

Westmorland and Furness Council

Made Penrith Neighbourhood Development Plan

Regulation 19 (Final) Decision Statement

Published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

1. This document is the Decision Statement required to be prepared under Section 38A (9) of the Neighbourhood Planning (General) regulations 2012 (as amended). It sets out Westmorland and Furness Council's (the 'Council's') considerations and formal decision in bringing the Penrith Neighbourhood Development Plan into legal force.
2. Following an independent examination and positive referendum result, held on 28 November 2024, the Council decided to make the Penrith Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).

Background

3. Penrith Parish was approved as a Neighbourhood Planning Area in September 2016. Penrith Town Council consulted on the draft Penrith Neighbourhood Development Plan between February 2019 and March 2020 and the draft Plan was submitted to Eden District Council in August 2020.
4. The Council appointed an independent Examiner, John Slater, BA (Hons), DMS, MRTPI 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.
5. The Examination of the Plan commenced in November 2020 and closed on 2 March 2021 with the Examiner's Report received by Eden District Council on 29 March 2022. The Examiner's Report concluded that the Plan should proceed to referendum subject to a number of modifications set out in the Report, including the deletion of four policies (Policies 1, 8, 9 and 12).

6. The Council decided that all of the Examiner's recommendations be accepted with the exception of those that relate to Policy 8 (Identifying and Protecting Local Green Spaces) and Policy 9 (Protecting and Enhancing Sport, Leisure and Recreation Facilities). Due to the retention of Policies 8 and 9 against the Examiner's recommendation, a further round of public consultation on these policies was necessary and took place from 8 January until 18 February 2024.
7. A local referendum was held in Penrith Parish on 28 November 2024 to decide whether the local community were in favour of the Plan. From the votes recorded, 1,131 of the 1,371 votes (82%) received were in favour of the Plan (3 votes were rejected). The turnout of electors was 10.17%.

The Council's Decision and Reasons

8. The Council decided by resolution of Cabinet on 21st January 2025 to 'make' the Penrith Neighbourhood Development Plan as part of the Development Plan in accordance with Section 38A (4) of the Planning and Compulsory Act 2004 (as amended) requires that the Council must 'make' the Plan if more than half of those voting in the Referendum have voted in favour of the Plan.
9. The Council has assessed the Plan and concluded that the Plan, including its preparation, is compatible with EU obligation and the Convention Rights (within the meaning of the Human Rights Act 1998) and complies with the relevant provisions within the Planning and Compulsory Purchase Act 2004 (as amended).
10. The 'made' (adopted) version of the Penrith Neighbourhood Development Plan (as approved by Cabinet) was published on the Council's website, alongside this Penrith Neighbourhood Development Plan Decision Statement, on 20 February 2025.
11. An errata notice was also published on 20 February 2025 alongside the Penrith Neighbourhood Development Plan, which identifies a correction to an administrative error in the 'made' version of the Penrith Neighbourhood Development Plan.
12. The Decision Statement, the 'made' Penrith Neighbourhood Development Plan, the errata notice and Examiner's Final Report can be viewed on the Council's website <https://www.eden.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/penrith-neighbourhood-planning-area/>
13. The documents are also available for inspection at the following locations during normal opening/visiting hours:
 - Voreda House, Portland Place, Penrith, CA11 7BF
 - Penrith Library, St Andrew's Churchyard, Penrith, CA11 7YA



14. A written notice of this decision statement will also be sent to Penrith Town 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.

15. For more information please contact the Planning Policy Team on 0300 373 3300 or email: neighbourhood.planning@westmorlandandfurness.gov.uk

Dated: 20 February 2025

