paragraph 125 goes on to say that *'Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics.'*

3.1.25 Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.'

3.1.26 The application of Design Codes is encouraged and promoted in paragraphs 128 and 129. Paragraph 128 advises *'Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.'* Paragraph 129 sets out *'Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents.'*

3.1.27 The NDP is underpinned by the Allithwaite and Cartmel Neighbourhood Plan Design Code background document which was commissioned through the Locality Technical Support programme and revised with the support of South Lakeland District Council. The Design Code has been used to inform NDP Policies AC1 and AC2.

NPPF Section 14. Meeting the challenge of climate change, flooding and coastal change

3.1.28 Paragraph 152 advises that *'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

3.1.29 Paragraph 154 advises that *'New development should be planned for in ways that: b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.'*

3.1.30 Paragraph 155 sets out *'To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.'*

3.1.31 Policy AC1 requires development to incorporate SUDs wherever possible,

NPPF Section 15. Conserving and enhancing the natural environment

3.1.32 Paragraph 174 advises that *'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

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- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

3.1.33 The NDP describes the distinctive local landscape character around Allithwaite and Cartmel and includes Policy AC3 which seeks to protect and enhance landscape character and Policy AC5 which promotes biodiversity and green infrastructure.

3.1.34 Paragraph 185 sets out that *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.'* This includes considering such matters as noise and light pollution.

3.1.35 Policy AC1 expects all development to assess amenity of neighbouring occupiers.

NPPF Section 16. Conserving and enhancing the historic environment

3.1.36 Paragraph 189 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 190 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.

3.1.37 The NDP includes Policy AC2 to protect the Cartmel Conservation Area.

North West Marine Plan

3.1.38 The Neighbourhood Plan adjoins Morecambe Bay. The North West Marine Plan provides a policy framework which will be used to help inform decision-making on what activities take place in the marine environment and how the marine environment is developed, protected and improved in the next 20 years.

3.1.39 The North West Marine Plan provides a clear, evidence-based approach to inform decision-making by marine users and regulators on where, when or how activities might take place within the North West marine area, balancing environmental, economic and social factors.

3.1.40 The Neighbourhood Plan does not include any coastal or marine policies.

3.2 b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

3.2.1 The NDP notes the listed buildings in the Parish.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.3 c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

3.3.1 The Plan area includes the Cartmel Conservation Area.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.4 d. Contributes to the Achievement of Sustainable Development

3.4.1 The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

3.5 e. In General Conformity with Strategic Local Planning Policy

3.5.1 The Submission Neighbourhood Plan is in general conformity with strategic policies set out in the adopted South Lakeland Local Plan up to 2032.

3.5.2 Table 3 sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the development plan.

3.5.3 The strategic policies of the development plan are currently included in the following:

- South Lakeland Local Plan Core Strategy, October 2010
- South Lakeland Local Plan Land Allocations, December 2013

3.5.4 There is also the adopted South Lakeland Local Plan Development Management DPD adopted March 2019. The relevant DM policies are also referred to although not assessed for general conformity.

Table 3: General Conformity with Strategic Planning Policies in the South Lakeland Core Strategy, adopted 20 October 2010.

Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Policy AC1 Design Principles</i></p> <p><i>All new development will be expected to respond positively to the key attributes of the parish and local design features of the villages.</i></p> <p><i>Development will not be supported where it has a detrimental impact on the character of the area in which it is located. All new development will be supported when it meets the following criteria:</i></p> <p>A. <i>Has taken account of the Allithwaite and Cartmel Parish Design Code (to be demonstrated in a Design and Access Statement); and</i></p> <p>B. <i>Promotes high quality residential design that respects local townscape and landscape character and is inspired by local vernacular building styles, building forms, layouts, and materials (see</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS8.2 Protection and enhancement of landscape and settlement character.</p> <p>Policy CS8.7 Sustainable construction, energy efficiency and renewable energy.</p> <p>Policy CS8.8 Development and Flood risk</p> <p>Policy CS8.10 Design</p> <p>Relevant DM policies include: Policy DM1 – General requirement for all development. Policy DM2 Achieving high quality sustainable design.</p>	<p>Policy AC1 and the Allithwaite and Cartmel Design Code provide additional design principles that are bespoke to the parish and the two main villages within it.</p> <p>This policy builds on the principles established in the strategic policies and adds further details to those policies.</p> <p>The Design Code has been produced to provide additional principles that take account of and complement existing policy.</p> <p>Policy AC1 is in generally conformity with the 6 Core strategy Policies identified.</p>

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Allithwaite and Cartmel Design Code); and</i></p> <p><i>C. Makes a positive contribution to local identity, and sense of place; and</i></p> <p><i>D. Is suitable in terms of the overall design and appearance of the proposed development (including materials, size, scale, density, relationship to the public realm, layout, access) when assessed in relationship with the best features of the context within which the development is located; and</i></p> <p><i>E. Demonstrates that consideration has been given to the amenities of occupiers of neighbouring properties and does not result in the loss of an area or view which makes a contribution to public amenity by virtue of its open space character, appearance, and function; and</i></p> <p><i>F. Includes, where relevant, measures that seek to improve</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>pedestrian facilities and linkages in the Parish and between villages to encourage walking and cycling and does not preclude the implementation of future footpath links throughout the Parish; and</i></p> <p><i>G. Where possible and appropriate, orientate and site buildings within sites to maximise energy efficiency and consider opportunities from trees, landform, and any on site infrastructure to provide shelter from prevailing winds and shade; and take opportunities for energy supply from on-site, decentralized renewable or low carbon energy systems;</i></p> <p><i>H. Where appropriate, incorporate SUDS which avoids all non-permeable surfaces, or delivers a water management system which minimises surface water run-off and ensures that all surface water is addressed within the site boundary. Every option should be investigated before discharging surface water into a public</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>sewerage network, in line with the surface water hierarchy in paragraph 2.1.7 above. All SUDs will be designed to accommodate the future impact of climate change.</i></p>		
<p>Policy AC2 Development within Cartmel Conservation Area and within its setting</p> <p><i>All new development within the Cartmel Conservation Area (Map 2) or within its setting will be expected to maintain and where possible enhance the character of the Conservation Area and its setting as defined in South Lakeland District Council’s Cartmel Conservation Area Character Appraisal (2009).</i></p> <p><i>Development should not be intrusive nor harm significant views of Cartmel Conservation Area and its setting as detailed on the Cartmel Conservation Area Townscape Features Map (link in paragraph 2.1.8).</i></p> <p><i>A. New development will be expected to take account of local vernacular</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS8.2 Protection and enhancement of landscape and settlement character.</p> <p>Policy CS8.6 Historic Environment</p> <p>Policy CS8.7 Sustainable construction, energy efficiency and renewable energy.</p> <p>Policy CS8.8 Development and Flood risk</p> <p>Policy CS8.10 Design</p> <p>Relevant DM policies include:</p>	<p>Policy AC2 provides additional design principles that are bespoke to the Cartmel Conservation area, which builds on the principles established in the strategic policies and adds further detail to ensure that development within the Conservation Area maintains and enhances the character of the Conservation Area</p> <p>Policy AC2 is in general conformity with the and is in generally conformity with the 7 Core strategy Policies identified.</p>

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>styles, materials, and details, including roughcast render, timber doors and windows and local slate roofs.</i></p> <p><i>B. Any future redevelopment of the racecourse stables site on Park View should be informed by a design brief with parameters for new development, to take account of the context of the site, features to be retained such as the front boundary wall and the scale, form, density, layout, design, and materials for new buildings.</i></p> <p><i>C. All new development affecting the public realm and private frontages will be required to demonstrate that existing cobbled verges and footways will not be adversely affected or will be reinstated following disturbance.</i></p> <p><i>D. New hard landscaping should enhance the conservation area by using local materials such as cobbles and natural paving and avoid visual and physical clutter in the</i></p>	<p>Policy DM1 – General requirement for all development.</p> <p>Policy DM2 - Achieving high quality sustainable design.</p> <p>Policy DM3 – Historic Environment.</p>	

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>streetscene.</i></p> <p><i>E. All development proposals affecting any building identified on any future Local List will be required to take account of the character, context and setting of these buildings.</i></p> <p><i>F. Any loss of or substantial harm to a non-designated Heritage Asset will be resisted, taking account of the scale of the loss and the significance of the building or structure.</i></p> <p><i>The pattern of open spaces and landscape character in and around Cartmel should be retained. In particular, the fields separating the east and west parts of the village and fields on the approach to the village that are in the foreground of 'significant' views, should be safeguarded from inappropriate development through Policy LA1.10 of SLDC Land Allocations DPD. These areas are identified as amenity open space on the Land allocations DPD Policies Map reproduced as Map 3</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Policy AC3 - Protecting and Enhancing Landscape Character around Allithwaite and Cartmel</i></p> <p><i>Development proposals should protect and enhance local landscape character by using locally appropriate materials, landscaping schemes and boundary treatments. Proposals should demonstrate how siting and design have taken into consideration local landscape character.</i></p> <p><i>All new development should demonstrate that it takes account of the following:</i></p> <p><i>A. Preserves the landscape features and setting of Cartmel and Allithwaite as identified in the Open space and landscape section of the Allithwaite and Cartmel Design Code and the Cumbria Landscape Character Guidance (Cumbria County Council). In particular they seek to minimise the encroachment of development into visually exposed landscapes and conserve existing landscape</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS8.2 Protection and enhancement of landscape and settlement character.</p> <p>Policy CS8.10 Design</p> <p>Policy LA1.9: Green Gaps Policy LA1.10: Existing Green Infrastructure Policy LA1.11: Existing Outdoor Formal Sports Facilities</p> <p>Relevant DM policies include: Policy DM1 – General requirement for all development. Policy DM2 - Achieving high quality sustainable design. Policy DM4 – Green and blue infrastructure, open space, trees and landscaping.</p>	<p>Policy AC3 seeks to ensure that development protects and enhances the landscape character of the parish by ensuring it is in accordance with the design code.</p> <p>In addition, the policy identifies key locally significant views that development should take account of.</p> <p>The policy also refers to retaining existing boundary treatments.</p> <p>Policy AC3 is in general conformity with the 4 policies identified.</p>

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>features such as trees, hedges, and country lanes as intrinsic parts of new development.</i></p> <p><i>Outside the village, the Parish's dispersed settlement pattern should be maintained, and any new rural buildings should be located where they do not have a detrimental impact on the landscape character of the area.</i></p> <p><i>Significant Views</i> <i>Those parts of locally significant views identified below and in paragraph 2.1.6 that are visible from locations that are freely accessible to members of the general public (for example from a public footpath, right of way, roadside, or other publicly accessible land) should be preserved and not significantly detracted from. Developments should take into consideration any adverse impacts on these views through landscape appraisals and impact studies.</i></p> <p><i>List of Views (Map 4 overleaf)</i> 1. <i>View from the quarry towards Allithwaite.</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p>2. <i>Views of the playing field and community centre in Allithwaite</i></p> <p>3. <i>Views of the orchard, allotments and the King George V playing fields in Allithwaite</i></p> <p>4. <i>Views of St Marys church Allithwaite</i></p> <p>5. <i>Views of the racecourse from the land surrounding Cartmel</i></p> <p>6. <i>Views of Cartmel Priory</i></p> <p>7. <i>Views of Headless Cross</i></p> <p><i>Hedgerows and Dry Stone Walls</i> <i>Existing field boundaries such as hedgerows, dry stone walls and lane banks are important local landscape features and support biodiversity and should be protected.</i></p> <p><i>Landscaping schemes in areas where hedgerows have been lost or are unmanaged should restore hedgerows through traditional hedge-laying and/or replanting with native species, to benefit wildlife and maintain landscape character.</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p>Policy AC4 Protecting Local Green Spaces</p> <p><i>The following local green spaces (identified on Map 5 and Map 6 and individual maps in the Local Green Space Assessment) are designated in accordance with paragraphs 101 and 102 of the NPPF:</i></p> <p>Allithwaite</p> <ol style="list-style-type: none"> 1. Allithwaite Community Playing Fields 2. King George V Playing Fields 3. Allithwaite Community Orchard 4. Allithwaite Quarry (excluding Wartbarrow SSSI) 5. Allithwaite Allotments <p>Cartmel</p> <ol style="list-style-type: none"> 6. Cartmel Park / Cricket Ground 7. Cartmel Children’s Play Area 8. Cartmel Allotments <p><i>New development which impacts adversely on the openness and visual amenity of these sites will not be per-</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS8.1 Green Infrastructure</p> <p>Policy CS8.2 Protection and enhancement of landscape and settlement character.</p> <p>Policy CS8.3a Accessing open space, sport and recreation.</p> <p>Policy LA1.9: Green Gaps Policy LA1.10: Existing Green Infrastructure Policy LA1.11: Existing Outdoor Formal Sports Facilities</p> <p>Relevant DM policies include: Policy DM4 – Green and blue infrastructure, open space, trees and landscaping.</p>	<p>Policy AC4 designated 8 green open spaces as Local Green Spaces in accordance with the NPPF.</p> <p>The supporting text and the supporting local green space assessment seeks to justify how each space is in accordance with the criteria for designation.</p> <p>This policy is in general conformity with the 5 Core Strategy policies identified.</p>

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<p><i>mitted, except in very special circumstances in accordance with the NPPF section on Green Belt.</i></p> <p><i>Very special circumstances will only exist where the potential harm caused by any new development is clearly outweighed by other considerations.</i></p>		
<p>Policy AC5 Protecting and Enhancing Green Infrastructure</p> <p><i>Development proposals should conserve and enhance biodiversity in the Neighbourhood Area, and opportunities to incorporate biodiversity improvements are encouraged.</i></p> <p><i>All developments should avoid any impacts from the loss of countryside, wildlife, and the natural environment and where avoidance is not possible mitigate or compensate for any impacts. As part of mitigation measures, designs should give consideration to the need to minimise disturbance to wildlife from noise and light pollution.</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS8.1 Green Infrastructure</p> <p>Policy CS8.2 Protection and enhancement of landscape and settlement character.</p> <p>Policy CS8.3a Accessing open space, sport and recreation.</p> <p>Policy CS8.4 Biodiversity and Geodiversity</p> <p>Policy LA1.9: Green Gaps Policy LA1.10: Existing Green Infrastructure</p>	<p>Policy AC5 seeks to add further local detail to Policy CS8.4 of the Core Strategy. All development proposals are expected to conserve and enhance biodiversity.</p> <p>This policy is in general conformity with the 6 Core Strategy policies identified.</p>

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<p><i>As a principle, there should be a measurable net gain enhancement of biodiversity assets, with an aim of achieving a biodiversity net gain of 10% as a minimum requirement and increased to attain maximum possible biodiversity outcome. Biodiversity net gain should be provided on site, unless it is not technically possible, in which case off-site contributions would be sought. The developer will be responsible for maintaining and ensuring the net gain over 30 years. These requirements will be secured through a S106 planning obligation, biodiversity gain plan or other mechanism required by legislation or regulation.</i></p> <p><i>Where relevant to the proposal under consideration, proposals for new development will be required to:</i></p> <p><i>A. Demonstrate how the design has taken into account its potential impact on local habitats and species and ensure no adverse impact either directly or indirectly, on inter-</i></p>	<p>Policy LA1.11: Existing Outdoor Formal Sports Facilities</p> <p>Relevant DM policies include: Policy DM4 – Green and blue infrastructure, open space, trees and landscaping.</p>	

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<p><i>national, national, or locally designated sites, and where avoidance is not possible mitigate or compensate for any impacts.</i></p> <p><i>B. Incorporate existing green infrastructure within any new development.</i></p> <p><i>C. Protect, and enhance wildlife corridors by retaining existing hedgerows, trees, and dry-stone walls.</i></p> <p><i>D. Recognise the importance of and protect the existing network of country lanes.</i></p> <p><i>E. Demonstrate that developments protect and enhance biodiversity and important wildlife habitats. These may include for instance use of swift bricks, bat, and owl boxes, and ensuring that new and converted buildings provide nesting and roosting spaces for bats and birds. A mixture of native species typical of this locality should be incorporated in landscaping schemes which should aim to use appropriate native species trees to break up roof massing.</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p>Policy AC6 Dark Skies</p> <p><i>To minimise light pollution and to maintain the views of our night-time skies, planning proposals that include external lighting and significant openings that would allow internal lighting to be seen externally will have to demonstrate the following:</i></p> <p>A. <i>They have undertaken an assessment of the need for lighting and can demonstrate need; and</i></p> <p>B. <i>The nature of the proposed lighting is appropriate for its use and location. The Institution of Lighting Professionals (ILP) has provided guidance on acceptable levels of illumination for specific areas.</i></p> <p><i>Applicants will be required to assess the need for lighting, whether the benefits of the lighting outweigh any harm caused and any alternative measures available.</i></p> <p><i>It is recognised that many traditional buildings may have ‘significant openings’ where internal lighting will be a natural consequence.</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Relevant DM policies include Policy DM7 – Addressing pollution, contamination impact and water quality</p>	<p>The neighbouring Lake District National Park is renowned for having some of the darkest skies in the country.</p> <p>Through Policy AC6, the Parish Council are keen to ensure that Allithwaite and Cartmel parish respects this and have included this policy to ensure new development reflects this requirement.</p> <p>This policy is in general conformity with the two Core Strategy Policies identified</p>

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Policy AC7 Improving pedestrian movement</i></p> <p><i>Proposals for the enhancement and improvement of the existing footpath/cycleway network, and the provision of new links, will be supported.</i></p> <p><i>The Parish council will seek to use the Community Infrastructure levy to improve the experience of all residents in moving around and between villages.</i></p> <p><i>Where appropriate, all new proposals should include the following enhancements to maximise accessibility to residents.</i></p> <p><i>A. provide pedestrian and cycle links which reflect the most direct routes to village facilities.</i></p> <p><i>B. provide access to potential new routes which the Parish council will aim to develop in the future.</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS9.1 Social and Community Infrastructure</p> <p>Relevant DM policies include: Policy DM5 rights of way and other route providing pedestrian, cycle and equestrian access</p>	<p>Policy AC7 supports the enhancement and improvement of existing footpath/cycle networks.</p> <p>This policy is in general conformity with the 3 Core Strategy policies identified</p>

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Policy AC8 Principal Residence Requirement</i></p> <p><i>Due to the impact upon the local housing market of the continued uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.</i></p> <p><i>Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes will not be supported at any time.</i></p> <p><i>Principal Residences are defined as those occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home.</i></p> <p><i>The condition or obligation on new open market homes will require that they be occupied only as the primary</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula</p> <p>Policy CS6.2 Meeting the housing requirement</p> <p>Policy CS6.2 Dwelling mix and type</p>	<p>Over 10% of properties in the Allithwaite and Cartmel Parish are recorded as second homes in the 2011 Census. This is the highest level in South Lakeland outside of National Parks. There are also many properties which have been granted planning permission as holiday lets.</p> <p>In Cartmel 2.6% of properties are second homes or holiday lets. The Parish Council consider it appropriate to include a policy that restricts homeownership within the identified boundary in Cartmel to main residence only in order to protect the viability and vitality of the village. Policy AC8 seeks to introduce this restriction.</p> <p>Discussions with other areas that have a similar policy have indicated that there is no reduction in the housing growth in those parishes.</p> <p>The policy is in accordance with the identified Core Strategy policies.</p>

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<p><i>(principal) residence of those persons entitled to occupy them. Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition and be obliged to provide this proof if/when South Lakeland District Council requests this information. Proof of Principal Residence is via verifiable evidence which could include, for example (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools etc).</i></p>		
<p>Policy AC9 Caravan and Chalets Parks</p> <p><i>The provision of new, or extensions to existing, caravan or chalet parks will only be supported where the development proposed:</i></p> <p>A. <i>would not have an adverse impact (individually or cumulatively on the countryside in terms of landscape character and visual amenity in terms of immediate or long-distance views; and</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula.</p> <p>Policy CS7.4 Rural economy. Policy CS7.6 Tourist development.</p> <p>Relevant DM policies include: DM18 Tourist accommodation – caravans chalets, log cabins, camping and new purpose built self-catering accommodation</p>	<p>Policy AC9 seeks to ensure the new caravan or chalet parks and extensions to existing facilities are in keeping with the character of the surrounding area and are designed to not be prominent in the landscape.</p> <p>Policy AC9 has been developed to add further local detail to the identified Core Strategy policies.</p> <p>Policy AC9 is in general conformity with the 4 identified Core Strategy policies.</p>

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<p><i>B. Is capable of being effectively screened by existing landform. Trees or planting. Additional landscaping may be required to supplement existing landscaping; and</i></p> <p><i>C. Is of a scale, design and layout that is appropriate to its locality; and.</i></p> <p><i>D. will not have an adverse impact on surrounding residential amenity.</i></p> <p><i>E. Will not give rise to unacceptable impacts on the local road network, either through traffic generation from the site itself, or through cumulative impacts alongside other sites; and</i></p> <p><i>F. Will not give rise to any adverse impact on sewerage infrastructure; and</i></p> <p><i>G. Will protect and enhance biodiversity assets; and</i></p> <p><i>H. Will be constructed of appropriate external materials and colours that are sympathetic to its locality; and</i></p> <p><i>I. demonstrates the delivery of tangible local economic benefits; and</i></p> <p><i>J. does not introduce inappropriate levels of use to the location.</i></p>		

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Allithwaite and Cartmel NDP Policies	South Lakeland Policies	General Conformity
<p><i>Policy AC10 Maintaining and Enhancing Infrastructure</i></p> <p><i>A. Developers expected to provide best available broadband and digital communications links to all new properties in order to support start-up businesses and people working from home.</i></p> <p><i>B. Developers must show that they have considered and acted to ensure that there is no adverse impact on the infrastructure – including Utilities, Highways and Healthcare.</i></p> <p><i>In accordance with Policy DM8 in the South Lakeland Local Plan, new residential development of 2 or more dwellings and commercial development will be required to demonstrate how future occupiers will be provided with sufficient broadband connectivity.</i></p>	<p>Policy CS1.1 Sustainable Development Principles.</p> <p>Policy CS4 Cartmel Peninsula.</p> <p>Policy CS7.4 Rural economy.</p> <p>Policy CS9.1 Social and community infrastructure</p>	<p>Policy AC10 has been developed to ensure that new development includes high speed broadband and there is no impact on other infrastructure in the immediate surrounding area.</p> <p>This policy is in general conformity with the 3 identified Core Strategy Policies</p>

3.6 f. Be Compatible with EU Obligations

3.6.1 The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

3.6.2 A neighbourhood plan must be compatible with EU obligations, as incorporated into UK law, in order to be legally compliant. Notwithstanding the United Kingdom's departure from the EU, these obligations continue to apply unless and until repealed or replaced in an Act of Parliament.

Strategic Environmental Assessment (SEA)

3.6.3 To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

3.6.4 A screening report (Allithwaite and Cartmel Neighbourhood Development Plan Screening Assessment, November 2021) was prepared prior to the Regulation 14 public consultation to determine whether the Allithwaite and Cartmel Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitat Regulations Assessment (HRA) in accordance with Article 6(3) and (4) of the EU Habitats Directive.

3.6.5 The report concluded that the Allithwaite and Cartmel Neighbourhood Plan will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations, and therefore does not need to be subject to SEA.

3.6.6 The report was sent to the three consultation bodies, Environment Agency, Natural England and Historic England.

3.6.7 All three bodies concluded that they agreed with the conclusion that a full SEA was not required.

3.6.8 The report was published on the NDP website prior to the Regulation 14 public consultation.

3.6.9 Following the amendments made to the Allithwaite and Cartmel Neighbourhood Development Plan for submission, the SEA/HRA was updated in September 2022 and the three bodies reconsulted.

3.6.10 The conclusion remains the same as follows:

“Based on the assessments undertaken in the preceding sections, it is concluded that SEA and HRA are not required for the Allithwaite and Cartmel Neighbourhood Plan, as the possibility of significant effects can be ruled out”.

Requirement for Habitats Regulations Assessment (HRA)

3.6.11 Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan’s implementation.

3.6.12 The report Allithwaite and Cartmel Draft Neighbourhood Development Plan Habitats Regulations Screening Assessment, November 2021 was produced prior to the Regulation 14 consultation and forwarded to the 3 consultation bodies for comments.

3.6.13 All three bodies concluded that they agreed with the conclusion that a full HRA was not required.

3.6.14 The report was published on the NDP website prior to the Regulation 14 public consultation.

3.6.15 Following the amendments made to the Allithwaite and Cartmel Neighbourhood Development Plan for submission, the SEA/HRA was updated in September 2022 and the three bodies reconsulted.

3.6.16 The conclusion remains the same as follows:

“Based on the assessments undertaken in the preceding sections, it is concluded that SEA and HRA are not required for the Allithwaite and Cartmel Neighbourhood Plan, as the possibility of significant effects can be ruled out”.

European Convention on Human Rights

3.6.17 The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The Plan has been produced in full consultation with the local community. The Plan does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

3.6.18 The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes

provision in the form of Articles, the aim of which is to protect the rights of the individual.

- 3.6.19 Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:
- 3.6.20 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK's statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.
- 3.6.21 Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual's rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.
- 3.6.22 Article 14 provides that "The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." The Parish Council has developed the policies and proposals within the Plan in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.
- 3.6.33 It is unlikely there would be any detrimental impact on the 'protected characteristics' set out in the Equality Act and, generally, the Plan would bring positive benefits. Whilst the Plan does not directly address needs in respect of particular protected characteristics within the plan area, the Allithwaite and Cartmel NDP is not prejudicial to any group in its policies.

The NDP must not breach the requirements of Chapter 8 of the Conservation of Habitats and Species Regulations 2017 (d)

- 3.6.34 The NDP does not include any site allocations for development. Natural England concurred with the findings of the HRA assessment and advised that the Neighbourhood Plan would not be likely to result in a significant effect on any European Site, either alone or in combination and therefore no further assessment work would be required.

3.7 g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

3.7.1 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, effective from 28 December 2018, prescribes the following additional Basic Condition for the purpose of paragraph 8(2)(g) of Schedule 4B to the TCPA 1990:

‘The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017’.

3.7.2 Regulation 106(1) of Chapter 8 states that: ‘a qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under Regulation 105 (that assessment is necessary where the neighbourhood plan is likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects) or to enable it to determine whether that assessment is required’.

3.7.3 The prescribed conditions have been met in relation to the Neighbourhood Development Plan (NDP) and prescribed matters have been complied with in connection with the proposal for the Plan.

Prepared by Allithwaite and Cartmel Parish Council

with the assistance of

