

Lazonby Neighbourhood Plan 2014 - 2029

Initial Comments of the Independent Examiner

Note added by Eden District Council:

- **Comments in brown: Lazonby Parish Council Neighbourhood Plan Steering Group [LPC]***
- **Comments in purple: Eden District Council [EDC]**
- **Comments in green: Cumbria County Council [CCC]**
- **Comments in blue: Hesket Parish Council [HPC]**

***Text in a black, bold font where it relates to policy wording has also been supplied by LPC.**

Prepared by

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John Slater Planning Ltd

22nd August 2018

1. As you will be aware, I have been appointed to carry out the examination of the Lazonby Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. Earlier this week, I visited the village and the surrounding countryside to familiarise myself with the plan area.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only, but that will, to a large extent, depend upon the responses I receive to this note. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination and indeed that may well be required to enable me to fully explore some issues. I will confirm my conclusions on that matter when I receive all the responses.
3. I have included in the title of the headings which party I am expecting to respond to each topic.

Regulation 16 Representations – LPC to respond

4. I would firstly offer the Parish Council an opportunity to comment on any of the Regulation 16 consultation responses, if it so wishes.

LPC: Unfortunately, most of the Steering Group is either on holiday, or about to go on holiday, so it has not been possible to discuss them. Looking through them, most repeat either wholly, or in part, previous consultation responses. These have already been dealt with (see Consultation Statement for details of the LNP response). We have not, so far, received any requests from EDC to make alterations in the light of the responses.

Habitat Regulation Assessment. –EDC to respond

5. A recent judgment from the Court of Justice of the European Union ‘People over Wind, Peter Sweetman v Coillte Teoranta (Case C-323/17)’ ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage.
6. The precise wording of the ruling is as follows:

“Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.”
7. I am therefore inviting the District Council to consider whether the HRA Screening Report dated June 2017 needs to be updated in the light of the Sweetman judgement made earlier this Spring. I have noted in relation to Tables 3 and 4 as well as the assessment criteria set out in Box 2, that the screening assessment relies, in some instances, on assumptions related to

mitigation being provided.

EDC: The measures in place that will prevent adverse impacts on the River Eden SAC include appropriate construction working practices and surface water drainage systems. These mitigation measures are integral to development i.e. they would be employed whether the development affected a protected site or not and are not "measures intended to avoid or reduce the harmful effects of the plan or project on that site". Therefore, these measures can be considered at screening stage and an Appropriate Assessment is not required.

8. Once the screening has been reassessed in the light of this judgement, I would request that the Eden District Council planners inform me whether there is a need to update the screening and then if necessary provide me with the updated document or timescale for its preparation.

EDC: For the reason set out above, Eden District Council does not consider there to be a need to update the Screening Opinion.

Local Green Space – LPC to respond

9. Paragraphs 76 and 77 of the 2012 NPPF allows neighbourhood plan to identify for special protection, green areas of particular importance and that such protection will not be appropriate for most green areas or open space. Section 6.3 of the Lazonby Plan deals with New and Existing Open Spaces, Local Green Spaces and Rights of Way. Policy D6 does not identify which areas are to be given the highest level of protection – it states "Local Green Spaces, **such as** Will Pool and its setting and the Sports Field will be protected from development." If the plan is to designate areas of Local Green Space (LGS) then it needs to be clear as to what open spaces are included. I am further confused by the reference in Figure 8 to a Proposed Local Green Space. That appears to relate to the riverbank between the road and the River Eden, rather than the riverside car park and picnic site.

LPC: Paragraphs 76 and 77 of the 2012 NPPF allows neighbourhood plan to identify for special protection, green areas of particular importance and that such protection will not be appropriate for most green areas or open space. Section 6.3 of the Lazonby Plan deals with New and Existing Open Spaces, Local Green Spaces and Rights of Way. Policy D6 does not identify which areas are to be given the highest level of protection – it states "Local Green Spaces, such as Will Pool and its setting and the Sports Field will be protected from development." If the plan is to designate areas of Local Green Space (LGS) then it needs to be clear as to what open spaces are included. I am further confused by the reference in Figure 8 to a Proposed Local Green

Space. That appears to relate to the riverbank between the road and the River Eden, rather than the riverside car park and picnic site.

Suggest rewording D6 to remove any confusion:

Policy D6: Protection and Provision of existing open space, land of amenity value and Local Green Spaces. The Local Green Spaces, shown on Fig 8 and described in Table 1, will be protected from development.

The area along the riverbank is a part of the area includes the car park and picnic area.

10. At the present time, I do not feel that the plan provides the evidence to justify how and why the suggested open spaces meet the 3 criteria set out in Para 77 of the Framework – Table 1 merely refers to the use of the land, acts of maintenance and structures on land and/ or leased, information which is frankly irrelevant to the test of why they are considered “demonstrably special to the local community”. I would expect that not all the open spaces would meet the threshold for justifying the highest level of protection and some such as the swimming pool are more akin to being community assets rather than open spaces.

LPC: See Table, below, with additional column setting out NPPF criteria.

| Name and Grid Reference | Fig 8 | Use of Land | Acts of Maintenance | Structures on land and /or leased | NPPF para 77 criteria, note that none of the assets are extensive tracts of land, and all are local in character having evolved over a number of years |
|---|--------------|--|--|--|---|
| Will Pool NY543 392 | 1 | Recreation and picnic area for villagers. Pond dipping. To be registered as a Community Asset by LPC. | Regular mowing of grass: Dredging of pond; Erection of Pontoon and new picnic benches; Pruning and maintenance of tree. Maintenance of existing seating. | Picnic tables and seating, pontoon and information boards erected by LPC. Bridge over stream erected by Villager (Mr Kidd) | Close to community. Special for wildlife, historic significance and recreational value |
| Old Post Office/Old School/ Croglin Designs Land NY546 395 | 2 | Building leased to Mr Butler as ‘Croglin Designs’ . | Tree on land outside shop pruned by LPC. | Bench, steps and rail installed by LPC. | In community. Special for historic significance, important tree |

| Name and Grid Reference | Fig 8 | Use of Land | Acts of Maintenance | Structures on land and /or leased | NPPF para 77 criteria, note that none of the assets are extensive tracts of land, and all are local in character having evolved over a number of years |
|---|--------------|---|--|---|---|
| Land Adjacent to Parish Church NY549 397 | 3 | General amenity land/open space | Regular mowing of grass | Millennium Stone and Time Capsule installed and maintained by LPC. Bench installed by LPC | In community. Special for historic significance and tranquility |
| Brooklyn Green Area NY550 397 | 4 | Picnic area for villagers. General amenity land/open space | | Tree planted by WI with permission of LPC in 1951 | In community. Special for tranquility and recreational value |
| Sports Field NY551 396 | 5 | Recreation area for villagers; Used by Village Scout/Cub group; Sheep grazing. To be registered as a Community Asset by LPC. | LPC maintain the fences and insure the goal posts. | Part of field leased for sheep grazing to highest bidder, from 1 st April – 30 th November. Remainder leased to Scouts/Cubs as Sports Area. | Close to community. Special for recreational value |
| Bateman's Lane NY552 398 | 6 | Nature trail and access track. | Gate to Bateman Lane repaired and maintained by LPC | Wooden Bridge. Two gates and posts. | Close to community. Special for wildlife and recreational value/tranquility |
| Riverside Car Park/Picnic Site NY549 402 | 7 | Recreation area for villagers. River is fished – LPC has fishing rights which are licensed to the public. | Regular mowing of grass. Promotion and maintenance of wild flower area. Inspection and Cleaning of Recycling area in accordance with Adoption Agreement. | Recycling bins installed by EDC and adopted by LPC in 2009. | Close to community. Special for recreational value |
| Coronation Gardens NY549 392 | 8 | Recreation area with swings. To be registered as a Community Asset by LPC. | Owned by Cumbria County Council who mow grass and undertake weekly inspection of swings | Swing structure put in by Penrith Rural Council and replaced and safety surfacing laid by EDC in 1993 | In community. Special for recreational value |

| Name and Grid Reference | Fig 8 | Use of Land | Acts of Maintenance | Structures on land and /or leased | NPPF para 77 criteria, note that none of the assets are extensive tracts of land, and all are local in character having evolved over a number of years |
|---------------------------------------|-----------|--|--|--|--|
| Community Park NY552 398 | 9 | Recreation area with various pieces of equipment and Willow tunnel. To be registered as a Community Asset by LPC. | Grass mown, equipment inspected and bins emptied. Upkeep is responsibility of Lazonby and District Swimming Pool. | Recreation equipment paid for and put in place by Community Park Committee (now defunct) with Lottery Grant funding. | Close to community. Special for wildlife and recreational value |
| Swimming Pool NY552 399 | 10 | Outdoor swimming and fitness activities + café. To be registered as a Community Asset by LPC. | Upkeep is responsibility of Lazonby and District Swimming Pool. | Swimming Pool | In community. Special for recreational value |
| Scaur Close Green NY547 394 | 11 | Small triangle of land at end of Scaur Close. Is registered as a Village Green | Wild flowers and trees looked after by villagers | | In community. Special for recreational value |

11. Would it be better to consolidate the Protection of Open Spaces within Policy D6 to cover LGS and other protected open spaces and then deal with the requirement to provide new open spaces and then the provision of new open space and enhancement of existing open space within Policy D7 which deals with New Recreation and Play Areas?

LPC: Suggest rewording D7 as follows:

Policy D7: New Recreation and Play Areas

New recreation, amenity and play areas for the whole community will be encouraged in any new development proposals (see Policy D6 for existing green spaces). Developments of 10, or more, dwellings, or of sites of 0.5 ha, or greater, will be expected to provide an area of public open space in line with the indicative quantity standards (hectares per 1000 population) set out in relation to Policy COM3 of the Eden Local Plan (Oct 2015), with details to be agreed to the satisfaction of the Parish Council, as a part of any proposals that are submitted. The space need not be within the proposal site boundary, but should be in proximity to it. As a part of this policy the following proposals have been incorporated within the plan.

- 1) **Improvements to the current Sports Field (Fig 8, 5) area to include a hard surface area for netball, basketball and tennis as well as all-weather pitches to allow football and cricket to take place.**
- 2) **A new recreation area at the top of the village to be part of a potential further housing development on Scaur Lane (see Fig 8).**

Plan Period – EDC and LPC to respond separately

12. The submitted document has a plan period ending in 2029. It has been suggested that it would be more appropriate for the plan period to coincide with the end date of the new emerging Local Plan, which is 2032. Does the Parish Council or the LPA have any views on that suggestion and does it have any impact on the question of housing numbers that would be relevant to the plan?

LPC: This is largely a reflection of the fact that work on the LNP was probably started before the Local Plan and we settled upon a fifteen-year timescale. We are not ideologically wedded to the 2029 date and, assuming there is no impact upon housing numbers, we would be willing to alter the end date to 2032.

EDC: As work on the Lazonby Neighbourhood Plan commenced concurrently with the Eden Local Plan 2014 - 2032, it was determined that Lazonby Parish Council should decide upon its own site allocations whilst acknowledging a requirement to allocate sufficient housing land to deliver (a minimum of) 106 homes over the Plan period to 2032. This equates to an annual delivery rate of 5.9 homes p/a although 46 dwellings had already been completed as at November 2017 (when the Council undertook public consultation on the Further Main Modifications to the Eden Local Plan).

The Lazonby Neighbourhood Plan seeks to allocate sufficient land to deliver 126 units over a 15 year period of 2014 – 2029 with a further 35 dwellings expected to come forward on windfall sites (an overall an annual delivery rate of 10.7 dwellings p/a). These figures are somewhat in excess of the Eden Local Plan requirement although it is acknowledged that the Lazonby Plan stops three years short of the Eden Local Plan.

Whilst Eden District Council does not foresee a significant issue in the Plan end dates being different, the Council would equally support an amendment to the Lazonby Plan period to bring it into line with the Eden Local Plan of 2014 – 2032. Furthermore, this would not necessitate LPC having to identify additional suitable housing land as the NDP identifies more than sufficient land to meet the ELP housing target of (a minimum of) 106 homes over the

Plan period to 2032. Even if it is concluded that the residential development of Heskett Park does more to meet the housing needs of High Heskett than Lazonby (and thus 25 dwellings is removed from Lazonby's supply of sites), Table 5 of the NDP identifies sufficient land for 101 dwellings and, in addition, makes a provision for 35 dwellings to come forward on windfall sites.

13. Could the LPA give me its best estimation for the date the new Eden Local Plan is likely to be adopted.

EDC: The Eden Local Plan was adopted by Council on 11 October 2018.

Heskett Park- EDC, LPC and Heskett Parish Council to respond as appropriate

14. I have some reservations about whether Heskett Park is a sustainable location for a major housing development for approximately 25 homes of which at least 8 will be affordable units. Paragraph 38 of the NPPF 2012 states that where practical, key facilities such as primary schools and local shops should be within walking distance of most properties. Clearly this development would be looking towards High Heskett for the local primary school but as an allocation it will be looking to meet Lazonby's local housing need. I need to understand why this location which is some way outside of the settlement of High Heskett is considered to be a sustainable housing location. I note that it is pointed out that it is on a bus route but I would ask what is the frequency of the bus services and where is the nearest bus stop to the site.

LPC: EDC will be able to supply a full planning history for the site, but the LNP involvement began when the site owner approached the Steering Group at a consultation event and expressed a desire to put the site forward. We recognised the opportunity for affordable units, in particular, and after further consideration allocated the site in the plan. EDC were initially against its allocation, but after discussion with their planning team, EDC became supportive. We have made numerous attempts to engage with Heskett parish council through the consultation process, but no comments from them have been forthcoming until the Reg 16 consultation, so we are somewhat surprised that they have come forward with comments at this late stage.

Clearly the site is closer to High Heskett village than to Lazonby village, but the LNP has always been for the whole parish, not just the village (two important members of the Steering Group reside at Low Plains, in the north part of the parish).

With regard to sustainability you note that both Lazonby and High Heskett are designated as Key Hubs in the Local Plan since they have a range of services available, not present in the smaller villages. The Heskett Park site is within 200m of a row of shops, it is located within 100m of a bus stop, with two buses an hour service to Penrith or Carlisle. Note that this is significantly

better than Lazonby village which has one shop, and only two buses a week. There is also a nearby train service at Armathwaite.

You are correct to point out that there would probably be some impact on the local primary school (roughly 450m distant), although bus travel to Penrith would be relatively straightforward, and the primary school was not identified as a constraint with regard to the other housing sites allocated in High Hesket for the Local Plan in the relevant Area Profile. As already noted the site has been discussed with EDC and no significant issues were raised with regard by the Highways department. There is an existing footpath towards High Hesket, but this could be improved. We would expect issues such as this to be dealt with through the planning system as and when an application comes forward.

EDC: The location of the site, surrounded by open countryside, does not automatically make it isolated, unsustainable or development inappropriate, particularly with reference to the Framework's (2012) definition of sustainability. The Framework indicates that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. However, it does not require gains in each of these three roles, only that they should be sought and a balanced judgement reached over the three roles. It does not adopt an interpretation of 'sustainable' based narrowly on a site's locational characteristics, as you intimate. Notwithstanding this, the site is not in an isolated countryside location being approximately 0.6km of High Hesket (which is a designated Key Hub in the ELP), within 0.9km of High Hesket Church of England Primary School, within 100m of a bus stop (with two buses per hour between Penrith and Carlisle) and within 200m of a row of shops.

The development of the site, as proposed by the Lazonby NDP, would contribute to building a strong, responsive and competitive economy with the proposals bringing a number of economic and fiscal benefits in terms of job creation and increased expenditure in the local economy.

The residential development of the site also has the potential to increase the supply of housing of a type that meets the needs of the area; the Council is currently in the process of undertaking a Housing Needs Study and it is anticipated that, on completion, it will be used to inform the mix of housing in residential proposals in accordance with Local Plan Policy HS4 – Housing Type and Mix. In this way the allocation fulfils a social role.

The residential allocation also performs an environmental role by enhancing the local built environment through the provision of high quality, well designed homes. The redevelopment of the site would quite likely have a neutral visual appearance of the site and it is not anticipated to have any significant detrimental impact on the natural, built or historic environment sufficient to

deem the proposal unacceptable.

15. I saw from my site visit that the site is laid out as mobile home plots, but there were only approximately 6 mobile homes on the sites. Can the LPA provide me with full planning history for the site, setting out what is the authorised planning use, what are the planning conditions relating to its use – are there restrictions for permanent dwellings or seasonal occupation – or is it approved for travelling caravans. Are there any relevant site license conditions? Do the buildings constitute a use of the land or operational development?

EDC: In respect of the site's planning history, please see Appendix A.

The planning application which confirms the current lawful use of the site is: 04/0277: "full redevelopment of existing caravan park from 22 static units and 25 tourers to 37 static units" at Hesket Park, High Hesket. This was approved on 6 May 2004 subject to various conditions including condition #2 which states: "the occupation of each of the 37 caravans hereby permitted shall be used for holiday accommodation only and for no other purpose," with the reason provided stating that "the development is not considered to be suitable for permanent residential accommodation in the interest of the amenity of the surrounding area."

An attempt was made in 2005 (ref: 05/0926) and another in 2012 (ref: 12/0813) to remove condition #2 of planning permission ref: 04/0277. However, both applications were refused due to the proposal not complying with the Development Plan policies of the time (and, in the case of 04/0277, non-compliance with national and emerging policy as well) – see Appendix A for decision notices and Officer/Committee reports.

However, two personal and temporary planning permissions were eventually issued on 20 August 2014 to the occupants of two static units (see 14/0328 and 14/0329) following enforcement proceedings against the unauthorised use of the caravans for residential accommodation, which commenced in 2005 (the relevant appeal decision, dated 6 October 2008, is provided in Appendix A). These permissions were granted in light of the strong and compassionate personal reasons specific to the two families concerned.

A copy of the 2004 site license and relevant conditions is provided at Appendix B. Unfortunately, due to an administrative oversight, the site license does not reflect the current planning status of the site (i.e. it does not reflect the 2014 personal and temporary permissions for the permanent occupation of two of the static caravans). This is in the process of being addressed and any new site license and conditions would be informed by the 'Model

Standards 2008 for Caravan Sites in England', but has no impact on the planning status of the site.

In terms of whether the buildings constitute a use of land or operational development, the only permanent building on the site is a large store building which services the site. The caravans constitute use of land and not operational development.

16. The definition of previously developed land as set out in the Glossary of the 2012 Framework is "land which is or was occupied by a permanent structure, including the curtilage of the developed land and any fixed surface structure." I would be interested in knowing whether the LPA has any views on the acceptability of this as a major residential development and in particular whether it considers that a safe access can be achieved for this scale of development. Are there other planning constraints affecting the site?

CCC: In respect of the access to the development we consider that appropriate S278 works could improve the highway access to the site which would ensure it is appropriate to the development. It was identified that right hand turning lanes could be an issue and a S278 agreement / planning conditions could be used to overcome this.

EDC: The acceptability of redeveloping the site for residential use is considered in the context of our response to para 17 below. There are no known planning constraints affecting the site.

17. I note that in the new Local Plan that both Hesket and Lazonby are designated as Key Hubs, but in view of the distance of the site from the settlement of Lazonby, should the housing numbers contribute to meeting the housing needs of Hesket? I note that that the draft Policy RUR 1 sets housing targets for settlements rather than parish council areas. Does the LPA consider that the allocation is in general conformity with the strategic policies in both the adopted plan and also the emerging plan, in view of the fact that the latter could be adopted in the near future? Is there capacity within the local primary school at High Hesket to accommodate this development along with the development already expected to take place in High and Low Hesket. Could somebody calculate the distances children would have to walk to and from the site to the school?

CCC: The distance to High Hesket Primary school is approximately 1020m. Currently there is no safe walking route. A full assessment of would be required to assess if this could be provided. A desk top assessment seems to indicate that there is adequate space to ensure that there is an appropriate footway all the way to the school – this has also been requested as part of

the proposed Town Head development and would also be requested as part of any development here. Again this could be carried out as S278 agreement.

In respect of education requirements, the proposed allocation suggests it would support 25 units. It expected that a development of this size would yield around 9 school aged children (5 primary and 4 secondary).

The nearest primary school is High Hesket Primary School. There are currently no available places and forecasts show that this will remain the case for the foreseeable future.

The catchment secondary school is Ullswater Community College. This has no places and is projected to remain full.

It must be noted that all references to availability of school places to address the effects of development are high level and represent a snap-shot in time. Trends in parental preference for school places can alter over time and pupil projections will change to reflect this, thereby affecting the projected availability of places in any particular area. Moreover this is a high level assessment which does not prejudice the in-depth consideration of individual planning applications at the point of their submission. It should also be noted that during the plan period, there may be changes in school capacities outwith the control of Cumbria County Council (e.g. at academies) which may alter the availability of school places.

As it stands an educational contribution would be needed from the developer to mitigate the effect on both schools and as Ullswater Community College lies over 9 miles from the site it is therefore likely that a further transport contribution to support school transport would be needed.

EDC: The site at Hesket Park lies just south of Old Town (identified within the list of Smaller Villages and Hamlets in ELP Policy LS1 – Locational Strategy) and, as such, is located within the ‘Other Rural Areas’. Strategic Policy LS1 states that in ‘Other Rural Areas’ development will be restricted to:

“...the re-use of traditional buildings, the provision of affordable housing as an exception to policy only, or where proposals accord with other policies in the Local Plan. Some market housing may be acceptable in accordance with the criteria in Policy HS1. To qualify as rural exceptions housing the site must be in a location considered suitable for the development of affordable housing. Evidence will need to be given as to why the scheme’s benefits to the locality are such that it justifies an exception to policy”.

In considering whether the Council could support the allocation of Hesket

Park for housing in the Lazonby NDP, particularly in view of failed attempts in 2005 and 2012 to secure planning permission for the permanent residential occupancy of the caravan park, it took into account the following factors (some of which were not previously a consideration):

- 1. Following discussions with the Council's Affordable Housing Officer, regarding the application of Policy LS1, it was agreed that it would not be desirable to seek a development comprising 100% affordable housing on a site of this size (given its potential yield) as this could create a ghetto of affordable housing. This form of development would be contrary to the aspirations of Policy HS4 – Housing Type and Mix, which states that 'it is expected that on larger sites a mix of types and sizes of dwellings will be provided to meet a range of needs and demands' (para 4.11.1). It is therefore the Council's view that this site should be redeveloped for a mix of market and affordable housing.*
- 2. Planning Policy Officers are of the view that the proposed allocation accords with 'other policies in the Local Plan', namely Policy DEV1 – General Approach to New Development, which reflects the presumption in favour of sustainable development contained in the Framework (we address why this is the case, in detail, in para 14 above), not least of all because it is one of a few large underutilised brownfield sites in the District and its redevelopment would reduce greenfield land take.*
- 3. At a similar time of advising Lazonby NDP Steering Group on the allocation of Hesket Park, an outline planning application (15/0841) was pending for the residential development of a 0.95 ha brownfield parcel of land in an area known as Old Town, located approximately 450 metres to the south of the main established settlement at High Hesket and 240m to the north of Hesket Park (the illustrative plans suggest c. 27 dwellings). This was subsequently approved on 23 August 2017. With only a single field separating Hesket Park from Old Town (with a frontage width of approx. 130m), any redevelopment of Hesket Park would visually and physically appear part of Old Town (than an isolated development in the rural area) with a modern residential development 'anchoring' it at either end.*
- 4. Finally, the residential allocation of Hesket Caravan Park is NPPF (2012) compliant, being a brownfield site surrounded by open countryside. In the Framework (2012), there is no part of it that specifically addresses the issue of the redevelopment of brownfield sites within land designated as open countryside. However, Green Belt is, by definition, open countryside and it is well understood that the policy basis for open countryside should be more flexible (or at the very least, no more restrictive) than that*

pertaining to the Green Belt. In this regard, the Framework (para 90) provides for a range of developments that are appropriate in the Green Belt, including:

“...the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings)...”.

The definition of previously developed land [PDL] is found in the Glossary to the Framework (page 55) and states that this includes “land which is or was occupied by a permanent structure, including the curtilage of developed land and any associated fixed surface infrastructure.” The planning history of the site, which indicates that Heskett Park has previously accommodated a bungalow and a restaurant, together with the fact it currently accommodates a large store, confirms that the site is indeed previously developed land.

In conclusion, the redevelopment of Heskett Park is policy compliant. Furthermore, and as previously outlined, there are a number of material considerations supporting the redevelopment of the site for residential use.

18. On a related issue, I need to make a recommendation, if the plan is to go forward, as to whether the area for the referendum should be extended beyond the plan area. In view of the fact that the impact of the Heskett Park allocation would be more likely to be on the settlement of High Heskett, rather than Lazonby village, I would welcome representations from both Lazonby Parish Council and Heskett Parish Council, on the question as to whether the referendum area should be extended to include High Heskett and if I were to extend it, where the referendum area should be drawn.

LPC: We believe that the area should not be extended since the development of the Heskett Park site is one minor element in the overall compass of the LNP. As already noted, the LNP covers the whole of Lazonby parish, of which the Heskett Park is a part. The nearest part of the parish boundary is roughly 100m beyond the edge of the Heskett Park site and the edge of the village is about 400m away. There has been a recent boundary survey of both the Heskett and Lazonby parishes and no representations with regard to varying the boundary were made by Heskett Parish Council, although the allocation of the Heskett Park site had been well-established and consulted upon by that time. There has been extensive consultation upon the LNP and Heskett Parish Council has been invited to events and asked, via letters and e-mails, to provide any comments they may have upon the LNP on numerous occasions. Until the recent Reg 16 consultation, they have chosen not to do so.

Heskett Parish has a population roughly two-and-a-half times that of Lazonby Parish, thus we are concerned that including any voters from Heskett within the electoral area would potentially unbalance the result on what is one small

element of the overall plan. It would be incongruous to give Hesket residents a vote on the plan and it would not be appropriate to extend the franchise. The only potential 'negative' impact will possibly be upon the school which currently backs onto several open spaces which might provide opportunity for future expansion, if necessary.

HPC: As a Parish Council, we have concerns regarding the inclusion of a proposed development at Hesket Park in Lazonby Parish Council's Neighbourhood Plan. We share many of the concerns raised by the Independent Examiner. This site is situated on the very periphery of Lazonby Parish, to the extent that residents of the 25 proposed properties will be looking to use the facilities (schooling, doctors surgeries etc.) at High Hesket and not within Lazonby Parish itself. However, it is also over a mile from High Hesket, and will therefore not be an integrated part of that community. As the Examiner pointed out, the closer proximity to High Hesket would make such a development more applicable to contributing to the housing needs of Hesket than of Lazonby. However there are already development plans for additional properties to be built within both High and Low Hesket villages, and we believe that these already meet our quota of housing need. Additionally, this site has previously been used as a park homes site, and been refused planning permission from Eden District Council to make the site residential.

Hesket Parish Council therefore strongly objects to the inclusion of this proposed development in Lazonby Parish Council's Neighbourhood Plan

EDC is content to leave it to the Inspector to decide whether, in his opinion, the referendum area should or should not be extended to incorporate High Hesket. Whilst it is disappointing that Hesket Parish Council does not support the redevelopment of the Hesket Park for housing, this is the only matter (in a lengthy and detailed NDP that has taken a number of years to prepare) upon which it has only now expressed an opinion at this very late stage. EDC would be very concerned that should the referendum area incorporate High Hesket, residents in Hesket Parish could vote 'no' based on a singular issue and thus result in overall 'no' return. This would undo much hard work and effort invested by residents of Lazonby Parish in preparing their Neighbourhood Plan. One option for the Inspector might possibly be to exclude/remove Hesket Park from the NDP, as this could more properly be dealt with through the planning application process, and thereby remove the impact that the allocation of this site would have on High Hesket. In doing this there would be no need to consider extending the referendum area and it would be solely for the residents of Lazonby Parish to vote on whether to adopt the Plan.

In respect of HPC's comments in response to para 18, regarding permitted

developments meeting their 'quota of housing need', it is appropriate to acknowledge that the housing targets set out in Eden Local Plan Policy RUR1 are just that – a 'target' and not a cap/ceiling on development. This is made clear in Policy LS2 which states that "a minimum of 242 homes per year will be built in the Eden District..."

19. I have read the Regulation 16 representation from Hesket Parish Council and I understand they did not initially comment at Regulation 14 stage. Their representation essentially objects to the "plans to build on land on the fringe of the parish". I am taking this opportunity to invite Hesket Parish Council to elaborate on its objections if it so wishes, to state the reasons why it objects to the allocation as well as to comment on the referendum question I have referred to above.

[HESKET PARISH COUNCIL HAS NOT SPECIFICALLY RESPONDED ON THIS POINT].

Development within the Village Boundary – LPC and EDC to respond

20. There appears to be some discrepancy between Policy D2, which states that "There are, in addition, a number of smaller, potential windfall sites within the village boundary suitable for **up to three** dwellings" and Policy H1 "The development of **single** dwellings will also be supported on sites not allocated in this plan that are either within the settlement boundary...." I also read that "there is a general consensus accepting small developments of up to five units". Whilst visiting the village I saw there were a number of opportunities for development that could take place within the village envelope, close to village amenities, that could accept even more than 5 dwellings, depending on the size of the units (5 no 4 bed units take up more site area than 6 two bed units). I would welcome views on a proposal that there should be a general presumption in favour of residential development within the settlement boundary, rather than just on the allocated sites and windfalls of single dwellings. In fact, I note that one of the allocation sites is for a single dwelling.

LPC: You are correct to point out the discrepancy between D2 and H1. We would suggest amending H1 as set-out below. We do not consider that it would be appropriate for all of the potentially available plots within the village boundary to be considered 'developable' during the plan period. We have taken great pains to consult widely with regard to housing allocations and have assessed all of the possible 'three-dwelling or more' sites within the boundary and adjacent to it. As a result, we have been able to allocate sufficient sites to more than meet the housing requirement for Lazonby parish, as identified through the Local Plan process, through to beyond 2032. Lazonby has been affected by large speculative developments pushed

through, against local opposition, on the basis of EDC not having a five-year housing supply. One of the factors in developing the LNP was an expressed desire for parishioners to exert some control over the scale, design, location and nature of future development in the parish. The issue of ‘eyesore’ sites and the redevelopment of brownfield areas came through strongly in the consultation process. We have tried to reflect this through the allocation process, while recognising the impracticality of opposing applications already in the pipeline before the Local Plan is adopted.

Given the size of Lazonby village, any development beyond a single dwelling is significant, but we recognise that ‘windfall’ developments of up to three dwellings have made an important contribution to the long-term sustainability in the past and will continue to do so into the future. This especially true with regard to self-build and plots where the owner is commissioning a building for themselves. These types of properties are often purpose designed to suit particular circumstances; a need not generally catered for by volume house-builders. We would wish to see this practice continue into the future.

However, this ‘windfall’ site development needs to be balanced against other important considerations, such as environment, design, parking, infrastructure. There is also the longer term sustainability of the village beyond 2029/32 to be considered so a number of potential plots have not been allocated, for various reasons (mostly because they are not deliverable), but may be in the future.

Policy H1: Housing Development

Planning permission will be supported for developments on allocated sites, including provision of affordable housing, that contribute to meeting the objectively assessed housing needs of the Parish as

- a) Set out in the statutory Development Plan; and**
- b) Supplemented as necessary through up-to-date housing needs surveys.**

The development of up to three dwellings will also be supported on sites not allocated in this plan that are either within the settlement boundary (see Policy D2), or that meet the conditions set out in Policy B2.

In addition, all housing development will be encouraged to comply with a number of general principles which meet the objectives of the LNP:

- 1] Proposals should be of a nature and scale that reflects and respects the character and appearance of the area, with regard to the surrounding**

landscape and/or townscape and the character and appearance of its setting (see Design Guide and Policy D3);

2] Proposals should not result in any adverse impact on the amenity of any existing neighbours, including businesses; and not otherwise adversely impact sensitive environmental or heritage assets.

EDC: It is curious that the text under section 7.1 of the Lazonby NDP indicates that feedback from the local community indicates a “general consensus accepting small developments of up to five units,” yet Policy D2 and Policy H1 (as amended) indicate that developments of up to three dwellings will be supported on windfall sites. That aside, developments of less than 6 dwellings in the Key Hubs would not be expected to make a contribution towards affordable housing provision (in accordance with ELP Policy HS1) and therefore the Council has no strong views on this matter. However, the Council would be keen for the wording of criterion #1 in Policy H1 to be amended as follows: “proposals should be of a nature, scale and density that reflects...” in order to ensure the efficient use of land and guard against proposals of up to three dwellings coming forward on generous sites within the settlement boundary, particularly where this would be out-of-keeping with the surrounding area.

21. If the land within the village boundary is considered to be developable, what is the justification for the applicants having to demonstrate exceptional circumstances exist to allow greenfield sites whilst brownfield sites have not come forward for whatever reason.

LPC: See discussion for point 20, above. The development of a number of fairly long-standing ‘eyesore’ sites ahead of additional greenfield development was strongly advocated throughout the consultation process. As a result, the LNP seeks to discourage new greenfield development while allocated sites remain. Small ‘windfall’ sites are an exception to this. As a part of the LNP formulation process all plots of any size, inside and adjacent to the village boundary, were considered for allocation purposes (see Discounted sites table), so there would need to be exceptional circumstances to require such a drastic reappraisal of the anticipated need over the plan period.

22. I note that there is a proposal in the text of Table 4 that the Egg Packing

Plant could be developed as local amenity space with a café area, parking and a netball/ basketball court instead of housing which is to contribute to meeting housing need. That is not in the wording of the policy which allocates the site for housing but is it a proposal that the plan wishes to promote?

LPC: The Egg-packing plant is one of the village 'eyesores', and has in the past had permission for five dwellings. However, because of its prominent position in the village it was felt that an alternative mixed-use, or appropriate commercial development could also be supported, especially since it is not vital with regard to housing allocation numbers.

We are happy to reword, or delete the reference, if necessary.

Proposed footpaths and Cycleway – LPC to respond

23. Policy D8 only relates to the retention of existing footpaths. Is it therefore appropriate for Figure 8 to still include the Proposed New Footpath and Historic Footpath – which I assume, has no status in terms of establishing current public rights of way and whose designation is dealt with under separate rights of way legislation, rather than through the determination of planning applications. What does the Parish Council mean by the statement in Policy D9 “Where new developments are proposed, the LNP will require them to be legible with the existing cycle network”?

LPC: Not been able to fully resolve this as 'footpaths person' is away on holiday. The provision of more footpaths, including the reinstatement of some deleted paths was one of the major issues from the consultation. There is a long-running dispute over which 'paths' were deleted by the parish council in the post-war period through to 1970s, when local landowners/farmers comprised a large proportion of the parish councilors. Initially the LNP proposed a number of 'new' footpaths, mostly aimed at creating circular routes. There was no comment upon this through various rounds of consultation, although every property in the parish was leafleted on several occasions. At the end of the Reg 14 consultation Lazonby Estates did come forward with extensive comments and a letter from their solicitors. The LNP took these comments on board and revised what was proposed. The footpaths described in Table 3 are now considered to be matters of fact, with the exception of Link Lane (18), which is obviously a new proposal. To clear-up any confusion the captions for Fig 7 and 8 could be revised to reflect the fact that proposed items are also included.

At present there is no recognised cycle network in the parish, but there is a desire to establish one. The LNP seeks to encourage this and to make sure that future developments, which may contribute to a cycle network through S106 agreements, add to the network in a way which creates viable circular routes, or routes which connect to longer traverses beyond the parish. The wording could be clearer, we are happy to alter if you can suggest better wording.

Concluding Remarks

24. I am sending this note direct to Lazonby PC, Hesket PC as well as Eden District Council. I would request that all parties' responses should be collated by the Eden planners and sent to me in a single email. I would ask that all the responses should be sent to Rachel Armstrong electronically at Rachael.Armstrong@eden.gov.uk, by 5 pm on **21st September 2018**, who will then forward them to me. I will then decide whether I need to call for a public hearing based on the responses I receive.
25. I will be grateful, if a copy of this note and any subsequent response is placed on the appropriate neighbourhood plan website.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Lazonby Neighbourhood Plan.

22 August 2018

APPENDIX A: PLANNING HISTORY FOR HESKET PARK

| Application/Appeal/Enforcement Ref | Site Address | Description of Development | Date Validated | Decision | Decision Date |
|------------------------------------|--|---|-------------------|--------------------------|------------------|
| 14/0329 | 3 HESKET PARK HIGH HESKET CARLISLE CA4 0JF | Continuation of residential occupation for current residents only | 09 May 2014 | Full Approval | 20 August 2014 |
| 14/0328 | CELTIC COTTAGE 2 HESKET PARK HIGH HESKET CARLISLE CA4 0JF | Continuation of residential occupation for current residents only. | 23 May 2014 | Full Approval | 20 August 2014 |
| 12/0813 | HESKET PARK HIGH HESKET CARLISLE CA4 0JF | Removal of condition no. 2 relating to holiday accommodation attached to planning approval 04/0277. | 18 September 2012 | Full Refusal (No Appeal) | 13 December 2012 |
| 05/0926 | LAND AT HESKET PARK HIGH HESKET CARLISLE CA4 0JF | Proposed deletion of condition No. 2 of planning consent 04/0277 dated 06.05.04. | 18 October 2005 | Full Refusal (No Appeal) | 08 December 2005 |
| 04/0277 | HESKET PARK HIGH HESKET CARLISLE CA4 0JF | Redevelopment of existing caravan park from 22 static units & 25 tourers to 37 static units. | 22 March 2004 | Full Approval | 06 May 2004 |
| 04/0046 | BARONWOOD HIGH HESKET CARLISLE CA4 0JF | Change of use of mixed tenure holiday caravan park to 32 static holiday caravans | 21 January 2004 | Withdrawn | |

Layers checked: Planning Applications (37,621); Enforcements (3,650); Current Planning Applications (4,156). 19/09/18

Historical Planning Applications

| Application/Appeal/Enforcement Ref | Site Address | Description of Development | Date Validated | Decision | Decision Date |
|------------------------------------|--|---|----------------------|-----------------------------|----------------------|
| 96/0697 | BARONWOOD CARAVAN PARK HIGH HESKET CARLISLE | APPLICATION FOR RENEWAL OF EXPIRED PLANNING CONSENT NO 89/0750 FOR USE OF PART OF SITE FOR PERMANENT RESIDENTIAL CARAVANS | 20 September 1996 | Full Refusal (No Appeal) | 21 November 1996 |
| 95/0678 | BARONWOOD CARAVAN PARK HIGH HESKET CARLISLE | RENEWAL OF PLANNING CONSENT 89/0750 FOR USE AS PERMANENT RESIDENTIAL SITE | 26 September 1995 | Full Refusal (No Appeal) | 21 December 1995 |
| 95/0383 | BARONWOOD CARAVAN PARK HIGH HESKET CARLISLE | RENEWAL OF PLANNING CONSENT NO 89/0750 FOR USE AS PERMANENT RESIDENTIAL SITE | 06 June 1995 | Full Refusal (No Appeal) | 21 September 1995 |

| Application/Appeal/Enforcement Ref | Site Address | Description of Development | Date Validated | Decision | Decision Date |
|------------------------------------|--|---|----------------------|---------------|----------------------|
| 92/0729 | BARONWOOD CARAVAN PARK HIGH HESKET CARLISLE | EXTENSION TO EXISTING RESTAURANT | 03 September 1992 | Full Approval | 15 October 1992 |
| 89/0750 | BARONWOOD CARAVAN PARK HIGH HESKET PENRITH | CHANGE OF USE FROM STATIC HOLIDAY CARAVANS SITE TO PERMANENT RESIDENTIAL SITE | 26 July 1989 | Full Approval | 21 September 1989 |
| 89/0018 | BARONWOOD HIGH HESKET PENRITH | ERECTION OF BUNGALOW | 05 January 1989 | Full Approval | 09 February 1989 |

Layer checked: Planning Applications: Historical 1978-2004 (24,724). 19/09/18

In addition to the above there are various planning applications dated between 1974 and 1987.

APPENDIX B: 2004 SITE LICENSE AND CONDITIONS IN RESPECT OF HESKET PARK

*Caravan Sites and Control of Development Act 1960,
Section 3*

Site Licence



REF: CS26/4

To Mr Isaac Stewart

1 On, 23 September 2004 you applied to Eden District Council ("the Council") for a site licence in respect of land at Heskett Park, High Heskett, Carlisle, Cumbria

2 You are entitled to use the land as a caravan site in accordance with permission RefNo's 79/1046, 80/0647, 87/1260, 04/0277, for the use of the land as a caravan site granted under Part III of the Town and Country Planning Act 1990, otherwise than by a development order.

3 The Council HEREBY GRANTS a licence for the land, under section 3 of the Caravan Sites and Control of Development Act 1960 [subject to the following conditions

As per attached Schedule of Conditions

|

Dated

Signed.....
Assistant Director (Environmental Services)
(the officer appointed for this purpose)

PLEASE READ THE ATTACHED NOTES

Notes

Sections 7, 9 and 10 of the Caravan Sites and Control of Development Act 1960 provide as follows:

Appeal to magistrates' court against any condition attached to site licence.

- 7** (1) Any person aggrieved by any condition (other than the condition referred to in subsection (3) of section five of this Act) subject to which a site licence has been issued to him in respect of any land may, within twenty-eight days of the date on which the licence was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated; and the court, if satisfied (having regard amongst other things to any standards which may have been specified by the Secretary of State under subsection (6) of the said section five) that the condition is unduly burdensome, may vary or cancel the condition.
- (2) In so far as the effect of a condition (in whatever words expressed) subject to which a site licence is issued in respect of any land is to require the carrying out on the land of any works, the condition shall not have effect during the period within which the person to whom the site licence is issued is entitled by virtue of the foregoing subsection to appeal against the condition, nor, thereafter, whilst an appeal against the condition is pending.

Provision as to breach of any condition

- 9** (1) If an occupier of land fails to comply with any condition for the time being attached to a site licence held by him in respect of the land, he shall be guilty of an offence and liable on summary conviction, in the case of the first offence to a fine not exceeding level 4 on the standard scale of fines*.
- (2) Where a person convicted under this section for failing to comply with a condition attached to a site licence has on two or more previous occasions been convicted thereunder for failing to comply with a condition attached to that licence, the court before whom he is convicted may, if an application in that behalf is made at the hearing by the local authority in whose area the land is situated, make an order for the revocation of the said licence to come into force on such date as the court may specify in the order, being a date not earlier than the expiration of any period within which notice of appeal (whether by case stated or otherwise) may be given against the conviction; and if before the date so specified an appeal is so brought the order shall be of no effect pending the final determination or withdrawal of the appeal.
- The person convicted or the local authority who issued the site licence may apply to the magistrates' court which has made such an order revoking a site licence for an order extending the period at the end of which the revocation is to come into force; and the magistrates' court may, if satisfied that adequate notice of the application has been given to the local authority or, as the case may be, the person convicted, make an order extending that period.
- (3) Where an occupier of land fails within the time specified in a condition attached to a site licence held by him to complete to the satisfaction of the local authority in whose area the land is situated any works required by the condition to be so completed, the local authority may carry out those works, and may recover as a simple contract debt in any court of competent jurisdiction from that person any expenses reasonably incurred by them in that behalf.

Transfer of site licences and transmission on death, etc

- 10** (1) When the holder of a site licence in respect of any land ceases to be the occupier of the land, he may, with the consent of the local authority in whose area the land is situated, transfer the licence to the person who then becomes the occupier of the land.
- (2) Where a local authority give their consent to the transfer of a site licence, they shall endorse on the licence the name of the person to whom it is to be transferred and the date agreed between the parties to the transfer as the date on which that person is, for the purposes of this Part of this Act, to be treated as having become the holder of the licence.
- (3) If an application is made under subsection (1) of this section for consent to the transfer of a site licence to a person who is to become the occupier of the land, that person may apply for a site licence under section three of this Act as if he were the occupier of the land, and if the local authority at any time before issuing a site licence in compliance with that application give their consent to the transfer they need not proceed with the application for the site licence.

- (4) Where any person becomes, by operation of law, entitled to an estate or interest in land in respect of which a site licence is in force and is, by virtue of his holding or interest, the occupier of the land within the meaning of this Part of this Act he shall, for the purposes of this Part of this Act, be treated as having become the holder of the licence on the day on which he became the occupier of the land, and the local authority in whose area the land is situated shall, if an application is made in that behalf to them, endorse his name and the said date on the licence.

(*Currently £2 500, subject to alteration by Order).



*Caravan Sites and
Control of Development Act 1960
Section 5*

*Model Standards 1989:
Holiday Caravan Sites*

*Mr I B Stewart
Hesket Park
High Hesket
Carlisle
CA4 0JF*

Ref: CS26/4

Schedule of Conditions

- 1) The total number of caravans on the site shall not exceed thirty-seven (37) and shall be positioned in accordance with the approved layout plan.
- 2) All of the thirty-seven caravans shall only be used for holiday accommodation and for no other purpose.

Site Boundaries

- 3) The boundaries of the site should be clearly marked, for example by fences or hedges. In addition, the site owner should give the Local Authority a plan of its layout. It is recommended that a three metre wide area should be kept clear within the inside of all boundaries.

Density and Space between Caravans

- 4) Subject to the following variations, the minimum spacing distance between static caravans made of aluminium or other materials within similar fire performance properties should be not less than 5 metres between units, 3.5 metres at the corners. For those with a plywood or similar skin or where there is a mixture of holiday caravans of aluminium and plywood, the separation distance should be 6 metres. The point of measurement for porches, awnings, etc is the exterior cladding of the caravan.
 - Porches may protrude 1 metre into the 5 metres and should be of the open type.
 - Where awnings are used, the distance between any part of the awning and an adjacent caravan should not be less than 3 metres. They should not be of the type which incorporates sleeping accommodation and they should not face each other or touch.
 - Eaves, drainpipes and bay windows may extend into the 5 metre space provided the total distance between the extremities of two adjacent units is not less than 4.5 metres.
 - Where there are ramps for the disabled verandas and stairs extending from the unit, there should be 3.5m clear space between them (4.5m if mixture of caravans) and such items should not face each other in any space. If they are enclosed, they may need to be considered as part of the unit and, as such, should not intrude into the 5 metre (or 6 metre) space.
 - A shed or a covered storage space should be permitted between units only if it is of non-combustible construction (including non-combustible roof) and sufficient space is maintained around each unit so as not to prejudice means of escape in case of fire. Windows in such structures should not face towards the unit on either side. Covered walkways should in no circumstances be allowed within the 5 or 6 metre space. For cars and boats between units, see Standard (27).
- NB: Please note that the implementation of any of the above matters may require planning permission. You are therefore advised to discuss any plans/intentions with the planning department before commencement.

- 5) The density should be consistent with safety standards and health and amenity requirements. The gross density should not exceed sixty caravans to the hectare, calculated on the basis of the usable area (ie excluding lakes, roads, communal services and other areas unsuitable for the siting of caravans) rather than the total site area.

Roads, Gateways and Footpaths

- 6) Roads and footpaths should be designed to provide adequate access for fire appliances. (Detailed guidance on turning circles etc is available from fire authorities). Roads of suitable material should be provided so that no static caravan standing is more than 50 metres from a road. Where the approach to the caravan is across ground that may become difficult or dangerous to negotiate in wet weather, each standing should be connected to a carriageway by a footpath with a hard surface. Roads should not be less than 3.7 metres wide, or, if they form part of a clearly marked one way traffic system, 3 metres wide. Gateways should be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres. Footpaths should not be less than 0.75 metres wide. Roads should have no overhead cable less than 4.5 metres above the ground. They should be suitably lit taking into account the needs and characteristics of a particular site. Emergency vehicle routes within the site should be kept clear of obstruction at all times.

NB: Please note that the implementation of any of the above matters may require planning permission. You are therefore advised to discuss any plans/intentions with the planning department before commencement.

Hard Standings

- 7) Where possible, every static caravan should stand on a hard standing of suitable material, which should extend over the whole area occupied by the caravan placed upon it, and should project a sufficient distance outwards from the entrance or entrances of the caravan to enable occupants to enter and leave safely.

Hard standings may be dispensed with if the caravans are removed during the winter, or if they are situated on a ground which is firm and safe in poor weather conditions.

Fire Fighting Appliances

Fire Points

- 8) These should be established so that no static caravan or site building is more than 30 metres from a fire point. They should be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- 9) Where water standpipes are provided and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 metres from the nozzle, such water standpipes should be situated at each fire point. There should also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses should be housed in a box painted red and marked "HOSE REEL".

- 10) Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants should be installed within 100 metres of every caravan standing. Hydrants should conform to British Standard 750. Access to hydrants and other water supplies should not be obstructed or obscured.
- 11) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point should be provided with either water extinguishers (2 x 9 litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand-pump or bucket pump.

Fire Warning

- 12) A means of raising the alarm in the event of a fire should be provided at each fire point. This could be by means of a manually operated sounder, eg metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

Maintenance

- 13) All alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person and be available for inspection by, or on behalf of, the licensing authority. A log-book should be kept to record all tests and any remedial action.
- 14) All equipment susceptible to damage by frost should be suitably protected.

Fire Notices

- 15) A clearly written and conspicuous notice should be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice should include the following:

"On discovering a fire:

- i) Ensure the caravan or site building involved is evacuated.
- ii) Raise the alarm.
- iii) Call the fire brigade (the nearest telephone is sited ...).
- iv) Attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment."

Fire Hazards

- 16) Long grass and vegetation should be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings should be removed from the vicinity of caravans. The space beneath and between caravans should not be used for the storage of combustible materials.

Telephones

- 17) An immediately accessible telephone should be available on the site for calling the emergency services. A notice by the telephone should include the address of the site.

Storage of Liquefied Petroleum Gas (LPG)

- 18) The storage of LPG should comply with LPGA Code of Practice 7: "Storage of full and empty LPG cylinders and cartridges" or LPGA Code of Practice 1 Part 1: "Bulk storage at fixed installations: installation and operation of vessels located above ground", as appropriate.

Exposed gas bottles or cylinders should not be within the separation boundary of an adjoining unit.

LPG installations should conform to British Standard 5482, "Code of Practice for Domestic Butane and Propane Gas Burning Installations, Part 2: 1977 Installations in Caravans and Non-Permanent Dwellings".

Electrical Installations

- 19) Sites should be provided with an electricity supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- 20) Such electrical installations, other than Electricity Board works and circuits subject to regulations made by the Secretary of State under Section 16 of the Energy Act 1983 and Section 64 of the Electricity Act 1947, should be installed, tested and maintained in accordance with the provisions of the Institution of Electrical Engineers' (IEE) Regulations for Electrical Installations for the time being in force, and where applicable, to the standard which would be acceptable for the purposes of the Electricity (Overhead Lines) Regulations 1988, Statutory Instrument 1988 No 1057.
- 21) Work on electrical installations and appliances should be carried out only by competent persons such as the manufacturer's appointed agent, the electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations should be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding three years) as is considered appropriate in each case. When an installation is inspected, it should be judged against the current regulations.

The inspector should, within one month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which should be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report should be met by the site operator or licence holder.

- 22) If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies should be rectified. Any major alterations and extensions to an installation affected by them should comply with the latest version of the IEE Wiring Regulations.

- 23) If there are overhead electric lines on the site, suitable warning notices should be displayed at the entrance to the site on supports for the line. Where appropriate, particular attention should be drawn to the danger of masts of yachts or dinghies contacting the line.

Water Supply

- 24) All sites should be provided with a water supply in accordance with appropriate Water Bye-laws and statutory quality standards.

Drainage, Sanitation and Washing Facilities

- 25) Satisfactory provision should be made for foul drainage, either by connection to a public sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the Local Authority.
- 26) Properly designed disposal points for the contents of chemical closets should be provided, with an adequate supply of water for cleaning the containers.
- 27) For caravans without their own water supply and water closets, communal toilet blocks should be provided, with adequate supplies of water, on at least the following scales:

Men: 1 WC and 1 urinal per 15 caravans

Women: 2 WCs per 15 caravans

1 wash basin for each WC or group or group of WCs

1 shower or bath (with hot and cold water) for each sex per 20 caravans

Toilet blocks should be sited conveniently so that all site occupants may have reasonable access to one by means of a road or footpath.

It is understood that all caravans on this site will be fully serviced and no additional facilities will be required.

Refuse Disposal

- 28) Every caravan standing should have an adequate number of suitable non-combustible refuse bins with close-fitting lids or plastic bags. Arrangements should be made for the bins to be emptied regularly.

Where communal refuse bins are also provided these should be of similar construction and housed within a properly constructed bin store.

Parking

- 29) One car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces should be provided where necessary to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats should not be parked between units.

NB: Please note that the implementation of any of the above matters may require planning permission. You are therefore advised to discuss any plans/intentions with the planning department before commencement.

Recreation Space

- 30) Where children stay on the site, space equivalent to about one-tenth of the total area should be allocated for children's games and/or other recreational purposes. This provision will normally be necessary because of the limited space available round the caravans, but may be omitted where there are suitable alternative publicly provided recreational facilities which are readily accessible.

Notices

- 31) A suitable sign should be prominently displayed at the site entrance indicating the name of the site.
- 32) A copy of the site licence with its conditions should be displayed prominently on the site.
- 33) Notices and a plan should be displayed on the site setting out the action to be taken in the event of an emergency. They should show where the police, fire brigade, ambulance and local doctors can be contacted, and the location of the nearest public telephone. The notices should also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices should be displayed giving advice about the operation of the floodwarning system.
- 34) All notices should be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting.