Eden Draft Local Plan Initial list of amendments required – Request to the Inspector

Post Publication

December 2015

The following table sets out a list of proposed changes (Main Modifications) Eden District Council wishes to see made to the plan following the Regulation 19 Publication Stage. The requests are being made to update the plan, amend the plan following further work or to respond to comments made during the pre-submission stage. This list may expand in response to discussion at examination.

A further table at the end of the document sets out the minor changes that have been made to the plan after Regulation 19 Publication stage to correct typographical or other errors.



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Number/Main Modification	Policy/Paragraph Number	Change	Reason For Change
MMO1	Map 1/Para. 1.2.1/2/Policy Map	 Amend the map to show the changes to the Yorkshire Dales and Lake District National Park boundaries which will be operational from 1 August 2016. Appendix one shows the changes. Amend the text of paragraphs and 1.2.1 and 1.2.2: 1.1.1 Eden District Council is responsible for the preparation of the Local Plan for the whole of the area for which it is the planning authority. This includes means the whole of Eden District apart from that areas which is are within the Lake District and Yorkshire Dales National Parks (as shown on Map 1 - the Lake District National Park is highlighted in yellow). Parts of the two parks were extended into Eden in August 2016. The Park Authorities will produce separate plans for the National Parks which will replace applicable policies in this plan in the future. 1.1.2 Natural England is currently 	To update the plan following the Government's October 2015 announcement that the Yorkshire Dales and Lake District National Park boundaries are due to be extended into Eden.

		working towards designating extensions to the Lake District and Yorkshire Dales National Parks. This work follows agreement in 2005 by the former Countryside Agency on broad areas adjacent to the Lake District and Yorkshire Dales National Parks and the North Pennines Area of Outstanding Natural Beauty that meet the statutory criteria for designation. If the area is designated then In October 2015 the Secretary of State announced that from 1 August 2016 the Lake District and Yorkshire Dales Parks would be extended into parts of Eden. the Policies in this plan will continue to apply and be used by the Park Authorities for these areas until they are replaced.	
MM02	Objective 6, page 17	Remove the word 'local': "To meet local housing needs and aspirations"	Following a suggestion from Barton Willmore on behalf of Story Homes who maintain all housing need will be need to be accommodated. (Response ID221)
MM03	Objective 7, page 17	Remove the word 'local': "To meet the local needs of all people"	Following a suggestion from Barton Willmore on behalf of Story Homes who maintain all housing need will be

			need to be accommodated. (Response ID221)
MM04	Objective 12, page 18	To protect and enhance the district's biodiversity and in particular its important species and habitats, making them more accessible to the public where appropriate, including through the provision of Green Infrastructure. (Policies ENV1 - <u>4</u>)	In response to a suggestion from Natural England (Response ID131)
MM05	Policy LS1 – Locational Strategy	 Add '<u>or'</u> between the two billet points in the section on smaller villages and hamlets: Where it uses previously developed land; or Where it delivers new housing on greenfield sites to meet local demand only. 	To aid clarity and in response to a comment from Chris Garner Planning (Response number 43).
		Amendment to the number of homes on some sites or remove sites:	To reflect revised figures in the land availability assessment based on net developable areas.
MM06	Policy PEN1. A Town Plan for Penrith	E3 – Land at Longacres from 300 to 261	To reflect revised figures in the land availability assessment based on net developable areas.

MM07	Policy PEN1. A Town Plan for	E4 – Land at Carleton Hall Farm from	To reflect revised figures in the land
	Penrith	108 to 86	availability assessment based on net developable areas.
MM08	Policy PEN1. A Town Plan for Penrith	N1 – Salkeld Road/Fairhill – from 100 to 99	To reflect revised figures in the land availability assessment based on net developable areas.
MM09	Policy PEN1. A Town Plan for Penrith	N2 White Ox Farm – from 155 to 189	To reflect revised figures in the land availability assessment based on net developable areas.
MM10	Policy PEN1. A Town Plan for Penrith	TC1 – Old London Road – from 27 to 26	To reflect revised figures in the land availability assessment based on net developable areas.
MM11	Policy PEN1. A Town Plan for Penrith	P2 Gilwilly Road – from 17 to 14	To reflect revised figures in the land availability assessment based on net developable areas.
MM12	Policy PEN1. A Town Plan for Penrith	P8 Myers Lane, Norfolk Road – from 32 to 20	To reflect revised figures in the land availability assessment based on net developable areas.
MM13	Policy PEN1. A Town Plan for Penrith	P61 – Remove Garages at Roper Street.	The plan is accompanied by to The <u>Eden Strategic Flood Risk</u> <u>Assessment</u> and <u>Appendices</u> . Sites have been assessed against the sequential test. There is one

			 exception where revised mapping led to a site in Penrith (Site P61 – Garages at Roper Street) being included within Zone 3). This came at a very late stage of the plan preparation process. We are therefore requesting a modification to remove this site. Further hydrological assessment in connection with any planning application may identify the site as potentially free from constraints but at present it does not meet the sequential test and needs removing as a plan allocation. Story Homes have also queried its inclusion (Response ID231).
MM14	Policy PEN1. A Town Plan for Penrith	P93 – Barn and Yard, Brunswick Road – from 5 to 4	To reflect revised figures in the land availability assessment based on net developable areas.
MM15	Policy PEN1. A Town Plan for Penrith	P94 QEGS Annexe, Ullswater Road from 29 to 18	To reflect revised figures in the land availability assessment based on net developable areas.
MM16	Policy PEN1. A Town Plan for Penrith	P115 - Car park off Brentfield Way from 10 to 6	To reflect revised figures in the land availability assessment based on net

			developable areas.
MM17	Policy PEN1. A Town Plan for Penrith	Reducing boundaries of site GT2 (as shown in Appendix 2)	To reflect the extent of the land owner's aspiration. The boundaries
MM18	Policy AL1. A Town Plan for Alston	AL1 Jollybeard Lane – from 40 to 42	To reflect revised figures in the land availability assessment based on net developable areas.
MM19	Policy AL1. A Town Plan for Alston	AL13 Land at Clitheroe - from 20 to 21	To reflect revised figures in the land availability assessment based on net developable areas.
MM20	Policy AP1. A Town Plan for Appleby	AP11 - Fields adjacent to the Coal Yard, Station Yard – from 90 to 77	To reflect revised figures in the land availability assessment based on net developable areas.
MM21	Policy KS1. A Town Plan for Kirkby Stephen	KS13 - Land to west of Faraday Road – from 70 to 92	To reflect revised figures in the land availability assessment based on net developable areas.
MM22	Policy KS1. A Town Plan for Kirkby Stephen	KS15 - Land adjacent Croglam Lane – from 60 to 57	To reflect revised figures in the land availability assessment based on net developable areas.
MM23	Policy KS1. A Town Plan for Kirkby Stephen	KS17 - Land behind Park Terrace – from 23 to 24	To reflect revised figures in the land availability assessment based on net developable areas.

MM24	Policy KS1. A Town Plan for	KS18 –adj. to Croglam Park - from 35 to	To reflect revised figures in the land
	Kirkby Stephen	37Land	availability assessment based on net
			developable areas.
MM25	Policy PEN2 – Penrith Masterplans.	A line needs to be added between paragraphs 3.5.2 and 3.5.3: "The Habitats Regulation Assessment work underpinning this plan has identified that housing sites E1-E4 together with employment site MPC have the potential to cause adverse impacts on the quality of the River Eden, which has European status as both a Site of	To incorporate an agreed amendment with Natural England (Response ID128)
		Special Scientific Interest and a Special Area of Conservation. Adequate policy safeguards exist in this plan to avoid or mitigate impacts (principally through Policy ENV1). It is imperative that these	
		safeguards are properly implemented at the design and construction stage. Any applications for development will therefore be expected to incorporate measures to ensure there is no impact. In particular this will include the inclusion of sustainable drainage systems to avoid run off of surface water into the river."	

MM26	Paragraph 3.15.3	New sentence to be added after	In response to a comment from Kirkby
WWW20	r alagiaph 6.16.6	sentence 1: Following the extension of	Stephen Town Council (Response
		the Yorkshire Dales National Park in	number 126).
		August 2016 the town will have	
		designated protected landscapes	
		around it to east, south and west and	
		parts of the town will be within the Park.	
MM27	New paragraph 3.15.7.	New text:	To acknowledge the work of the Town
		The Town Dian for Kirkhy Stanhan is	Council, and in response to a
		The Town Plan for Kirkby Stephen is	comment from them (Response
		largely based on a draft plan for the town	number 126).
		produced by the Town Councils, its	
		partner organisations and with input and	
		local knowledge from the people of the	
		town. The District Council would like to	
		thank the Town Council and those who	
		participated for their work in informing	
		this plan.	
MM28	Para. 4.2.4/Policy DEV 1 –	Add new text after 4.2.3:	In response to a suggestion from the
	General Approach to New		Coal Authority (Response ID58)
	Development	In respect of land stability issues, as a	
		consequence of past mining activity, The	
		Coal Authority is a statutory consultee on	
		all planning applications, with the	
		exceptions of those identified on their	
		defined exemptions list, within the	
		defined Development High Risk Areas.	

		Where land falls within these areas, development proposals must be supported by a Coal Mining Risk Assessment, or equivalent, in order to identify any potential risks to the new development and any required remediation measures required. These assessments must be carried out by a suitably qualified person to the current British Standards and approved quidance.	
MM29	Paragraph 4.3.2	Remove the text relating to the SAB: Cumbria County Council now acts as the SAB in its role as the Lead Local Flood Authority	In response to a comment by Cumbria County Council (Response number 153)
MM30	Policy DEV3 – Transport, Accessibility and Rights of Way.	Remove the word 'minimum' in 3rd paragraph.Add to paragraph 4 the following:-4. The impact of the development on the local highway network.5. How the site will ensure the	In response to suggestions from Cumbria County Council. (Response ID145)

		permeability and accessibility of the area.6. How the site safely and conveniently link to main attractors (such as schools, retail, and employment uses)Add to paragraph 5 the following:-4. Shows a material, unmitigated impact on the surrounding highway network.	
MM31	Para. 4.4.1	 Delete sentences "Area Transport Plans (ATPs) are developed and maintained for each district. The ATP's identify improvements needed to meet strategic and local needs. They will be updated to incorporate transport improvements identified as necessary to enable development and developments will be required to contribute to delivering those improvements. The proposal for ATP's was dropped. 	In response to suggestions from Cumbria County Council (Response ID155)
MM32	Para. 4.4.4	Delete paragraph as the guidelines set out in Appendix 4 are no longer used and the replacement ones are too detailed to include. Appendix 4 sets out guidelines for when	In response to suggestions from Cumbria County Council (Response ID156)

		Transport Assessments and Travel Plans will be automatically required as part of a planning application for new development. These guidelines are taken from the Cumbria Local Transport Plan.	
MM33	Para 4.8.10	Add a sentence: <u>The Housing Supplementary Planning</u> <u>Document provides further details</u>	To aid clarity and usability of the plan.
MM34	Policy HS1 - Affordable Housing	Amendment to the last line in paragraph 3: Where the on-site contribution does not equate precisely to whole number of units, equivalent financial contributions will be sought. the contribution will be rounded down to the nearest unit.	The current phrasing is unclear, and the usual practice is to round down the nearest whole unit when calculating contributions.
MM35	Policy HS3 – Essential Dwellings for Workers in the Countryside	Bullet 6 should be augmented to include: on local landscape, <u>heritage assets</u> <u>and their setting,</u> archaeological or conservation interests	At the suggestion of Heritage England (Response ID316)
MM36	Policy HS5 – Accessible and Adaptable Homes	Add the following to the end of the policy: Within Penrith, Alston, Apply and Kirkby	To respond to a representation from Cumbria County Council (Response ID195)

		Ctanhan and the Key Llube and isstinge	
		Stephen and the Key Hubs applications	
		for development specifically for older	
		people or groups who require supported	
		housing will be supported.	
MM37	New paragraph between	"Part IV of the Town and Country	To incorporate an agreed amendment
	paragraphs 4.20.1 and 4.20.2	Planning (Control of Advertisements)	with Natural England (Response
		Regulations 1992 enables a Local	ID129)
		Planning Authority to make Areas of	
		Special Control Orders for submission to	
		the Secretary of State for approval. Most	
		of the Plan area has been designated as	
		an Area of Special Control. (The central	
		areas of Appleby, Alston, Kirkby	
		Stephen, Penrith, Shap and Tebay are	
		excluded). Within Areas of Special	
		Control the display of advertisements	
		with deemed consent (i.e. without the	
		need for the formal approval of the Local	
		Planning Authority) is subject to greater	
		limitation.	
MM38	Policy ENV3 – The North	Policy to be amended to read:	Following a request by the North
	Pennines Area of Outstanding		Pennines Area of Outstanding Natural
	0	Policy ENV3 – The North Pennines	Beauty Partnership to refer to
	Natural Beauty	Area of Outstanding Natural Beauty	development affecting the AONB and
		Area of Outstanding Natural Deauty	within it. (Response ID212)
		Development within or affecting the	
		North Pennines Area of Outstanding	To alter references to the North
		Natural Beauty (AONB) will only be	Pennines AONB documents to include
		permitted where:	the Planning Guidelines, at their
			suggestion. (Response ID212)
		1. Individually or cumulatively it will not	

 <u>have a significant or adverse impact</u> on special qualities or statutory <u>purpose of the AONB.</u> They can demonstrate that they will conserve and enhance the natural beauty of the designated area 2. <u>It They</u> does not lessen or cause harm to the distinctive character of the area, <u>the historic environment</u>, <u>heritage assets and their setting</u> 3. <u>It They</u> adheres to any formally adopted design or planning policies, <u>including the North Pennines AONB</u> <u>Management Plan, the North Pennines AONB Planning</u> <u>Guidelines and the North Pennines</u> AONB Building Design Guide. 	Following a suggestion by the North Pennines AONB Partnership to change the wording on policy on major development to be more in line with the NPPF. (Response ID212) To incorporate a suggestion from Historic England for plan to include a reference to the historic environment, heritage assets and their setting (Response ID 319)
Major developments will not be permitted only be permitted in exceptional circumstances, where they are in the long term public interest and where there has been a full consideration of: where it can be demonstrated:	
 <u>The need for the development,</u> <u>including in terms of any national</u> <u>considerations, and the impact of</u> <u>permitting it, or refusing it, upon the</u> <u>local economy;</u> <u>the cost of, and scope for,</u> 	

		developing elsewhere outside the designated area, or meeting the need for it in some other way and;3. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.	
MM39	Policy ENV6 – Renewable Energy	Amendments to the Suitable Area for Wind Energy will be suggested – forthcoming.	Following a suggestion from Durham County Council. (Response ID301), and also to reflect extensions to the Yorkshire Dales National Park, and responses from the North Pennines AONB Partnership (Responses numbers 213, 215, 216)
MM40	Policy ENV9 – Other Forms of Pollution	Reference to dark skies to be added at bullet 1 of the section on light: No adverse impact on neighbouring uses, the wider landscape <u>or dark skies</u> "	Following a suggestion by the North Pennines AONB Partnership (Response ID214)
MM41	Policy ENV10 – The Historic Environment	New policy amendments: Development proposals will be expected to avoid harm to the historic environment wherever possible, and should aim to positively enhance Eden's historic environment. In determining planning applications and	To take on board advice from Historic England (Response numbers 306 & 321) that there the Plan needs to be amended to ensure that it contains strategic policies that demonstrate that it is addressing the requirements of the NPPF for the conservation and enhancement of the historic environment and to ensure that it achieves the Plan's vision for Eden.

consents for development proposals that	
may affect the historic environment key	
considerations will be the significance of	
the heritage asset, the degree of harm	
that will be caused, and the degree of	
public benefit that will result from the	
development.	
Great weight will be attached to the	
conservation and enhancement of the	
heritage assets <u>which make Eden</u>	
distinctive. Key elements include:	
<u>The character and appearance</u>	
within the district's twenty four	
conservation areas. These include	
the area covering Penrith's	
interlocking market places dating	
back to medieval times and the	
strong sense of enclosure in many	
of Eden's towns and villages,	
often achieved by offset streets	
heightening sense of arrival. The	
Carlisle to Settle railway line is	
also a designated Conservation	
Area and contributes enormously	
to the character of the district.	

	 Its castles and more than 200 	
	ancient monuments, including the	
	Norman castles (and their	
	remains) at Appleby, Brough,	
	Brougham, Kirkoswald and	
	Penrith, the Voreda Roman fort at	
	Plumpton and the monuments of	
	Long Meg and her daughters and	
	Mayburgh Henge	
	Its more than 1600 listed buildings	
	Development proposals that would result	
	Development proposals that would result	
	in substantial harm to or total loss of	
	significance of a designated heritage	
	asset or its setting will only be permitted	
	where it can be clearly demonstrated that	
	substantial public benefits would	
	outweigh the harm, and that the harm is	
	necessary to achieve those benefits.	
	Any proposals that cause substantial	
	harm to or loss of a grade I or II* Listed	
	Building, a Scheduled Monument, or a	
	grade I or II* Registered Park and	
	Garden, will only be permitted in wholly	
	exceptional circumstances. Proposals	
1	that cause substantial harm to a grade II	

Listed Building, a grade II Registered Park and Garden and a Conservation Area will only be permitted in exceptional circumstances.
Where a development proposal will lead to less than substantial harm to a designated heritage asset, the harm will be weighed against the public benefit of the proposal in determining the application.
Any proposals that affect a non- designated heritage asset will be judged on the significance of the heritage asset and the scale of the harm.
Explanation
 4.33.1 One of the features that make Eden so unique is the quality of its historic environment. The district has twenty-four conservation areas, 1,600 listed buildings, over 200 scheduled ancient monuments and 5 registered parks and gardens. The A full list of designated assets can be found on Historic

England's website. Eden's historic environment is not only enriched by its designated heritage assets but also the wealth of other assets such as locally important buildings, earthworks and below ground archaeology and the landscape in which it sits. Together all these assets form an irreplaceable resource for understanding the past.
4.33.2 Listed buildings are protected by statutory controls, with listed building consent needed to carry out works to buildings. In addition, planning permission can be needed where changes require substantial changes or demolition. This policy therefore sets out the criteria against which such applications will be judged.
4.33.3 Conservation areas are legally defined as areas where special attention shall be paid to the

desirability of preserving or enhancing the character or appearance of that area. 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance ¹ . The special character relates to the quality and interest of an area as a whole, rather than just individual buildings. In conservation areas, the normal 'permitted development' rights which enable certain extensions and alterations to be carried out without the need to obtain planning permission are reduced, thereby bringing more development under planning control.
4.33.4 Development proposals in Conservation Areas will be required to be of a high quality and sensitive design and should be based on a careful consideration of issues such as scale, density, height and

	materials.
4.33.5	Proposals that will have an
	impact on any heritage asset,
	whether designated or not,
	should be accompanied by an
	assessment of the significance of
	the heritage asset and how that
	significance will be affected by
	the proposed development. The
	level of information required will
	be proportionate to the asset's
	significance and to the scale of
	impact of the proposal, and may
	require, where necessary,
	archaeological field investigation.
	Any heritage asset, whether
	designated or not, that is harmed
	by a proposal will need to be
	recorded by the developer to a
	level that is proportionate to its
	significance and to the scale of
	impact of the proposal. The
	information will need to be made
	publically accessible in the
	County's Historic Environment
	Record.

MM42	Policy COM1 – Principles for Services and Facilities	Reference to cultural facilities to be added:Proposals for the development of or extension to community services and cultural facilities, including proposals that 	To respond to a representation from the Theatres Trust (Response ID31)
MM43	Policy COM2 – Protection of Open Space, Sport, Leisure and Recreational Facilities	permitted where:Reference to cultural facilities to be added in first sentence:Development proposals that result in the loss of open space, sport, leisure, allotments and recreational and cultural facilities will not be permitted.	To respond to a representation from the Theatres Trust (Response ID35)
MM44	Policies Map/Policy COM2 – Protection of Open Space, Sport, Leisure and Recreational Facilities	School playing field sites to be removed from the open spaces layer:• Alston Primary School• Appleby Grammar School• Appleby Primary School• Appleby Primary School• Asby Endowed School• Beaconside CofE Primary School• Bolton Primary School	At the request of Cumbria County Council, who wish to see the land not designated as they may be needed for the future operation needs of the schools. (Response ID149). Some schools may still offer open space facilities for the wider population.

Drough Community Drimony
Brough Community Primary School
Calthwaite CofE School
Clifton School
Crosby Ravensworth CofE School
Culgaith CofE School
Greystoke School
High Hesket CofE School
Kirkby Stephen Grammar School
 Kirkby Stephen Primary School (EDC Play area on site)
Kirkby Thore School
Kirkoswald CofE School
Langwathby CofE Primary School
Lazonby CofE School
 Long Marton Community Primary School
Lowther Endowed School
Morland Area CofE Primary

MM45	Policies Map	Remove Howard Park, Greystoke from the Open Space designation. In private hands and included in error
		Warcop CofE Primary SchoolYanwath Primary School
		Ullswater Community College
		Temple Sowerby CofE Primary School
		Tebay Community Primary School
		St Catherine's Catholic Primary School
		Skelton School
		Shap Endowed CofE Primary School
		Samuel King's School, Alston
		Queen Elizabeth Grammar School, Penrith
		Plumpton School
		Nenthead Primary School
		School

MM46	Policies Map	To correct an error on Inset Map 13. Part	To respond to a representation from
		of the land shown in green is not public open space.	Mr Stephen Nicol (response ID1)
		Annex A shows the area which is privately owned, which corresponds to the pink area in Annex B.	
		There is no public access to this land and no rights of way through the land.	
MM47	Policies Map	Two areas of land have been omitted from the open spaces audit, these are Edensyde grid ref. NY775094, which is a developing woodland and Tarn Lane Meadow grid ref. NY771086. (to be confirmed)	To respond to a representation from Kirkby Stephen Parish Council (Response ID127)
MM48	Policies Map.	Includes Kirkby Stephen Football Club ground At Parrot's Park in Hartley Road (just inside Hartley Parish) which includes changing rooms on the open space layer. The Swimming Pool located at Kirkby Stephen Grammar School but not	To respond to a representation from Mrs A Sandell (Response ID127)
		belonging to the school is closed and unlikely to reopen in the foreseeable future – remove from the open space	

		layer.	
MM49	Policies Map	Add the School Site at Carleton, Penrith (east of Site E1).	To correct an error as it was omitted at Publication stage. It was included on the map at Preferred Options Stage.
MM50	Appendix 4 – Transport Assessments and Travel Plans	Delete the appendix. The guidelines set out in Appendix 4 are no longer used and the replacement ones are too detailed to include.	To respond to a representation from Cumbria County Council (Response ID156)

Minor Changes Made to the plan after Regulation 19 Publication.

The following table sets out minor typographical changes made to the plan under delegated authority since the Regulation 19 Publication Stage.

Policy/Paragraph Number	Change	Reason For Change
Contents page, page 5	Change the title of Policy RUR2 to refer to redundant rather than existing buildings, to bring in line with policy.	To correct an error.
Para. 3.1.5	Update "Ninety Nine" with "Eighty Eight" in the first sentence.	Prior to publication the list of smaller villages and hamlets has been updated, this number is therefore incorrect.
Para. 3.12.2	'Cumbria Cycle Way' replaced with 'Lakes and Dales Loop Cycle Route'	To update as the name has changed in October 2015. (Cumbria County Council Rep ID152)
Para. 4.28.3	Replace 'and' with 'as" in the sentence "to help meet greenhouse gas targets, as well as"	To make sentence read properly.

Appendix 1 – Changes to National Park Boundaries (1 August 2016) affecting Eden District.



Lake District and Yorkshire Dales National Park boundary extensions

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Key

- Eden District boundary
- Yorkshire Dales National Park
- Lake District National Park
- Vorkshire Dales National Park extension area
- Lake District National Park extension area

Appendix 2 – Requested changes to the boundaries of Site GT2 – Lakeland View Caravan site.





 Date:
 16th December 2015

 Scale:
 1:2500 @ A4

 Drawn by:
 PF/AD/Policy

 Location:
 Lakeland View, Inglewood Road, Penrith (GT2)

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