

Allithwaite and Cartmel PC response to Initial Examiner's Questions and Comments

31 May 2023

Approach to policy wording

National Planning Policy Guidance (NPPG) in paragraph ref. 41-041-20140306 states that a policy in neighbourhood plan should be clear and unambiguous and that a policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

There is recognition in the implementation section of the plan that the policies in the plan will be delivered through decisions on planning applications by the LPA. However, policies AC1, AC7, AC8 and AC9 are phrased in terms of development being 'supported' or 'not supported', as the case may be.

Q1. In what way is it intended that development will, or will not, be 'supported' and how should such wording be interpreted by the Local Planning Authority? Does 'supported' mean that planning permission should be granted and the converse for 'not supported'? Would the Parish Council wish to suggest alternative wording?

Whilst, this wording is fairly standard in NDP's, the Parish Council suggest the following alternative wording.

Policy AC1 – 2nd paragraph – 1st sentence should be added to paragraph 1. The second sentence should be reworded as follows: "*All new development will be expected to satisfy the following criteria:*" **or** "*All new development within the designated area will be assessed against the following criteria:*"

Policy AC7 – Suggest moving first sentence into supporting text.

Policy AC8 – Amend word "supported" to "acceptable".

Policy AC9 – this policy is a similar worded policy to the Principal Residence Requirement Policy H2 in the 'Made' St Ives Area Neighbourhood Development Plan 2015 – 2030. In this instance supported means acceptable and the unsupported means unacceptable.

NPPG paragraph 41 also indicates that Neighbourhood Plan policies should be locally distinctive reflecting the unique characteristics of the area. In that context:

Q2. What is the justification for the inclusion, as policy, of a statement that national or local planning policy applies, for example in Policies AC2 and AC10? Bearing in mind that the Development Plan is to be read as a whole, would cross-references to national policies or to policies in the South Lakeland Local Plan policy be better contained in the supporting text?

Agree with suggestion.

Comments and questions on individual plan policies

Policy AC1

Q3. If the word 'supported' is interpreted as indicated in the light of Q1 might this policy be considered as too widely drawn? Does it mean that a development should only be approved if ALL of the criteria are met? (*each one is linked by 'and'*). Should the words 'where relevant' be added?

Agree, see amended wording above for policy AC1.

Q4. *The policy refers to 'all development'. Is that intended to apply to minor developments? Should a distinction be made? For example, Design and Access Statements are required only for 'major development' outside 'designated areas', which include conservation areas.*

The statement does include minor developments being in a conservation area we want to ensure that continuity in the design of any structure. The policy needs to emphasise where relevant and applicable and emphasise some criteria will not need to be applied to all new developments.

Q5. *The first paragraph in this policy refers to the 'key attributes' of the parish. Is that term sufficiently clear? Should it be more specifically defined in the plan text?*

Replace with "the key characteristics of the parish and the local design features of the villages as defined in the Allithwaite and Cartmel Design Code

Q6. *The policy refers to 'detrimental' impact to the character of the area. Is that too strict a test given the national policy emphasis on taking a positive approach to development? Would the terms 'adverse' or 'significantly harmful' more closely reflect national policy?*

The PC agree to amend to include the suggestion 'significant adverse' or harmful' impact.

Q7. *Criterion E. The first part of this criterion requires that (presumably an application) 'demonstrates that consideration has been given to the amenities of occupiers of neighbouring properties.' What are those 'amenities' and does giving consideration to something necessarily result in minimising unacceptable harm to any such amenity? The second part of the criterion does not then clearly relate to the first part. Should the criterion be split?*

PC agree to splitting the criteria. Amenities refers to conditions that impact residential amenity, whichever are relevant such as sunlight, daylight, privacy, outlook, noise, air quality, pollution etc.

Q8. *Criterion F. This overlaps and largely duplicates Policy AC7. Are both needed? How is an applicant, or the Local Planning Authority, to know where any*

future proposals for footpath links are likely to arise? Might this not result in the unjustifiable blighting of land?

PC suggest deleting the criterion from "cycling" Delete policy AC7.

Policy AC2

Q9. *In the second line of this policy the use of the word 'maintain' could be interpreted as applying a stricter test than in national policy which refers to 'conserve' as does Core Strategy policy CS8.6. Is there a justification for this?*

Pc agree that the policy should be saying 'conserve' not maintain to bring in line with NPPF.

In addition, the Cartmel CAMP is now adopted SPD. The Cartmel CAMP is here [Revised Cartmel Conservation Area Management Plan Supplementary Planning Document \(southlakeland.gov.uk\)](http://southlakeland.gov.uk)

Q10. As the areas referenced in the last part of this policy are clearly identified on the Local Plan Policies Map as either Public Open Space or Amenity Open Space and are safeguarded by Policy L1.10 in the Land Allocations DPD, what is the purpose of including this in the neighbourhood plan? Is it not unnecessary duplication?

It was included to re-iterate the importance of the pattern of open spaces and landscape character in and around Cartmel, and it is useful for identifying the areas which have a particular significance to the local residents.

Policy AC3

Q11. *There is an error in the first line of the second paragraph in this policy viz. 'takes preserves'. To require development to 'preserve' landscape features and the village settings appears to be an unduly negative approach which goes beyond national policy and the approach taken in Core Strategy Policy CS8.2. A representation suggests the use of the word 'respects'. What is the Parish Council's view on such, or similar, re-wording?*

PC Agree to the amended re wording.

Q12. *The Friends of the Lake District refer to the fact that the parish is within the setting of the Lake District National Park and to the legal duty to conserve and enhance that setting. Does that warrant specific mention within the policy or plan text?*

The Parish is not located within the Lake District National Park. Whilst development on the boundary would be expected to conserve and enhance the setting of the LDNP, this would not apply to the whole parish. This is contained in the NPPF and the South Lakeland Core Strategy and in the supporting text to the

Development Management DPD. It is not considered appropriate to repeat further in the NDP.

Policy DM1 of the South Lakeland DM DPD requires proposals to ensure the conservation and enhancement of the special qualities and settings of the LDNPA – it could be referenced in the supporting policy text, if in policy it would be duplication.

Q13. *Paragraph 4. 'Outside the village ...' The wording that 'the dispersed settlement pattern should be maintained' could be interpreted as permissive in respect of new housing outside the village settlement boundaries, which would conflict with Core Strategy Policy CS4 and Development Management Policies DM14 and DM15. The words between the two commas do not appear to serve any useful purpose in policy terms and could cause uncertainty in decision-making. Might those words be deleted or the sentence re-worded?*

PC agree to the deletion of the wording between the two commas.

Q14. *List of views, Cartmel, Map 4B. As a general rule, it should be possible for the plan-user to understand the meaning of policies without a need to look at other documents. In this case there is a link to the Townscape Features Map in the Cartmel Conservation Area Appraisal which could easily be reproduced in the Neighbourhood Plan especially as the policy cross-references to text paragraph 2.1.22 (which might be better placed to precede Policy AC3). What methodology has been used to identify additional views to those identified in the Conservation Area appraisal? What is the justification for including such additional areas? As a representation suggests additional views, have they been assessed against set criteria? Should the Townscape Features Map be included in the NP itself for ease of reference?*

The Townscape Features Map did not reproduce well or at a scale that was easily readable in the NDP. It was the suggestion of the Council at Regulation 14 to include a link.

In terms of the additional views, these are views that the community see as being important to the character of the two villages and have been included for that reason

Q15. *The last section of the policy refers to dry stone walls as well as hedgerows. Should the requirements of landscape schemes also cover the re-building of walls?*

PC agree to amend wording to include rebuilding of walls.

Policy AC4

The inclusion of cross-references to the NPPF and to specific paragraph numbers within it is best avoided because the national policy context might well change during the lifetime of the plan, necessitating revision. In most cases, if such

references are essential to the interpretation of policy they are better included in the accompanying text.

Q16. Is it accepted that the references to the NPPF should be omitted from the policy itself? Why is there a reference to the plans in the Local Green Space Assessment when they show the same areas as Maps 5 and 6 in the NP? Might the policy read simply 'The areas of land shown in green on maps 5 and 6 are designated as Local Green.

PC agree to amendments and include references within the supporting text.

Q17. *As currently worded the policy is not entirely consistent with national green belt policy as stated in paragraphs 147-150 in the NPPF because no reference is made to certain forms of development being 'not inappropriate'. In particular, the exception given in paragraph 149(b) might well apply.* Does the Parish Council accept that the word 'Inappropriate' should be inserted before 'new' in the penultimate paragraph and in the final paragraph, second line, that the words 'by reason of inappropriateness and any other harm' should be inserted before 'caused by new development'

PC agree to amendments suggested.

Q18. Is it considered that adequate regard has been had to national policy as in paragraph 174 of the NPPF, in particular whether the requirement to 'avoid any' impact is too strict a test, rather than to 'minimise' such impact?

PC agree to amendments suggested.

Q19. Should criterion A also include reference to the siting of new development?

PC agree to suggested amendment.

Policy AC6

Q20. *The second paragraph in this policy largely repeats, but with more detail, criterion A in the first paragraph.* Would the Parish Council wish to delete criterion A or replace it by the text in the second paragraph of the Policy?

Will replace Criterion A with the text as follows: "An assessment is required to determine the need for lighting, whether the benefits of lighting outweigh and harm caused and identify any alternative measures available in accordance with the external lighting methodology in Towards a Dark Sky Standard." And delete the second paragraph.

Q21. *The second sentence in criterion B is an informative rather than policy as such.* Is it agreed that this would be better placed in the supporting text

Amend AC6 (B) to read "The nature of the proposed lighting and the level of illumination is appropriate for its use and location in accordance with The Institute of Lighting guidance for the reduction of obtrusive light.

Q22. *Similarly, the final sentence is a statement rather than policy. Is there a policy intention behind it?*

Yes. Suggest amending to read "Where relevant, an assessment of the internal lighting/glazing is required in accordance with the internal lighting methodology in Towards a Dark Sky Standards to determine the visual light transmission of new openings and any mitigation measures required.

The Parish Council is invited to comment further on the detailed points made by The Friends of the Lake District in their Regulation 16 representation on this policy.

Suggested amendments above based on The Friends of the Lake District comments received.

Policy AC7

For the most part this reads as a community aspiration rather than a land use policy which can be delivered by means of decisions on planning applications. The improvement and enhancement of existing footpath and cycle links, where they are on highway land will not require planning permission. Also, where a footpath link crosses private land its enhancement could only be achieved if it could be conditioned (within the ownership and control of the applicant), by agreement with the landowner or by the use of Highways Act powers.

Q23. In the light of the above how is it intended that this policy be implemented? Also, see question 6 above with regard to criterion B.

See response to Q8 above and move supporting text to within section 2.1

Q24. *The spending of CIL money is not an appropriate matter for inclusion in land-use policy. Is it agreed that the second paragraph in this policy would be more appropriately included in the implementation section of the plan?*

PC Agree with suggestion.

Policy AC8

The Parish Council will be aware that a robust justification is required for a restrictive policy of this kind.

Q25. What is the date for the information included in Table 4 and how have these statistics changed in recent years?

Data taken from April 2022 Council Tax data. Prior to this date the only information was available for the parish from the Census.

The W&F Council considers that providing data for earlier years may require some time to prepare, but if required the Council can seek to do so and welcomes any guidance on an appropriate time period.

Q26. *As this policy applies only to new build in Cartmel plus a 200 m. buffer zone, it will affect the two sites allocated for housing in the Local Plan (Policy L1.3) for a total of 54 dwellings plus any infill within settlement boundary. Has planning permission been granted on either of the allocated sites and is there an estimated capacity for infill?*

The W & F Council have provided the following update

Site allocations – planning history

The Higgs Lane allocation site had planning permission for 39 dwellings (SL/2017/0732) approved at committee subject to S106 but was later dismissed at appeal (appeal was due to non-determination on details relating to affordable housing provision). The application (SL/2022/0055) was re-submitted for 39 dwellings in March 2022 and is pending determination.

The Stables, Cartmel Racecourse housing allocation has no planning permission attached to it, and is currently not subject to any planning application. The Housing Land Position Report (HLPR) [Housing Land Annual Position Statement 2022 Final \(southlakeland.gov.uk\)](https://www.southlakeland.gov.uk) sets out the latest known position on the site (as at the end of March 2022)– see page 69 this states ‘the owner has confirmed that the site is currently still in use as stables for the racecourse and this use needs to be relocated before the site can be developed for housing, and this is still in early planning stages. No specific timescale for development at present but still an intention to develop in the future but not available immediately’. The HLPR assumes no development likely within 5 years.

Estimated capacity for infill

The Housing Land Position Report Table 31 sets out the current position on extant and implemented permissions. There are 5 dwellings with planning permission within Cartmel yet to be completed as at end of the March 2022 (3 under construction and 2 not started).

There are no other sites within Cartmel identified in the Brownfield Land Register, and no sites put forward within the Cartmel development boundary through the Council’s Call for Sites. Early work is being undertaken on a SHEELA, but this is being reviewed in context of the Westmorland and Furness Local Plan

Q27. What is the justification for identifying an approximate 200 m. zone (Map 7) beyond the Cartmel settlement boundary within which the policy would apply? Why 200 m. rather than any other distance and what difference would it make to the statistics in Table 4 if it were not to be included? Map provided by SLDC.

The boundary was developed in conjunction with the Council and is the area to which the majority of second homes in the parish are located. The Map was provided by SLDC.

The Council believe it to be a reasonable distance to capture the outlying parts of the village, and to future proof the policy in context of any future local plan allocations on the edge of the existing development boundary or any changes to the Development boundary in a future Local Plan.

If the policy was applied only to the development boundary it would have limited effect on preventing new dwellings from becoming second homes, given the limited likely potential for new dwellings to be accommodated in the village, partly due to its historic nature and given the relatively small amount of new housing likely to come through from extant permissions, and the allocation sites, especially if Hags Lane is approved prior to the adoption of the policy should this be the case.

Q28. If the policy is applied to the allocated sites what are the implications for the ability of the LPA to deliver the strategic housing requirements of the current Local Development Framework.

From talking to other Council where there are principal residence policies in Neighbourhood Plans, there have not been any issue with housing delivery.

The allocations were adopted in 2013 pre-dating the proposed policy, and therefore the policy has not been taken into account in the current Local Plan. There is no evidence available to suggest any significant implications to delivery of strategic housing requirements in the Local Plan. Cartmel is classified as a Local Service Centre, the allocated sites are there in part to help support delivery of local housing needs including affordable housing and to support the sustainability of Cartmel as a service centre providing vital services and facilities to the existing community and wider rural hinterland.

The policy will not affect the current pending determination of Hags Lane site but it can be taken into account in the assessment of viability in the development of the small Stables allocation site and in allocations in a future Local Plan. It is noted above the Cartmel Stables allocation is not available immediately, and classed as not deliverable within the next 5 years. Should the policy be adopted it would be taken into account in the review of the allocation as part of the preparation of a new Westmorland and Furness Local Plan, and subject to viability testing accordingly. Therefore, consider no significant implications for meeting the strategic housing requirement in the current Local plan.

Q29. Has there been any assessment of the effect of applying this policy on the viability of development on the allocated sites?

No – see above. No affect on Hags Lane given its development status. There is sufficient time for impact on viability to be factored in to the sale of the Stables site for development. The Stables site will be reviewed and viability tested through the next Local Plan expected to be adopted in 5 years before anticipated timescale when the site will be available for development.

Q30. What would be the effect of the application of this policy on the provision of affordable housing on the allocated sites under the provisions of Core Strategy Policy CS6.3?

Due to the adverse impact on the local community/economy of the uncontrolled growth of second homes the restriction of further second homes does in fact contribute to delivering sustainable development. In terms of "delivering a wide choice of quality homes", the restriction could in fact be considered as facilitating the delivery of the types of homes identified as being needed within the community.

For Stables site – time under current policy, to be reviewed and viability tested through next Local Plan, and subject to potential different affordable housing requirements.

Haggs Lane not going to affect it / limited impact. May have an impact but don't know. Would be factored into the viability assessment, extra cost accounted for in the land value.

Q31. Given the nature of 'Parish Aspiration 2' is there any recent survey information available on the nature and scale of any affordable housing requirement for the parish?

There is no parish housing needs survey

The Strategic Housing Market Assessment latest published data available [Microsoft Word - SL revised final report October 2017 021117 \(southlakeland.gov.uk\)](#)– this does not go down to Parish level, Parish is within the 'Cartmel Peninsula' Sub-Market Housing area.

Q32. *The use of dwellings as holiday lets is shown in Table 4 as those which are claimed as business premises for council tax purposes. Holiday lets are part of the local tourism trade. Is policy AC8 regarded as being compatible with Objective 11 for tourism development? Is there any evidence to show what effect the policy may have on local businesses?*

The policy will not affect the existing second homes, caravans and chalet parks, therefore it is unlikely to affect local businesses and is compatible with objective 11. Indeed, it may have the opposite effect with occupants of future new homes in Cartmel being in the village all year round.

The policy is not restricting existing dwellings from becoming second homes / holiday homes, only new build and there is available existing stock to support further tourism accommodation development to support the local tourism economy.

Q33. Is it considered that the imposition of a planning condition or obtaining a planning obligation, not necessarily an agreement under s106, would accord with the requirements of paragraphs 55 to 57 of the NPPF?

It is considered that the policy fully accords with paragraphs 55 to 57 in that, it is considered necessary to ensure homes are available to residents who need to live permanently in the area, rather than as second homes to those that visit infrequently; it is considered to be directly related to the development to provide homes that are available to those that have links to the parish, and it is fairly and reasonably related to the scale and kind of the development.

Q34. Are the detailed provisions for any planning condition or obligation, as set out in the box at the top of page 44 in the plan, considered to be sufficiently enforceable by the Local Planning Authority? Would they be reasonable, bearing in mind that it is not mandatory to register on the electoral roll, nor might children attend local schools, especially at secondary level and health services may not be available within the parish?

Enforceable or not?

It is considered that the condition/ obligation is enforceable. The evidence listed in the policy is example and not limited to that listed.

Policy AC9.

Q35. *Bourne Leisure make representation against the reference in paragraph 2.4.11 of the plan text to this policy taking a 'restrictive' approach which they state is in conflict with Core Strategy policy for tourism related development and does not have regard to national policy.* Is it considered that it is correct to refer to the policy as 'restrictive' in general terms rather than primarily dealing with landscape impact? Should there be more explicit reference in policy to mitigation measures?

The policy is no more restrictive than Policy DM18 of the DMDPD. The 'and' at the end of Criterion F should be removed.

Q36. Many of the criteria in the policy are the same as in Local Plan Policy DM18. Is the duplication necessary?

Yes, to emphasise the criteria and what residents have indicated they would like included.

The policy does duplicate Policy DM18 to a large extent but also is not as comprehensive. It includes additional references to long distance views and reference to sewerage infrastructure.

Q37. Having regard to national policy is it considered that the adjective 'adverse' should be qualified by 'significantly'?

Policy DM18 of the SLDC DM DPD refers to adverse and does not include significantly.

Q38. Does criterion E, as drafted, have adequate regard to the approach in paragraph 111 of the PPG?

Suggest rewording to reflect Paragraph 111, although this is a criterion in Policy DM18 which has been through examination and is adopted.

Policy AC10

In most cases, the provision of telecommunications infrastructure is 'permitted development' as provided for in the General Permitted Development Order.

Q40. In the circumstances, how is it expected that this policy is to be implemented?

This could be a Parish aspiration rather than policy?

As indicated in Question 2 above, the last part of this policy merely repeats local plan policy which already applies, which is unnecessary

Yes – suggest deleting as duplication, possible cross reference in supporting text?

Q41. *The wording of this policy refers to 'developers' rather than setting criteria for assessing planning applications for development.* Does criterion A add anything to Local Plan Policy DM8? Is it intended to apply to all developments or only to larger sites, for example those allocated in Site Allocations DPD?

See response to Q40

Q42. What actions are expected to be taken by developers to comply with criterion B, especially for smaller developments? Is it reasonable to require this for areas beyond the control of the developer such as health care provision?

See response to Q40