

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 Neighbourhood Planning (General) Regulations 2012 (as amended)).

ADDENDUM TO PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN

DECISION STATEMENT

1. The Decision Statement and Schedule of Modifications was originally published on 8 January 2024 in line with Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended).
2. This addendum to the Decision Statement and Schedule of Modifications has been prepared to reflect the minor changes made to the Penrith Neighbourhood Plan ('the Plan') following the public consultation on Policies 8 and 9.
3. The amendments relate to Policies 8 and 9 only. All modifications relating to other Policies remain as stated in the main Decision Statement and Schedule of Modifications.

Background

4. The background to the Plan prior to the public consultation on Policies 8 and 9 is set out in paragraphs 2 to 11 of the main Decision Statement.
5. The consultation on Policies 8 and 9 was open from 8 January to 18 February 2024. 105 responses were received and are summarised in the Consultation Statement. The following minor modifications to the Plan were proposed:

Policy 8 – Identifying and Protecting Local Green Spaces

- Amend the name of Local Green Space site PW45 to 'Nichol Hill Nature Reserve and adjacent private gardens'.

Policy 9 – Protecting and Enhancing Sport, Leisure and Recreation Facilities

- Add the following to Policy 9 supporting text for clarity:
Policy 9 identifies and seeks to protect Penrith Leisure Centre car park in accordance with Policy COM2. Penrith Leisure Centre is designated as Public Open Space in the Eden Local Plan and already protected under Policy COM2.

The Council's Decision and Reasons

6. The decision was made by Westmorland and Furness Director of Thriving Places in consultation with the Cabinet member for Sustainable Communities and Localities to endorse the additional minor modifications to the Plan.
7. 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.
8. The Decision Statement and Addendum, the Examiner's Report, including the proposed modifications, and the Referendum Version of the Penrith Neighbourhood Plan can be viewed on the Westmorland and Furness Council website: <https://www.eden.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/penrith-neighbourhood-planning-area/>
9. The documents are also available for Inspection at the following locations during normal opening hours: Penrith Town Hall and Penrith Library.
10. 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 and 18 stages and who made representations.
11. 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.
12. For more information please contact the Planning Policy Team on 0300 373 3300 or email: Neighbourhood.Planning@westmorlandandfurness.gov.uk.

Schedule of Modifications

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in *italics*.

The page numbers and policy numbering below refer to the submission neighbourhood plan, and do not take account of the deletion or addition of text.

Policy	Page No	Proposed Modification	Examiners Justification	Policy
<p>Policy 8: Identifying and protecting Local Green Space</p> <p>Policy 9: Protecting and enhancing Sport, Leisure and Reactional Facilities</p>	50	<p>Policy 8: The following areas (Map A – Policies Map, page 134) will be designated as local green spaces and will be protected from inappropriate development.</p> <p>C2 Land between rugby pitches and houses on Carleton Road</p> <p>PE6 Land and wood above Scaws Drive</p> <p>PE8 Land between Brentfield Way and Meadowcroft</p> <p>PE9 Folly Lane Allotments</p> <p>PE12 St Andrew’s Churchyard</p> <p>PN14 Beacon Hill</p> <p>PN17 Open area at top of Croft Terrace against Beacon Edge</p> <p>PN18 Field on Beacon Edge</p> <p>PN24 Fell Lane Pinfold</p> <p>PN27 Cockell House Gardens / Drovers Lane</p> <p>PN28 Cockell House Gardens / Macadam Gardens</p> <p>PN29 Voreda Park Central Space</p>	<p>The neighbourhood plan is proposing that a number of these areas of public open space already identified under Local Plan Policy COM2 should now be designated as local green space, which is the highest level of protection of green spaces available. That is entirely appropriate. Some of the existing site COM2 sites are retained as such, but in addition, the neighbourhood plan includes a number of new sites which are to be designated as public open space, so as to be protected by Local Plan Policy COM2. In addition, the plan is proposing to include new areas, which are not currently protected by the public open space, as local green spaces.</p> <p>The COM2 sites are to be protected through Policy 9 of the neighbourhood plan. The interrelationship between the two policies means that it is sensible to refer to them both together.</p> <p>The criteria used by the Town Council to determine which sites are to be protected and by which route, were discussed during the hearing and I</p>	<p>Policy 8: Identifying and protecting Local Green Space be amended accordingly deleting site PN14 Beacon Hill. Following further public consultation the name of site PW45 Nicholl Hill Nature Reserve be amended for clarity.</p> <p>Policy 9: Protecting and enhancing Sport, Leisure and Reactional Facilities, be retained in full</p>

Policy	Page No	Proposed Modification	Examiners Justification	Policy
		PN30 Head of Macadam Way PN31 Pembroke Place PN32 Land in Voreda Park PN33 Plimsoll Close PN34 Cambridge Drive PN36 St Catherine’s Churchyard PN37 Christchurch Churchyard PN39 Salkeld Road Allotments PN40 Coronation Gardens PN42 Bowscar PN43 Friends Meeting House Allotment Gardens PW45 Nichol Hill Nature Reserve <u>and adjacent private gardens</u> PW46 Thacka Beck Nature Reserve PW487 Brunswick Square Gardens PW49 James Street Allotments PW50 Castletown/Musgrave St/Brackenber Allotments PP66 Thacka Glen PW52 Recreation area between Musgrave Street Allotments and Newton Road PS53 Weatheriggs Country Park PP67 Pategill Back Field PP70 Open space to south of Eden Housing Association (EHA) PP71 Open space to the north of EHA PP72 Open space to the north of Greengarth	<p>subsequently asked the Town Council to confirm what criteria was used.</p> <p>I was informed local green spaces were those spaces identified as being “<i>informal areas used by residents for unstructured play, gathering together and in some places are spaces which are maintained and planted by residents and community groups</i>”. The criteria for being identified as COM2 sites include “<i>more formal sports, leisure and recreation facilities with play equipment, including school playing fields.</i>”</p> <p>It appears to me that the Town Council has chosen to identify what are to be local green space, not based on the relative importance of the spaces to the local community, but rather the selection has been based on whether the spaces are used for passive or for active leisure pursuits such as sports ground or play areas.</p> <p>The Secretary of State in the NPPF sets out a hierarchy, whereby the greatest level of protection is afforded to those green spaces that are designated as local green spaces, compared to those other facilities, which are covered by paragraph 99 of the Framework.</p> <p>I heard repeatedly, during the hearing, that the choice of the local green spaces was determined by</p>	

Policy	Page No	Proposed Modification	Examiners Justification	Policy
		<p>Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.</p> <p>Policy 9: The following sport and recreation facilities, also identified on the Policies Map, Map A, page 134, will be protected in accordance with Eden Local Plan 2014-2032 Policy COM2 Protection of Open Space, Sport, Leisure and Recreation Facilities: C1 Carleton Heights play area C2 Part of C2 Penrith RUFC (the rugby pitches are already designated as public open space in the Local Plan although the field between the pitches and the houses on Carleton Road is not) C4 Hunter Hall School Playing Field C5 Frenchfield Sports Centre incorporating Penrith Football Club PE7 Scaws play area PE10 Friars Bowling Club PE11 Beaconside School Playing Fields PN16 Milton Street Play Area PN19 Penrith Golf Course</p>	<p>the local knowledge of the town councillors based on responses from the local residents, but I am not convinced that the choices have been informed by a clear understanding of the different criteria set out in the framework for identifying local green spaces as opposed to other open spaces.</p> <p>I am not necessarily convinced that the town's residents would have placed greater importance on the protection of some sites, which are offered a higher level of protection via Policy 8, compared to some other sites which are protected as COM2 sites set out in Policy 9. I am sure that some of the Policy 9 sites would be considered to be demonstrably special to the local community, holding local significance because of their recreational value or other reasons. I am not satisfied that the Town Council has demonstrated that the town's community, places greater value on the protection of the areas of undeveloped informal open space around the Macadam Way housing estate, than it will say place protecting the grounds of Penrith Cricket club or indeed Castle Park, both of which are identified within Policy 9.</p> <p>I am reinforced in my view that there has been a lack of understanding of the relative importance in two categories, based on the revised mapping which</p>	

Policy	Page No	Proposed Modification	Examiners Justification	Policy
		PN21 Fairhill playing field PN22 St. Catherine's School Field PN41 Bowscar play area PP68 Pategill play area and recreation ground PS54 The Crescent playing fields PS55 In part PS55 Ullswater CC playing fields (the area to the south of the cricket ground is already designated as public open space in the Local Plan although the field between the cricket ground and Bridge Lane is not) PS56 Penrith Cricket Ground PS57 Playing field at southern gateway to town between A66 and Clifford Road PS58 Clifford Road play area PS59 North Lakes School Playing Field PS60 Land between Wetheriggs Lane and Astro Turf PS62 Queen Elizabeth Grammar School Playing Field PS64 Castle Park PW51 Castletown recreation area Penrith Leisure Centre Proposals for a new youth facility providing indoor and outdoor space will be supported where they would not lead	<p>I was sent, following the request I made in my Post Hearing Note.</p> <p>My conclusion is that the identification of the local green spaces based on the Town Council's criteria has not had proper regard to the Secretary of State criteria and I conclude that both Policy 8 and 9 does not meet the basic conditions of having regard to Secretary of State policy and advice.</p> <p>Regarding Beacon Fell which was proposed to be designated as local green space by the submitted neighbourhood plan.</p> <p>During the hearing itself, I sensed that there could be scope for an accommodation of the Town Council's desire to protect the forest area, particularly for its landscape value.</p> <p>I therefore suggested that rather than pursue the local green space designation which was doomed to fail, there was scope for further discussions on the possibility to allow development of a bespoke policy for Beacon Hill, which could protect the special character of the forest which is clearly valued by the residents but which would not prevent development, which currently meets policy requirements.</p> <p>Unfortunately, the respective positions of the land owner and the Town Council had become</p>	

Policy	Page No	Proposed Modification	Examiners Justification	Policy
		to significant adverse impacts on the amenity of adjacent users and occupiers	<p>entrenched. I introduced a bespoke policy for Beacon Fell which was the subject of a further round of consultation but this did not attract public support. There were only around 18 responses, out of over 600 replies which offered support to the bespoke policy and the reasoning set out in my draft report.</p> <p>It is clear that the over whelming desire of the residents is to seek to prevent any development on the Beacon taking place. The Neighbourhood Plan seeks to do that through the designation as Local Green Space, which would mean that development is managed in a way consistent with Green Belt policy.</p> <p>The Beacon Fell area would still fail the third test, as set out in Paragraph 102 c) as it is, in my opinion, an extensive tract of land, and therefore does not meet the basic condition of having regard to Secretary of State policy and advice, regarding local green space designation.</p> <p>I am therefore recommending that the two policies, Policies 8 and 9 be deleted, as I do not believe, as currently proposed, they are compatible with the Secretary of State's policy and advice regarding local green space. The Town Council, as part of any future review of the neighbourhood plan, can revisit</p>	

Policy	Page No	Proposed Modification	Examiners Justification	Policy
			the question of which areas are to be designated as local green space, based on the relative importance to the community of the facilities, rather than differentiating them based on whether they are used as active or passive open spaces.	