

# Background to the Examination of the Penrith Neighbourhood Development Plan

## The Examination

**November 2020:** Mr John Slater BA (Hons), DMS, MRTPI was appointed as the Examiner by Eden District Council<sup>1</sup> with the agreement of Penrith Town Council.

**13 January 2021:** The Examiner wrote to us and Penrith Town Council on 8 January 2021 with his initial comments on the Penrith Neighbourhood Plan. These included a request that clarity be provided on a small number of key matters and indicated that a Hearing would be necessary, involving the following parties: Eden District Council; Penrith Town Council; and a representative(s) for Lowther Estate Trust.

The letter from the Examiner is available below:

[Examiner's Initial Observations \(PDF: 198Kb / 6 pages\)](#)

**26 January 2021:** In relation to the Examiner's Initial Observations, we submitted a written response providing clarification on: the Local Plan's strategic policies; our opinion on the SEA and HRA Screening undertaken by Kirkwells, on behalf of Penrith Town Council; and the Council's planning application validation list.

Our submission is available below:

[Eden District Council's response to the Examiner's Initial Observations \(PDF: 82kb / 3 pages\)](#)

**2 February 2021:** Penrith Town Council provided a written response in relation to representations received during the Regulation 16 public consultation.

The submission is available below:

[Penrith Town Council's Response to Regulation 16 Representations \(PDF: 534Kb / 50 pages\)](#)

**4 February 2021:** The Examiner issued an [agenda for the Hearing taking place on 9 February 2021 \(PDF: 106Kb / 1 page\)](#).

**9 February 2021:** The Independent Examiner held a virtual Public Hearing in order to hear oral evidence on certain matters put forward in the Penrith Neighbourhood Plan. The Neighbourhood Plan Hearing took place on Microsoft Teams and involved representatives from, and acting on behalf of, Penrith Town Council, Eden District Council and Lowther Estate Trust. The matters addressed focused on those raised in the Examiner's Initial Observations (see update below of 13 January 2021).

[View the morning Hearing session, starting at 9am using Microsoft Teams](#)

[View the afternoon Hearing session, starting at 1.45pm using Microsoft Teams](#)

**10 February 2021:** The Examiner issued a [Post-Hearing Meeting Note \(PDF: 338Kb / 5 pages\)](#).

**25 May 2021:** Eden District Council provided the Examiner with its Habitats Regulations Assessment (Screening) of the Penrith Neighbourhood Plan. Natural England were consulted on the findings of the Assessment and their response is attached at Appendix 1.

The Submission is available below:

[Habitats Regulations Assessment \(Screening\) prepared on behalf of Eden District Council \(PDF: 1Mb/ 21 pages\)](#)

**8 June 2021:** The Examiner indicated that he had received correspondence from local groups, Friends of the Beacon and Keep Penrith Special. Their correspondence and the Examiner's response are available below:

- [Letter from Friends of the Beacon \(PDF: 347Kb / 5 pages\)](#)
- [Letter from Keep Penrith Special \(PDF: 496Kb / 11 pages\)](#)
- [Response from the Examiner to Friends of the Beacon and Keep Penrith Special \(PDF: 112Kb / 1 page\)](#)

**9 August 2021:** Representatives for Lowther Estate Trust (Stansgate Planning) submitted a [letter to the Examiner regarding Beacon Hill \(PDF: 996Kb / 33 pages\)](#).



**31 August 2021:** A response from Penrith Town Council to the Examiner's Post-Hearing Meeting Note was submitted to the Examiner for his consideration. This incorporated a suggested alternative policy in respect of Beacon Hill in addition to other items.

[Response from Penrith Town Council to Examiner's Post-Hearing Meeting Note of 10 February 2021 \(PDF: 2,238Kb / 32 pages\)](#)

**10 September 2021:** The Examiner issued a further Post-Hearing Meeting Note. Within this, the Examiner: set out a set of specific questions for Penrith Town Council and Lowther Estate Trust; provided an opportunity for Friends of The Beacon and Keep Penrith Special to comment on the two alternative policies put forward in respect of Beacon Hill by Penrith Town Council and the landowners; and invited Regulation 16 parties to comment on whether the new (July 2021) version of the National Planning Policy Framework has implications for the examination of the Penrith Neighbourhood Plan.

[Further Post-Hearing Meeting Note \(PDF: 316Kb / 5 pages\)](#)

**8 October 2021:** Responses from Keep Penrith Special and Friends of Penrith Beacon, to the Examiner's Post-Hearing Meeting Note of 10 September, were submitted to the Examiner for his consideration.

- [Letter from Keep Penrith Special \(PDF: 219 Kb/ 5 pages\)](#)
- [Letter from Friends of Penrith Beacon \(PDF: 290 Kb/ 3 pages\)](#)

**18 October:** A response from both Penrith Town Council and Lowther Estate Trust, to the Examiner's Further Post-Hearing Meeting Note of 10 September, was submitted to the Examiner for his consideration:

- [Letter from Penrith Town Council \(PDF: 496Kb / 4 pages\)](#)
- [Letter from Lowther Estate Trust \(PDF: 562Kb / 6 pages\)](#)

**14 December:** The Examiner issued the Note 'Consultation on Proposed Policy on Beacon Hill', within which he proposed a new, bespoke policy in respect of Beacon Hill (not a modification of a proposed policy). As this policy had not previously been the subject of a public consultation, either at Regulation 14 or Regulation 16 stage, the Examiner



asked that the policy be subject to a four-week public consultation, commencing after the Christmas holiday period.

- [Proposed Policy for Beacon Hill \(PDF: 421 KB/ 6 pages\)](#)

**7 January 2022:** The public consultation on the proposed policy for Beacon Hill took place from 7 January to 4 February 2022.

**13 January 2022:** In response to a query by Penrith Town Council, relating to the powers under which the Examiner is able to introduce a new policy into the Neighbourhood Plan (regarding Beacon Hill), the Examiner issued the note below.

[Examiner's Clarification Note \(PDF: 334 Kb/3 pages\)](#)

**19 January 2022:** Eden District Council's legal team advised that it concurs with the Examiner's explanation of the powers available to him, to propose a new policy for the Neighbourhood Plan, where this relates directly to compliance with the basic conditions that Neighbourhood Plans are examined against.

The Legal Team concluded that, *"there is no specific definition of "modification" which would otherwise limit how far the inspector goes with regards to their recommendations. To that extent we concur with the Examiner in this respect that there is no specified limitation regarding the deletion and replacement with a new form of the policy relating to Beacon Hill. The Council would agree that the Inspector has the power to recommend the proposed modifications under TCPA 1990 Schedule 4b (10)"*.

**1 March 2022:** In response to the public consultation the Council received 573 responses to the Citizen space survey. We also received 55 handwritten or emailed responses which we copied word for word. All the redacted responses have had personal details removed.

[View all the representations received in the consultation on the proposed Beacon Hill Policy \(Excel spreadsheet: 301Kb / 1 sheet\)](#)

The examiner received an unredacted spreadsheet. We also received a late representation and further analysis to a previous response. We gave the examiner this information to enable his full consideration of the representations made.



**29 March 2022:** The Examiner issued his report on the examination of the Penrith Neighbourhood Plan. The report concluded that the Penrith Neighbourhood Plan should proceed to referendum, subject to amendments being made in line with the Examiner's recommended modifications. This is to ensure the Plan meets the basic conditions.

[Examiner's Report \(PDF: 595Kb / 24 pages\)](#)

## Post-Examination

**April - December 2022:** Eden District Council considered each of the Examiner's recommendations, and the reasons for them, and decided what action to take in response to each. Penrith Town Council had major concerns about the proposed deletion of policies 8 and 9 in their entirety with these considered fundamental to the purpose of the Neighbourhood Plan. In considering these concerns, Eden District Council decided to work with Penrith Town Council to explore ways of resolving the issue.

**December 2022:** A legal opinion was sought on the deletion of policies 8 and 9, which concluded that it was open to the Council to take a different view to the Examiner if it was necessary to ensure that the plan met the basic conditions.

**January - February 2023:** Penrith Town Council, in agreement with Eden District Council Officers, undertook a further round of public consultation in January and February 2023 on the 34 sites identified within Policy 8 (with the exception of site PN14: Beacon Hill). This was to clarify whether residents considered each of the individual spaces to be 'demonstrably special' as required by the criteria for Local Green Space designation in the National Planning Policy Framework (para 102). A total of 111 responses were received and based on the representations it was decided that both policies should be retained.

**14 November 2023:** Westmorland and Furness Council agreed to accept all of the Examiner's recommendations with the exception of those that relate to Policies 8 and 9.

[Penrith Neighbourhood Plan Cabinet Report \(14 November 2023\)](#)

[Decision Statement and Schedule of Modifications \(PDF: 404Kb / 30 pages\)](#)

**January - February 2024:** As the Council's decision was to largely retain Policies 8 and 9, contrary to the Examiner's recommendation that they be deleted, these Policies needed to be the subject of a further round of consultation based on the amended wording. The consultation on Policy 8 (Identifying and Protecting Local Green Spaces) and Policy 9



(Protecting and Enhancing Sport, Leisure and Recreation Facilities) was open from 8 January 2024 until 18 February 2024.

[View Policies 8 and 9 and supporting appendices and maps \(PDF: 2,519Kb / 54 pages\)](#)

**23 July 2024:** Following the consultation on Policies 8 and 9, Westmorland and Furness Council agreed that the policies should be retained subject to two minor amendments and that the Penrith Neighbourhood Development Plan should proceed to referendum.

