

**WESTMORLAND AND FURNESS COUNCIL**  
**Town and Country Planning, England**

**(Published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004  
and Regulation 18 of the The Neighbourhood Planning (General)  
Regulations 2012 (as amended))**

**ALLITHWAITE AND CARTMEL NEIGHBOURHOOD DEVELOPMENT PLAN**

**DECISION STATEMENT**

1. In line with Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended) Westmorland and Furness Council (the 'Council') have produced this 'Decision Statement' in relation to the Allithwaite and Cartmel Neighbourhood Development Plan (the 'Plan').

**Background**

2. On 28 January 2015, South Lakeland District Council (SLDC) (the local planning authority for the area until 1 April 2023) formally designated the area of Allithwaite and Cartmel Parish (formerly Lower Allithwaite Parish) as the Allithwaite and Cartmel Neighbourhood Area.
3. Allithwaite and Cartmel Parish Council (ACPC) consulted on the draft plan between September and October 2021. The draft Plan was submitted to SLDC in November 2022.
4. Following the submission of the Draft Plan to SLDC, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Plan was publicised and representations were invited. The publicity period ran for a period of six weeks between 2 February 2023 and 16 March 2023.
5. Westmorland and Furness Council (WFC) appointed an independent Examiner, John Mattocks, BSc, DipTP, MRTPI, FRGS to examine whether the Plan met the 'basic conditions' as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Plan should proceed to a referendum.
6. The independent examination was held from May to July 2023. The examination was carried out through written representations. The Examiner's Final Report was received by WFC on 14 July 2023 and recommended a series of modifications to the Plan including the deletion of three policies (Policies AC7, AC9 and AC10). These were made by the Examiner to ensure the Plan complies with the basic conditions and other relevant statutory provisions, and so that the draft Plan, as modified, can be submitted for referendum. It concludes by stating:

*"I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights".*

7. The examiner's report includes two recommendations, the first being "*I recommend that the modifications recommended in this report be made to the Allithwaite and Cartmel*

*Neighbourhood Development Plan 2022-2032 and that the draft plan as modified be submitted to a referendum”* The second recommendation relates to the referendum area, the report states *“the referendum area should not be extended beyond that of the neighbourhood area”*.

## **The Council’s Decision and Reasons**

8. Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended), requires the local planning authority to outline what action needs to be taken in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
9. The decision was made by Westmorland and Furness Assistant Director of Inclusive and Green Growth in consultation with the Cabinet member for Sustainable Communities and Localities. The Council has considered each of the recommendations and the reasons given for them in the Examiner’s Report as required by Regulation 12 of Schedule 4B of the Town and Country Planning Act 1990. The Council endorses all the recommended modifications and the reasons given for them. The Council is satisfied that the Plan, as modified meets the legal requirements and basic conditions as set out in legislation. On this basis the Council determined that the modified Plan should proceed to referendum.
10. The Decision Statement and the Examiner’s Report, including the proposed modifications, and the Referendum Version of the Allithwaite and Cartmel Neighbourhood Development Plan and the Allithwaite and Cartmel Design Code can be viewed on the Westmorland and Furness Council website at [www.southlakeland.gov.uk/allithwaite-cartmel-np](http://www.southlakeland.gov.uk/allithwaite-cartmel-np)
11. The documents are also available for inspection at the following locations during normal opening/visiting hours:
  - Kendal Town Hall, Lowther Street, Kendal, LA9 4DQ
  - Kendal Library, Stricklandgate, Kendal, LA9 4PY
  - Grange-over-Sands Library, Grange Fell Road, Grange-over-Sands, LA11 6BQ
  - Cartmel Village Hall, The Square, Cartmel, LA11 6QB
  - Allithwaite Community Centre, Quarry Lane, Allithwaite, LA11 7QJ
  - Cartmel Priory, Cartmel, LA11 6DQ
  - St Mary’s Church, Church Road, Allithwaite, LA11 7QR
12. A written notice of this decision statement will also be sent to Allithwaite and Cartmel Parish Council and any person who asked to be notified of the decision, along with people or groups who were previously consulted at regulation 16 stage and who made representations submitted to the Examiner.
13. Subject to a positive vote at referendum (more than 50% of the votes cast are in favour of the Plan), the Plan will be ‘made’ (adopted) by the Council. It is not for the council decide for or against adoption of the Neighbourhood Plan.
14. For more information please contact the Planning Policy Team on 0300 373 3300 or email: [Planningpolicy3@westmorlandandfurness.gov.uk](mailto:Planningpolicy3@westmorlandandfurness.gov.uk)