

Eden District Council

Lazonby Neighbourhood Plan – Decision Statement

(published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended))

Background

1. On 18 September 2014, Eden District Council formally designated the area of Lazonby Parish as the Lazonby Parish Council Neighbourhood Area.
2. Following the submission of the Draft Lazonby Neighbourhood Plan to Eden District Council, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the plan was publicised and representations were invited. The publicity period ran for a period of six weeks between 28 May 2018 and 10 July 2018.
3. Eden District Council appointed an independent Examiner, John Slater BA (Hons), DMS, MRTPI to examine whether the Lazonby Neighbourhood Plan met the ‘basic conditions’ as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Lazonby Neighbourhood Plan should proceed to a referendum.
4. The final Examiners Report was received by Eden District Council on 12 December 2018 which recommended a number of modifications to the Lazonby Neighbourhood Plan. These are required to ensure the Lazonby Neighbourhood Plan complies with the basic conditions and other relevant statutory provisions, and so that the draft plan as modified can be submitted for referendum. It concludes by stating:

“I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.”

Recommendations, Decisions and Reasons

5. Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended), requires the local planning authority to outline what action needs to be taken in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
6. Having considered the recommended modifications, as set out in the Examiner’s Report and the reasons for them, Eden District Council has agreed to accept these modifications and for them to be made to the Lazonby Neighbourhood Plan in accordance with paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990. The Council confirms that subject to the Examiner’s proposed specific modifications, the Lazonby Neighbourhood Plan will proceed to referendum for the following reasons. The Neighbourhood Plan:

- will be compatible with the European Convention of Human Rights;
- will not breach, and is otherwise compatible with, European Union obligations;
- is not likely to have significant effect on a European designated site or a European Offshore Marine site either alone or in combination with other plans or projects;
- taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State and would contribute to the achievement of sustainable development;
- is in general conformity with the strategic policies contained in the Development Plan for the area;
- meets the basic conditions; and
- has undergone consultation in accordance with the requirements of the Regulations.

The Council also agrees with the Examiner's recommendation that the referendum of the Neighbourhood Plan should be based on the designated Neighbourhood Area approved by the Council on 18 September 2014.

7. To meet the requirements of the Localism Act 2011, a referendum which poses the question, 'Do you want Eden District to use the Lazonby Neighbourhood Development Plan to help it decide planning applications in the neighbourhood area?' will be held in the area formally designated as the Lazonby Neighbourhood Area.
8. The date on which the referendum will take place is 17 October 2019.

This Decision Statement, the Examiner's Report, including the proposed modifications and the Lazonby Neighbourhood Plan can be viewed on Eden District Council's website (www.eden.gov.uk/planning-and-building/planning-policy/neighbourhood-planning). The documents are also available for inspection at the following locations:

- Eden District Council offices
 - i. Penrith Town Hall, Corney Square, Penrith, Cumbria CA11 7QF
 - ii. Mansion House, Friargate, Penrith, CA11 7YG;
- Lazonby Library Link, Co-operative store, Lazonby, Penrith CA10 1BG
- Penrith Library, St Andrew's Churchyard, Penrith, CA11 7YA

For more information please contact the Planning Policy Team on 01768 817817 or e-mail neighbourhoodplanning@eden.gov.uk.

Schedule of Modifications

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in italics.

The page numbers and policy numbering below refer to the submission neighbourhood plan, and do not take account of the deletion or addition of text.

Policy	Page number	Proposed modification	Examiner's justification	Decision
Policy D1: General Development Principles	21	<p>New development proposals within the Neighbourhood Area will be expected to conform to the policies set out in this plan and to demonstrate a sustainable approach to the economic, social and environmental development of the parish in the long term.</p>	<p>The policy requires development to comply with other policies in the plan. That is unnecessary as under planning law, under Section 38(1) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise.</p> <p>The second part of the policy does not provide the necessary clarity as to what an applicant is expected to demonstrate. The Planning Practice Guidance states that a policy should be "...clear and unambiguous.</p> <p>The policy should be deleted, allowing decision-makers to rely upon Policy DEV1 of the Eden Local Plan 2014-2032.</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
Policy D2: Greenfield Sites	25	<p><i>Policy number changes to D1.</i></p> <p><i>Retitle policy Greenfield and Brownfield Sites</i></p> <p><u>Proposals involving the redevelopment of previously developed land on all sites within the plan area, will be approved, subject to compliance with other policies in the development plan.</u></p> <p><u>Proposals for the development of greenfield sites, other than as permitted by policies in this plan or the Eden Local Plan, will not be approved.</u></p> <p>The plan supports Eden District Council's sequential approach to land use development.</p> <p>Applicants coming forward with proposals involving development on brownfield sites will be encouraged. However, proposals for the development of greenfield sites, which have not been allocated within this plan, will need to demonstrate that exceptional circumstances exist, to the satisfaction of the Parish Council (and this Policy will carry significant weight in any decision that the Council may take) and that there is an absence of any alternative suitable sites.</p> <p>All the sites within the village boundary (see Figure 3), and adjacent to it, have been assessed for their</p>	<p>There are elements of the policy that are not worded so as to be capable of being used to determine planning applications. The policy should be worded in a positive manner stating that "planning applications will be approved..."</p> <p>It is not appropriate or accurate to consider all other land apart from Heskett Park and The Princes (Eden Valley Mineral) Water Company sites as greenfield sites. The policy should be rationalised so as to presume against the development of greenfield sites which are not covered by other policies in the plan.</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>suitability for future development. A number of these sites have been allocated for future development. There are, in addition, a number of smaller, potential, 'windfall' sites within the village boundary suitable for up to three dwellings. With the exception of the site at Heskot Park, the Princes (Eden Valley mineral) Water Company site, and in relation to Policy B2, all other sites within the parish are considered to be greenfield sites.</p> <p>Any new developments within the Neighbourhood Plan Area which meet the policy requirements outlined within the Neighbourhood Plan, the Development Plan, including the Eden Local Plan, and National Policy, will be permitted.</p>		
Policy D3: Design of New Development	27	<p><i>Policy number changes to D2.</i></p> <p>New development will be expected to follow the provisions set-out in the Design Guide.</p> <p>For new developments where the Design Guide is not followed, justification of exceptional circumstances will be required to support the application. High quality and innovative design will be encouraged.</p> <p>For existing properties where extensions or alterations are planned, the materials and design</p>	The threshold for departing from the requirements of the design guide should not be "justification of exceptional circumstances". If the applicant does not choose to follow that guidance, then it is a matter for the decision maker to assess as to whether that departure is justified.	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		will be expected to follow the Design Guide and/or match the existing building.		
Policy D5: Trees	28	<p><i>Policy number changes to D4.</i></p> <p>Existing mature trees (see Glossary) and hedges of amenity value <u>that contribute to the amenity of the area</u> should be retained on any development site. Any planning application <u>for development that could affect any such trees or hedges will be expected to demonstrate how the trees, hedges and their roots will be protected during the construction and how the developer will integrate these trees and/or hedges into the scheme, including incorporating appropriate new planting.</u> affecting mature, or semi-mature trees and/or hedges, or applications affecting one or more new dwellings, should be supported by an Arboriculture Statement. This should provide a sufficiently detailed assessment showing how the trees and/or hedges are to be protected and how the developer will include new planting in a way that will ensure long term integration of the new with the old.</p>	<p>A neighbourhood plan policy cannot require a planning application to be accompanied by any particular document. However, the aspirations of the policy can be achieved by rewording of the policy to require proposal to demonstrate the existing trees and hedges can be protected.</p> <p>The definition of mature trees in the glossary refers to “any tree that has reached one third of its expected height”. It is more important that the policy should only relate to those trees that positively impact on the amenity of the plan area, rather the policy providing blanket protection to every tree in the parish.</p>	Modification made
Policy D6: Protection and Provision of Open	32	<i>Policy number changes to D5.</i>	The policy is not prescriptive enough as to which areas were to be designated as local green space. It is the purpose of the neighbourhood plan	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
Space, Land, of Amenity Value and Local Green Space		<p>Retitle policy Protection and Provision of Open Space, Land, of Amenity Value and Local Green Space</p> <p><u>The following areas are designated as Local Green Space as shown on Map 8:</u></p> <ul style="list-style-type: none"> • <u>Will Pool</u> • <u>Old Post Office/Old School/Croglin Toys and Designs Land</u> • <u>Land adjacent to the Parish Church</u> • <u>Brooklyn Green Area</u> • <u>Sports Field</u> • <u>Bateman's Lane</u> • <u>Riverside, Car Park and Picnic Site</u> • <u>Coronation Gardens</u> • <u>Community Park</u> • <u>Swimming Pool</u> • <u>Scaur Close Green</u> <p><u>Development on these sites will not be permitted other than in very special circumstances.</u></p> <p>i. Local Green Spaces, such as Will Pool and its setting (inside the village boundary adjacent to the B6413, Fig 8, 1), and the</p>	<p>policy to actually designate areas of local green space. To ensure that the policy is in line with Secretary of State advice, the protection against development on these sites should be qualified, to "other than in very special circumstances".</p> <p>Site 7 (Riverside, Car Park and Picnic Site), referred to as 'proposed green space' in figure 8, does already meet the requirements for Local Green Space and does not need to be differentiated from other existing local green spaces.</p> <p>It would be clearer to differentiate the protection of existing open spaces from the policy covering open space etc. in new development.</p>	

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>Sports Field (to the rear of Lazonby Church of England School, Fig 8, 5) will be protected from development.</p> <p>ii. New areas of amenity value and public open space will be encouraged in development proposals and existing areas will be protected from development or other uses which may reduce their amenity value. 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.</p> <p><i>Amend Figure 8 by removing Proposed Green Space and colour it as Local Green Space.</i></p> <p><i>Remove Local Green Space and Proposed Green Space from Figure 7.</i></p>		

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		<p><i>Replace Table 1 with the amended Table 1 from the LPC response to my Initial Comments but with the columns entitled "Acts of Maintenance" and "Structures on land and / or leased" removed.</i></p>		
<p>Policy D7: New Recreation and Play Areas</p>	<p>34</p>	<p><i>Policy number changes to D6.</i></p> <p><u>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, 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.</u></p> <p><u>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.</u></p>	<p>The changes to this policy proposed by Lazonby Parish Council will amalgamate the second part of Policy D6 (removed to differentiate the protection of existing open spaces from the policy covering open space etc. in new development) and the proposed Policy D7.</p>	<p>Modification made</p>

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>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).</p> <p>New recreation, amenity and play areas for the whole community will be encouraged in any new development proposals (see Policy D6). As a part of this policy the following proposals have been incorporated within the plan.</p> <p>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.</p> <p>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 and also Policy D6).</p>		
Policy D8: Footpaths	35	<p>Policy number changes to D7.</p> <p>The LNP will seek to ensure the retention of all existing public footpaths, adopted footpaths and Public Rights of Way. Applicants should identify all existing Public Rights of Way both within and adjacent to any part of an application site.</p> <p>Where Public Rights of Way are present, the application should demonstrate that the proposed</p>	This policy strays into areas that do not relate to the matters that can be covered by a neighbourhood plan but are covered by their own separate legislation, which is not administered by the Local Planning Authority, but rather by the County Councils as Highway Authority.	Modification made

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		<p>development will preserve, or enhance, the existing Public Right of Way.</p> <p><i>Delete Tables 3 and 4 from the plan.</i></p> <p><i>Remove from Figure 7, the two Historic Footpaths shown as 10 and 6.</i></p>	<p>It is recommended that the "historic footpaths" are removed as they have no status in the development plan and their inclusion causes uncertainty to landowners and their tenants and potentially to future users of the neighbourhood plan, who may assume the route has a status, that is not established in law.</p>	
Policy D9: Cycleways	37	<p><i>Policy number changes to D8.</i></p> <p><u>Any proposed residential development, which will be in close proximity to any future cycle network will be expected to connect to that network and where appropriate, will be expected to contribute to the improvements to the cycle network and safe cycling provision.</u></p> <p>The LNP will seek to ensure the retention of any established cycleways and support improvements to a wider cycle network. The Lazonby Cycleway proposals are supported by the LNP. Where new developments are proposed, the LNP will require them to be legible with the existing cycle network and to seek improvements for new and enhanced cycling routes linking into the network, and safe cycle parking provision.</p>	<p>Figure 7 describes the proposed Lazonby Cycleway which is a route that appears to be entirely on roads. As such the designation is not likely to fall within the remit of a planning application.</p> <p>if there are any developments that can connect with a cycle network then the opportunity should be taken, in line with national advice.</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
Policy H1: Housing Development	40	<p>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</p> <p>a) Set out in the <u>statutory</u> Development Plan; <u>and or</u></p> <p>b) Supplemented as necessary <u>As demonstrated through an up-to-date housing needs surveys.</u></p> <p>The development of single <u>up to 5</u> dwellings will also be supported on sites not allocated in this plan that are either:</p> <p>a) <u>within the settlement boundary (see Policy D2), or</u></p> <p>b) <u>that meet the conditions set out in Policy B2, or</u></p> <p>c) <u>are on greenfield sites of no more than 0.2 ha within the village boundary.</u></p> <p>In addition, all housing development will be encouraged to comply with a number of general principles which meet the objectives of the LNP:</p>	<p>If a proposal meets the requirements set out in the development plan, then it is not necessary for the development proposals to be “supplemented as necessary through up-to-date housing need surveys”.</p> <p>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.</p> <p>The threshold for considering the adverse impact on existing neighbours is set too low. This would allow any small adverse impact to be the basis for preventing the building of new homes.</p> <p>The allocation of 25 houses to the Heskett Park site (Site HS1) would not be providing for the needs for Lazonby because the site would be closer to the Key Hub of Heskett. The allocation would not help to sustain the viability of services in Lazonby, as aspired to in Policy LS1 of the Local Plan as</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>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);</p> <p>2) Proposals should not result in any <u>significant</u> adverse impact on the amenity of any existing neighbours, including businesses; and not otherwise adversely impact sensitive environmental or heritage assets.</p> <p><i>In the Site Allocation Table remove Sites HS1 and HS2 and amend subsequent plans.</i></p> <p><i>Insert in the Comments and Constraints column against each remaining allocations a reference to the need for the developer to submit a Construction Method Statement and Surface Water Drainage Plan to mitigate any adverse impacts on the River Eden and Tributaries SSSI.</i></p>	<p>residents would be unlikely to use the Lazonby School or using the local shop in Lazonby or recreational facilities.</p> <p>The Meadows (Site HS2) has not only received planning permission but that the site has been completed and occupied for two years. The numbers will count against the target of 106 for the village set out in the Local Plan and the figure for completions in the table attached to Policy RUR 1 already recognises the 48 houses that have been completed as part of this development. To include it again would be double counting.</p>	
Policy H2: Affordable Housing	51	<p>Where planning permission is granted for affordable housing, first and future occupation of each affordable dwelling will be controlled by conditions attached to the planning permission, or a separate Section 106 agreement. This will ensure that occupation is limited in the first instance, and</p>	<p>Planning Practice Guidance refers to affordable housing being provided by planning obligations, in terms of contributions or thresholds for delivery. Therefore, to avoid confusion, reference to control being exercised by</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		in subsequent sales or lettings, to address local needs and, where appropriate, local connections criteria. Where this cannot be achieved a cascade arrangement for first and future sales and lettings shall be set out in the planning obligation. This can also be secured through a planning condition.	planning conditions should be removed.	
Policy H3: Housing for the Elderly and Sheltered Housing	52	The LNP would support the extension onto adjacent land or redevelopment of Eden Court as a facility for the elderly population. The plan will support new accommodation that complies with the other policies in <u>this the development</u> plan.	It is important that all proposals also have regard to policies in the local plan where it is relevant and that cover other matters not addressed in the neighbourhood plan.	Modification made
Policy B1: New Business Premises Development	61	Proposals for the development of new and existing business premises, or the extension of existing businesses in the parish, which will provide local employment opportunities, will be encouraged where they are in conformity with this the <u>development</u> plan. New premises should: 1) 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).	It is important that all proposals also have regard to policies in the local plan where it is relevant and that cover other matters not addressed in the neighbourhood plan.	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>2) Proposals should not result in a material adverse impact on the amenity of any existing neighbours, including businesses; and</p> <p>3) Not otherwise have a material adverse impact on sensitive environmental or heritage assets.</p>		
Policy B2: Farm Diversification and Buildings Outside Current Settlement Areas	63	<p>New development and extensions to existing buildings, intended to benefit farm diversification, for example cottage industries, holiday rentals and principal residences for sole occupancy by the owners (see Glossary), will be supported provided that:</p> <p>1) they conform to the Design Guide;</p> <p>2) the site is accessible by an existing track or road to the public highway;</p> <p>3) if the buildings are for tourism purposes, clear evidence for the use can be provided;</p> <p>4) in the case of new buildings, existing structures for repair or conversion are not present, or available for the proposed use.</p>	The objectives of the third proviso is not sufficiently clear as to what the policy is requiring. This evidence is not necessary as the plan acknowledges that there is limited tourism activity in the plan area.	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
Policy B4: New Tourism Development	64	Tourism development proposals intended to support existing, or new amenity- or leisure-based activities (see Glossary) will be supported where not in conflict with other policies in the <u>development plan</u> .	It is important that all proposals also have regard to policies in the local plan where it is relevant and that cover other matters not addressed in the neighbourhood plan.	Modification made
Policy B5: Conversion of Redundant Buildings	65	<p>Conversion of redundant buildings (see Glossary) for business purposes will be supported where <u>it will lead to an enhancement to the immediate setting</u> the proposals are in accordance with other policies in this plan. Conversion, or renovation of redundant buildings for use as residential units will be supported where occupation will be by local farm workers and will be maintained through planning conditions. Conversion of redundant buildings for residential use where occupation by local farm workers is not intended will only be permitted in sustainable locations where compliance with the other policies in this plan can be demonstrated, especially policies D1-D5 and B4.</p> <p>Conversion will only be supported where it can be demonstrated that there will be no material adverse impacts upon any heritage assets, local biodiversity and habitats, or the character of the surrounding area, arising for the development or the activities proposed at the site. Planning conditions and/or the</p>	The Secretary of State's policy is clearly that the conversion of redundant buildings to residential use is not required to be restricted to a particular occupation. Equally national policy is not to restrict the conversion of buildings to sustainable locations, as the policy recognises that these can be isolated houses in locations where such buildings already stand. This policy as proposed, does not meet the basic conditions as it conflicts with the Secretary of State's policy. As submitted, it could allow redundant buildings to stand empty, which is not a sustainable policy. It should also be noted that farms enjoy permitted development rights for the conversion of buildings for up to 5 small houses. This policy is also more restrictive than	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		removal of permitted development rights may be used to secure compliance with the Neighbourhood Plan policies.	allowed by Policy RUR 3 of the Eden Local Plan.	
Policy M1: Small-scale Renewable and Low Carbon Energy Schemes	66	<p>Planning permission will be granted for energy generating infrastructure using renewable or low carbon energy sources to serve individual properties or groups of properties in settlements and countryside locations provided that:</p> <ol style="list-style-type: none"> 1) The impact of the energy generating infrastructure either individually or cumulatively with existing infrastructure does not conflict with other policies in this Plan; 2) The energy generating infrastructure is in a suitable location related to, and in proportion to the scale of the existing buildings or proposed development it is intended to serve; 3) The siting, scale and design of the energy generating infrastructure does not compromise public safety and allows continued safe use of public rights of way; 4) Adjoining uses are not adversely impacted in terms of noise, vibration, or electromagnetic interference; 	<p>Proviso 5: There is no evidence that justifies the requirement that “energy generating infrastructure and its installation complies with microgeneration certification scheme” – it would not be grounds for refusing a planning application.</p> <p>Proviso 6: The criterion should require the imposition of a planning condition which requires the removal of the equipment rather than seeking an unreasonable expectation that “a scheme is agreed with EDC to remove the equipment, once no longer used, as soon as practical”.</p>	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<p>5) Where appropriate, the energy generating infrastructure and its installation complies with the Microgeneration Certification Scheme, or its replacement; and</p> <p>6) A scheme is agreed with EDC to remove the <u>The imposition of a planning condition requiring the removal of</u> energy generating infrastructure as soon as reasonably practicable, once it is no longer used for energy generation, in order to secure the restoration of the land.</p> <p>7) Has regard to the other policies in the LNP.</p>		
Policy I1: Infrastructure Capacity	68	<p>Applicants will need to demonstrate that there is sufficient capacity with existing infrastructure network to meet the demands of the development. Where this cannot be demonstrated, permission for new development will only be granted where additional</p> <p>capacity can be released through better management of existing infrastructure, or through provision of new infrastructure.</p> <p>This could include, although is not limited to, the following types of infrastructure:</p>	It is over onerous to require all applicants to “demonstrate that there is sufficient capacity with existing infrastructure network to meet the demands of the development” irrespective of the size or type of proposed development. This can only be a matter that needs to be addressed in respect of the major developments. This policy has not been supported by specific evidence of inadequate infrastructure capacity in Lazonby. The recently adopted Local Plan Policy DEV4 – Infrastructure and Implementation, makes it clear that	Modification made

Policy	Page number	Proposed modification	Examiner's justification	Decision
		<ul style="list-style-type: none"> • Highways and Transport (including walking and cycling) interventions • Education provision (including school transport provision) • Surface water management (to ensure that the development does not create, or increase, flood risk to the site and/or surrounding sites and infrastructure) • Sewerage systems • Flood alleviation schemes • Extra Care Housing as part of the affordable housing requirement on applicable developments 	<p>where development is dependent upon sufficient capacity being available in the existing infrastructure network to meet the needs of the new development, then this should be provided by the developer.</p>	