

**Neighbourhood Planning Regulations 2012 (Part 5 s15)**

**Neighbourhood Development Plan Proposal - Consultation Statement**

**To: Eden District Council (Local Planning Authority)**

**By: Langwathby Parish Council (Qualifying Body)**

Neighbourhood Development Plan Title: Langwathby Neighbourhood Development Plan

May 2015

## **1. Introduction**

This Consultation Statement has been prepared to fulfil the legal obligations of the Neighbourhood Planning Regulations 2012, which are set out in the Legislative basis below.

## **2. Background**

Langwathby Parish Council applied for Neighbourhood Area Status following a Parish Council Meeting Decision on 15<sup>th</sup> May 2014. Eden District Council approved the designation on the 17<sup>th</sup> July 2014.

Having Neighbourhood Area status entitled the parish council to act in relation to neighbourhood planning within the parish area. An initial consultation document was prepared through H&H Land and Property Ltd who were appointed for that task. This was then approved by the Parish Council for Pre-Submission Consultation at its meeting of Thursday 2<sup>nd</sup> October 2014.

## **3. Specific NDP Consultation**

This Consultation Statement sets out the consultation as required under the regulations. 400 copies of the Presubmission consultation document were printed and hand delivered by members of the parish Council to all residences in the parish. In addition pdf versions of the plan were emailed to the list of consultees shown in appendix 1. In addition copies of the Neighbourhood Development Plan Notice were placed on the Langwathby Parish Notice Board, and it was placed on the Langwathby Parish website, the H&H Land and Property website and Eden District Council's website. The document was made available in the following public places within the parish; Langwathby Village Hall, Langwathby Post Office and Stores and, Shepherds Inn.

It is a rule of thumb, generally acknowledged, that in planning matters it is often those who disagree with plans or decisions that are the most vocal. This has given rise to the term NIMBY (Not In My Back Yard). Whereas those who support proposals are often the silent majority. Nevertheless to achieve the response level among the general public who support the NDO is considered a notable result and, to receive only two comments opposing it (one anonymous), is even more remarkable.

## **4. Legislative Basis**

Section 15(2) of Part 5 of the 2012 Neighbourhood Planning Regulations sets out what a consultation statement should contain:

*(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan; (See Annex A)*

*(b) explains how they were consulted; (See Annex A)*

*(c) summarises the main issues and concerns raised by the persons consulted; (See Summary of Issues Raised) and*

(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan (See Summary of Issues Raised).

## 5. Consultation Statement

The Presubmission Consultation Plan Proposal was published on 13<sup>th</sup> October 2014 and made available on the Langwathby Parish Website (<http://langwathby.org/neighbourhood.htm>) and the H&H Land and Property website ([www.hhland.co.uk](http://www.hhland.co.uk)) and in the locations set out in Table 1 below.

The formal parts of the Consultation Statement are contained in Annex A. Annex B contains a copy of the article within the 1<sup>st</sup> August Cumberland and Westmorland Herald.

Table 2 sets out the consultation strategy and refers to additional meetings, events, adverts and posters and other communication devices.

Table 1 - Locations where the Draft Proposal or NDO Notice was available for inspection

Parish	Location	Date	Comments
Langwathby	Village Hall, Langwathby	13 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014	Available to users of the Village Hall and at Parish Meetings.
Langwathby	Post Office and Country Stores	13 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014	Replenished fortnightly
Internet	<a href="http://www.hhland.co.uk">www.hhland.co.uk</a>	13 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014	Estimated 25 hits
Internet	<a href="http://www.langwathby.org.uk">www.langwathby.org.uk</a>	13 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014	Links from <a href="http://www.eden.gov.uk">www.eden.gov.uk</a> and <a href="http://www.hhland.co.uk">www.hhland.co.uk</a> Estimated 100 hits and 50 downloads from this site.
Langwathby	Langwathby Notice Parish Board	13 <sup>th</sup> October 2014 – 24 <sup>th</sup> November 2014	

*Table 2 - Consultation Strategy. The following additional publicity was undertaken to comply with Part 5 s15 of the Regulations.*

<b>Method or consultee responding</b>	<b>Area</b>	<b>Date</b>	<b>Summary of Comments on the proposal</b>
Article in 'The Cumberland and Westmorland Herald'	District wide	17 <sup>th</sup> October 2014	See Annex B
Letter to consultees	See list in Annex A (most contacted by email, those without email were contacted by post)	Email - 10th October	See below
Highways Agency	National	21/05/14	No comment
Natural England	National	30/5/14	No comment
United Utilities	North West	26/06/14	No comment
Sport England	National	30/10/2014	No specific comments
Eden District Council	District	19/08/14	See section 6 below
Cumbria Rural Housing Trust	County	10/10/14	Is custom build a form of affordable housing?
English Heritage	Regional	3/11/15	LNP9 is unsound – <i>EH seems to consider that the LNP will replace other Local and National policies. It does not.</i>

## 6. Consultation Response from EDC

### Viability of new development

The additional policy burdens on the remainder of the Langwathby Hall Farm site of older persons housing are a little overstated. Bungalows have a greater foot print than 2/3 story buildings per floorspace, but they also command a higher price by virtue of their rarity, plot size and demand. Three storey housing is not likely in Langwathby in any case. The developer is always able to apply to vary an affordable housing requirement under the

Growth and Infrastructure Act provisions if the site becomes unviable. Therefore there is little prospect of the scheme becoming undeliverable.

Renewable energy and low carbon energy policy has been dropped following the Government's position on the National standards.

### **Affordable Housing**

The national position on affordable housing now provides that schemes of 5 or less houses do not provide affordable housing. This means that adherence to LNP5 is more likely given the viability issues that EDC raises.

It is not accepted that EDC will be unable to apply policies flexibly if circumstances demand it. Each case must be considered on its own merits and determined in accordance with the development plan as a whole unless material considerations indicate otherwise.

### **Relationship to housing policies and the future development plan**

The wider issue that EDC raises about the cumulative impact of neighbourhood plans is not one that need be answered by Langwathby Neighbourhood Plan. It is a matter for politicians who have the difficult decisions to make about balancing interests within the land use planning debate.

### **Annex – Detailed comments**

Maps – Agree

4.5 – Noted

5.1 – Agree, changes made

5.2 – Agree, changes made

LNP1 – Agree, changes made

LNP2 – Agree changes made to ensure one phase is completed before the next is commenced

LNP3 – Agree, changes made

LNP4 – Some changes made, but on the issue of how the money is secured, the s106 only needs to refer to the purpose for which the money is provided say 'for the provision of affordable housing within the parish of Langwathby'. The normal clawback arrangements can be increased slightly to say 15 years if the expenditure of the funds within Langwathby are likely to be difficult.

LNP4 and 5 and evidence – changes made in LNP4 and LNP5

LNP6 – deleted due to Government requirements

LNP7 – The reference to NDOs is considered to bring flexibility to the policy. Noted but no change.

8.2 – Agree, changes made

LNP8 – now referenced as LNP7. Noted, changes made.

LNP9 – now numbered LNP8. Changes made to list the heritage assets.

LNP10 – noted. Now positioned in the text rather than a policy.

## 7. Consultation Responses from Parishioners

Name	Issues or concerns	Support or Oppose
Kersey	More support for agriculture	Not clear
Adams	More support for carbon reduction	support
Houghton		support
Towler	Plan is not clear, too prescriptive, what is sustainable for Langwathby	Not clear
Wager	no phase 3 of LH	support
Barnes	bridge should be 2 lane	Not clear
Moore	LHF OK but concern over other housing schemes	Support
Ridley		support
Merrie		support
Radcliffe	concern over Councillor ownership of LHF	support
Hall	phased approach for LHF good	support
Thwaites	affordable housing	support
Watchman	Concern over access to LHF	support
Wilson	concerns over noise and dust from LHF construction	Not clear
Holliday		support
Westgarth	no more houses and no jobs	oppose
Savage	concern over occupancy clause and housing quantity	support LNP2, LNP5 and LNP8
Anonymous	query need for houses	oppose
Monkhouse	(telephone call) Concern over land allocated for employment use, boundary needs amending	Not clear
Monkhouse	EDC plan will remain a planning document - query over motives for preparing the plan and need for more bureaucracy.	Not clear

## 8. Summary of Issues Raised

The Consultation responses fall into four main groups, no reply (22), no comment/no objection (4) and support the proposal (12), oppose the proposal (2) and those who raised issues without specifying support or opposition (5).

Those who did not reply consisted mainly of voluntary or third sector organisations that have little direct contact with Langwathby Parish (the school, HCA Cumbria Action, Housing Associations etc.)

Those who had no comment or no objection comprise mostly of statutory organisations such as Natural England, or the Highway Agency.

Those who support the proposal comprise people who live in the Parish.

Of those who raised issues, they can be responded to as follows:

Summary of Issue in **Bold** and response in *italics*

1. **More support for agriculture** – *Recent changes in permitted development rights nationally have provided additional support for agricultural businesses by allowing change of use of barns to residential. It is not considered that further assistance is required at this stage. No change.*
2. **What is sustainable for Langwathby ?**– *this is clarified in the Vision.*
3. **Do not agree to limit unallocated site sizes to 7 units.** - *Recent changes to national planning policy and guidance suggests that this figure will reduce to 5 in order that developers will not be liable for affordable housing provision. However, we modify policy LNP3 to clarify that larger sites could still come forward as NDOs.*
4. **Query mix of housing and need to remain in character** – *these are not considered to be mutually exclusive requirements. No change*
5. **Objection to insistence for bungalows which are not characteristic of the village** – *housing forms can change and remain in character through the use of materials or other design clues. No change.*
6. **Requirement for 25% energy provision from decentralised and renewable or low carbon sources is too prescriptive.** - *Government Guidance suggests Neighbourhood Plans should not set any additional local technical or performance standards for energy and performance of new dwellings. This section is to be deleted.*

7. **Do not consolidate the built up form of the village at the expense of open spaces.** – *agree, EDC have conducted an open space assessment for Langwathby which will protect certain spaces. Modify the policies and Maps to include the EDC protected spaces in a plan.*
  
8. **The bridge should have two lanes.** - *This is not considered to be a subject that can be adequately incorporated within a Neighbourhood Plan.*
  
9. **Concern over noise and dust from the Langwathby Hall Farm site.** – *Agree, new planning consent will be subject to conditions to limit the hours of work and working methods to protect neighbours.*
  
10. **Concern over the employment site boundary at the rear of Tyneholm.** – *Agree this will error will be amended to follow existing employment land only.*

## 9. Conclusion

This Consultation Statement and its appendices are considered to comply with Section 15(2) of Part 5 of the 2012 Neighbourhood Planning Regulations

Annex A Details of the persons or bodies consulted and how they were consulted

Annex B Copies the article in the Cumberland and Westmorland Herald from Friday 17<sup>th</sup> October 2014 and other press that published the story.

Annex C Copies of consultation material used.

Annex D EDC Response to the Pre-submission consultation

Annex E Copy of the Presubmission Consultation Version of the Plan



**Annex A Details of the persons or bodies consulted and how they were consulted**

**2014 NDO CONSULTEES**

**Parishes**

Parish	Contact	Email	Address	Phone	Response
Langwathby	Mrs S Fairlamb	<a href="mailto:langwathbypc@hotmail.co.uk">langwathbypc@hotmail.co.uk</a>		Cumbria	
Great Salkeld	Ms R Lytollis	<a href="mailto:greatsalkeldparishcouncil@hotmail.co.uk">greatsalkeldparishcouncil@hotmail.co.uk</a>		01768 86:	No response
Hunsonby	Mrs H Teasdale	<a href="mailto:helenjoeteasdale@hotmail.co.uk">helenjoeteasdale@hotmail.co.uk</a>		017684 8:	No response
Brougham	Mrs Jennings	<a href="mailto:janet@brougham2008.plus.com">janet@brougham2008.plus.com</a>		079674 7	No response
Culgaith	Ms Kathryn Binney	<a href="mailto:culgaitpc@yahoo.co.uk">culgaitpc@yahoo.co.uk</a>		01768 4:	No response

**Statutory Bodies**

Organisation	Contact	Job Title	Email	Address	Phone	Response
Natural England	Steve Lund	Team Leader - Eden Area	<a href="mailto:Stephen.lund@naturalengland.org.uk">Stephen.lund@naturalengland.org.uk</a>	Juniper House, Murley Moss, Oxenholme Road, Kendal LA9 7RL Ghyll Mount, Gillian Way, Penrith Business Park, CA11	0300 060 0519	No specific comments
Environment Agency	Jeremy Pickup	Planning Liaison	<a href="mailto:jeremy.pickup@environment-agency.gov.uk">jeremy.pickup@environment-agency.gov.uk</a>	9BP Suites 3.3 and 3.4, Canada House, 3 Chepstow Street, Manchester, M1 5FW	0161 242 1423	No response
English Heritage	Emily Hrycan	Regional Planner	<a href="mailto:emily.hrycan@english-heritage.org.uk">emily.hrycan@english-heritage.org.uk</a>	1st Floor, Square One, 4 Travis Street, Manchester, M1 2NY	0161 838 1295	LNP9 is unsound
Network Rail	Jill Stephenson	Town Planner	<a href="mailto:Jill.Stephenson@networkrail.co.uk">Jill.Stephenson@networkrail.co.uk</a>	City Tower, Piccadilly Plaza, Manchester, M1 4BE	0161 930 5642	No comment
Highways Agency	Lindsay Alder	Network Planning Manager	<a href="mailto:lindsay.alder@highways.gsi.gov.uk">lindsay.alder@highways.gsi.gov.uk</a>	Lonsdale Building, The Courts, Carlisle, CA3 8NA	01228 221065	No response
Cumbria County Council	Iain Fairlamb	Spatial Planning Manager	<a href="mailto:iain.fairlamb@cumbriacc.gov.uk">iain.fairlamb@cumbriacc.gov.uk</a>	Mansion House, Penrith, CA11 7YG	01768 8:	EDC policy response
Eden District Council	Fergus McMorrow	Neighbourhood Planning Officer	<a href="mailto:fergus.mcmorrow@eden.gov.uk">fergus.mcmorrow@eden.gov.uk</a>	Lonsdale Unit, Penrith Hospital, Bridge Lane, CA11 8HX	01768 245317	No response
Cumbria PCT	Anthony Gardner	Assistant Chief Exec @ PCT	<a href="mailto:Anthony.gardner@cumbriapct.nhs.uk">Anthony.gardner@cumbriapct.nhs.uk</a>	Warwick Technology Park, Gallows Hill, Warwick, Warwickshire, CV34 6DA	01926 653172	No response
National Grid	Leslie Morris	Town Planner	<a href="mailto:leslie.morris@uk.ngrid.com">leslie.morris@uk.ngrid.com</a>	12th Floor, Oakland House, Talbot Road, Manchester, M16 0HQ	0161 875 7032	No response
Electricity North West	Mike Taylor	Strategic Development Manager	<a href="mailto:mike.taylor@enwl.co.uk">mike.taylor@enwl.co.uk</a>	Supply, Demand & Asset Protection Team, United Utilities Water plc	01925 678310	No comments

**Other Useful Contacts**

Organisation	Contact	Job Title	Email	Address	Phone	Response
Michael Holliday	EDC	District Councillor	<a href="mailto:michael.holliday@ede.gov.uk">michael.holliday@ede.gov.uk</a>		016974 75881	Part of Working Group
Mary Robinson	CCC	County Councillor	<a href="mailto:mary.robinson@cumbria.gov.uk">mary.robinson@cumbria.gov.uk</a>			No response

**Previous Respondents**

Langwathby Hall Farm						No response
Carrs Billington	Barry Bell - Branch Man	Agriculture Sales	<a href="mailto:Barry.bell@carrs-billington.com">Barry.bell@carrs-billington.com</a>	Montgomery	W 01228 5:	No response
D W Toppin	David Toppin	Agricultural Machinery	<a href="mailto:dwtoppin@dwtoppin.co.uk">dwtoppin@dwtoppin.co.uk</a>	Greenlane	W 01768 8:	No response
Rented business units	Colin Dawson	Dairy Equipment & Supplies		High Mill, Lang	01768 8:	No response
Owner	John Dulson	Construction Contractor - (welder)		1 Salkeld Roat	01768 8:	No response
	Mr. G Monkhouse			Tyneholme, La	01768 8:	Telephone call

**Additional Contacts**

Lynne Mckenzie  
John Clasper  
Anne-Marie Willmott

Eden Housing Assoc  
Eden Housing Assoc  
Impact Housing  
Two Castles HA  
Cumbria Rural Housing Rural Housing Enabling Officer  
MP

[lynne.mckenzie@edenha.org.uk](mailto:lynne.mckenzie@edenha.org.uk)  
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[mailbox@twocastles.org.uk](mailto:mailbox@twocastles.org.uk)  
[Jayne@crht.org.uk](mailto:Jayne@crht.org.uk)  
[rory@rorystewart.co.uk](mailto:rory@rorystewart.co.uk)

No response  
No response  
No response  
No response  
2E+09 email  
No response

Douglas Chalmers  
Julia Wilson  
Jacqui Walsh

CLA  
Cumbria Action

[douglas\\_chalmers@cla.org.uk](mailto:douglas_chalmers@cla.org.uk)  
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[jacqui.walsh@hca.qsx.gov.uk](mailto:jacqui.walsh@hca.qsx.gov.uk)

No response  
No response  
No response

**Annex B Copies the article in the Cumberland and Westmorland Herald from Friday 17<sup>th</sup> October 2014 and other press that published the story.**

# Cumberland & Westmorland Herald

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Date: Friday, Dec 12 2014

Weather: Friday - 10:00 GMT: Sunny Intervals, -1°C (30°F)

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## Langwathby parishioners to be quizzed on development plan

BACK

Date: Friday 17th October 2014

THE people of Langwathby parish are being asked what they think about a proposed neighbourhood plan which is aimed at making the community more sustainable.

The plan would manage the supply and type of housing to be built in the parish; encourage more energy efficient building; and protect employment land and the distinctive character of the area.

As part of a consultation being undertaken by H&H Land and Property, draft neighbourhood development plans are to be distributed to every household in the parish this weekend.

They will also be available to view at Langwathby Village Stores, the village hall and Shepherds Inn.

Parishioners are asked to respond in writing to H&H Land and Property, Borderway, Rosehill Industrial Estate, Carlisle, CA1 2RS, or to [langwathbynphhland.co.uk](http://langwathbynphhland.co.uk), putting Langwathby in the subject box or on the envelope.

Responses should be received no later than 5pm on Monday, 24th November. Once all the comments are received, any consequential amendments to the draft plan will be made and authorised by Langwathby Parish Council.

It will then be sent to Eden District Council and will be published for a further six weeks, after which time it will be independently examined to make sure it complies with the rules.

It will then be the subject of a local referendum in which the electors of Langwathby parish will vot on whether this plan should be made.

BACK

### Latest Twitter

@CWHERald  
Morning from a very cold Penrith! There's been heavy hailstones and a little snow so far. What's it like where you are? Send us your photos!  
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**Annex C Copies of consultation material used.**

Our Ref: TW/FMC/HM222A

Your Ref:

Date: 14 October 2014

Dear Consultee

**Town and Country Planning Act 1990**  
**Langwathby Neighbourhood Development Plan**

H&H Land and Property have been asked by Langwathby Parish Council to undertake a public consultation in order to find out what people think about the proposed Neighbourhood Plan. This plan is aimed at making the Community of Langwathby Parish more sustainable by managing the supply and type of housing to be built in the parish; encouraging more energy efficient building, protecting employment lands and the distinctive character of the area.

Please find attached a copy of a draft Neighbourhood Development Plan (NDP) for your comments.

**Why are you being consulted?**

The Neighbourhood Planning Regulations ask that all people who 'live, work, or carry out business within the parish' or those on a list of prescribed consultees, are made aware of the NDP and are given the opportunity to comment on the proposal. You are one such person or business.

**When do I need to respond?**

Please can you respond in writing to H&H Land and Property, Borderway, Rosehill Industrial Estate, Carlisle, CA1 2RS, or to [langwathbynyp@hhland.co.uk](mailto:langwathbynyp@hhland.co.uk). Please put **Langwathby** in the subject box or on the envelope. Your responses should be with us by 5pm, Monday 24<sup>th</sup> November, 2014.

**H&H Land and Property Ltd**

Borderway, Rosehill, Carlisle, Cumbria CA1 2RS T: 01228 406260 E: [info@hhland.co.uk](mailto:info@hhland.co.uk)

Also at: Aykley Heads Business Centre, Durham DH1 5TS T: 0191 370 8530

Incorporating **H&H King**, 12 Lowther Street, Carlisle, Cumbria CA3 8DA T: 01228 810799

[www.hhland.co.uk](http://www.hhland.co.uk)

Regulated by RICS. Registered in England No: 3780434. Registered Office: Borderway Mart, Rosehill, Carlisle, Cumbria CA1 2RS

What happens next?

Once all the comments are received, any consequential amendments to the draft NDP will be made and authorised by Langwathby Parish Council. It will then be sent to Eden District Council together with statements to show how the NDP complies with the regulations. It will be published for a further 6 weeks; after which time it will be Examined by an Independent person to make sure it does comply with the rules. It will then be the subject of a local referendum in which the electors of Langwathby Parish will say if this NDP should be made.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tom Woof', with a stylized, cursive script.

Tom Woof  
tom.woof@hhland.co.uk



**Annex D EDC Response to the Pre-submission consultation**



## **District Council**

Mansion House, Penrith, Cumbria CA11 7YG

Tel: 01768 817817

Fax: 01768 890732

Your Reference:

Our Reference: PLP35/1

Enquiries to: Paul Fellows

Direct Dial: (01768) 214158

Email: paul.fellows@eden.gov.uk

Date: 24 November 2014

The Chair  
Langwathby Parish Council  
c/o H&H Land and Property  
Borderway  
Rosehill Industrial Estate  
Carlisle CA1 2RS

Dear Mr Banks

### **Langwathby Draft Neighbourhood Plan - Pre-Submission Draft.**

I am writing to provide our comments on the draft Langwathby Neighbourhood Plan, which is currently out to consultation.

Firstly, I would like to begin by congratulating the Parish Council on producing a draft plan. Eden District Council fully supports the Parish's initiative and has a duty to support production of neighbourhood plans. With this in mind it is our role at this stage to advise on any issues that may need to be addressed before public examination. The main areas are highlighted in this letter.

Secondly, as EDC Members and officers will be the eventual 'operators' of the plan and using it to inform decisions on planning applications we have also highlighted a number of areas in the appendix to this letter where some clarification on how the policies are intended to operate would be beneficial. This is the first time we have seen the plan and we would be happy to provide informal advice or guidance outside the formal consultation stages, similarly if the parish wished to incorporate any of our information on house building rates or the results of our current work on identifying and safeguarding open space in the village this could be provided on request.

In summary, we support the plan. However, we would highlight three main issues to inform your thinking about how to successfully navigate the plan through examination:

- The need to ensure that sites can be viably developed, particularly in light of the additional requirements set out in the plan
- The impact of the plan on the delivery of affordable housing in the village
- The relationship to housing policies in the current and future development plan

Taking each in turn:

### The viability of new development

The independent examiner who will look at the draft plan will need to check it against paragraph 173 of the National Planning Policy Framework which requires that plans should be deliverable, with sites not be subject to a scale of planning obligations and policy burdens which result in their viability being threatened.

The allocated site at Langwathby Hall site has current outline permission for on phase 1 of the site (ref. 14/0417, granted 8 October 2014) with all matters reserved. A Section 106 stipulates that the site should deliver 30% affordable housing and also that open space should be provided.

The draft plan proposes introducing two new obligations that would have to be delivered in addition to these obligations on the remainder of the site:

- Delivery of a mix of housing (including bungalows) on the Langwathby Hall Farm site, as well as 20-25% housing for elderly people (two bedroom bungalows). As bungalows offer less floorspace per footprint this means they are less profitable to deliver than two or three storey homes. In addition occupancy restrictions will reduce sale prices.
- A requirement for all new development to generate at least 25% of its energy requirements from 'suitable decentralised and renewable or low carbon sources'.

The examiner may seek some reassurance that both the allocated site and other schemes that may come forward remain viable to develop with these additional requirements in place. One option would be for the basic conditions statement to confirm that the landowner and developer are willing and able to build out the site with these requirements in place.

### Affordable housing.

This is connected with the viability issue outlined above. We need to point out that with additional obligations in place, alongside a policy to encourage smaller sites this may impair our ability to negotiate an element of affordable housing for the village in new schemes.

Affordable housing is typically delivered by a landowner reducing the sale value of land to the point where a developer can deliver affordable housing and still deliver sufficient profit to make a scheme worthwhile. Where additional costs are applied this will reduce the amount of affordable housing that can viably be developed. Policy LNP5 and Policy LNP6 require older person's housing and renewable energy in schemes and do not state that this can be applied flexibly in response to any viability issues, meaning they are non-negotiable. It is therefore the affordable housing element which will be squeezed or even eliminated.

Policy LNP3 also states that proposals for more than seven dwellings will not be permitted. As our current threshold for requiring affordable housing is four or more dwellings this would only allow us to seek contributions on scheme of 4-7 dwellings. In addition, the Government are currently consulting on applying a threshold of ten dwellings below which local authorities will be prevented from seeking any affordable housing.

Where affordable housing is delivered it is also typically restricted to only those within the Parish. Under the terms of Policy LNP5 any bungalows built would be available to the over 65s on the open market. Could this mean that the plan as drafted risks prioritising older person's housing for anyone over 65 (who can move in from elsewhere) over affordable housing for those already in the parish?

In summary, whilst we support the intention to provide older person's housing we would advise that there is a 'trade off' in terms of how much affordable housing can be delivered and how many more additional obligations can be demanded by the plan. This is entirely a matter for the Parish Council as it is your plan. However we thought it may be worth explaining this trade off and highlighting that it may reduce or prevent the delivery of affordable housing in the village.

#### Relationship to housing policies in the current and future development plan.

The plan includes an allocated site and a phasing policy for around 62 houses. For context, the current adopted housing allocations strategy for Eden District remains the 1996 Local Plan which included three sites at Langwathby. Parts of site LLG1 - Meadow Court - and LLG2 – Town Head Farm remain undeveloped and have been proposed for allocation the draft Local Plan, with Powleys Garth now built out. The draft 'Preferred Options' Local Plan included an additional two potential sites at Langwathby, for an approximate total of around 72 houses. It did not include an allocation for Langwathby Hall Farm. Our most recent records indicate that 46 dwellings have been completed in the parish of Langwathby over the eleven years 2003/4 – 2013/14 and a further 22 have permission but have yet to be completed. This figure does not include the Langwathby Hall site which subsequently received outline permission.

We support the fact that the Parish Council have looked to allocate a larger site. The principle of then restricting the size of additional new housing developments has been established elsewhere (Upper Eden, Tattenhall) as long as the plan was positively prepared, and in the case of Tattenhall, the Examiner supported this approach as no representations had been received as to why housing development could not be delivered in this way.

However, we would like to raise a wider issue over whether the cumulative impact of neighbourhood plans advocating such policies may eventually fetter the ability of the Council to meet national policy requirements, most notably the requirement to demonstrate a five year land supply of identified and deliverable sites in the longer term. Without this in place housing supply policies are considered out of date and there is a presumption that new housing development will be permitted, unless it causes significant harm to an area. At present the District Council cannot demonstrate such a supply and is working on a new allocations strategy in the new Local Plan to rectify this.

This was an issue raised in our response to the Upper Eden Local Plan where we questioned as to whether any Examiner would see this as a precedent allowing other plans coming forward to the point where it runs the risk of compromising the ability of local authorities to meet national policy requirements. The examiner concluded that due to the nature of the Upper Eden area this would not be the case and it would be up to other areas to argue their own case for such policies.

To stress, we do not see this as a reason as to why the Langwathby Neighbourhood Plan

necessarily needs to be modified. We also commend the Parish Council for including an allocated site for a larger number of homes. However, we are aware there that a significant proportion of the district now has Neighbourhood Designation Orders in place this remains a risk, and would ask that the Parish consider the use of further allocations (which could be small in scale) rather than an annual development rates policy.

If you require further information please let me know.

Yours sincerely

A handwritten signature in black ink that reads "Paul Fellows". The signature is written in a cursive, slightly informal style.

Paul Fellows  
Senior Planning Officer

## Annex – Detailed comments on policies.

The purpose of planning policy is to set out the circumstances under which planning permission may or may not be granted. Most of the comments below suggest where additional clarity or evidence may be needed to ensure policies are in a format where they can be used for this purpose.

Map 1 & 2	The maps contain no copyright information so cannot be published by us in their current form. Please can you add this information or get in touch with us if you need assistance?
4.5	For the benefit of the Examiner or other readers the draft Eden Local Plan contains a figure of 720 new homes across 20 'Village Hubs' (including Langwathby) over a period of 18 years. Averaged out this comes to a figure of two dwellings per year in each. This includes any current permissions/commitments.
5.1.	The current Core Strategy includes 46 Local Service Centres, whereas the draft states 43.
5.2	Again for the benefit of the Examiner or other readers the draft Local Plan does not assume an even split of housing numbers to the 20 Village Hubs, rather it allocates sites according to their suitability and availability, and on past rates of development, meaning it will not be an even split between villages. The current draft Local Plan includes sites for 72 additional homes in Langwathby, not including current permissions.
Policy LNP1 – Housing Provision	<p>The policy 'allows for' around two dwellings per year before going on to say that an additional 28 units will be delivered at Langwathby Hall Farm up to a total of 60 dwellings. We are assuming by referring to 'delivery' in this policy and Policy LNP3 application of this policy will need to refer to the number of completed units rather than completions and permissions?</p> <p>The middle paragraph is a statement of process rather than something that will help decide a planning application, and we would suggest moving to the supporting text.</p>
Policy LNP2 – Langwathby Hal Farm Site	<p>The policy states that the development is to be phased over three periods but no indication of timing is given. The phasing of the site is not currently covered by Policy LNP3 which refers to the remaining housing allocation or Policy LNP1 as this also treats this site as additional to that rate. If the developer submitted a plan for phases two and three to be constructed immediately after phase one there is currently no policy to prevent this.</p> <p>Is the intention of the phasing to make sure each is completed before the next commences or is it to spread delivery over the plan period? If the former, one alternative would be to suggest that any permission is conditioned so that additional phases are only commenced on completion of the last. If the latter some indication of time periods could be given (although bear in mind this may affect viability of the site)</p>
Policy LNP3 – Small allocated sites and windfall sites	We would suggest that this policy should be positively rather than negatively worded e.g. 'Proposals of up to seven homes will be permitted' as this better fits with the concept of the presumption in favour of sustainable development set out in the NPPF (the Tattenhall Examiner's report contains using discussion on this point.)
Policy LNP4 –	The issue of impact on affordable housing delivery is covered in the main

<p>general wording and implementation</p>	<p>letter above.</p> <p>The first sentence could be said to be a statement of intent and refers to policies we would apply in any event and we would suggest it is not needed. The second sentence covers process rather than policy, and we cannot see any circumstances under which a planning application could be permitted or refused under this section, with the transfer of monies being a matter between the district and parish council and irrelevant to the applicant. We would suggest this could be placed in supporting text.</p> <p>We are also unclear on how the statement that affordable housing contributions should be safeguarded for use in the Parish would work in practice and would appreciate any advice or discussion. Where affordable housing is provided on site this would happen in any event. Where contributions are made for affordable housing off-site is the intention that the district council establishes a separate fund or is the expectation that monies will be transferred to the Parish Council?</p> <p>If no opportunities for additional affordable housing development can be found in Langwathby and the money is earmarked only for use in the parish is there a risk that these monies would then not be available for use elsewhere in the district? Please bear in mind that it is usual practice to paying back unspent planning obligation contributions after a time specified in the section 106 agreement.</p>
<p>Policy LNP4 &amp; 5 – use of evidence</p>	<p>The policy suggests that granting permission for older persons housing with the caveat that there is evidence that it is needed. We would suggest for clarity this last sentence could be deleted. As Policy LNP5 requires provision of older person’s housing without any evidence needed we cannot request any evidence or use it as information when deciding a planning application. The remainder of the policy then refers to the policy itself and could be removed.</p> <p>If the parish do wish us to seek bungalows only where there is evidence of need this needs to be put into Policy LNP5. Any guidance on the source of evidence required could also usefully be put in the supporting text.</p>
<p>LNP6 – Renewable Energy</p>	<p>Our concerns on viability are set out in the main letter. We are concerned that without any evidence on how this policy should be implemented and whether it is deliverable we do not currently think we could use it as a reason for refusal of a scheme.</p> <p>It would also be useful if the scope and application of the policy could be firmed up. Firstly, no threshold is set on size of scheme, nor is any particular type of development set out on which this policy would apply. As written all development (a single dwelling, housing extension requiring permission, change of use from a house to a shop or the building of a garage etc).would be caught by this policy. We would suggest that a size threshold is applied and/or the types of development subject to the policy set out.</p> <p>It also states that ‘new developments ‘will generate at least 25% of its energy requirements from suitable de-centralised and renewable or low</p>

	<p>carbon sources'. We would suggest a few wording changes:</p> <ul style="list-style-type: none"> <li>• At the moment it reads that new developments must gain their energy from decentralised renewable sources, <u>and</u> from (decentralised) low carbon sources. If on-site generation is also acceptable we would suggest using 'and/or' instead of 'and'.</li> <li>• The policy states that new development will 'generate' its own energy – is this intended given that the remainder of the sentence mentions decentralised sources? Could it be rephrased to state that development must meet a requirement rather than generate it?</li> <li>• The policy stipulates that sources must be 'suitable' – unless there is any indication on what this means in practice we would suggest this word is not needed.</li> </ul>
LNP7 – Existing Employment land	<p>One small typo - the title of this policy reads 'LPN7', it should read LNP7.</p> <p>We would suggest that the second sentence of this policy not needed as the first sentence achieves the aim of the policy. Alternatively a second sentence could read. 'Non-employment uses will not be permitted'. Is the reference to NDOs needed? It is open to the parish to do this at any time and it describes a process rather than the circumstances under which planning permission would be granted.</p>
8.2	<p>This paragraph refers to specific areas of open green space. This should ideally be shown on proposals map or in a policy, as supporting text should only be used to explain and justify policies. The NPPF (paragraph 76) refers to it being open to neighbourhood to designate 'local green space' – is this the intention here and do these sites meet the criteria set out?</p> <p>Please also be aware that the district Council is also currently carrying out a survey and audit of open space across the district including Langwathby and could share this information with the Parish Council.</p>
LNP8 - Environment	<p>This includes a reference to conserving and enhancing the special qualities of the Lake District. This looks to have been copied from the Matterdale draft plan and needs deleting. Similarly, the section on the plan period also contains a reference to the national park.</p>
LNP8 - Environment	<p>Policies on conservation and design are already present in the form of Policies CS17 and CS18 of the current Core Strategy and will be covered in the forthcoming Local Plan. Is this policy therefore needed?</p> <p>If yes, we would suggest that in order to carry further weight the policy could be developed to relate to the design and layout of Langwathby, and in particular specify what the 'special qualities' of Langwathby are, as this would help influence a planning application and decision. The term 'special qualities' usually applies to national parks, as the understanding and enjoyment of them is one of their purposes as defined by the 1995 Environment Act. Special qualities are then usually identified and listed - see the Lake District Core Strategy and management plan for an example. As currently phrased the policy and supporting text do not provide any information to the applicant or decision maker of what special qualities their scheme would be expected to conserve or enhance and we would advise that a more specific policy relating the village would be more useful when deciding planning applications.</p>



LNP9 - Heritage	<p>This policy does not appear to add anything to existing national and local planning policy, and is not specific to Langwathby. Is it needed? In the event that new development would risk damage to a heritage asset we would likely use current or future development plan policy (in the form of Policy CS17 of the Core Strategy or ENV11 of the draft Local Plan once adopted) as they contain more detail as a reason for refusal. Please also note that war memorials, historic parks and gardens and archaeological sites are usually classed as heritage assets. May it also be worth mentioning for the benefit of applicants that there is one conservation area relevant to Langwathby (the Settle to Carlisle Railway line)?</p>
LNP10 – Parish consultations.	<p>We understand and support the intention of this policy, which is presumably to make sure the Parish Council is fully involved in discussions on planning applications and that their views should carry significant weight.</p> <p>Firstly we would suggest that the first sentence is placed in supporting text as it is a statement about the planning process rather than a planning policy which can be used in decision making.</p> <p>Secondly, we do not yet fully understand the intention of this policy and how it is intended to operate in practice. We are concerned that unless there is an understanding of how this policy is to be applied between the district and Parish Council it could raise the expectation that any view expressed by the Parish Council will automatically carry additional weight in decision making or ‘trump’ any evidence produced by the applicant or statutory consultees.</p> <p>Whilst we will of course take the views of the parish we are inevitably constrained by planning policy and procedure as to what we can use as a reason for permitting or refusing permission, and any misapplication risks the possibility of a successful (and potentially costly) appeal.</p> <p>To explain, decisions must be made in accordance with the development plan unless material considerations indicate otherwise. There is a useful list of what a material consideration may be on the Royal Town Planning Institute website:</p> <p><a href="http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf">http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf</a></p> <p>They must be related to the use and function of the land. This means we may not be in a position to attach a degree of ‘additional’ weight to any particular material consideration on the basis of a development plan policy only, or in the absence of any definite information as to how the material consideration could warrant refusal. In other words we cannot take the opinion of the Parish Council only as a reason for refusal unless it was backed by evidence to counter that put to us by the applicant, as we would feel that any decision was vulnerable to successful appeal.</p> <p>To illustrate, to give an example of when this policy could be used was where the district council is recommending approval of a development and the Parish Council cite material considerations that they conclude could outweigh those used by the District Council in recommending approval – for example mentioning possible adverse traffic impact. The issue for us is then</p>

**Annex E Copy of the Presubmission Consultation Version of the Plan**