

# Designation of Alston Moor Neighbourhood Area

Agenda Item No:  
Report No: CD61/14

Eden District Council

Executive  
1 July 2014

## Designation of Alston Moor Neighbourhood Area

Reporting Officer: Communities Director

Responsible Portfolio: Economy and Planning

### 1 Purpose of Report

- 1.1 This report asks the Executive to formally designate the Alston Moor Parish area as an area suitable for the exercising of neighbourhood planning powers.
- 1.2 Alston Moor Parish Council has applied to the council for the parish area to be designated as a 'neighbourhood area'. As part of this process public consultation on the area has been carried out, providing an opportunity for members of the public and any interested bodies to make representations on the appropriateness of the area. The Local Planning Authority is then required to either designate the area or refuse the designation. If the decision is to refuse the area, then reasons must be given.
- 1.3 The application is available at Appendix 1. A proposed decision report is provided at Appendix 2.

### 2 Recommendation:

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| <ol style="list-style-type: none"><li>1 The designation of the Alston Moor Neighbourhood Area be approved</li><li>2 The specified area, namely the whole of the Parish, without modification be designated as a Neighbourhood Area for the reasons set out in the application.</li><li>3 The designation decision report, available at Appendix 2, be approved, sent to Alston Moor Parish and published on our website.</li><li>4. Decisions on future Neighbourhood Area designations be delegated to the Communities Director provided that:<ol style="list-style-type: none"><li>1. The application is from a single Parish Council and does not go beyond their parish boundaries.</li><li>2. No objections are received in response to the six weeks consultation.</li></ol></li></ol> |
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### **3 Report Details**

- 3.1 The power to designate an area as a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 an area application has to include a map which identifies the area to which the area application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the body making the area application is a relevant body for the purposes of section 61G (2) of the 1990 Act.
- 3.2 Alston Moor Parish Council as the 'relevant body' submitted an application for designation of the Alston Moor Parish area to be designated as a Neighbourhood Area (the submission is at Appendix 1). The specified area includes the whole of the area of Alston Moor Parish and so satisfies section 61G (3) of the Act. The application states that following designation the Parish Council will consider how the new planning tools available to them can best be applied.
- 3.3 The application for designation as a Neighbourhood Area was publicised for a 6 week public consultation period from 14 April 2014 until 2 June 2014.
- 3.4 In total 9 responses were made within that timescale – 1 was in support, 2 had no objections, 2 were neutral, 4 had no comments to make, and none had objections. These representations are made available in Appendix 3, and regard has to be given to them where they are relevant to the Area Designation. It should be noted that some statutory consultees provide standard responses that relate more to the contents of future neighbourhood plans rather than to the Area Designation itself.
- 3.5 Two further formal considerations apply when considering the designation of Neighbourhood Areas. Firstly, regard must be had to the desirability of designating the whole of the area of a parish council as a neighbourhood area as required under section 61G (4) (a) of the Act. Secondly consideration must be given as to whether the authority should designate the area as a 'business' area under section 61H of the Act. The purpose of this is to identify where an area is predominately made up of businesses and as such where businesses should be entitled to vote in any referendum. As this application covers the whole parish, and the Parish is not considered a business area it is not recommended that either of these considerations is applicable.
- 3.6 It is recommended that the application is approved. If the application is approved, then Regulation 7(1) of The Neighbourhood Planning (General) Regulations 2012 requires the designation to be publicised. If the application is refused, reasons must be given under section 61G (9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.

### **4 Policy Framework**

- 4.1 The Council has four corporate priorities which are:  
Housing  
Quality Environment

## **5 Implications**

### **5.1 Legal**

- 5.1.1 The Council has a duty to consider and determine Neighbourhood Area applications. Any application has to be considered with regard to statutory criteria and any relevant guidance. There are no apparent reasons to refuse this application and it is recommended that it is approved.

### **5.2 Financial**

- 5.2.1 Any decision to reduce or increase resources must be made within the context of the Council's stated priorities as set out in its refreshed corporate plan.
- 5.2.2 The costs to the Council are officer time in administering the area application and the other associated costs. The costs of the Alston Moor Area Designation can be met by existing budgets. These budgets are funded through grants already received from the Department of Communities and Local Government. In the current financial year the council can also apply for grants from the Department of Communities and Local Government of £5,000 per neighbourhood area designation.

### **5.3 Equality and Diversity**

- 5.3.1 The Council has to have regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010 and related statutes.

No relevant considerations.

### **5.4 Environmental**

- 5.4.1 The Council has to have due regard to conserving bio-diversity under the Natural Environment and Rural Communities Act 2006. The Council will work with the qualifying body to ensure that any subsequent plan or order takes biodiversity issues into account.

### **5.5 Crime and Disorder**

- 5.5.1 Under the Crime and Disorder Act 1998 the Council has to have regard to the need to reduce crime and disorder in exercising any of its functions.

No relevant considerations.

### **5.6 Children**

- 5.6.1 Under the Children Act 2004 the Council has to have regard to the need to safeguard and promote the welfare of children in the exercise of any of its functions.

No relevant considerations.

### **5.7 Risk Management**

- 5.7.1 Risk Management is a process whereby attempts are made to identify, actively control and reduce risk to protect the council. This covers not only the traditional areas of insurable risk but also the organisational risk that the council faces in undertaking all its activities.

No relevant considerations.

**6 Recommendation**

- 6.1 To formally designate the area of Alston Moor Parish as an area suitable for the exercising of neighbourhood planning powers granted under the 2011 Localism Act.

Ruth Atkinson  
Communities Director

**Governance Checks:**

Checked by or on behalf of the Chief Finance Officer	✓
Checked by or on behalf of the Monitoring Officer	✓

**Background Papers:** 1 Alston Moor Neighbourhood Area Application  
2 Designation Decision Report  
3 Summary of consultation responses

**Contact Officer:** Fergus McMorrow, Neighbourhood Planning Officer  
**Telephone Number:** 01768 212474

## Application for Designation as Neighbourhood Area

(see Section 61G(1) of the Town and Country Planning Act 1990 and Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 SI2012/637)

If you require a copy of the form in an alternative format or language phone: 01768 212268. If you require any help with completing the form, please contact the Neighbourhood Planning Officer at Eden District Council on Telephone: 01768 212474 or Email: Fergus.McMorrow@eden.gov.uk.

### Section 1 - Applicant

**1. Name of your organisation**

Alston Moor Parish Council

**2. Address of organisation**

Alston Town Hall  
Front Street  
ALSTON  
Cumbria  
CA9 3RF

**3. Website** (Leave this blank if your organisation does not have a website address)

<http://www.cybermoor.org/www.alstonmoor.org>

**4. Contact person and position**

Mrs C. A. Johnson. Clerk to the Parish Council

**5. Address** (if different from Question 2)

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**6. Contact details**

<b>Email</b>	clerk@alstonmoor.org
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## Section 2: The Proposed Neighbourhood Area

### 7. Area Proposed

The proposed 'Neighbourhood Area' consists of the entire parish area administered by Alston Moor Parish Council ('the Area'). It includes the settlements of Alston, Nenthead and Garrigle, the hamlets of Blagill, Leadgate and Nentsberry, scattered settlements and the surrounding rural area as incorporated within the Alston Moor Parish Boundary

### 8. Inclusion of a Map identifying the area to which the area application relates (Reg.5(1)(a) of the Neighbourhood Planning (General) Regulations 2012)

A map which identifies the Area to which the area application relates is included and attached to this application form

### 9. Statement addressing why the Area Proposed is Considered Appropriate (Reg.5(1)(b)) of the Neighbourhood Planning (General) Regulations 2012)

The Area is considered appropriate because it forms a distinct neighbourhood area geographically and historically and has a strong sense of community identity.

Alston Moor is an ancient parish and township in Eden, Cumbria comprising some 15000 hectares. It is located in the High Pennine moors in the NE part of Cumbria County and Eden District. It is separated from the main towns and other parishes of Cumbria by high moorland. It has a history of mining and agriculture and has a strong community. It neatly coincides with the Alston Moor District Council electoral ward.

The aspirations of Alston Moor Parish Council derive from Alston Moor Parish Council's work with Alston Moor Partnership which developed a Community Plan last updated in 2012. The Partnership, the Community Plan, and the Parish Council combine together to bring improvements to the quality of life in Alston Moor. The Parish boundaries have formed the Area for the purposes of this work. The Area is relatively self-contained and isolated. The boundaries of the Parish, therefore, form a logical area for Neighbourhood planning purposes.

Alston Moor has a very active Parish Council that wishes to secure the ability to use the community rights provided by the Localism Act 2011 to further the wellbeing of its local community. The Parish is particularly concerned to ensure that there is an increase in employment opportunities and adequate housing. This is for the benefit both of local people and for those who may wish to move to the Area. The Parish is also keen to ensure that vacant and derelict buildings are brought back into use. Another vitally important factor is to ensure that the infrastructure for new development is adequate and does not increase the flood risk to existing properties.

Following Designation the Parish will consider how the new planning tools provided can best be applied to support these objectives.

### Section 3 - About your organisation

- 10. Statement Addressing Why You Believe Your Organisation is a Relevant Body?**  
(Statement in compliance with Regulation 5(1)(c) of Neighbourhood Planning (General) Regulations 2012)

The body (Alston Moor Parish Council) making this area application, being a Parish Council, is a 'Relevant Body' (as defined in Section 61G(2) of the Town and Country Planning Act 1990) for the purposes of section 61G of the 1990 Act. The proposed area consists of the Parish of Alston Moor and only the Parish of Alston Moor.

#### Section 4: Authorisation


- 11. When did the Applicant duly authorise this Application to be made?**  
(Please include date of meeting and minute number (if available) and any delegations used.)

Alston Moor Parish Council Meeting 3rd March 2014. Minute no 9d/MAR/14  
A certified true copy of the minute signed by the Proper Officer has been submitted with this application.

**12. Declaration**

I confirm that this application for Neighbourhood Area Designation being made to Eder District Council has been duly authorised to be made on behalf of Alston Moor Parish Council, being the relevant body for Neighbourhood Planning purposes.

(Signature of duly Authorised person such as the Parish Clerk.)

Signed	Print Name and Office
	CHRISTINE A JOHNSON
Date	8/4/2014

The Information you have provided will be publicised to conform to the requirements under regulation 6 of the Neighbourhood Planning (General) Regulations 2012.





**DESIGNATION OF ALSTON MOOR NEIGHBOURHOOD PLANNING AREA  
DECISION REPORT**

Eden District Council under section 61G of the Town and Country Planning Act 1990 hereby designate the whole of the area of "Alston Moor Parish Council" as a neighbourhood area (for the purposes of section 61G(1) of the Town and Country Planning Act 1990 as amended) as it is satisfied that the Parish is appropriate to be designated as a neighbourhood area. The Council does not designate the Neighbourhood Area as a business area for the purposes of section 61H(1) of the Act as it is not wholly or predominantly business in nature.

- a) Name of neighbourhood area: Alston Moor
- b) Map of neighbourhood area: as attached
- c) Relevant body: Alston Moor Parish Council

Dated this ..... day of .....

P G Foote  
Director of Corporate and Legal Services

On behalf of Eden District Council  
Town Hall  
Penrith  
Cumbria  
CA11 7QF



Respondent	Comments
Natural England	<p data-bbox="683 450 1238 533">Thank you for consulting Natural England of the application to designate a neighbourhood area for Alston Moor parish dated 14/04/2014</p> <p data-bbox="683 555 1238 745">Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Natural England is a statutory consultee in neighbourhood planning</p> <p data-bbox="683 768 1238 1171">We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.</p> <p data-bbox="683 1193 1238 1254">The following is offered as general advice which may be of use in the preparation of your plan.</p> <p data-bbox="683 1276 1238 1489">Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <a href="http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf">http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf</a></p> <p data-bbox="683 1512 1238 1624">Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <a href="http://www.nbn-nlbr.org.uk/nlbr.php">http://www.nbn-nlbr.org.uk/nlbr.php</a></p> <p data-bbox="683 1646 1238 1677">Protected landscapes</p>

	<p>If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.</p> <p>National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.</p> <p><a href="http://www.naturalengland.org.uk/publications/nca/default.aspx">http://www.naturalengland.org.uk/publications/nca/default.aspx</a></p> <p><b>Protected species</b></p> <p>You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue.</p> <p>The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.</p> <p><b>Local Wildlife Sites</b></p> <p>You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.</p> <p><b>Best Most Versatile Agricultural Land</b></p> <p>Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer</p>
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	<p>against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:</p> <p><i>'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'</i></p> <p>General mapped information on soil types is available as 'Soilscapes' on the <a href="http://www.magic.gov.uk">www.magic.gov.uk</a> and also from the LandIS website; <a href="http://www.landis.org.uk/index.cfm">http://www.landis.org.uk/index.cfm</a> which contains more information about obtaining soil data.</p> <p>Opportunities for enhancing the natural environment</p> <p>Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.</p> <p>Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at <a href="mailto:consultations@naturalengland.org.uk">consultations@naturalengland.org.uk</a></p>
English Heritage	<p>Thank you for consulting English Heritage about your proposal to designate a Neighbourhood Area for the Parish of Alston Moor.</p> <p>The area covered by your Neighbourhood Plan includes a large number of nationally important designated heritage assets including seven</p>

	<p>Scheduled Monuments, two Grade II* buildings, sixty-five Grade II buildings and two conservation areas.</p> <p>In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.</p> <p>We would recommend that Alston Moor Parish Council and the planning and conservation team at Eden District Council liaise as the District Council should be able to provide details of the designated heritage assets in the area together with locally important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (<a href="http://www.heritagegateway.org.uk">www.heritagegateway.org.uk</a>).</p> <p>It may also be useful for the Parish Council to involve local voluntary groups such as the local Civic Society or local historic groups in the production of the Neighbourhood Plan.</p> <p>English Heritage has produced a number of documents, which your community might find helpful in helping to identify what it is about your area, which makes it distinctive, and how you might go about ensuring that the character of the area is retained.</p> <p>You may also find the advice in "Planning for the Environment at the Neighbourhood Level" useful. This has been produced by English Heritage, Natural England, the Environment Agency and the Forestry Commission.</p> <p>As well as giving ideas on how you might improve your local environment, it also contains some useful further sources of information.</p> <p>These can be found at <a href="http://www.english-heritage.org.uk/caring/get-involved/improving-yourneighbourhood/">http://www.english-heritage.org.uk/caring/get-involved/improving-yourneighbourhood/</a>.</p> <p>In 2013, English Heritage published a book on the historic environment of Alston Moor called "Buildings in a North Pennines Landscape" this is available to buy online at <a href="http://www.english-heritage.org.uk/publications/alston-moor-cumbria/">http://www.english-heritage.org.uk/publications/alston-moor-cumbria/</a>.</p>
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	<p>and it will be useful in the development of your Plan.</p> <p>If there is some support that English Heritage can offer you in further developing your Plan, please contact us, as we would very much like to work with you.</p> <p><i>(Note these comments include some paraphrasing from the original)</i></p>
Area of Outstanding Natural Beauty Partnership	<p>Thank you for consulting the North Pennines AONB Partnership on the proposals for the Parish of Alston Moor to become a Neighbourhood Area, so that a Neighbourhood Development Plan or Neighbourhood Development Orders might be produced.</p> <p>Alston Moor Parish falls within the North Pennines Area of Outstanding Natural Beauty; the AONB Partnership welcomes the proposal and would hope to work closely with local people to take this initiative forward.</p> <p>Given that the Parish is within the AONB, any locally developed policies and guidance would need to reflect local and national policy on the conservation and enhancement of natural beauty in AONBs. The AONB Partnership was very involved shaping the Allendale Neighbourhood Development Plan in Northumberland; within that process, one of the tests for determining the suitability local development is compliance or otherwise with the North Pennines AONB Building Design Guide and the North Pennines AONB Planning Guidelines, both of which are adopted as SPD by Eden District Council. I would commend these documents to those driving this process on Alston Moor, and hope that Eden DC will do likewise.</p> <p>We would very much welcome the opportunity to support the development of NDP or NDO proposals on Alston Moor, as we did successfully in Allendale, and I look forward to hearing from you in due course.</p>
Highways Agency	Confirm that the Highways Agency has no objection to this application going forward.
Northumberland	Thank you for providing the opportunity for



County Council	<p>Northumberland County Council to respond to the above consultation, Northumberland County Council has no objection to the designation of Alston Moor Parish Neighbourhood Area.</p> <p>The Civil Parish of Allendale is designated as a Neighbourhood Area and Allendale Parish Council are progressing their Neighbourhood Plan. This was submitted earlier this year and is now pending consideration by the County Council. As an adjoining Neighbourhood Area, Alston Parish Council may wish to contact Allendale Parish Council to discuss any relevant Neighbourhood Planning issues.</p> <p>The documents relating to the designation of Allendale Neighbourhood Area can be found on the County Council's website via the following link:</p> <p><a href="http://www.northumberland.gov.uk/Default.aspx?page=10909">http://www.northumberland.gov.uk/Default.aspx?page=10909</a></p>
The Coal Authority	<p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p> <p>The Coal Authority has <b>no specific comments</b> to make on the Area Designation.</p> <p>Whilst this is acknowledged this consultation only relates to the proposed area for a Neighbourhood Plan, it is the first opportunity to draw attention to the following facts, which we will reiterate at future consultation stages as necessary.</p> <p>As you will be aware the Alston Moor parish area lies within the current defined coalfield. According to the Coal Authority Development High Risk Area Plans for Eden District Council, within the proposed boundary there are a number of recorded risks from past coal mining activity. If the Neighbourhood Plan allocates sites for future development in these areas</p>

	<p>then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Eden Development Plan.</p> <p>In accordance with the Neighbourhood Planning (General) Regulations 2012 please continue to consult The Coal Authority on planning matters using the specific email address of <a href="mailto:planningconsultation@coal.gov.uk">planningconsultation@coal.gov.uk</a></p>
Marine Management Organisation	Confirmed that they have no comments to make in relation this application.
Network Rail	<p>Thank you for the opportunity to provide feedback to the proposed policy. Network Rail is the "not for dividend" owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges, viaducts, level crossings and stations – the largest of which we also manage. All profits made by the company, including from commercial development, are reinvested directly back into the network.</p> <p>Network Rail has no comments to make.</p>
United Utilities	<p>Thank you for your consultation and seeking our views in this process.</p> <p>We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups to aid sustainable development and growth.</p> <p>Our aim is to facilitate sustainable development whilst safeguarding our service to customers; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no comments to make on the Neighbourhood Area Application submitted by the Parish of Alston Moor, but wish to be included in further consultations and where necessary, the development of the Parish of Alston Moor's Neighbourhood Development Plan and any</p>

	<p>Neighbourhood Development Orders or Community Right to Build Orders.</p> <p>To support the development of their Neighbourhood Development Plan, we would like to highlight the following points:</p> <p><b>Supporting water &amp; wastewater infrastructure</b></p> <p><i>Whilst the water supply is generally managed by United Utilities Water PLC, there may be properties within the proposed neighbourhood area that are being served by another public water company or by a private water source.</i></p> <p><i>The properties within the application boundary are currently outside United Utilities Water PLC's operational area for the processing and treatment of wastewater; the properties may be served by another public water company or a private wastewater treatment facility; such as a septic tank etc.</i></p> <p><b>Major utility assets</b></p> <p><i>The presence of major water assets within the proposed neighbourhood area may restrict the location, type and scale of future development, this may also include the change of use of existing developments.</i></p> <p><i>To determine the suitability of development and their potential impacts on our serviceability, an assessment will be required when the layout, scale and development type is known.</i></p> <p>All of the above points will need to be taken into consideration when the Neighbourhood Development Plan and supporting policies are being developed.</p> <p>Our historical consultation responses to the Council's Local Development Framework consultations; planning applications and pre developer enquiries are still valid and should be taken into consideration when developing the Neighbourhood Area Plan; supporting policies and any Neighbourhood</p>
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	<p>Development Orders or Community Right to Build Orders.</p> <p>We would like to be notified of the Council's decision on whether to accept our comments and the future progress of the Parish of Alston Moor's Neighbourhood Area application.</p>
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