Independent Examination into the Soundness of the
Core Strategy Development Plan Document

Topic Paper 2
Legal Compliance Overview

Statement by Eden District Council
Main Matter 2
Legal Compliance Overview

Policies: Whole Document
Issues and Questions

2.1 What is the evidence to confirm that all the above legal requirements have been met? In particular what is the evidence to demonstrate that the requirements for the following matters are met?

(i) Has the Core Strategy been prepared in accordance with the Council’s Local Development Scheme (LDS); does its listing and description in the LDS match the submission document; have the timescales set out in the LDS been met?

The Core Strategy has been prepared in accordance with the current Local Development Scheme (LDS). This was submitted to the Secretary of State in December 2008, revised following comments from Government Office for the North West (GOMW) and published in March 2009. The role, subject and timetable for the preparation of the Core Strategy is set out in the LDS (ED6 pages 18 and 37) and it is considered that the document prepared matches the description as set out. Further evidence is set out in the Self Assessment of Soundness (CSD10 pages 3, 6 and 13). The timetable for preparation of the Core Strategy in the LDS (ED6 page 37) shows submission of the document to the Secretary of State in March 2009, the document was actually submitted a month later in April 2009.

(ii) Has the Core Strategy had regard to any Sustainable Community Strategy for the area, both County and District?

The Core Strategy has regard to two Community Strategies; the Cumbria Community Strategy 2008 to 2028 (ED9) is the county wide document and Eden Sustainable Community Strategy (ED8) produced by the Local Strategic Partnership. Both include visions and themes that reflect the long term desires of the area they cover. The Eden LDF is the one of the primary means of delivering the spatial elements of the Community Strategies. The Eden Sustainable Community Strategy and the Core Strategy share and support each others vision. The links between them are identified on page 9 of the Core Strategy Submission document (CSD1). Appendix 3 of the same document shows the linkages between each policy of the DPD and the Community Strategy. Further evidence can be found in Self Assessment of Soundness Document (CSD10) on pages 8 and 25 (Test 5).

(iii) Does the Core Strategy comply with the Statement of Community Involvement (SCI) and has the Council carried out all consultation consistent with the SCI?

The Core Strategy has been prepared in compliance with the Statement of Community Involvement (SCI) and has met the minimum requirements of the Town and Country Planning (Local Development)(England)(Amendment) Regulations 2008. The SCI was adopted by the Council in October 2006. Please see pages 17 and 18 of document ED3 and also pages 5 and 6 of document CSD5 and page 4 of document CSD6.
(iv) Has the Core Strategy been subject to a Sustainability Appraisal and has the Council provided a final report of the findings of the Appraisal?

The Planning and Compulsory Purchase Act 2004 places a duty on Local Authorities to undertake a Sustainability appraisal on each document that forms part of their LDF. The Core Strategy has been subject to a Sustainability Appraisal through each stage of production which has been integral to the development of the Submission document and included a range of various tests and assessments against sustainability objectives derived from national, regional and local indicators and sources of information. Initially the SA was undertaken by independent consultants Entec and a report covering the Issues and Options and partial Preferred Options stage was published in August 2006. This has since been supplemented by an Addendum Report and a revised Non Technical Summary. These documents are listed in the library list as CSD2, CSD3 and CSD4. Further evidence can be found in the Self Assessment of Soundness (CSD10) on pages 3,4,9,10,14 and 23.

(v) Were any requirements for Appropriate Assessment under the Habitats Regulations met before publication of the Core Strategy?

The Core Strategy DPD has been screened in consultation with Natural England, over the period March 2007 to June 2008. This was not possible at the Preferred Options' phase as the document was too far advanced when the revised Habitat Regulations were published. The screening report concluded that Appropriate Assessment was not necessary. This was confirmed by Natural England in their letter dated July 2008 (CSD8).

(vi) Does the Core Strategy contain any policies or proposals that are not in general conformity with the RSS, and if so, what is the local justification? Has the general conformity of the Core Strategy with the RSS been confirmed by the Regional Planning Body?

In accordance with Regulation 29, the Council can confirm that the Regional Planning Body has stated that the Core Strategy is in general conformity with the Regional Spatial Strategy (RSS). It is also confirmed that no policies have been considered to be non-conforming with the published RSS. Please see Representation 30 from 4NW.

(vii) Does the Core Strategy comply with the 2004 Regulations specifically regarding the publication of prescribed documents, their availability at the Council’s principal offices and on the Council’s website, the placing of local advertisements and notification of the DPD bodies?

The Council can confirm that the Core Strategy has been prepared in accordance with statutory procedures. Throughout its preparation the document has been available on-line with an ability to submit representations electronically. The document has also been available to view at the Councils principal offices in Penrith, Alston and Kirkby Stephen and the libraries in Penrith, Alston, Appleby, Kirkby Stephen, Shap and Lazonby.
Additionally the Council has placed advertisements in the Cumberland and Westmorland Herald notifying that documents have been prepared, where they can be inspected and how comments can be made. Copies of these are attached at Appendix 1 and relate to the preparation of the Preferred Options and the Submission documents.

Details of the bodies consulted on the Issues and Options and Preferred Options documents can be found in the Statement of Consultation (CSD5 pages 7 and 17). Details of bodies consulted on the Submission document can be found in the Statement and Summary of Representations Received Following Publication (CSD9 page 18).

(viii) Does the Core Strategy contain a list of superseded saved policies? (This is not clear from Appendix 3)

Appendix 3 of the Core Strategy DPD contains the list of superseded saved policies but the council acknowledges that this was not made entirely clear. It is the intention to insert a table listing all the superseded policies. Please see the Schedule of Amendments reference AM28.

2.2 Should reference to the ‘adoption’ of the RSS be changed to ‘publication’?

The reference on page 17, paragraph 2.33 which refers to the ‘adoption’ of the RSS will be changed to ‘publication’. Please see the Schedule of Amendments reference AM2.
Appendix 1

Newspaper Advertisement
Core Strategy Preferred Options Development Plan Document
Cumberland and Westmorland Herald – 26 November 2006

Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development)
(England) Regulations 2004
Regulation 26 – Notice of the pre-submission proposals
Core Strategy Preferred Options Development
Plan Document

Eden District Council has prepared the Preferred Options version of the Core Strategy Development Plan Document, which is part of the Eden Local Development Framework. The authority invites representations on the preferred options set out in that document. Representations will be considered to assist in the preparation of a revised document that will be submitted to the Secretary of State in 2007. The consultation period will run from Monday 27 November 2006 to Friday 12 January 2007.

The Core Strategy provides the overall vision, aims, objectives and spatial policies for the development of Eden District in the next 15 years. The Core Strategy, when adopted, will set out the overarching spatial framework for development in the area for the period 2006 – 2021 and subsequent development plan documents will have to conform to this. A Sustainability Appraisal report on the Preferred Options is also available for public consultation. It will cover the whole of Eden District that lies outside the Lake District National Park.

It will be available to view between 8.45 a.m. and 5.15 p.m. Monday to Thursday, and 8.45 a.m. and 4.45 p.m. on Fridays at both of the main Council offices:

Town Hall, Penrith, CA11 7QF
Mansion House, Penrith, CA11 7YG

Copies will also be available to view at the following public buildings during their normal opening hours:

Alston Council Centre:
The Town Hall, Alston
Alston Library:
Market Place, Alston
Appleby Library:
Low Wiend, Appleby
Kirkby Stephen Community
and Council Centre:
17 Market Street,
Kirkby Stephen
Kirkby Stephen Library:
15 Market Street,
Kirkby Stephen
Penrith Library:
St. Andrew’s
Churchyard, Penrith
Shap Library:
The Old Courthouse,
Main Street, Shap

The document is also available on the Council’s website www.eden.gov.uk

The Core Strategy Preferred Options can be made available in alternative formats on request.

Representations can be made between 27 November 2006 and 12 January 2007 and should be sent to the Planning Policy Manager, Planning Policy, Department of Policy and Performance, Eden District Council, Town Hall, Penrith, CA11 7QF or by email to loc.plan@eden.gov.uk

Further information regarding the Core Strategy and the Local Development Framework generally can be found on the Council’s website.

Ian Bruce
Chief Executive
25 November 2006

Eden District Council
Newspaper Advertisement
Core Strategy Submission Version Development Plan Document
Cumberland and Westmorland Herald – 20 September 2008

Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development)
(England) (Amendment) Regulations 2008
Regulation 27 – Publication of the Core Strategy
Development Plan Document

Eden District Council has prepared the submission version of the Core Strategy Development Plan Document, which is part of the Eden Local Development Framework. The authority invites representations on the policies set out in that document. The consultation period will run for a period of six weeks from Monday 22 September 2008 to Friday 31 October 2008.

The Core Strategy provides the overall vision, aims, objectives and spatial policies for the development of Eden District in the next 15 years. The Core Strategy, when adopted will set out the overarching spatial framework for development in the area for the period 2008 – 2021 and subsequent development plan documents will have to conform to this. A Sustainability Appraisal report on the submission document is also available for public consultation. It will cover the whole of Eden District that lies outside the Lake District National Park.

The documents will be available to view between 8.45 am - 5.15 pm Monday to Thursday and 8.45 am - 4.45 pm on Fridays at the main Council offices:
Town Hall, Penrith, CA11 7QF
Mansion House, Penrith, CA11 7YG

Copies will also be available to view at the following public buildings during their normal opening hours:
Alston Council Centre: The Town Hall, Alston
Alston Library: Market Place, Alston
Appleby Library: Low Wield, Appleby
Kirkby Stephen Community and Council Centre: 17 Market Street, Kirkby Stephen
Lazonby Library: Co-Op Stores, Lazonby
Penrith Library: St. Andrew’s Churchyard, Penrith
Shap Library: The Old Courthouse, Main Street, Shap

The document is also available on the Council’s website www.eden.gov.uk/idf-core-strategy

The Core Strategy Submission Document can be made available in alternative formats on request.

Representations can be made between 22 September 2008 and 31 October 2008 and should be sent to the Planning Policy Manager, Department of Policy and Performance, Eden District Council, Town Hall, Penrith, CA11 7QF or by email to loc.plan@eden.gov.uk

If you wish to be informed of the submission of the Core Strategy to the Secretary of State, the publication of the Inspector’s recommendations or the adoption of the Core Strategy please submit your contact details to the address above.

Further information regarding the Core Strategy and the Local Development Framework generally can be found on the Council’s website.

Kevin Douglas
Chief Executive
19 September 2008
Newspaper Advertisement
Core Strategy Final Submission Version Development Plan Document
Cumberland and Westmorland Herald – 7 February 2009

Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

Regulation 27 – Publication of the Core Strategy Development Plan Document

Eden District Council has prepared the submission version of the Core Strategy Development Plan Document, which is part of the Eden Local Development Framework. The authority invites any further representations on the policies set out in that document. The consultation period will run for a period of six weeks from Monday 9 February 2009 to Friday 20 March 2009.

The Core Strategy provides the overall vision, aims, objectives and spatial policies to the development of Eden District in the next 15 years. The Core Strategy, when adopted will set out the overarching spatial framework for development in the area for the period 2009 – 2024 and subsequent development plan documents will have to conform to this. A Sustainability Report on the submission document is also available for public consultation. It will cover the whole of Eden District that lies outside the Lake District National Park.

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Mansion House, Penrith, CA11 7YG

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The Town Hall, Alston

Appleby Library:
Low Wield, Appleby

Kirkby Stephen Library & Council Centre:
15 Market Street, Kirkby Stephen

Lazonby Library:
Co-op Stores, Lazonby

Penrith Library:
St. Andrew’s Churchyard, Penrith

Shap Library:
The Old Courthouse, Main Street, Shap

The documents are also available to view on the Council’s website www.eden.gov.uk/lddf-core-strategy.

The Core Strategy Submission Document can be made available in alternative formats on request.

Representations can be made between 9 February 2009 and 20 March 2009 and should be sent to the Planning Policy Manager, Department of Policy and Performance, Eden District Council, Town Hall, Penrith, CA11 7QF or by email to lddc.plan@eden.gov.uk.

If you wish to be informed of the submission of the Core Strategy to the Secretary of State, the publication of the Inspector’s recommendations or the adoption of the Core Strategy please submit your contact details to the address above.

Further information regarding the Core Strategy and the Local Development Framework generally can be found on the Council’s website www.eden.gov.uk

Kevin Douglas
Chief Executive
5 February 2009