

Lazonby Neighbourhood Plan 2014 – 2029 Basic Condition Statement Submission Draft

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LAZONBY NEIGHBOURHOOD PLAN 2014-2029

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1. BASIC CONDITION STATEMENT

1.1 INTRODUCTION AND LEGAL REQUIREMENTS

- 1.1.1 This Statement has been prepared by Lazonby Parish Council to accompany its submission to the local planning authority (Eden District Council) of the Lazonby Neighbourhood Plan 2014 to 2029 (LNP) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.
- 1.1.2 The LNP has been prepared by the Lazonby Parish Council, a qualifying body, for the Neighbourhood Area covering the Parish of Lazonby, as designated by Eden District Council in September 2014. The formulation of the plan has been led by a Steering Group of parish residents formed in November 2014, under the aegis of the Parish Council. The first official meeting of the Steering Group took place in January 2015.
- 1.1.3 The LNP proposal relates to the Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to the Neighbourhood Area. A village design statement was prepared for the village of Lazonby in 2007, and its contents have informed the preparation of the LNP.
- 1.1.4 The policies described in the LNP relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the LNP is from 2014 until 2029 and does not contain policies relating to excluded development in accordance with the Regulations. This Statement addresses each of the "basic conditions" required of the Regulations and explains how the LNP meets the requirements of paragraph 8 of Schedule 4B of the Town & Country Planning Act, 1990.
- 1.1.5 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
 - The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

- The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations
- 1.1.6 The LNP has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in respect of formulating neighbourhood plans.
- 1.1.7 The NPPF in section 16 states that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development.
- 1.1.8 Paragraph 184 of the National Planning Policy Framework states that neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. The Local Plan for the LNP is the Eden District Core Strategy (2010). This is currently being replaced by the Eden Local Plan (2015) which is in draft form and is expected to become the relevant Local Development Plan in early 2018. The Eden Local Plan is referred to throughout this document as the Eden Local Plan (2015) or the ELP. Table 1 sets out each of the policies contained within the LNP and assesses each of them with regard to conformity with the NPPF, the Core Strategy and the draft Local Plan. Where LNP policies diverge from national and district policy, the reasoning is explained and evidence provided to justify the divergence. In the Eden Local Plan, Lazonby village is identified as a 'key-hub'.

1.2 HAVING REGARD TO NATIONAL POLICIES

1.2.1 The policies set-out in the LNP have been assessed for compliance with those in the NPPF and the conclusions are presented in the following table (Table 1).

LNP	NPPF	Compliance
Policy D1: General Development Principles	Sustainable Development is one of the guiding principles of the NPPF and is discussed at paras. 6-10 and especially paras. 14-16. Economic development is found in paras. 18-22 with para 28 relevant to the rural economy. Paras. 188-192 discuss pre-application engagement.	Sustainable development is set-out in the introduction to the NPPF. All the policies in the LNP reflect the role of economic, social and environmental factors in the development process, with the weight of each element modified by the specifics of the policy. Policy D1 brings this weighting back into balance and provides encouragement for prospective developers to discuss their proposals during the formulation process in line with NPPF paras 188-192. The LNP is a part of the local plan-making strategy set-out in NPPF paras 184-186. It is intended to shape sustainable development within the parish in the period to 2031 and to give the local community a strong voice in their future.
Policy D2: Greenfield Sites	Para. 111 in the NPPF encourages the use of brownfield sites, as does para. 17 bullet points 7 and 8.	The LNP seeks to encourage the use of brownfield sites as set-out in para 111 of the NPPF and in accordance with the results from local consultation exercises which emphasised the desire to see derelict and abandoned sites re-used in advance of any greenfield developments. Recent DCLG guidance has encouraged the use of a 'Brownfield sites register' to identify these sites.
Policy D3: Design of New Development	Paras. 56-58 of the NPPF cover aspects of design.	Para. 56 of the NPPF states that 'good design is a key aspect of sustainable development'. Paras 58-59 set-out more detail with regard to local and neighbourhood planning. The LNP includes a Design Guide to support Policy D3. This includes both narrative and photographic descriptions of the key elements which contribute to the character of the buildings in the parish. Design, especially use of characteristic local materials, such as Lazonby Sandstone, has been highlighted as important in each of the consultation exercises carried out for the LNP.
Policy D4: Landscaping of New Development	Paras. 58-59 of NPPF recognise the importance of landscape and setting. Para. 109 includes landscape in a wider sense, para. 125 covers some specific points in relation to landscape factors. Paras. 126-136	LNP Policy D4 is closely associated with D3. It is intended to highlight the importance of the Settle-Carlisle Line Conservation Area and to encourage consideration of the setting and sensitivity of the existing landscape outside the Conservation Area. The plan seeks to improve the setting and surrounding landscaping with regard to new schemes.

	and 139-141 deal with heritage assets and other designated assets, such as Conservation Areas.	
Policy D5: Trees	Para. 118 refers to 'aged or veteran trees' not specifically protected, and there is wider reference to protecting the environment and biodiversity in paras. 109-123.	The policy seeks to ensure that this woodland and important trees are retained for the future. It also seeks to influence the character of new plantings.
Policy D6: Protection of open space	NPPF paras. 73-74, but maintaining provision is also recognised in para. 171.	The NPPF recognises the importance of open space and green areas in relation to the promotion of healthy communities, in particular. Para. 74 of NPPF is the most relevant in relation to the LNP Policy D7.
Policy D7: New Recreation and Play Areas	NPPF paras. 73, 74 and 75	LNP Policy D7 has specific aims for the plan, but NPPF paras. 73 and 75 are relevant to its success promoting the provision and improvement of recreational facilities. Evidence gathered for the LNP indicates a mixed picture with regard to the provision of Recreation and Play Areas in the parish, in comparison to applicable national standards.
Policy D8: Footpaths	NPPF paras. 73, 74 and 75	Maintaining and extending footpaths and rights of way was a key outcome of the consultation process carried out for the LNP and is supported by NPPF para 75.
Policy D9: Cycleways	NPPF chapters 4 and 8, para. 35.	The importance of cycling is expected to increase over the lifetime of the LNP, it promotes healthy communities (chapter 8 of the NPPF) and is a key component of promoting sustainable transport (chapter 4 of NPPF), in an area with very little public transport. Para. 35 of the NPPF recognises the importance of cycling and pedestrian movements by according them priority.
Policy H1: Scale of Housing Development	NPPF paras. 47-50, 58, 158-9 and 173-7	The LNP has used the housing needs data prepared for the Local Plan (ED/C 2015) as the basis for determining numbers and types of housing required. This has then been matched to identified sites considered as being deliverable and modified to meet the needs of the parish. The number of residential units allocated within the LNP exceeds the number anticipated for Lazonby in the latest update (late 2017) of the Local Plan.
Policy H2: Affordable Housing	NPPF paras 47, 50 and 55	The LNP builds upon the policy for Affordable Housing set-out in NPPF para. 55 by applying an appropriate policy (LNP Policy H2) to sites where Affordable Housing is required.

Policy H3: Sheltered Housing	NPPF paras. 50 and 55	Demographic trends suggest that demand for Sheltered Housing will increase over the lifetime of the LNP, which is supportive of developments that meet LNP policies
Policy B1: New Business Development	NPPF paras. 28, 34 and 55 are all relevant to this policy	In the LNP Policy B1 is over-arching with regard to business development, setting-out clearly the intention to promote the establishment or new, or growth of existing businesses, where there is no significant impact on the amenity of others, or of environmental or heritage assets. Para. 55 relates to provision of housing need and para 34 considers the need for the development of transport infrastructure to support business growth (see LNP Policies I1 and I2). The most pertinent NPPF policy is para. 28 which is devoted to rural business development and which the LNP is intended to support.
Policy B2: Construction of new permanent buildings outside current settlement areas will be permitted to support farm diversification.	NPPF paras. 17 and 28	This LNP policy provides some detail with regard to the interpretation of Policy B1 and support for NPPF para 28. Para. 17 promotes mixed-use development and recognises that multiple benefits may be obtained from land in rural areas.
Policy B3: Café or A3 premises	NPPF paras. 28 and 70	LNP Policy B3 is a detailed policy arising from the consultation process seeking to encourage the opening of a café, or similar within the village. It is supported by NPPF paras. 28 and 70.
Policy B4: New Tourism Development	Paras. 28 and 55 of NPPF	Tourism is seen as a potential area of economic growth for the area in the future and a potential element contributing towards farm diversification. It is supported by para. 28. Sustainability as discussed in NPPF para 55 is also an important consideration.
Policy B5: Conversion of Redundant Buildings	NPPF paras. 28 and 55	This policy is intended to support farm diversification and the development of rural businesses in line with NPPF para 28. NPPF para. 55 relating to the importance of a sustainable location is also a consideration.
Policy M1: Small Scale Renewable and Low	NPPF paras. 93, 95, 97 and 109 are all relevant	The LNP is supportive of relatively small-scale low-carbon energy schemes intended to supply individual properties or small groups of properties where those schemes do not conflict with other policies in the LNP. For individual properties, some schemes will be allowed under permitted.

Carbon Energy Schemes		development rights. Policy M1 is, therefore, aimed at interpreting national policy at a local level for schemes where planning permission may be required.
Policy II: Infrastructure Capacity	NPPF paras. 30-32 and 162	The consultation process for the LNP has indicated a concern for the ageing, and limited capacity drainage, sewerage and surface water run-off capacity in the village. Para. 162 of the NPPF places an onus on LPAs to provide for sufficient appropriate infrastructure to meet local needs. Provision of suitable infrastructure is key to the success of sustainable development and of minimizing the risk of local flood events resulting from climate-change induced extreme weather events. Flooding at both the top and bottom of the village during the winter of 2015 has demonstrated the importance of this issue.
Policy I2: Parking and traffic	NPPF chapter 4, paras. 30-32, 34-35, 37 and 39	Traffic and parking in the village have been highlighted as important issues through the consultation process. No clear solution to the growing problem has presented itself in an area where reliance on car-use is essential. LNP Policy I2 is intended to minimize future traffic and parking growth, in line with NPPF chapter 4.



1.3 CONTRIBUTION TO ACHIEVING SUSTAINABLE DEVELOPMENT

1.3.1 Sustainability Appraisal has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the LNP has taken account of the need to contribute to the achievement of sustainable development, and contributes to the achievement of a number of the strategic objectives set out in EDC's Sustainability Appraisal Framework of 2015.

1.3.2 The strategic objectives of the LNP promote sustainable development, especially Policy D1, which provides General Development Principles for the plan. The policies plan positively to support local development whilst providing a positive framework to enhance local service provision, tourism and to conserve and enhance local historic assets and protect the environment.

1.3.3 The following table assesses the LNP Policies in terms of how they will deliver sustainable development in the economic, social and environmental aspects of sustainability. The key sustainability issues in Eden District were identified as:

- LOW INWARD INVESTMENT
- WAGES LOWER THAN THE REGIONAL AND NATIONAL AVERAGE
- OUTWARD MIGRATION OF YOUNGER ECONOMICALLY ACTIVE PERSONS
- AN AGING POPULATION
- AFFORDABLE HOUSING PROVISION
- PROTECT AND ENHANCE THE BIO AND GEO-DIVERSITY OF THE DISTRICT
- PROTECT AND ENHANCE THE HISTORIC ENVIRONMENTS INCLUDING LANDSCAPE SETTING AND THE GENERAL QUALITY OF THE BUILT ENVIRONMENT
- CLIMATE CHANGE AND POLLUTION
- FLOODING DUE TO THE RIVER EDEN AND ITS TRIBUTARIES

1.3.4 Assessment of the key issues affecting the district and comparison to the SEA Regulation (2004) Directive topic areas have led to the adoption of 16 Sustainability Objectives for the Eden Local Plan (2015). These have been used as the basis of an assessment of the contribution made by the LNP policies to these objectives.

Sustainability objectives identified for the Easing Local Plan (2015)	Relevant LNP Policies	How LNP Policies contribute to addressing these aims
1 Participation in democratic process	None	LNP policies make no particular contribution to this objective. However, none of the LNP policies adversely affect this objective.
2 Improve access to services	D8, D9, I1 and I2	Although Lazonby has been identified as a 'key-hub' in the ELP it has only limited access to services. An overall objective of the LNP is to maintain access to the services it does possess and to expand these where possible. Additional footpaths and cycleways have been highlighted as improvements for the future, there is also a list of potential S106/CIL priorities in the LNP.
3 Provide all with a decent home	D3, H1, H2 and H3	The LNP has adopted the figures from the ELP in relation to required housing numbers and applied several bespoke policies to reflect the local circumstances of the parish. The numbers are slightly in excess of those from the ELP but qualified by policies such as LNP Policy D3, to ensure high quality homes which contribute to SA objectives 5, 6, 8 and 9, in addition to objective 3.
4 Improve skills and education	B1	The LNP policies seek to maintain the education places available in the parish at the local school. Farm diversification may lead to skills improvement for rural workers.
5 Improve health and sense of well-being	D3, D4, D5, D6, D7, D8, D9 and H3	The policies in the LNP are directed towards protecting, or enhancing views, footpaths, cycleways, design, trees, open spaces and recreation areas, sensitive landscaping and appropriate homes, all contribute to improving the health and sense of well-being of parishioners.
6 Create vibrant, inclusive communities	D6, D7, D8, D9, H2, H3, B2, B3 and B4	All of the policies contained within the LNP are intended to create a vibrant and inclusive community. The policies listed, to the left, are particularly relevant in this regard. They seek to expand employment opportunities, amenities and housing tailored to different needs.
7 Protect and enhance biodiversity	D4 and D5	The LNP is supportive of ELP and Core Strategy policies in these areas, and is not proposing any new development in sensitive habitat areas. Policies D4 in relation to landscape sensitivity and D5, Trees, are both especially relevant to this objective.
8 Landscape quality	D3, D4, and D5	The design of new developments, the existing landscape and the need to sensitively incorporate new developments into that landscape have all been recognised in the LNP.
9 Built environment quality	D3 and D4	This is one of the key issues for the LNP and a separate Design Guide has been produced to support Policy D3.
10 Air quality and greenhouse gases	M1	Air quality is not considered a major issue in the LNP, but the importance of climate change and reducing dependence on a high-carbon economy is recognised through LNP Policy M1.
11 Water quality		Water quality is not considered with the remit of the LNP directly, with national and district regulation to take precedence.
12 Restore and protect soil		This issue is really beyond the scope of the LNP.
13 Mineral resources	D3	This issue is really beyond the scope of the LNP, as generally considered. However, the use of local materials, especially Lazonby Sandstone, is promoted through Policy D3.
14 Employment opportunities	B1, B2, B3, B4 and B5	Expanding employment opportunities, promoting farm diversification and supporting the expansion of tourism in the area are all seen as important objectives for the LNP.
15 Access to jobs	I2	Public transport is very limited in the parish and has been recognised in the S106/CIL priority list for the LNP. Improving parking and traffic and ensuring scope for working from home in new developments are promoted through the LNP.

16 Strengthen local economy	B1, B2, B3, B4, B5 and It	The LNP has no capital funding to support the local economy but through its policies which seek to promote businesses and farm diversification, while maintaining the character of the parish, the overall aim is to strengthen the local economy.
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1.4 GENERAL CONFORMITY WITH THE LOCAL DEVELOPMENT PLAN

1.4.1 Currently the Core Strategy adopted in 2010 remains the local development plan for Eden District, although a Local Plan, in draft form should replace the Core Strategy in early 2018. Included within the existing Core Strategy are a number of 'saved policies' from the 1996 Eden Local Plan. The policies that remain current are noted in the table below in brackets after the relevant Core Strategy Policy. In some cases the Core Strategy Policy is either new, or completely supersedes the 1996 Eden Local Plan policy, in this case there is no additional notation for a 'saved policy'. The LNP has been assessed against both the Core Strategy, including the 'saved policies' from the 1996 Eden Local Plan and the Eden Local Plan (2015) (referred to as the ELP) to ensure that it is in general conformity. The assessment is set-out in the following two tables.

LNP	Eden Core Strategy	
Policy D1: General Development Principles	Policies CS1 and CS2 set out the overall development principles	With regard to local policies the LNP has been closely aligned with both the Core Strategy and the draft Local Plan. Policy CS1 in the Core Strategy sets out the general development principles and the pre-NPPF trend towards sustainable development. Under CS2, Lazonby is defined as a Local Service Centre.
Policy D2: Greenfield Sites	Policy CS1, CS2, CS3 and CS8 (H1 & H4)	Policy CS1 states that a sequential test will be applied to land use with re-use of previously developed land and buildings and in-fill sites being prioritized and undeveloped land only utilised where these are unavailable. CS2 extends this approach to infrastructure capacity. Policy CS3 of the Core Strategy includes the aim of protecting the open countryside from inappropriate development. Policy CS8 (H1 & H4) sets a 30% target for new dwelling to use brownfield land.
Policy D3: Design of New Development	CS1, CS2, CS3, CS7 (H1, H4 H5 & H7), CS9 (H2 & H5), CS14, CS15 (TM1), CS17 (BE1, BE3, BE4, BE7, BE8, BE11, BE13, BE19 & BE22) and CS18 (BE19 & BE22) all refer to design in some way. Policy CS18 covers design and materials in more detail.	Policy CS1 states developments should be designed to a high standard and CS2 refers to respecting the character of the village, this is emphasised further under policy CS3. Policy CS7 (H1, H4 H5 & H7) promotes good design, using sustainable local materials respecting the built environment for housing developments. Policy CS9 H2 & H5) includes a similar provision for rural exception sites and CS14 covers employment sites in rural areas. Policy CS15 (TM1) covers design for tourist facilities. Policy CS17 (BE1, BE3, BE4, BE7, BE8, BE11, BE13, BE19 & BE22) focuses on the historic environment and the importance of good design. Policy CS18 (BE19 & BE22) concentrates on design and is referred to in a number of the other Core Strategy policies. The key elements are form and character, street-scene, sustainability, locally sourced materials, energy use reduction, features of local importance and crime reduction. The LNP Policy D3 is in close compliance with these aims but provides some additional details regarding features of local importance, suitable local materials and examples of street-scenes and building forms appropriate to maintain character.

Policy D4: Landscaping of New Development	CS1, CS3, CS6, CS7 (H1, H4, H5 & H7), CS9 (H2 & H5), CS10 (H1 & H5), CS12 (TM1), CS14, CS15 (TM1), CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16), CS17 (BE1, BE3, BE4, BE7, BE8, BE11, BE13, BE19 & BE22), CS18 (BE19 & BE22) and CS20 (NR2)	Sensitivity to the surrounding landscape and setting are referred to in a number of Core Strategy policies. The Eden Valley is mentioned specifically in CS1 and the character of the wider landscape in CS3. Environmental improvements may be sought from developers under CS6. In CS7 (H1, H4, H5 & H7) landscaping is considered obliquely through distribution, and a requirement to respect both natural and built environments. Similar phraseology is used under CS9 (H2 & H5) for rural exception sites and CS10 (H1 & H5), in relation to Traveler sites. Landscape character is the phrase used in CS12 (TM1), for employment sites and also CS14 and CS15 (TM1) which cover rural areas and tourism. Policy CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16) deals specifically with the natural environment with point 8 seeking enhancement to landscape character. Policy CS17 (BE1, BE3, BE4, BE7, BE8, BE11, BE13, BE19 & BE22) deals with the Historic and Built environment and includes Conservation Areas with a principle to conserve and enhance their settings. Policy CS18 (BE19 & BE22) on design goes into much more detail with regard to various factors which may affect the landscape, a building and its setting. Policy CS20 (NR2) considers landscape a factor in consideration of renewable energy schemes.
Policy D5: Trees	CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16)	Trees are not specifically mentioned in the Core Strategy policies, but are included in a number of policies which refer to the protection or enhancement of the natural environment. Policy CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16) is the most relevant with clauses on local landscape character, and protection or enhancement of bio-diversity and habitat.
Policy D6: Protection of open space	CS6, CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16), CS21 (SH6, SH7, RE1, RE3 & SE3) and CS24 (BE15 & BE16)	Policy CS6 allows for developer contributions to improving existing or adding new open spaces. Policy CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16) seeks to protect open space and unbuilt frontages recognizing their importance to character and amenity value. Policies CS21 (SH6, SH7, RE1, RE3 & SE3) and, especially CS24 (BE15 & BE16) cover open space in more detail with loss of open space not acceptable except where certain criteria can be met, in particular the creation of equivalent or more enhanced space as part of a scheme.
Policy D7: New Recreation and Play Areas	CS6, CS21 (SH6, SH7, RE1, RE3 & SE3) and CS24 (BE15 & BE16)	Policy CS24 (BE15 & BE16) is concerned directly with recreation space but more with possible loss. Policy CS21 (SH6, SH7, RE1, RE3 & SE3) supported by CS6 are more relevant to the creation of new spaces through developer contributions and a requirement to meet formal and informal recreation needs in the district, which relates directly to LNP Policy D8 which has arisen from the increasing population of the parish as a result of development and its consequent requirement for additional recreation space.
Policy D8: Footpaths	CS5 (PT1, PT3, PT4, PT5, PT9 & PT10), CS6, CS15 (TM1), CS16 CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16) and CS21 (SH6, SH7, RE1, RE3 & SE3)	Policy CS21 (SH6, SH7, RE1, RE3 & SE3) includes provision for greater connectivity with the wider countryside whilst CS16 CS16 (NE3, NE4, NE5, NE6, NE7, BE15 & BE16) promotes improvements to accessibility to the natural environment for all and CS15 (TM1) extends this to tourists by 'non-car modes'. The principle policy covering this subject is CS5 (PT1, PT3, PT4, PT5, PT9 & PT10) which promotes the use of walking and a reduction in car use.
Policy D9: Cycleways	CS5 (PT1, PT3, PT4, PT5, PT9 & PT10), CS6 and CS15 (TM1)	Policy CS5 (PT1, PT3, PT4, PT5, PT9 & PT10) also promotes cycling, the reduction in traffic and air pollution with CS15 (TM1) providing for accessibility for all. Developer contributions for transport or leisure infrastructure may be sought under CS6.

Policy H1: Scale of Housing Development	CS1, CS3, CS7 (H1, H4, H5 & H7) and CS8 (H1 & H4)	The LNP has utilised assessment data from EDC to assist in the formulation of its housing policies and assumes that Lazonby will remain a 'key-hub', as defined in the Eden Local Plan (2015), formerly known as a Local Service Centre in the Core Strategy. Housing density for the LNP has been assessed at 30-50 dwellings per hectare, reflecting the character of the housing in the village, which is typically more closely spaced than modern estates (the figure of 33 dph has been utilised for the calculation of housing numbers in the LNP). A number of brownfield sites have been allocated for future housing, as per CS8 (H1 & H4). The general approach to housing provision is, otherwise, similar to that in the Core Strategy, but using more up-to-date data and allocating provision through to, at least 2029, with a considerable buffer.
Policy H2: Affordable Housing	CS3, CS7 (H1, H4, H5 & H7), CS9 (H2 & H5) and CS10 (H2 & H5)	The LNP follows the Core Strategy in assuming a 30% allocation (CS10, (H2 & H5)), but would apply this provision to developments of five, or more units.
Policy H3: Sheltered Housing	CS1, CS3, CS5 (PT1, PT3, PT4, PT5, PT9 & PT10), CS7 (H1, H4, H5 & H7), CS10 (H2 & H5) and CS18 (BE19 & BE22)	The Core Strategy does not have a specific policy relating to Sheltered Housing, but a number of policies, especially CS7 (H1, H4, H5 & H7), promote the provision of housing which meets the needs of local people.
Policy B1: New Business Development	CS12 (TM1), CS14	The LNP Policy B1 is broadly similar to Core Strategy policy CS12 (TM1), encouraging business development while seeking to protect the environment and the enjoyment and amenity use of land by residents. Policy CS14 is more specific to rural employment in rural areas, but is otherwise similar in tone and detail.
Policy B2: Construction of new permanent buildings outside current settlement areas will be permitted to support farm diversification.	CS3 and CS14	Core Strategy policy CS14 covers employment in rural areas and supports diversification and the re-use of redundant buildings where significant transport impacts are not present and local character and similar not affected, in line with other policies. The LNP Policy B2 is broadly similar but provides some more detailed criteria and is focused more on tourism uses. Core Strategy policy CS3 also promotes diversification from agricultural use.
Policy B3: Cafe or A3 premises	CS12 and CS14	The LNP Policy B3 is a detailed one to encourage the establishment of a cafe, or similar in the village. The policy conforms with both CS12 and CS14, although these are more general in nature.

Policy B4: New Tourism Development	CS12 (TM1), CS14 and CS15 (TM1)	The LNP policy is in conformity with the Core Strategy policies CS12 (TM1), CS14 and CS15 (TM1). The last is similar in approach to Policy B4.
Policy B6: Conversion of Redundant Buildings	CS3, CS8 (H1 & H4), CS9 (H2 & H5), CS14 and CS17 (BE1, BE3, BE4, BE7, BE8, BE11, BE13, BE19 & BE22)	The Core Strategy is supportive of this policy with CS3 protecting the countryside from inappropriate development defining its scope. Policy CS8 (H1 & H4) provides for the re-use or conversion of farm buildings for housing and policy CS9 applies a sequential test to land use on rural exception sites. Core Strategy policy CS14 extends this to employment sites and makes specific mention of the desirability of re-using redundant traditional rural buildings.
Policy M1: Small Scale Renewable and Low Carbon Energy Schemes	CS19 and CS20 (NR2)	Core Strategy policy CS19 sets out some general principles with regard to energy conservation and decentralization of energy production. Both it and CS20 (NR2) make reference to previous targets in the former Regional Spatial Strategy. Policy CS20 (NR2) sets out the types of impact to be considered with regard to such schemes. The LNP Policy M1 builds on these policies and provides more detail with regard to local considerations and the considerable development of policy in this area since the Core Strategy was formulated.
Policy I1: Infrastructure Capacity	CS1, CS4, CS6, CS7 (H1, H4, H5 & H7), CS10 (H1 & H5), CS13 (EM1, EM2, EM3 & EM4) and CS21 (SH6, SH7, RE1, RE3 & SE3)	Provision of infrastructure and infrastructure capacity is recognised in a number of Core Strategy policies. For housing sites policy CS7 (H1, H4, H5 & H7) includes provision of the necessary infrastructure and services, it also makes reference to the Code for Sustainable Homes. The Sustainable Development Principles set-out in policy CS1 of the Core Strategy makes several references to infrastructure, including the role of a sequential approach to land use and a specific requirement for developments to make appropriate provision for services and infrastructure. There is also a specific requirement to contribute to the reduction in flood risk. Policy CS4 which deals with flood risk in more detail identifies the importance of the use of Sustainable Drainage Systems to manage surface water run-off. This is reflected in the LNP policy I1. Policy CS10 recognises that adequate infrastructure is necessary for Traveller sites. Policy CS21 (SH6, SH7, RE1, RE3 & SE3) makes specific reference to this and policy CS13 (EM1, EM2, EM3 & EM4) identifies sustainable locations with access to services for employment and tourist premises. Policy CS6 explains the contributions development will be required to make to infrastructure which includes water, sewerage, drainage and transport infrastructure among the items identified.
Policy Q: Parking and traffic	CS1, CS3, CS5 (PT1, PT3, PT4, PT5, PT9 & PT10), CS14, CS15 (TM1)	Car use and parking is referred to in a number of Core Strategy policies either through reducing the number of journeys required, such as CS1, improving accessibility such as CS3, or through the more integrated policy set-out in CS5 (PT1, PT3, PT4, PT5, PT9 & PT10). Many of the other policies identify transport impact as an issue to be addressed and minimized, such as CS14 and CS15 (TM1), but it is doubtful if this policy has met with any success with regard to the LNP area.

LNP	Eden Local Plan (2015)	
Policy D1: General Development Principles	LS1, DEV1, DEV4, ENV5, COM1,	Eden Local Plan (ELP) LS1 identifies Lazonby as one of 12 key-hubs. ELP policy DEV1 promotes sustainable development in a similar manner to LNP Policy D1. ELP policy DEV4 provides for adequate infrastructure and services to sustain development. In the LNP this issue is covered by Policy D1. Policy ENV5 recognises the importance of sustainable design in new developments with some further qualification under policy COM1.
Policy D2: Greenfield Sites	LS1, ENV2, ENV5	ELP LS1 provides for re-use of previously developed land as a priority in key-hubs like Lazonby, with development of greenfield sites only to meet local demand.
Policy D3: Design of New Development	DEV5, HS4, ENV5, ENV10	ELP policy DEV5 is similar in to LNP Policy D3, but the latter provides the details regarding distinctiveness which are referred to in DEV5. ENV5 recognises the importance of sustainability throughout the design process with re-use of materials and use of local materials particularly important with regard to the LNP. Housing type is covered by policy HS4 in the ELP which has some relevance to the implementation of LNP Policy D3.
Policy D4: Landscaping of New Development	DEV1, DEV4, DEV5, ENV1, ENV2, ENV4, ENV5, ENV10	ELP policy DEV1 identifies the historic, natural and cultural environment as being key-factors in the general approach to development, together these form an important part of the landscape. Landscaping is included as one of the appropriate items of infrastructure to be provided for development under DEV4 and contributes to the character of places and buildings under DEV5. Policy ENV1 recognises the importance of the natural environment with regard to development and landscaping, this is reinforced in ENV5 which addresses sustainability issues. ENV2 provides for further detailed policy with regard to trees and landscapes, especially those areas not designated. ELP policy ENV10 provides for the protection of Conservation Areas and their settings, together with other historic assets.
Policy D5: Trees	ENV2	ELP policy ENV2 focuses on the importance of trees and landscapes and is complementary to the aims of LNP Policy D5.
Policy D6: Protection of open space	COM2, COM3	ELP policy COM2 is closely aligned with LNP Policy D6 with additional open space provided for through policy COM3. These policies are supported by NPPF para. 77 which supports the designation of Local Green Space.
Policy D7: New Recreation and Play Areas	COM3	Provision of new open space is covered by policy COM3 under the ELP, whereas in the LNP Policy D6 is more general in approach and Policy D7 provides detail.

Policy D6: Footpaths	DEV4	ELP policy DEV4 includes provision of 'walking facilities' under its list of appropriate infrastructure.
Policy D9: Cycleways	DEV4, ENV7	ELP policy DEV4 includes provision for 'cycling facilities' under its list of appropriate infrastructure. ENV7 recognises the contribution cycling can make to controlling air pollution in the area.
Policy H1: Scale of Housing Development	LS1, DEV1, HS4, HS6	Lazonby is identified as a 'key-hub' in ELP policy LS1. The LNP has taken this into account in the formulation of the housing policies and allocated sites in line with the anticipated needs based on this. The allocations take into account the revisions to the housing requirements arising from the Inspector's examination of the ELP through to end of October 2017.
Policy H2: Affordable Housing	HS1	The affordable housing policy, HS1, is similar to the previous Core Strategy policy. LNP Policy H2 is compliant with the ELP, although it includes some further detailed provisions which are required to sustain a vibrant community.
Policy H3: Sheltered Housing	HS4, HS5	ELP policies HS4 and HS5 provide for more specialized dwellings to support continued independent and semi-independent occupation by elderly residents, or others having special needs. Policy HS5 uses a quota system, which is more appropriate at a district level, but LNP Policy H3 takes a more targeted approach.
Policy B1: New Business Development	EC3	ELP policy EC3 is similar to LNP Policy B1 in seeking to promote new business development but not where it will impact on the amenity value and enjoyment of the local environment.
Policy B2: Construction of new permanent buildings outside current settlement areas will be permitted to support farm diversification	RUR1, RUR2, RUR3, EC4	New farm buildings are governed by ELP policy RUR1, policy RUR3 encourages farm diversification, especially through the conversion or use of redundant farm buildings, whose use is covered by RUR2. LNP Policy B2 complements the ELP policies with the LNP providing additional details relevant to the parish. Where the diversification involves tourist related activities ELP policy EC4 offers useful additional parameters for what may be deemed acceptable with regard to LNP Policy B2.

Policy B3: Café or A3 premises	EC3, EC4	ELP policy EC3 is supportive of LNP Policy B3, but is defined only in more general terms. ELP policy EC4 provides additional parameters for what may be deemed acceptable with regard to LNP Policy B3.
Policy B4: New Tourism Development	EC3, EC4	ELP policy EC3 is supportive of LNP Policy B3, but is general terms. LNP Policy B3 and ELP policy EC4 are complementary providing a range of appropriate encouragements and constraints to tourism related development.
Policy B5: Conversion of Redundant Buildings	RUR2, RUR3, ENV5	The LNP and ELP policies are complimentary in that they encourage the conversion and re-use of redundant buildings, but place restrictions on them in the countryside. Re-use of materials and sustainability in the design process is recognised in ELP policy ENV5.
Policy M1: Small Scale Renewable and Low Carbon Energy Schemes	ENV6	The LNP policy compliments ELP policy ENV6 which sets out the parameters for schemes at a district level.
Policy I1: Infrastructure Capacity	DEV4, EC6	ELP policy DEV4 addresses this issue directly and is complimentary to LNP Policy I1.
Policy I2: Parking and traffic	DEV3	ELP policy DEV3 covers traffic issues in general terms with the LNP Policy I2 focusing on more specific concerns that relate to Lazonby.

1.5 COMPATIBILITY WITH EU OBLIGATIONS

1.5.1 The LNP has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

1.5.2 An initial appraisal of the LNP was made by Natural England in January 2016 which provided the following feedback:

- Should be following Eden Core Strategy as are ahead of Eden Local Plan and as such should not rely on policies in the Eden Local Plan
- The NP seems to be allocating development over and above the number required in the Eden Core Strategy. If this is the case, then biodiversity must be protected and enhanced in accordance with paragraphs 109 to 125 of the National Planning Policy Framework
- The best way to do this is to include a biodiversity policy in the NP
- Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as incorporation of roosting opportunities for bats or the installation of bird nesting boxes should be considered as part of any new development proposals
- Ensure that the area's best and most versatile agricultural land is conserved through making the links to policy within the appropriate overarching plan
- The map identifies potential housing sites in close proximity to the River Eden site of Special Scientific Interest (SSSI) and Special Area of Conservation (SEA). If environmental effects are predicted a SEA (Strategic Environmental Assessment) screening exercise should be undertaken

- 1.5.3 A Screening opinion (see Appendices) on the LNP was prepared by Eden District Council in consultation with Natural England, the Environment Agency and Historic England with regards to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment. This determined that a full SEA was not required and an Appropriate Assessment was not required under Habitat Regulations. Additional advice from the Eden District Council Landscape and Ecological Advisors was requested by Natural England, before they finalised their screening opinion. Eden District Council Planning Department duly collated this advice and the results are presented in full, in Appendix 1. In short, the screening process has determined that an SEA is not required.

1.6 APPENDIX 1

1.6.1 This section includes documentation relating to the designation of the LNP, the initial responses to the designation from statutory bodies and other relevant material.

Application Letter

LPC

LAZONBY PARISH COUNCIL – WORKING FOR THE COMMUNITY

Clark to the Council: Rebecca Wyatt [REDACTED]
Tel: [REDACTED] *Website:* www.lazonbyparishcouncil.org *Email:* LazonbyPC@protonmail.com

Ms Deborah Garnett
Senior Communities Officer
Eden District Council
Mansion House
Penrith
CA1 1

Wednesday 9th July 2014

Dear Ms Garnett,

Lazonby Neighbourhood Plan Application for Designation Order.

As advised by Fergus McMorow, I am sending you the application to designate the entire parish of Lazonby as an area for a Neighbourhood Plan. The resolution to do this was made at the meeting of the parish Council on 2 July 2014. The decision was unanimous.

The approved minutes of the meeting will not be available until after 3 September. Councillor Nicolson spoke with Mr McMorow who agreed that a letter of confirmation would suffice in lieu of a certified copy of the minutes. This is such a letter.

Please acknowledge receipt of this application. If you require further information, please contact Councillor Nicolson.

Yours Sincerely

Rebecca Wyatt

Clerk to Lazonby Parish Council

Cc Lazonby Parish Councillors

Application form



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

Lazonby Parish Council

2. Address of organisation

c/o Becky Wyatt

Clerk to Lazonby Parish Council

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

<http://www.lazonbyparishcouncil.org/>

4. Contact person and position

Cllr Gordon Nicolson [REDACTED] Lazonby Parish Councillor

5. Address (if different from Question 2)

[REDACTED]

6. Contact details

Email

[REDACTED]



Section 2: The Proposed Neighbourhood Area

7. Area Proposed

The proposed 'Neighbourhood Area' consists of the entire parish area administered by Lazonby Parish Council. This includes the villages of Lazonby and the surrounding countryside included within the boundaries of the parish.

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 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 the current area of Lazonby Parish. The powers bestowed by Neighbourhood Planning Legislation will complement and enhance the current powers of the Parish Council that apply to the same area. The Parish Council is seeking to have a stronger input to planning decisions affecting the future of its area.

The Parish Council is interested in the production of a Neighbourhood Development Plan and potentially promoting future Neighbourhood Development Orders to influence the future development of the Parish for the benefit of its residents.

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 (Lazonby 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 Lazonby and only the Parish of Lazonby.

Lazonby Parish Council has had a very active interest in local development, particularly through its responses to planning consultations. We are now keen to extend our role and take decisions on planning issues that are of local significance and take advantage of the national policy on localism.

Section 4: Authorisation

11. When did the Applicant duly authorise this Application to be made?

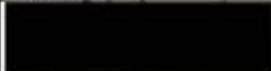
(Please include date of meeting and minute number (if available) and any delegations used.)

Lazonby Parish Council Meeting 2 July 2014.
A statement signed by the Proper Officer is attached to this application. The minutes of the meeting will be approved at the next meeting on 3 September 2014.

12. Declaration

I confirm that this application for Neighbourhood Area Designation being made to Eden District Council has been duly authorised to be made on behalf of Lazonby 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
	Rebecca Wyatt, Clerk to the Parish Council
Date 9/7/14	

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

Notice of application for designation

**EDEN DISTRICT COUNCIL
TOWN & COUNTRY PLANNING ACT 1990
NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

Application for designation of the Parish of Lazonby as a Neighbourhood Area

NOTICE IS GIVEN that Eden District Council has received from Lazonby Parish Council an application under Regulation 5 of the above Regulations for the Council to designate the area comprising the Parish of Lazonby as a neighbourhood area within the meaning of Section 61G of the 1990 Act.

A copy of the application and a map of the area can be viewed on the Council's website at <http://www.eden.gov.uk/lazonbyneighbourhoodarea/> or at Mansion House, Pennith, Cumbria, CA11 7YG weekdays between the hours of 10.00 am and 4.00 pm.

Representations on whether the area is an appropriate neighbourhood area may be made to the Council no later than 5.00 pm Wednesday 17 Sept 2014 by writing to the Neighbourhood Planning Officer, Eden District Council, Mansion House, Pennith, CA11 7YG or by email to neighbourhood.planning@eden.gov.uk.

Please telephone 01768 212474 if you require any further information.

Ruth Atkinson
Director of Communities, Eden District Council 5 August May

Consultation letter from Eden District Council

Your Reference:
Our Reference: FCM
Enquiries to: Fergus McMorrow
Direct Dial: (01768) 212474
Email: Fergus.McMorrow@eden.gov.uk
Date: 5 August 2014

To Consultee

Dear sir/ madam,

Consultation on application to designate the Parish of Lazonby as a Neighbourhood Area

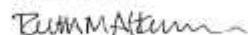
Neighbourhood Planning was introduced under the Localism Act to give members of the community a more hands on role in the planning of their neighbourhoods. The purpose of designating an area as a neighbourhood area is so that a Neighbourhood Development Plan or Neighbourhood Development Orders can be prepared for that area.

A Neighbourhood Area application was received from Lazonby Parish Council on 10th July 2014. A copy of the application and a map of the area are enclosed and can also be viewed on the Council's website at www.eden.gov.uk/langwathbyneighbourhoodarea/ or at Mansion House, Penrith, CA11 7YG, weekdays between the hours of 10.00 am and 4.00 pm.

You are invited to make representations on whether the area is an appropriate neighbourhood area to the Council no later than 5.00 pm Wednesday 17 September 2014 by email to neighbourhood_planning@eden.gov.uk or in writing to Communities Unit, Eden District Council, Mansion House, Penrith, CA11 7YG.

For more detailed information on Neighbourhood Planning please visit our website at <http://www.eden.gov.uk/planning-and-development/> or telephone 01768 212474 if you require any further information.

Yours faithfully,



Ruth Atkinson, Communities Director

Press release from EDC 07/08/14

2. LAZONBY SEEKS MORE CONTROL OVER DEVELOPMENT

Following a series of community meetings arranged by the Parish Council, Lazonby is bidding to be the ninth area in Eden to take on their own Neighbourhood Planning powers. This reflects the continuing growth of interest, both locally and nationally, in local people determining how their towns, villages and countryside will change or be protected in the future.

Many people in Lazonby have had concerns about their lack of control over recent development proposals in the village. These new powers would give local people more ability to manage how development should take place in their parish in the future.

The 2011 Localism Act allows a parish to become a designated 'Neighbourhood Area'. This then gives them the power to create a 'Neighbourhood Development Plan' that can set out what type of development is acceptable in the future. The District Council, Planning Inspectors and even the Secretary of State must then take it into account when they take decisions on planning applications.

Designated parishes can also produce Neighbourhood Development Orders which can permit development on individual sites, without the need for a planning application to Eden District Council.

These Neighbourhood Development Orders can also allow agreed classes of development to take place anywhere in the Parish, without the need to apply for planning permission.

The government has set up a grant programme to support the work of local communities preparing their own plans.

There has been strong interest from local communities in taking more planning control recently with similar applications from Alston, Skelton, Morland and Langwathby having been approved in the last month.

Chair of Lazonby Parish Council, Virginia Minihan said: "If we want to do everything we can to ensure our Parish has the development its people need and not just the development commercial interests want, we have to take the opportunity that Neighbourhood Planning powers give us."

Eden District Council's Leader and Lazonby Ward Councillor, Gordon Nicolson, OBE, said: "It is important that future development in Lazonby meets the needs and aspirations of our residents. We can achieve that by engaging with local people to make sure any proposals produced are supported by the majority. We then have the opportunity of getting statutory backing for our wishes as the plans will be made part of the statutory planning framework against which planning decisions are made."

The Council received Lazonby Parish Council's application for the parish to be designated on 10 July 2014. A copy of the application and a map of the area can be viewed at www.eden.gov.uk/lazonby-neighbourhood-area/ or at Mansion House, Penrith, Cumbria, CA11 7YG; weekdays between 10am and 4pm. Copies are also available in local libraries.

You are invited to make representations on whether the area is an appropriate neighbourhood area to the Council no later than 5pm Monday 17 September 2014 by email to neighbourhood.planning@eden.gov.uk or in writing to Communities Unit, Eden District Council, Mansion House, Penrith, CA11 7YG.

For more detailed information on Neighbourhood Planning and a step by step guide visit: www.eden.gov.uk/neighbourhoodplanning/. If you require any further information contact the Neighbourhood Planning Officer telephone: 01768 212474 or email neighbourhood.planning@eden.gov.uk

Eden District Council

Barry Cooper

Communication Officer

Tel 01768 212137

Mob 077159 90460

Mansion House

Penrith

Cumbria

CA11 7YG



Consultation responses to designation application

APPENDIX 3

Summary of consultation responses: Lazonby Area Designation

Respondent	Comments
English Heritage	<p>Thank you for consulting English Heritage about the above.</p> <p>The area covered by your Neighbourhood Plan Area includes a number of heritage assets including 13 Grade II listed buildings and 3 scheduled monuments. 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>English Heritage has a statutory role in the development plan process and there is a duty on either you as the Local Planning authority or the Neighbourhood Planning Forums to consult English Heritage on any Neighbourhood Plan where our interests are considered to be affected as well as a duty to consult us on all Neighbourhood Development Orders and Community Right to Build Orders.</p> <p>English Heritage will target its limited resources efficiently. We will directly advise on proposals with the potential for major change to significant, nationally important heritage assets and their settings. On occasion, we may also be able to advise communities where they wish to engage directly with us, subject to our local priorities and capacity.</p> <p>We consider that the planning and conservation team at Eden District Council are best placed to assist you in the development of your Neighbourhood Plan and, in particular, how the strategy might address the area's heritage assets. Consequently, we do not consider that there is a need for English Heritage to be involved in the development of your plan.</p> <p>If you have not already done so, we would recommend that you speak to the staff at Cumbria County Council who look after the Historic Environment Record. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as the local Civic Society or local historic groups in the production of your 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. These can be found at http://www.englishheritage.org.uk/professionaledited/historicenvironment/neighbourhoodplanning/. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning. A list of further information is attached to this letter.</p> <p>Neighbourhood plan preparation also offers the opportunity to harness your community's interest in the historic environment by getting them to help add to the evidence base for the historic environment, perhaps by creating and/or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking historic characterisation surveys which in turn can help inform the local planning authority's wider plan and strategy.</p>

	<p>making, review and monitoring. If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.</p>
Network Rail	<p>Thank you for the opportunity to provide feedback to the proposed consultation.</p> <p>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 the following comments to make:</p> <p>The eastern section of the area encloses the railway therefore we would comment:</p> <p>Level Crossings</p> <p>There are two level crossings in the Lazonby area, Eden Lang is not being used but Armathwaite is a public footpath level crossing.</p> <p>Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:</p> <ul style="list-style-type: none"> (a) By a proposal being directly next to a level crossing (b) By the cumulative effect of developments added over time (c) By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route (d) By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway (e) By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads (f) By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs (g) By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing <p>Eden Council have a statutory responsibility under planning legislation (Schedule 5 (f)(6) of the Town & Country Planning (Development Management Procedure) Order, 2010) to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway and this still remains as a statutory duty even in Neighbourhood Areas. Therefore, as the Lazonby Neighbourhood Area will be the authority in this case they will still need to consult with Network Rail under Schedule 5.</p>

	<p>Network Rail will need to assess any planning proposal that will impact upon the railway infrastructure including our level crossings.</p> <p>Asset Protection</p> <p>Any proposal within the neighbourhood area does not impact upon the railway infrastructure / Network Rail land e.g.</p> <ul style="list-style-type: none"> • Drainage works / water features • Encroachment onto Network Rail land or our air-space • Excavation and earthworks, bunds and embankments • Wind turbines / solar farms • Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues • Lighting impacting upon train drivers ability to perceive signals • Landscaping that could impact upon overhead lines or Network Rail boundary treatments • Any piling works • Any scaffolding works • Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s55 British Transport Commission Act 1949) • Any use of crane or plant • Any fencing works / acoustic fencing works and boundary treatments (we would request that any development adjacent to the railway erects a minimum 1.8m high steel palisade trespass proof fence to prevent unauthorised access onto the railway) • Any demolition works • Any hard standing areas • Works adjoining / adjacent or near to or including railway stations, in this case Hartford Railway Station <p>The parish council should be made aware that access and egress from Hartford Railway Station should not be blocked both during construction works on any proposal and as a permanent arrangement</p> <ul style="list-style-type: none"> • Any works over or adjacent to a tunnel** • Any works on land with a demarcation agreement which will require Network Rail approval in addition to any planning application / prior approval
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	<p>We would very strongly recommend that the Eden - Lazonby Neighbourhood Area authority / group are made aware that any proposal within 10m of the operational railway boundary will also require reviewing and approval by the Network Rail Asset Protection Team, and such schemes should be accompanied by a risk assessment and a method statement (at the design and construction phase). No works should commence on site without the approval of the Network Rail Asset Protection Engineer. Network Rail is required to recover any expenses incurred in facilitating third party proposals, a BAPA may be required for the works on site.</p> <p>We would request that the Eden - Lazonby Neighbourhood Area authority / group authority / group when submitting proposals for a development contact Network Rail's Town Planning Team and include a location plan and a description of the works taking place for review and comment.</p> <p>All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:</p>
Highways Agency	I am pleased to inform you that the Highways Agency has no objection to this proposal and look forward to working with the Parish in the future.
Marine Management Organisation	Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.
Natural England	<p>Thank you for notifying Natural England of your application for a Neighbourhood Planning Area dated 05/08/2014.</p> <p>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.</p> <p>Natural England is a statutory consultee in neighbourhood planning. 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>The following is offered as general advice which may be of use in the preparation of your plan.</p> <p>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: http://publications.environment-agency.gov.uk/PDF/GEH002129WAZ-E-E.pdf</p> <p>Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: http://www.nbs-nfb.org.uk/nfb.php</p> <p>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. http://www.naturalengland.org.uk/publications/nca/default.aspx.</p> <p>Protected species 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. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.</p> <p>Natural England Standing Advice Local Wildlife Sites 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>Best Most Versatile Agricultural Land 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 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: "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". General mapped information on soil types is available as 'Soilscapes' on the www.magt.gov.uk and also from the LandIS website, http://www.landis.org.uk/index.cfm which contains more information about obtaining soil data.</p> <p>Opportunities for enhancing the natural environment 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. 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 consultations@naturalengland.org.uk.</p>
The Coal Authority	<p>Thank you for the email of the 5 August 2014 consulting The Coal Authority on the above.</p> <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>As you will be aware the Lazonby parish area is outside of the defined coalfield and therefore The Coal Authority has no specific comments to make on the definition of the Neighbourhood Plan Area.</p>

	<p>In the spirit of ensuring efficiency of resources and proportionality it will not be necessary to provide The Coal Authority with any future drafts or updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.</p> <p>The Coal Authority wishes the Parish Council every success with the preparation of the Neighbourhood Plan.</p>
United Utilities	<p>Thank you for your consultation and seeking the views of United Utilities Water PLC in this process.</p> <p>We support growth and sustainable development within the North West.</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 Lazonby Parish Council, but wish to be included in further consultations and where necessary, the development of the Lazonby Parish Council's Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders.</p> <p>Our historical consultation responses to the Council's planning policy consultations, planning applications and pre-developer enquiries are still valid and should be taken into consideration when the Neighbourhood Plan, supporting policies and any Neighbourhood Development Orders or Community Right to Build Orders are being developed.</p> <p>To support the development of their Neighbourhood Plan, we would like to highlight the following points:</p> <p><u>Supporting water & wastewater infrastructure</u></p> <p>Whilst the wastewater and water supply services are generally managed by United Utilities Water PLC, there may be properties within the proposed neighbourhood area that are being served by private facilities.</p> <p><u>Major utility assets</u></p> <p>The presence of major wastewater and water supply 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.</p> <p>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.</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>We would like to be notified of the Council's decision on whether to accept our comments and the future progress of the Lazonby Parish Council's application for Neighbourhood Area Designation.</p> <p>If you wish to discuss this in further detail please do not hesitate in contacting me or Jenny Hope.</p> <p><u>Appendices</u></p> <p>We would seek your support and would like to see the following comments to be taken into consideration and incorporated into your future policies and/or documents:</p> <p>Water and wastewater services are vital for the future well-being of your community and the protection of the environment; when developing your future policies you should consider their impacts on the community, environment and ensure infrastructure capacity is available. If infrastructure deficiencies cannot be addressed, an alternative location and/or timescale should be sought where infrastructure capacity is available and it meets your development needs.</p> <p>1. National Planning Policy Framework (NPPF)</p> <p>The presumption in favour of sustainable development</p> <p>Local Planning Authorities (LPA) should adopt proactive strategy priorities in their Local Plan. This should include strategic policies to deliver:</p> <ul style="list-style-type: none"> the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).

	<p>the provision of health, security, community and cultural infrastructure and other local facilities, and</p> <ul style="list-style-type: none"> climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. <p>Crucially, Local Plans should:</p> <ul style="list-style-type: none"> plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of the NPPF; be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date; be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations; indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map; allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate; identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation; identify land where development would be inappropriate, for instance because of its environmental or historic significance; and contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified. <p>2. Infrastructure</p> <p>NPPF 162 Local planning authorities should work with other authorities and providers to:</p> <ul style="list-style-type: none"> assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and take account of the need for strategic infrastructure including nationally significant infrastructure within their areas. <p>To ensure key sites and strategic locations are deemed sustainable, plan-led and co-ordinated, strategic solutions should be developed and defined for supporting infrastructure.</p> <p>An example would be the development of a joint working group (led by you) that identifies a strategic drainage/water supply solution for a Neighbourhood Plan, each key site and/or strategic location.</p> <p>The joint working group will include you, EA, infrastructure providers, developers, landowners and any other key stakeholders such as Natural England etc.</p> <p>The aim of the joint working group will be to develop a sustainable strategic drainage/water supply solution that:</p> <ul style="list-style-type: none"> protects the existing customer and maintains their service and quality of life; protects the environment; is a robust and deliverable; proactively not reactively delivered; meets the needs of not only the Neighbourhood Plan, key sites/strategic locations but also the neighbouring Neighbourhood Groups, LPA; and is conditional for future developments within the key site and/or strategic location. <p>Future development must be sustainable; prevent environmental damage and preserve the quality of life for existing and future generations; therefore, developments should be delayed until infrastructure capacity is available.</p> <p>We cannot confirm if capacity is available until the connection points, flows and completion dates are available.</p> <p>If additional supporting infrastructure is required then you should work closely with us (and other utility providers) to ensure a sustainable cross-boundary solution is identified and approved by the appropriate Regulators bodies before granting planning approval.</p> <p>The scale and type of development needs to be defined so the appropriate infrastructure is in place to ensure growth is sustainable.</p> <p>Where there are capacity issues, any additional developments in these and/or adjoining areas without the appropriate infrastructure solutions being implemented could result in an increased number and frequency of sewer flooding and/or water supply incidents.</p>
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	<p>You should also consider the constraints (are not limited to, but include) that are outside our control and may influence the timely delivery of supporting infrastructure:</p> <ul style="list-style-type: none"> - Regulatory approval - Environmental constraints - Does the receiving watercourse/environment have the capacity to accept additional flows without causing environmental - Environmental consents and permits - Timescales involved in the construction/delivery of new processes to meet new consents and/or permits - Planning approval - The LDF process has not highlighted and/or specified land for infrastructure use, therefore future planning applications for future supporting utilities infrastructure may be thwarted or a prolonged process - Historical local resistance to the expansion of utilities assets - Planning application approval restrictions/conditions delay implementation of supporting infrastructure assets - Land acquisition - Timescales involved in the purchased land needs - Land may not be available for expansion due to the encroachment of development - Access into the highway - Limitations from the highway departments for road works - Environmental restrictions - bird breeding and/or nesting seasons; great crested newts; badgers etc. - Implementation and commissioning restrictions - Planning application approval conditions; working hours etc. - Environmental consents/permits conditions - Its physical delivery <p>3. Water Resources Planning</p> <p>Our Water Resources Management Plan was published in 2009, and sets out our strategy for water resources management for the next twenty-five years and highlights areas where there is likely to be a supply deficit and what activities will be put in place to mitigate any shortfall in supply.</p> <p>The plan can be accessed here: http://www.unitedutilities.com/WaterResourcesPlan.aspx</p> <p>We would encourage all you and developers to contact us at the earliest opportunity to enable identification of points of connection with least cost to the developer.</p> <p>4. Increased Water Capacity</p> <p>The developer is required to pay for their increased capacity (up to the point of a treatment works) and they are only allowed to connect at specific points identified by us and following approval to connect.</p> <p>You and developer should obtain local capacity information from our Area Teams/Connections who will be able to identify areas where there is current capacity for development; this would be on a case by case basis and</p> <p>5. General Water Efficiency Guidance</p> <p>United Utilities encourages the use of water efficient designs and development wherever this is possible. There are a number of actions developers can undertake to ensure that their developments are water efficient. The most up to date advice for water efficiency and water efficiency products can be found at Waterwise who have recently published a best practice guide on water efficiency for new developments. http://www.waterwise.org.uk/</p> <p>We would encourage utilisation of the following water efficiency activities:</p>
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	<p>Installing of the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type.</p> <ul style="list-style-type: none"> Minimise run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot. Utilising drought resistant varieties of trees, plants and grasses when landscaping. Install water efficient appliances such as dishwashers, washing machines. <p>6. Surface Water</p> <p>Site drainage, ground conditions, local flooding issues, development layout, design and planning policies should be major considerations for you and developers when selecting possible development sites.</p> <p>The treatment and processing of surface water (storm water, rainwater) is a not a sustainable solution; the sites' current natural discharge solution should be continued and/or mimicked; if the existing surface water does not have an existing or a historical natural solution, we would question the development of a flooded site.</p> <p>Surfacewater should be managed at source and not transferred; if not this will only transfer the issue to another location, generally to a single pinch point, generating further problems in that location.</p> <p>Developments must drain on a separate sewerage system, with only foul drainage connected into the foul sewerage network.</p> <p>Every option should be investigated before discharging surface water into a public sewerage network.</p> <p>Connecting surface water to the public sewerage network is not a sustainable solution and you should discourage this practice.</p> <p>The priority options for the management of surface water discharges are:</p> <ul style="list-style-type: none"> Continue and/or mimic the site's current natural discharge process Store for later use Discharge into infiltration systems located in porous sub soils Attenuate flows into green engineering solutions such as ponds, swales or other open water features for gradual release to a watercourse and/or porous sub soils Attenuate by storing in tanks or sealed systems for gradual release to a watercourse Direct discharge to a watercourse Direct discharge to a surface water sewer <p>Controlled discharge into the combined sewerage network – this option is a last resort when all other options have been discounted.</p> <p>Development on Greenfield sites shall not discharge surface water into the public combined sewerage network and shall not increase the rate of run-off into the public surface water network – this statement does not replace the priority options for surface water management above.</p> <p>On previously developed land, a reduction of at least 30% will be sought, rising to a minimum of 50% in critical drainage areas – this statement does not replace the priority options for surface water management above.</p> <p>Any discharge to the public sewerage system must be via approved SuDS and will require an approved discharge rate.</p> <p>The following link shows examples of SuDS solutions; case studies; presentations; policy and regulatory documents relevant to the delivery of sustainable drainage etc:</p> <p>http://www.susdrain.org/</p> <p>The case studies section highlights numerous examples of how problematic ground conditions; topography issues can be overcome [i.e. Olympic Park, East London].</p> <p>A discharge to groundwater or watercourse may require the consent of the Environment Agency.</p> <p>7. Green Infrastructure</p> <p>You should seek opportunities to use developer financial and/or resource contributions to meet common objectives.</p> <p>Use green and open spaces, sports and recreation facilities to address surfacewater and climate change issues.</p> <p>Building green infrastructure assets such as ponds, swales and wetlands will not only meet your Green Space needs but also your local existing and/or future surface water climate change issues.</p> <p>Artificial pitches; cycle paths; play areas multi use games areas and skate parks can be used to local underground civil engineering SuDS solutions.</p>
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	<p>SuDS solutions that incorporate irrigation systems will help support and maintain your allotments, parks and garden areas. You should identify opportunities for the installation retro fitting SuDS.</p> <p>8. Carbon impact You should consider the total carbon impact of future developments, not only the footprint of the development but also the carbon impact for additional infrastructure assets, their associated treatment processes and their future maintenance and operation requirements. To meet future reduction targets you should consider:</p> <p>9. Climate change adaptation Climate change is a major consideration on the future available capacity of sewerage and water supply infrastructure networks, treatment works and watercourses. Planners and Developers should consider that the impacts of climate change on future development, existing infrastructures, and the environment. Developments should be designed to reduce the impacts of climatic change on the development itself, the existing infrastructure and the environment, with consideration for hotter, drier summers, greater flood risk and more severe weather events. To reduce the impacts of climate change on the existing infrastructure you should seek a significant reduction in the discharge from developments. Urban creep has a significant impact on capacity, the paving over of gardens contributes to flood risk and should therefore be discouraged.</p> <p>10. Development adjacent to infrastructure assets The future expansion of infrastructure assets to meet the needs of future development and changes in legislation could create a potential conflict with development plans; therefore developments adjacent to our assets should be discouraged by you. Water and sewerage companies have a legal right of access to their assets; this can be for their operational and/or maintenance therefore we will not permit the building over and/or near its infrastructure assets. To protect sensitive developments (ie residential uses) the Environmental Health Authority should be consulted if any future development is to be located adjacent to wastewater infrastructure assets. In most cases, the distance of 400 metres from the wastewater treatment facilities is used as a guide, but this can differ due to local topography, climate conditions, size and nature of the wastewater infrastructure asset and development in question. You must ensure we are kept informed of any waste management related development and/or planning application within 500m of a Large Diameter Trunk Main (LDTM). Prior consent will be required from us before granting approval. It is also essential that this information is included in future planning policy. We would seek your future support in the planning processes to protect/secure land for infrastructure use.</p> <p>11. Infill land You should be aware that, on occasion, gaps are left between properties; this is due to the presence of underground utility assets. We will not allow the building over or near to these assets and development will not be acceptable in these locations.</p> <p>12. Greenfield Development Generally Greenfield sites have limited or no supporting water supply and/or sewerage infrastructure assets; they may be adjacent to existing infrastructure assets that are located on the fringe/limits of the existing water supply and/or sewerage infrastructure networks which are of a small diameter and have limited capacity to support additional capacity. Providing supporting infrastructure to Greenfield development sites could result in the need to upsize the existing assets to support the additional capacity needs; therefore this may result in a need for a co-ordinated approach to phased development in line with any supporting infrastructure works.</p>
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Decision notice

Town Hall, Penrith, Cumbria CA11 7QF
Tel: 01768 817617
Fax: 01768 890470
Email: customer.services@eden.gov.uk

NOTICE

DELEGATED DECISION REGARDING APPLICATION FOR DESIGNATION OF LAZONBY AS A NEIGHBOURHOOD AREA

1. Decision

I hereby exercise power under section 61G of the Town and Country Planning Act 1990 and all other powers delegated to me, by the Council's Executive on 1st July 2014, to designate the 'Lazonby Neighbourhood Area' as a neighbourhood area (for the purposes of section 61G(1) of the Town and Country Planning Act 1990 as amended.

2. Reason for Decision

I am satisfied that the requirements of the Neighbourhood Planning (General Regulations 2012) have been met with regard to this application.

I am satisfied that the area is an appropriate area to be designated as a neighbourhood area and that the statement explaining why it is appropriate is satisfactory.

The statement explaining that the applicant is the relevant body is provided and satisfactory.

A map identifying the area has been provided.

3. Alternative Options

There is an option of designating it a business area. I do not designate it as a business area for the purposes of section 61H(1) of the Act as it is not wholly or predominantly business in nature.

I could reject the application if it was not appropriate area or did not meet the requirements of the legislation. These reasons for rejection do not apply in this case.

Name of neighbourhood area: Lazonby.

Relevant body: Lazonby Parish Council

Map of Lazonby Neighbourhood Area. (Below)

I have made this decision as I concur with the advice contained in the report.

I have no private interests to declare in respect of this matter which would prevent me from determining this application.

SIGNED



RUTH ATKINSON, COMMUNITIES DIRECTOR, EDEN DISTRICT COUNCIL

Decision published on: 18th Sept 2014



Decision letter

Our Reference: FCM
Enquiries to: Fergus McMorrow
Direct Dial: (01768) 212474
Email: Fergus.McMorrow@eden.gov.uk
Date: 18th September 2014

Beccy Wyatt
Clerk to the Parish Council
[REDACTED]

Dear Beccy

Confirmation of the Lazonby Area Designation Order

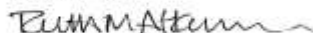
Further to your Parish's application for Neighbourhood Area Designation and the completion of the designation consultation I can now confirm that on 18 September 2014 Eden District Council formally designated the Lazonby parish area as a 'Neighbourhood Area'. This gives the Parish Council the right to produce their own Neighbourhood Plan and Neighbourhood Development Orders.

It was resolved that, the whole area of Lazonby Parish is designated a 'Neighbourhood Area' based on the parish boundary and Lazonby Parish Council has been accepted as the Qualifying Body for the purposes of Neighbourhood Planning under the Localism Act 2011.

Please contact, Fergus McMorrow, the Council's Neighbourhood Planning Officer (Telephone 01768 212474) if you wish to discuss the Neighbourhood Planning process further.

For more general information on Neighbourhood Planning please also visit our website at <http://www.eden.gov.uk/planning-and-development/>

Yours sincerely,



Ruth Atkinson, Communities Director

Screening opinion with regard to SEA and Habitats Regulations

Responses to Screening opinion request

E-mail from EDC planning:

Dear Gordon

Please accept my apologies for not being able to respond to you sooner but we have been extremely busy in the office in progressing the Local Plan and in providing the Inspector with further information.

With regard to the screening of the draft Lazonby Neighbourhood Plan, Natural England has advised us to liaise with our own "ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors" that may be affected by the plan, before determining whether SA/SEA is necessary. We are therefore in the process of doing this and shall revert to you once we have received a response.

However, as far as the other two statutory consultees are concerned (Environment Agency and Historic England), they do not consider SEA/HRA to be necessary. Notwithstanding this, I attach the response from Historic England, the contents of which you may wish to consider while you are awaiting the Council's formal screening response.

Kind Regards

Rachael

Rachael Armstrong

Planning Officer (Policy)

Eden District Council, Mansion House, Penrith, CA11 7YG

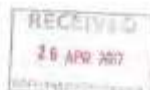
Screening opinion response from Historic England



Rachael Armstrong
Planning Officer (Policy)
Eden District Council
Marrion House
Penrith
CA11 7YS

Our ref: P1,00078141 & P1,00081858
Your ref: E-mail 5th April 2017
Telephone: 01500 121974

24th April 2017,



Dear Rachael,

Re: SEA Screening Assessment and Draft Lazonby Neighbourhood Plan.

I am writing in reply to your E-mail dated 5th April 2017. The Neighbourhood Plan Forum requests a formal Screening Opinion from Historic England in compliance with the *Environmental Assessment of Plans and Programmes Regulations 2004* based on a draft Neighbourhood Plan provided by yourself. The draft Opinion prepared for the Forum concludes that Strategic Environmental Assessment is not required. We note that the Plan appears to propose no site allocations/policies which would have significant environmental effects upon the Historic environment and as such we concur that in this regard Strategic Environmental Assessment is **not** required. Please note that Historic England is a statutory consultee in such matters and ought to be referred to at 3.1 of your Screening Assessment. Our national advice on Sustainability Appraisal and SEAs is set out here: <https://historicengland.org.uk/engels-ecomm/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-3/>

We have no record of previously being consulted on this Neighbourhood Plan by the Lazonby Forum as statutorily required at key stages. I have therefore read the draft plan you have sent and offer the following advice; please can you pass this letter onto the Forum's chair.

This document contains confidential information and should be treated as such. It is not to be distributed outside the Forum or to the public.

no reference or policy relating to the Lazarby Conservation Area or its 1 (a) designated heritage assets, their significance, setting and future management.

You might also consider contacting the staff who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also locally important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, etc. in the final production of your Neighbourhood Plan.

Your local authority might also be able to provide you with more general support in the production of your Neighbourhood Plan. National Planning Practice Guidance is clear that where it is relevant, Neighbourhood Plans need to include enough information about local heritage to guide planning decisions and to put broader strategic heritage policies from your local authority-led local plan into action at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions.

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England. This signposts a number of other documents which your community might find useful 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 Lazarby is retained. These can be found at:

<http://www.historicengland.org.uk/service/planning/planning/policies/your-neighbourhood/>

And:

<https://historicengland.org.uk/images-books/publications/guid2-setting-of-heritage-assets/>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours Sincerely



Simon Kitching MSc
Historic Places Adviser

Second response from EDC, following consultation with landscape and ecological advisors:

Part of e-mail from EDC planning to Parish Council:

Dear Rebecca

Apologies for the delay, however, I am now able to provide you with the Council's formal response to your request for a screening opinion of the draft Lazonby Neighbourhood Plan.

In brief, we have concluded that neither a full Strategic Environmental Assessment or Habitats Regulation Assessment is required.

If we can be of any further assistance in helping you progress the NP to the next stage, please do not hesitate to contact me.

Kind Regards

Rachael

Rachael Armstrong

Planning Officer (Policy)

Eden District Council, Mansion House, Penrith, CA11 7YG





**Strategic Environmental Assessment
Screening Report**

**Lazonby
Neighbourhood Development Plan**

On Behalf of Lazonby Parish Council

June 2017

1.0 Introduction

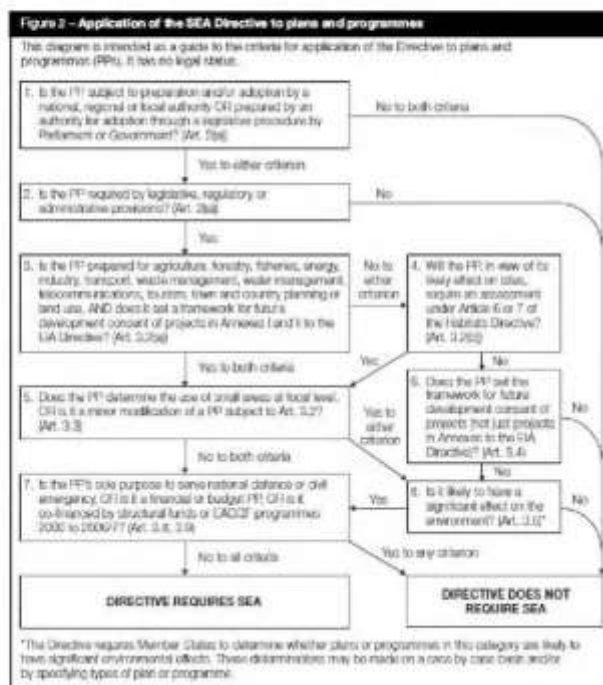
- 1.1 This screening report is designed to determine whether or not the contents of the draft Lazonby Neighbourhood Development Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The purpose of the SEA is to provide a high level of protection to the environment and to integrate considerations of the environment into the preparation and adoption of plans with a view to promoting sustainable development.
- 1.3 The purpose of the Lazonby Neighbourhood Plan is to provide detailed policy guidance in relation to General Development Principles, the Development of Greenfield Sites, Design, Landscaping, Trees, Views, Open Space, Play Areas, Footpaths, Cycleways, Housing, Employment, Farm Diversification, Tourism, Renewable Energy and Infrastructure.
- 1.4 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 3 provides a screening assessment of the likely significant environmental effects of the draft plan and the need for a full SEA.

Legislative Background

- 1.5 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
- 1.6 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

- A map or statement which identifies the area to which the proposed neighbourhood development plan relates;
 - A consultation statement;
 - The proposed neighbourhood development plan;
 - A 'basic conditions statement'; and
 - (i) an environmental report; or
(ii) a screening opinion indicating that an environmental report is not required
- 2.2 The diagram overleaf illustrates the process for screening a planning document to ascertain whether a full SEA is required.
- 2.3 This assessment is therefore split into two parts. Part 1 runs the draft plan through the questions outlined in the diagram above and includes commentary of whether the need for SEA is triggered. Part 2 further assesses stage 8, on whether there is a likely significant impact. The screening opinion takes a 'precautionary approach' and when it is unclear as to how the Directive may be applied it is assumed that there are possible likely significant effects.





Stage	Y/N	Reason
1. Is the PP (plan or programme) subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation and adoption of the NP is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The NP has been prepared by Lazonby Parish Council (as the 'relevant body') and will be 'made' by Eden District Council as the local authority. The preparation of NPs is subject to the following regulations: The Neighbourhood Planning (General) Regulations 2012 and The Neighbourhood Planning (Referendums) Regulations 2012. GO TO STAGE 2
2. Is the PP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the NP is not a requirement and is optional under the provisions of the Town and Country Planning Act, as amended by the Localism Act 2011, it will, if 'made', be part of the statutory Development Plan, prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 as amended. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive. GO TO STAGE 3
3. Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town	Y	The draft plan is being prepared for town and country planning and land use purposes. It seeks to allocate land for future development and proposes

		definition of 'urban development project' a precautionary stance is taken at this stage to allow further assessment at Stage 8. GO TO STAGE 4
4. Will the PP, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	Not known.	A Neighbourhood Plan could potentially have impacts on sites covered by the Habitats Regulations. A separate HRA screening assessment to ascertain whether an Appropriate Assessment is required under the Habitats and Species Regulations 2010, which relate to Article 6(3) and (4) of the Habitats Directive has been prepared.
5. Does the PP determine the use of small areas at local level. OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)	Y	The draft plan identifies land within the Neighbourhood Area for development. GO TO STAGE 6
6. Does the PP set the framework for future development consent of projects (not just projects in annexes to the EIA Directive)? (Art. 3.4)	Y	Once 'made', a Neighbourhood Plan forms part of the statutory Development Plan and will be used in the determination of planning applications in the Neighbourhood Area. Therefore, it sets the framework for future developments at a local level.
7. Is the PP's sole purpose to serve the national defence or civil emergency, OR is it a financial or budget PP, OR is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7? (Art. 3.8, 3.9)	N	The Lazonby Neighbourhood Plan will not deal with these issues.
8. Is it likely to have a significant effect on the environment? (Art. 3.5)		See Part 2: Likely significant effects on the environment

The characteristics of plans and programmes, having regard, in particular, to:		
Criteria	Consideration	SEA?
The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	<p>The framework for development within the Lazonby NP will be set by the Eden Local Plan (which determines the quantum of housing allocated to Lazonby) although the NP provides the detail regarding the location of that development. The draft NP promotes the development or redevelopment of several sites across the Lazonby Parish, all of which are less than 2 ha in size.</p> <p>Useful guidance on whether a scheme would trigger the need for an Environmental Impact Assessment (if this was a planning application) is contained in Annex 1 of the 2015 EIA Regulations. These state that where a scheme is an urban development project a threshold of 5 hectares would apply and would indicate that a scheme <u>may</u> require EIA. In addition the 2015 EIA Regulations state that proposals for redevelopment are unlikely to require an EIA.</p> <p>Overall the plan promotes small scale development which would not exceed the threshold.</p>	N
The degree to which	The Lazonby NP is expected to be	N

for the integration of environmental considerations in particular with a view to promoting sustainable development	to be a sustainable location. Any development that comes forward through the Lazonby Neighbourhood Plan will be subject to the environmental considerations of the Eden District Local Plan 2014 -2032.	
Environmental problems relevant to the plan or programme	Due to the relatively small scale nature of the development proposed, it is considered that there are no significant environmental problems arising from implementation of this draft plan.	N
The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection)	The implementation of community legislation is unlikely to be compromised by the Lazonby Neighbourhood Plan.	N
Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:		
Criteria	Consideration	SEA?
The probability, duration, frequency and reversibility of the effects	It is considered highly improbable that the Lazonby neighbourhood Plan would result in significant effects in light of the nature and scale of the proposals. It is anticipated that the Plan will have a duration of 18 years from 2014 to 2032. Some effects of the plan are anticipated to be irreversible and may be negative in environmental	N

nature of the effects		
The risks to human health or the environment (e.g. due to accidents)	None identified.	N
The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The Lazonby NP proposes a modest level of development in accordance with set out in the Eden Local Plan. It is not considered that this would give rise to any significant impacts.	N
The value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use,	The Lazonby NP area contains a number of designated assets of national significance, including listed buildings, Scheduled Ancient Monuments, a Conservation Area and Sites of Special Scientific Interest. The River Eden SAC also forms the north-eastern boundary to the Parish (the impacts to which are considered in the HRA Screening Exercise). It is clear that the Neighbourhood Area contains a number of sensitive/potentially vulnerable receptors and it is possible these could be affected by the Neighbourhood Plan. However, the Lazonby NP will conform to the Local Plan, which provides protection to these environmental and cultural characteristics and may provide additional protection to ensure that they are not vulnerable to significant impacts from development.	N



<p>The effects on areas or landscapes which have a recognised national, community or international protection status.</p>	<p>The Lazonby NP area contains a number of important designations including ancient woodland, Sites of Special Scientific Interest (SSSIs) and the River Eden SAC.</p> <p>The River Eden SAC and SSSI runs along the north eastern boundary of the Plan area. The implications for this are considered within the HRA screening report.</p> <p>Policy ENV1 of the Eden Local Plan seeks to protect and enhance the natural environment, biodiversity and geodiversity, including SACs and SSSIs. The Lazonby Neighbourhood Plan must be in conformity with the Local Plan, thus also preventing development which would adversely impact upon these designations.</p>	N
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3.0 Screening Outcome

- 3.1 The SEA Regulations require that the appropriate nature conservation body is consulted (Natural England) as well as the Environment Agency and Historic England. These three statutory consultation bodies were consulted on 5th April 2017 to determine if they agree with the screening outcomes of this report. Their Responses are summarised in Appendix 1.
- 3.2 In light of the District Council's findings and the responses from the statutory consultees it is concluded that ~~it is unlikely there will be any significant~~

to referendum; and when it takes the decision on whether or not to make the neighbourhood plan.

- 3.4 We would also advise you to have regard to the comments provided by Cumbria Biodiversity Data Centre (provided at Appendix 2) who, at the request of Natural England, have been consulted. Their comments provide a biodiversity and nature conservation perspective on Lazonby Parish and it is recommended that their comments are borne in mind during the formulation of future development proposals.

Appendix 1 – Responses from Statutory Consultees



Rachael Armstrong
Planning Officer (Policy)
Eden District Council
Mansion House
Penrith
CALL 776

Our ref: PL00676141 & PL0066088
Your ref: E-mail 5th April 2017
Telephone: 07500 121974

24th April 2017,



Dear Rachael,

Re: SEA Screening Assessment and Draft Lazby Neighbourhood Plan.

I am writing in reply to your E-mail dated 1st April 2017. The Neighbourhood Plan Forum request a formal Screening Opinion from Historic England in compliance with the *Environmental Assessment of Plans and Programmes Regulations 2004* based on a draft Neighbourhood Plan provided by yourself. The draft Opinion prepared for the Forum concludes that Strategic Environmental Assessment is not required. We note that the Plan appears to propose no site allocations/uses which would have significant environmental effects upon the historic environment and as such we concur that in this regard Strategic Environmental Assessment is not required. Please note that Historic England is a statutory consultee in such matters and ought to be referred to at 3.1 of your Screening Assessment. Our national advice on Sustainability Appraisal and STAs is set out here: <https://historicengland.org.uk/images-books/publications/sustainability-a-approach-to-strategic-environmental-assessment-efeb16-06-17/>

We have no record of previously being consulted on this Neighbourhood Plan by the Lazby Forum as statutorily required at key stages. I have therefore read the draft plan you have sent and offer the following advice; please can you pass this letter onto the Forum's chair.

Having considered the proposals we do not consider that there is a need for Historic England

no reference in policy relating to the Lazonby Conservation Area or its T (501) designated heritage assets, their significance, setting and future management.

You might also consider contacting the staff who look after the Historic Environment Record and give advice on archaeological matters. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway www.heritagegateway.org.uk. It may also be useful to involve local voluntary groups such as the local Civic Society, local history groups, building preservation trusts, etc. in the final production of your Neighbourhood Plan.

Your local authority might also be able to provide you with more general support in the production of your Neighbourhood Plan. National Planning Practice Guidance is clear that where it is relevant, Neighbourhood Plans need to include enough information about local heritage to guide planning decisions and to put broader strategic heritage policies from your local authority-led local plan into action at a neighbourhood scale. If appropriate this should include enough information about local non-designated heritage assets including sites of archaeological interest to guide decisions.

Further information and guidance on how heritage can best be incorporated into Neighbourhood Plans has been produced by Historic England. This signposts a number of other documents which your community might find useful 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 Lazonby is retained. These can be found at:

<http://www.historicengland.org.uk/advice/planning/planning/making/making-about-neighbourhood/>

And,

<https://historicengland.org.uk/images-books/publications/guid3-setting-of-heritage-assets/>

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours Sincerely,

Garen Ratcliffe RIBA

Ms R. Armstrong
Planning Officer (Policy)
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Our ref: NO/2013/104973/SE-
04/SC1-L01
Your ref: Lazonby Neighbourhood
Plan
Date: 11 April 2017

Dear Ms Armstrong

Lazonby Neighbourhood Plan

Strategic Environmental Assessment Screening Report (March 2017)

Habitats Regulations Screening Report (April 2017)

Thank you for your consultation request received on 5 April 2017 regarding screening of the above documents relating to the Lazonby Neighbourhood Plan for Strategic Environmental Assessment (under European Directive 2001/42/EC and the Environmental Assessment of Plans and programmes Regulations 2004) and Appropriate Assessment (under the EU Habitats Directive).

The Environment Agency has reviewed the above reports and agrees with the screening outcomes concluded by Eden District Council.

Yours sincerely

Jeremy Pickup
Planning Advisor - Sustainable Places
E-mail: clplanning@environment-agency.gov.uk

Date: 21 April 2017
Our ref: 212668
Your Ref: Lazby NP

Rachael Armstrong
Planning Officer (Policy)
Eden District Council

BY EMAIL ONLY



Wardour House
Down Business Park
Beech Way
Oxford
Oxon OX1 6JL

T 0300 090 9090

Dear Rachael,

Lazby Neighbourhood Plan

Thank you for your consultation on the above dated 27 April 2017 which was received by Natural England on 28 April 2017.

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. We have reviewed your screening report in accordance with regulation 9(2)(b) of the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) and provide the following advice:

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- A neighbourhood plan allocates sites for development,
- The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan,
- The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect.

We are not aware of significant populations of protected species which are likely to be affected by the

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary. Additional guidance and sources of information are provided in Annex 1.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact Colette Garner on 020022 57321. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Colette Garner
Sustainable Development Advisor

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The [Magic³](#) website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres, such as Tulle House in Carlisle, may hold a range of additional information on the natural environment.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here⁴](#). Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here⁵](#).

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic³](#) website and also from the [LandVU website⁶](#), which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework⁷](#) sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance⁸](#) sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹³), such as Sites of Special Scientific Interest or [Ancient Woodlands](#)¹⁴. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁵) or protected species. To help you do this, Natural England has produced advice [here](#)¹⁷ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use an area of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)¹⁸.

Improving your natural environment

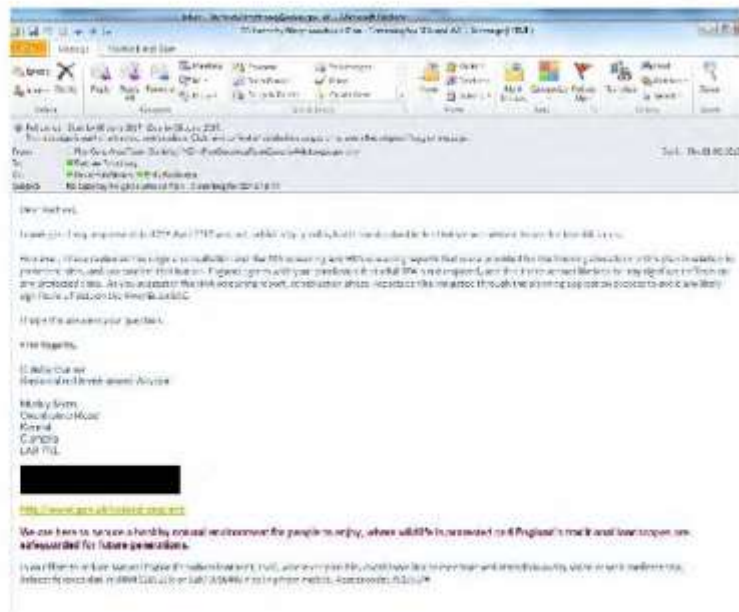
Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.

- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)).²⁴
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).





Appendix 2 – Response from Cumbria Biodiversity Data Centre

THE PARISH OF LAZONBY

The Parish of Lazonby is of significant importance with regard to its habitats and biodiversity.

The following information includes details of biodiversity significance within the parish boundary and within a 2km buffer zone. This is because activities within the parish itself may have a negative or positive impact outside of the parish.

AREAS OF SPECIAL CONSERVATION VALUE

COUNTY WILDLIFE SITES

There are 4 county wildlife sites within the parish boundaries, with a further 3 within a 2k buffer of the parish boundary.

In the Parish	In the 2km Buffer zone
<ul style="list-style-type: none"> • Ryeon Wood • Middleholme and Wink Moss • Blazefell Quarries • Coatsley Marsh and the Glebe 	<ul style="list-style-type: none"> • Hengistbury Wood • Highters • Broad Wood • Dalesmen Beck • Row Bank Fen

HABITATS

With the Parish and the 2km buffer there are a number of UK Biodiversity Action Plan Priority Habitats.

- Hedgerows
- Ponds
- Woodland: Ancient woodland and semi natural woodland
- Upland and lowland heath
- Wet Flashes
- Areas with special conservation



GEOLOGICAL SITES

There are no sites of geological interest within the parish. Coombs Clints is on the boundary and Lazunby Caves are within the buffer zone.



SPECIES

34,673 species records recorded.

Rare, Scarce and Protected: 127 species recorded are on the UK BAP action plan list, eg Otter, Curlews.

Non-native and Invasive species: Within the species list are species that may be subject to control methods, eg Indian Boleam and Grey Squirrel.

SITES OF INVERTEBRATE SIGNIFICANCE

- Coombs Woods
- Ramon Wood
- Nunney Walks
- Lazunby Fells
- Wynn Hill



CUMBRIA BIODIVERSITY ACTION PLAN SPECIES

Here several sites that have been identified as potential Great Crested Newt sites and Water Vole habitat. This is likely to mean that Cumbria does not have any current records, but the habitat is suitable and the species could be present.



HRA Screening Report





**Eden District Council
Habitats Regulations Assessment
Screening Report**

Lazonby Neighbourhood Plan

Prepared for Lazonby Parish Council

June 2017

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1. Introduction

- 1.1 This Habitats Regulations Assessment (HRA) screening report has been prepared by Eden District Council in respect of the Lazonby Neighbourhood Plan, which has been produced by Lazonby Parish Council in accordance with the Neighbourhood Planning (General) Regulations 2012. This HRA screening report accompanies the Lazonby Neighbourhood Plan produced for Regulation 16 of the Neighbourhood Planning (General) Regulations 2012.
- 1.2 The Lazonby Neighbourhood Plan has been produced to guide development within the whole Parish area. It has a principal objective to "enhance the overall quality of life of those living and working in Lazonby over the plan period," and seeks to achieve this through the application of a number of policies. The plan also proposes the allocation of seven sites for housing development.
- 1.3 A separate report containing the possible need for SEA has been prepared, with this report covering Habitats Regulation Assessment. The need to screen for Habitats Regulations Assessment (HRA) is required by the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The aim on HRA screening is to assess whether there are any likely significant effects on European sites within relative proximity to the Neighbourhood Plan area.
- 1.4 In preparing this screening report, the Council has drawn upon the HRA for the Eden Local Plan, the most recent version of which was published in January 2017. It is considered that some of the background information in the District Plan HRA can be used for this screening report of the Lazonby Neighbourhood Plan and, as such, this screening report should be read in conjunction with it.

2. Legislative Background

- 2.1 The Natura 2000 network consists of sites across Europe designated for their nature conservation importance. It aims to be an ecologically coherent network of designated sites that protect threatened species and habitats. The Natura 2000 network is formed of Special Areas of Conservation for species, plants and habitats (designated under the Habitats Directive) and Special

92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive') states:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned, and, if appropriate, after having obtained the opinion of the general public."

- 2.3 The Habitats Directive is clear that an 'appropriate assessment' of a plan or project applies to both Special Areas of Conservation and Special Protection Areas.

- 2.4 The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the UK's transposition of the Habitats Directive and Regulation 102, provides:

"(1) Where a land use plan –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site, the plan-making authority for the plan must, before the plan is given effect, make an appropriate assessment of the implications for the site in view of that site's conservation objectives."

- 2.5 This means that any proposed plan that may affect a European site (Special Area of Conservation or Special Protection Area) must first undergo an assessment to look at its potential impacts applying the precautionary

the site's conservation objectives. Further more detailed mitigation measures may be introduced at the appropriate assessment stage to avoid or reduce the effects of a plan on the European site(s). Before a plan may be given effect, the plan-making authority as competent authority must ascertain that it would not adversely affect the integrity of European site(s).

- 2.6 In terms of neighbourhood plans, the Neighbourhood (General) Regulations 2012 require a submitted neighbourhood plan to include a statement explaining how the proposed neighbourhood development plan meets the basic conditions set out in paragraph 6 of Schedule 4B of the Town and Country Planning Act 1990. One of these basic conditions is that the neighbourhood plan must be compatible with EU obligations and needs to demonstrate that it is not likely to have a significant effect on a European site.

3. Approach

Overview

- 3.1 This screening draws upon the HRA screening carried out for the draft Eden Local Plan in 2014. However, as no sites in Lazonby are allocated for development by the Eden Local Plan, the Eden District HRA has its limitations.
- 3.2 The screening determines whether there will be any likely significant effects on any European site as a result of the plan's implementation (either on its own or in combination with other plans and projects) and, if so, whether these effects will result in any adverse impact on the site's integrity. The current guidance details a four stage process for an HRA, although not all stages will necessarily be a requirement.

Box 1 Stages of HRA

Stage 1- Screening

This stage identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and determines whether these impacts are likely to be not significant

Stage 3 - Assessment of Alternative Solutions

Where adverse impacts are predicted, this stage examines alternative ways of achieving the objectives of the order that avoids adverse impacts on the integrity of European sites.

Stage 4 - Assessment Where No Alternative Solutions Exist and Where Adverse Impacts Remain

This stage assesses compensatory measures where it is deemed that the project or Plan should proceed for imperative reasons of overriding public interest.

3.3 This report is concerned with **Stage 1 - Screening**. The outcomes are:

- Collect information on Natura 2000 sites
- Determine whether the Plan has potential to have a significant effect on any Natura 2000 sites
- Identify any other plans or projects with potential for 'in combination' effects (these are listed in Appendix 4)

Screening

3.4 The screening must consider all Natura 2000 sites within the Neighbourhood Plan limits and any sites which lie outside the boundary of Lazonby Parish but could potentially be impacted by the Plan through hydrological linkages. The Report identifies the conservation objectives for European sites, factors which are important for the maintenance of the qualifying features etc. This will enable the report to identify issues which are likely to require consideration in the evaluation of LSE.

3.5 The screening involves consideration of the Neighbourhood Plan in relation to potential impacts on the natural environment either alone or in combination with other plans and policies.

Assessment

3.6 The HRA considers whether the proposed Plan policies are likely to have an impact on European site interest features and identifying reasonable impact pathways by which the alterations could affect them. The plan has therefore

- Which may require specific mitigation to be identified and included in the plan to ensure no significant or adverse effects are likely if the site is developed.

Uncertainty

- 3.7 HRA of plans and orders usually indicates where there may be some uncertainty of potential impacts, and where there are uncertainties whether safeguards and mitigation can be put in place when the construction phase begins. However, development proposed under this draft plan will be subject to applications for planning permission and there will be further opportunity to assess the potential impacts at this stage.

4. Baseline Summary

- 4.1 Our approach was to identify the Natura 2000 sites with the closest proximity to the Neighbourhood Plan area. The following European sites are within 15km of Lazonby Parish (see Appendix 1):
- River Eden & Tributaries SAC – follows the Parish boundary
 - North Pennines Moors SAC & SPA – c. 8km
 - Moor House Upper Teesdale SAC – c. 6km
 - Cumbrian Marsh Fritillary Site SAC – c. 8km
 - Tam Moss SAC – c. 14km
 - Lake District High Fells SAC – c. 15km
- 4.2 In considering the potential effects of the Neighbourhood Plan, regard is had to the Impact Risk Zones (IRZ) for residential development for 50 units or more (plus 100 units or more around the River Eden SAC) associated with each of the aforementioned SPAs and SACs. As the plan at Appendix 2 illustrates, only the IRZ for the River Eden SAC falls within the Parish Boundary. The Plan area is over 5km away from all other SACs and SPAs. For these two reasons, it is deemed reasonable to assess whether there are likely significant effects, as a result of the proposals in the Neighbourhood Development Plan, on just the River Eden SAC.

4.1 Conservation objectives are published by Natural England. Current objectives are broadly the same for all sites. They are to:

- Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features;
- Subject to natural change, to maintain or restore:
 - The extent and distribution of qualifying natural habitats and habitats of qualifying species;
 - The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
 - The supporting processes on which qualifying natural habitats of qualifying species rely;
 - The populations of qualifying species; and
 - The distribution of qualifying species within the site

Table 2 – Nearest European Site

Site	Interest Features	Summary of Site Sensitivities/Vulnerabilities
River Eden SAC	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> • Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletos uniflorus</i> and/or of the <i>huculo-limosa</i> group • Water courses of plan to montane levels with the <i>Potamogeton fluitans</i> and <i>Callitriche-Betula</i> vegetation • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxus excelsior</i> (Also <i>Padus</i>, <i>Axon</i> in some, <i>Salix</i> also) • White-clawed (or Atlantic) stream mayfly <i>Austropotamobius pallipes</i> • Sea lamprey <i>Petromyzon marinus</i> • Brook lamprey <i>Lampetra planeri</i> • River lamprey <i>Lampetra fluviatilis</i> • Atlantic salmon <i>Salmo salar</i> • Bullhead <i>Catus galeo</i> • Other fish 	<p>The maintenance of breeding and nursery areas for the species on this site depends on the habitat quality of streams and their margins. Many of the streams within the site suffer from overgrazing of meadows and nutrient runoff. This is being addressed by a number of measures, including a conservation strategy with actions to address river quality issues, and a partnership approach to funding habitat improvements. The water-crowfoot communities as well as the species are sensitive to water quality, particularly eutrophication. Again, actions have been identified for getting improvements in water quality and they will be carried forward in the periodic reviews of water company expenditure and reviews of consents under the Habitats Regulations. Practices associated with sheep-dipping pose a potential threat at this site, and are currently under investigation. Much of the alluvial forest cover is fragmented and/or in poor condition. It is hoped to address this through management agreements or Woodland Grant Schemes with individual owners.</p>



5. Assessment of the Draft Neighbourhood Plan.

5.1 This assessment aims to identify whether the area covered by the draft Neighbourhood Plan is unsuitable from an HRA perspective or would need to include specific measures to ensure that specific effects are avoided or mitigated appropriately. The assessment was desk based, using OS mapping data and information on the following:

- the proximity of the potential allocation site to any European site;
- the presences of direct linkages or impact pathways to a European site (e.g. connecting watercourse);
- any known indirect linkages or pathways (e.g. roosting areas);
- the type of development proposed.

5.2 The results of the assessment are summarised in Table 3, 4 and 5, the assessment criteria and colour coding are summarised in Box 2.

Box 2 - Summary of Assessment Criteria for Allocations and Colour Codes

The Plan will not, as far as can be reasonably determined, have any significant effects on any European site due to:

- the European site or interest not being sensitive to the likely outcomes of the proposal;
- the site or interest features not being exposed to the likely outcomes of the proposal due to the absence of reasonable impact pathways of the likely scale/location of the development.

This will include sites where there is no reason to assume that works could not be accommodated without significant effects assuming that standard construction best practice or mitigation that is common and established and known to be successful in similar situations, is applied.

The site may require some additional investigation to determine the likelihood of significant effects and there may be a risk that the effects cannot be quantified sufficiently to show no LSE. Adverse effects are not necessarily likely but generic mitigation measures may not be sufficient to ensure no LSE.

Table 3: Policy Assessment

Policy Number	Screened in	Potential Impact Identified
D1	General Development Principles	No impact. Policy is designed to ensure proposals demonstrate a sustainable approach to development.
D2	Greenfield Sites	Increased population – potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. However potential for development under this policy is tightly controlled.
D3	Design of New Development	No impact. Policy is designed to support high quality and innovative design.
D4	Landscaping of New Development	No impact. Policy seeks to secure high quality landscaping which is sensitive to the surrounding topography and architecture.
D5	Trees	No impact. Policy is designed to protect and incorporate trees and hedges into development schemes.
D6	Protection of Local Green Space	No impact. Policy is designed to retain existing areas of public open space and encourage the creation of new areas of amenity value.
D7	New Recreation and Play Areas	Potential to lead to increased vehicular movements in respect of new recreation and play areas being provided. Potential for increased surface water run-off.
D8	Footpaths	No impact. Policy seeks to safeguard existing footpaths, adopted footpaths and public rights

H1	Housing Development	Increased population – potential to increase vehicle emissions, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. However potential for development under this policy is tightly controlled and is unlikely to exceed that proposed through the emerging Eden Local Plan.
H2	Affordable Housing	No impact. Policy is designed to control the occupation of affordable housing.
H3	Sheltered Housing	Potential to lead to increased vehicular movements, vehicle emissions, surface water run-off and predation from domestic animals. These factors can largely be mitigated for and controlled through the planning application process.
B1	New Business Premises Development	Increased vehicular movements, surface water run-off and potential for contamination issues. However, these factors can be mitigated for and controlled through the planning application process. The potential level of employment development is unlikely to exceed that identified in the emerging Local Plan.
B2	Farm Diversification and Buildings Outside Current Settlement Areas	Increased population – potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. These factors can largely be mitigated for and controlled through the planning application process.
B3	Café or A3 Premises	Potential for increased vehicular movement, vehicular emissions and surface water run-off.

B4	New Tourism Development	Increased population - potential to increase vehicle emissions through scattered development pattern, surface water run-off and increase predation from domestic animals. Potential for increased recreational pressures. These factors can largely be mitigated for and controlled through the planning application process.
B5	Conversion of Redundant Buildings	Potential for increased vehicular movement and vehicular emissions.
M1	Small Scale Renewable and Low Carbon Energy Schemes	Potential for increased vehicular movement and vehicular emissions.
I1	Infrastructure Capacity	No impact – policy is designed to ensure adequate infrastructure is provided in association with new development proposals.
I2	Parking and Traffic	Potential for increased surface water run-off

Table 4: Site Assessment

Site Reference	Possible use and Site Character	Summary of Potential Effects on European sites Due to Location
Hesket Park	Housing	The closest European site is the River Eden which is approximately 3km away to the east of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is



The Meadows	Housing	The closest European site is the River Eden which is approximately 675m away to the east of the site. Planning permission was granted in 2013 for the residential development of the site and development completed in late 2016.
Land behind The Lilacs	Housing	The closest European site is the River Eden which is approximately 650m away to the northeast of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC.
Scaur Lane	Housing	The closest European site is the River Eden which is approximately 675m away to the northeast of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC.
The Old Piggeries	Housing	The closest European site is the River Eden which is approximately 200m away to the northeast of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts,

Egg Packing Plant	Housing	The closest European site is the River Eden which is approximately 550m away to the northeast of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC. Any proposed use is unlikely to materially increase potential LSE when balanced with the site's previous use.
Old Telephone Exchange	Housing	The closest European site is the River Eden which is approximately 600m away to the northeast of the site. With the inclusion of appropriate construction working practices and surface water drainage systems to ensure controls are in place to prevent any adverse impacts, it is considered that the development of this modest site would not be likely to have any adverse impacts on the SAC. Any proposed use is unlikely to materially increase potential LSE when balanced with the site's previous use.

Table 5: Summary of Likely Effects on the River Eden SAC

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
River Eden SAC	Recreational Disturbance	No	The River Eden is approximately 200m away from the nearest site proposed to deliver development (The Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Water Quality Impacts	No	The River Eden is approximately 200m away from the main site proposed to deliver development (The Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Water Resource Availability	No	The River Eden is approximately 200m away from the main site proposed to deliver development (the Old Piggeries). This combined with the nature and scale of development proposed means there is little or no risk of impacts.	No
	Pollution		The River Eden is approximately 200m away from the main site proposed to deliver development (The	

International Site	Nature of Impact	Likely Significant Effects?	Impact on Conservation Objective	Mitigation Needed?
			concerns can be addressed through the Planning application process.	

Potential for Significant Effects

- 5.3 Whilst the River Eden (SAC) runs through the NP area, it is concluded that potential impacts will not result in significant effects on these sites. There is nothing associated with the scale or location of development or the type of development proposed which would suggest that the development proposed cannot be accommodated without significant effects.

In-Combination Effects

- 5.4 Existing and emerging plans and proposals must be considered when assessing new plans or programmes for likely significant effects as they may create 'in combination' effects.
- 5.5 Major projects or plans that are active or which may come forward during the lifetime of this Neighbourhood Plan, and which are relevant in terms of potential impacts and proximity to Natura 2000 sites are assessed as:
- Eden District Council Local Plan 2014 – 2032
 - Draft Cumbria Minerals and Waste Plan
- 5.6 None of these plans have been identified as having a significant effect upon the integrity of the European sites considered here. The nature and scale of development proposed by the Lazonby Neighbourhood Plan, together with the changes to the plan recommended here, will mean no in combination effects are likely to occur.

6. Consultation

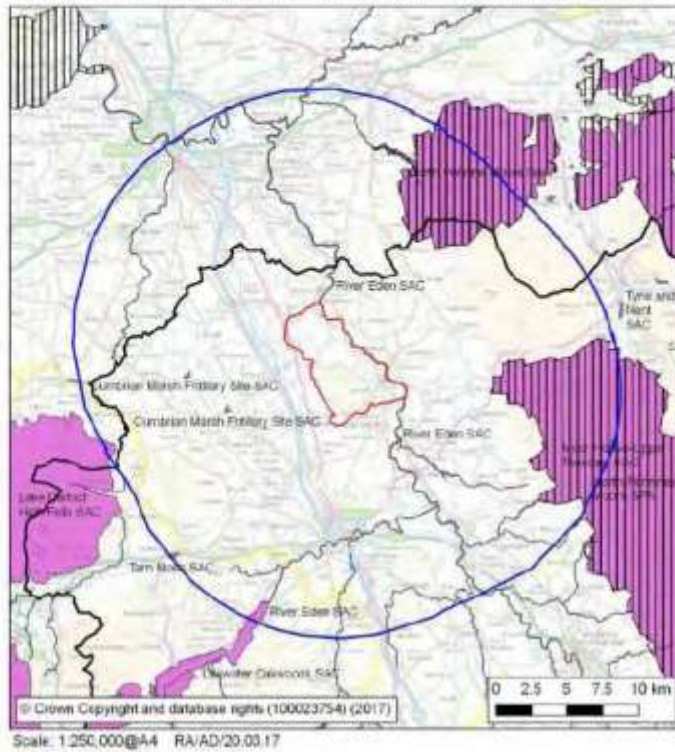
biodiversity and nature conservation perspective on Lazonby Parish and it is recommended that their comments are borne in mind during the formulation of future development proposals.

7. Screening Outcome

- 7.1 As demonstrated, a screening assessment has been undertaken to assess the potential impact of the draft Lazonby Neighbourhood Plan on European sites in the area. In light of the District Council's findings, and the responses received from the statutory consultees, it is concluded that the draft Lazonby Neighbourhood Plan would not cause a likely significant effect to the River Eden SAC, either alone or in combination with other plans. As such, a full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the Lazonby Neighbourhood Plan is not required. However, if the Neighbourhood Plan is materially altered, this Screening Report may have to be revised.
- 7.2 This conclusion should be revisited at future stages, as EDC must decide whether the neighbourhood plan proposal is compatible with EU obligations when it takes the decision on whether the neighbourhood plan should proceed to referendum; and when it takes the decision on whether or not to make the neighbourhood plan.

Appendix 1 – Natura 2000 sites within 15km of Lazonby Parish

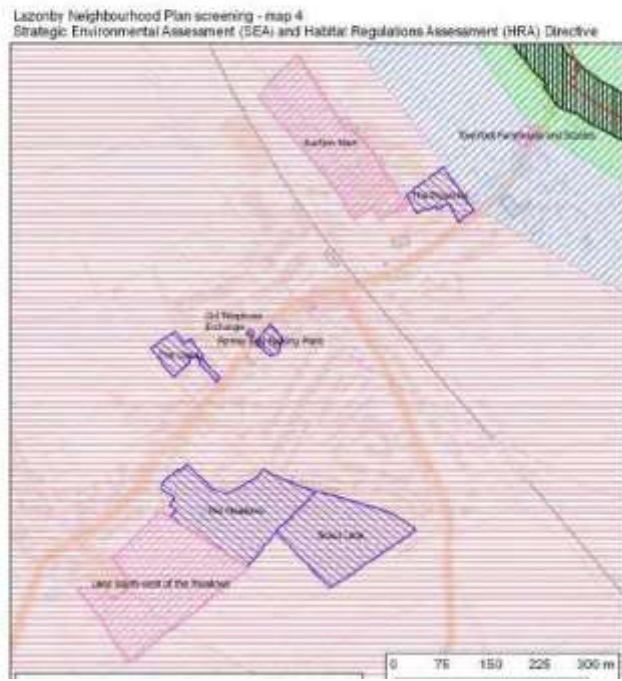
Lazonby Neighbourhood Plan screening - map 10
Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



Lazarety Neighbourhood Plan screening - map 12
Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



Appendix 3 – Relationship between River Eden SAC Impact Risk Zones and Proposed Housing Allocations



Lazonby Neighbourhood Plan screening - map 5
Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Directive



Key - map 5

Lazonby parish boundary

Housing Site

Impact Risk Zone - SSSI

Appendix 4 - List of other Plans/Policies which may have an 'in combination' effect

Regional

Cumbria County Council (2011) 3rd Cumbria Local Transport Plan (2011-2026)

Cumbria County Council (2006) Cumbria Sustainability Strategy

Cumbria County Council (2011) Landscape Character Guidance and Toolkit

Cumbria County Council (2013) Draft Cumbria Minerals and Waste Local Plan 2013

Cumbria Biodiversity Action Plan

Cumbria Local Enterprise Partnership (2014) Strategic Economic Plan

Local

Alston Moor Partnership

Allerdale Local Plan (Part 1 and Part 2) 2014

Carlisle Local Plan 2015-30

County Durham Draft Plan

Cumbria Wind Energy SPD

Eden Local Plan 1996 – Saved Policies

Eden Core Strategy 2010

Eden Pre-Submission Local Plan 2015

Eden Housing Supplementary Planning Document

Eden and Esk Catchment Abstraction Management Strategy (2006)

Eden Area Plan

Eden Strategic Flood Risk Assessment (2015)

Eden District Retail Study (2008) & Retail Evidence Update (2014)

Eden Economic Plan

Northumberland Local Development Plan (Core Strategy) Pre-Submission Draft
North Pennines AONB Management Plan 2014 - 2019
North Pennines AONB Planning Guidelines (2011)
South Lakeland District Council Local Plan - Core Strategy (2010) and Land Allocations(2013)
The Cumbria Biodiversity Evidence Base for Cumbria's Planning Authorities
Tyne Abstraction Licensing Strategy (2013)
Upper Eden Neighbourhood Plan (2013)

Appendix 5 – Responses from Statutory Consultees

Ms R Armstrong
Planning Officer (Policy)
Eden District Council
Mansion House
Penrith
Cumbria
CA11 7YG

Our ref: NO/2013/104973/SE-
04/SC1-L01
Your ref: Lazonby Neighbourhood
Plan
Date: 11 April 2017

Dear Ms Armstrong

Lazonby Neighbourhood Plan

Strategic Environmental Assessment Screening Report (March 2017)

Habitats Regulations Screening Report (April 2017)

Thank you for your consultation request received on 5 April 2017 regarding screening of the above documents relating to the Lazonby Neighbourhood Plan for Strategic Environmental Assessment (under European Directive 2001/42/EC and the Environmental Assessment of Plans and programmes Regulations 2004) and Appropriate Assessment (under the EU Habitats Directive).

The Environment Agency has reviewed the above reports and agrees with the screening outcomes concluded by Eden District Council.

Yours sincerely

Jeremy Pickup
Planning Advisor - Sustainable Places

E-mail clplanning@environment-agency.gov.uk

Date: 21 April 2017
Our ref: 212668
Your Ref: Lazonby NP

Rachael Armstrong
Planning Officer (Policy)
Eden District Council

BY EMAIL ONLY



Hornbeam House
Crewe Business Park
Beech Way
Crewe
Cheshire
CW1 6GJ

T 01200 060 3690

Dear Rachael,

Lazonby Neighbourhood Plan

Thank you for your consultation on the above dated 5th April 2017 which was received by Natural England on 5th April 2017.

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. We have reviewed your screening report in accordance with regulation 9 (2) (b) of the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) and provide the following advice:

Screening Request: Strategic Environmental Assessment

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance¹. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- A neighbourhood plan allocates sites for development,
- The neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan,
- The neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary. Additional guidance and sources of information are provided in Annex 1.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact Colette Garner on 020822 57301. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Colette Garner
Sustainable Development Advisor

Annex 1 - Neighbourhood planning and the natural environment: Information, issues and opportunities

Natural environment information sources

The [Magic¹](#) website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map) and Sites of Special Scientific Interest (including their impact risk zones). Local environmental record centres, such as Tullie House in Carlisle, may hold a range of additional information on the natural environment.

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found [here²](#). Most of these will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found [here³](#).

There may also be a local landscape character assessment covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on soil types and Agricultural Land Classification is available (under 'landscape') on the [Magic¹](#) website and also from the [LandS website⁴](#), which contains more information about obtaining soil data.

Natural environment issues to consider

The [National Planning Policy Framework⁵](#) sets out national planning policy on protecting and enhancing the natural environment. [Planning Practice Guidance⁶](#) sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

Landscapes

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

¹ <https://www.magic.gov.uk/>

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed [here](#)¹⁷), such as Sites of Special Scientific Interest or [Ancient woodlands](#)¹⁸. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed [here](#)¹⁹) or protected species. To help you do this, Natural England has produced advice [here](#)²⁰ to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication [Agricultural Land Classification: protecting the best and most versatile agricultural land](#)²¹.

Improving your natural environment

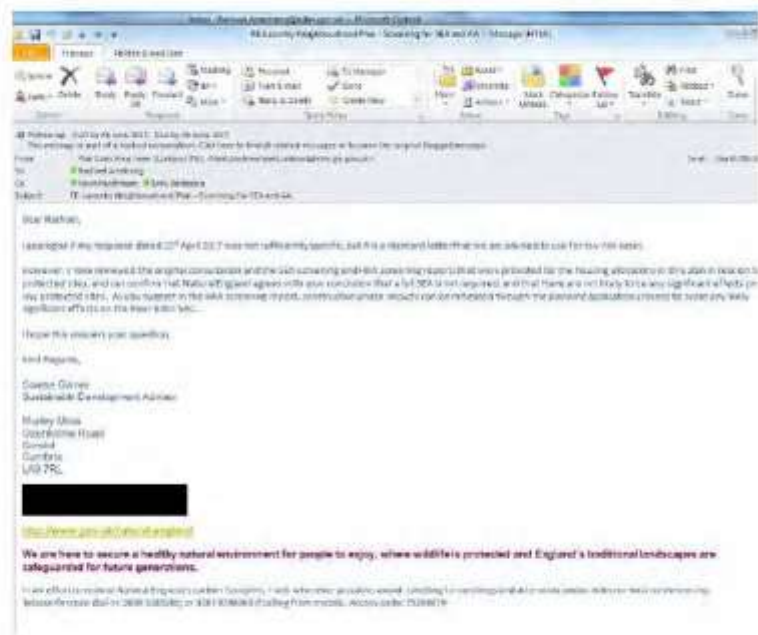
Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.

- Identifying green areas of particular importance for special protection through Local Green Space designation (see [Planning Practice Guidance](#)).¹⁴
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).



Appendix 5 – Responses from Cumbria Biodiversity Data Centre

THE PARISH OF LAZONBY

The Parish of Lazonby is of significant importance with regard to its habitats and biodiversity.

The following information includes details of biodiversity significance within the parish boundary and within a 2km buffer zone. This is because activities within the parish itself may have a negative or positive impact outside of the parish.

AREAS OF SPECIAL CONSERVATION VALUE

COUNTY WILDLIFE SITES

There are 4 county wildlife sites within the parish boundaries, with a further 5 within a 2k buffer of the parish boundary.

In the Parish	In the 2km Buffer zone
<ul style="list-style-type: none"> • Baron Wood • Middleholme and Birks Moss • Blazefell Quarries • Edenlacy Marsh and the Glebe 	<ul style="list-style-type: none"> • Hanginbrow Wood • Highflats • Broad Wood • Daleraven Beck • Row Bank Fen

HABITATS

With the Parish and the 2km buffer there are a number of UK Biodiversity Action Plan Priority Habitats.

- Hedgerows
- Ponds
- Woodland: Ancient woodland and semi natural woodland
- Upland and Lowland Heath
- Wet flushes
- Areas with special conservation



GEOLOGICAL SITES

There are no sites of geological interest within the parish. Coombe Clints is on the boundary and Lacy's caves are within the buffer zone.



SPECIES

34,673 species records recorded.

Rare, Scarce and Protected: 127 species recorded are on the UK BAP action plan list, eg Otter, Curlews.

Non- native and Invasive species: Within the species list are species that may be subject to control methods, eg Indian Balsam and Grey Squirrel.

SITES OF INVERTEBRATE SIGNIFICANCE

- Coombs Woods
- Baron Wood
- Nunnery Walks
- Lazonby Fells
- Wann Fell
- Raven Beck



There several sites that have been identified as potential Great Crested Newt sites and Water Vole habitat. This is likely to mean that CBDC does not have any current records, but the habitat is suitable and the species could be present.



Responses from Cumbria County Council

These include comments as the Lead Local Flood Authority and from the Highways Department.

Note that not all of the CCC responses are reproduced here; tabulated comments from LLFA and Highways can be found in Appendix Xii of the Consultation Statement. The textual response is reproduced below, and also in Appendix Xi of the Consultation Statement.

**CUMBRIA COUNTY COUNCIL'S RESPONSE TO
 – LAZONBY NEIGHBOURHOOD PLAN PUBLICATION DRAFT (JUNE 2017)
 LAZONBY DESIGN GUIDE**

UPDATED 18.01.2018

Introduction

Cumbria County Council welcomes the opportunity to provide comment on the Lazonby Neighbourhood Plan Pre-submission Draft and the Lazonby Design Guide.

The County Council's response focuses on strategic issues given its role as Highway and Lead Local Flood Authority.

Once adopted, the Lazonby Neighbourhood Plan will become part of the statutory Local Development Plan for Eden and will constitute a material consideration in future planning matters in the Lazonby Parish area. The Lazonby Design Guide is intended as a supplementary guidance to govern the siting, appearance and character of new developments within Lazonby.

When undertaking the review of the policies of the Neighbourhood Plan it is important that it reflects the strategy and aspirations of the Local Transport Plan, Cumbria County Council's Area Plan for Eden and the Cumbria LEP's Strategic Economic Plan. This is important as the Local Plan sets the spatial strategy and key development opportunities within Copeland. Its implementation will contribute to delivery of Cumbria County Council's vision 'For the people of Cumbria to benefit from sustainable economic growth and an enhanced quality of life'; and the following priorities in our Council Plan (2016-2019) to:

- safeguard children and support families and schools so that all children in Cumbria can grow up in a safe environment, and can fulfil their potential;
- support older, disabled and vulnerable people to live independent and healthy lives;
- enable communities to help shape their local services, promote health and wellbeing and support those in poverty;
- provide a safe and well managed highways network, secure infrastructure improvements and support local economic growth;
- be a modern and efficient council.

Lazonby Neighbourhood Plan

The development strategy for the Lazonby Neighbourhood Plan is set out in Eden District Council's Local Plan. Eden Local Plan is at an advanced stage of production, it has been submitted to the Planning Inspector as is now being formally examined. Lazonby is allocated as a key hub. The Eden Local Plan does not propose any allocation in Lazonby. The village is expected to meet its housing requirement of 116 units. Policy H1 proposes the allocation of sites. It is noted that the Table 4, page 41 refers to the period 2014- 2029. It is suggested that the timescales should align with the Eden Local Plan 2014-2032.

Monitoring of housing permissions against housing completions will need to be undertaken to ensure that development within Lazonby does not have an adverse impact upon the village's infrastructure capacity. Where development creates a pressure on infrastructure, mitigation measures will be required to offset such impact.

It is noted that Infrastructure Capacity is dealt with in section 10. However Policy 11: Infrastructure Capacity only deals with the provision of sewerage and surface water run-off. It is suggested that the policy is widened to cover all infrastructure. The scale new development should be dependent upon sufficient capacity being available in the existing infrastructure networks to meet the demands of new development. Where this cannot be demonstrated, permission for new development will only be granted where additional capacity can be released through better management of existing infrastructure, or through the provision of new infrastructure. 2 The County Council's Planning Obligations Policy Document (September 2013)¹ sets out the council's policy approach to seeking developer contributions towards infrastructure as part of the planning process.

¹ CCC Planning Obligations Policy (September 2013) <http://www.cumbria.gov.uk/eLibrary/Content/Internet/538/755/1599/41590142248.pdf>

Although not exhaustive the County Council will seek contributions in the following areas:

- Highways and Transport (including walking and cycling) interventions
- Education Provision (including school transport provision)
- Surface Water Management/ Flood Alleviation Schemes
- Extra Care housing as part of the affordable housing requirement on larger development sites.

The following wording is suggested to amend Policy 11: Infrastructure Capacity

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 capacity can be released through better management of existing infrastructure, or through the provision of new infrastructure.

This could include (though not limited to) the following types of infrastructure:

- 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 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 larger development sites.

Attached are site specific comments made in respect of proposed site allocations.

Support is given to Policy D8: Footpaths which seeks to ensure the retention of all existing footpaths, adopted footpaths and Public Rights of Way. Support is given to Policy D9: Cycleways but the Parish Council should be mindful to ensure they follow legal requirements for any new designations.

In respect of paragraph 7.1.5 – it is acknowledged that there are traffic issues perceived by residents, however, subject to suitable design of future developments it is considered that the highway network is suitable for the proposed growth.

Policy 12 states:

'No development on main thoroughfares will be permitted unless off street parking provision meeting Eden Local Plan requirements is required. No exceptions will be allowed.'

This policy is noted and every effort will be made to work with the Parish Council to ensure traffic and parking issues are reduced where possible.

3

Lazonby Design Guide

The Cumbria Design Guide has been produced by Cumbria County Council. The guide is not designed to be a supplementary planning document, but does show how the County Council will respond to planning applications where it is a statutory consultee. It will therefore have planning weight. The document provides guidance in three areas:

- Residential Development
- Commercial Development
- Sustainable Urban Drainage Systems (SUDs)

In respect of the content of the Lazonby Design Guide the following comments are made.

Para 4.7.3 refers to garden walls being present between the road and the building, however, it should be noted that these should not interfere with visibility splays for accesses to a property or highway users.

The Lead Local Flood Authority would support the statement on 'Large areas of impermeable hardstanding are not considered to be sustainable...'

Responses from Network Rail:

TownPlanning LNW <TownPlanningLNW@networkrail.co.uk

26 Feb (5 days ago)

Eden – Lazonby Neighbourhood Plan Pre-Submission Draft

As you are aware Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order); in addition you are required to consult the Office of Rail and Road (ORR).

As can be seen from the neighbourhood map, the railway runs through the plan area, there is also Lazonby Tunnel, Lazonby Railway Station and to the south Eden Lacy Level Crossing.

(1)

Within Transport Assessments there is a review of local needs regarding public transport; this usually focuses on buses. However, Transport Assessments should also take into account their impact upon footfall at railway stations. Developers are encouraged to consider including within Transport Assessments trip generation data at Railway Stations. Location of proposals, accessibility and density of developments should be considered in relation to railway stations, in this case, Lazonby Railway Station. Where proposals are likely to increase footfall at railway stations developer contributions should be considered (either via CIL, S106 or unilateral undertaking) to provide full funding for enhancements at stations as a result of increased numbers of customers.

(2)

Eden Lacy Level Crossing

Development proposals should be accompanied by a TS/TA which includes consideration of the impact of proposals upon level crossing(s) with mitigation implemented as required. Network Rail would encourage the council to adopt specific policy wording to ensure that

- a) The impact of proposed new development (including cumulative impact) on the risk at existing level crossings is assessed by the developer(s), and
- b) suitable mitigation incorporated within the development proposals and fully funded by the developer(s). TS/TAs should be undertaken in conjunction with the local highways authority with advice from Network Rail.

There is a duty to consult Network Rail as follows on the matter of level crossings:

The Town and Country Planning (Development Management Procedure) (England) Order 2015

SCHEDULE 4 Consultations before the grant of permission

Development which is likely to result in a material increase in the volume or material change in the character of traffic using a level crossing over a railway.

The operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport.

The neighbourhood plan team are advised that 'traffic' over a level crossing can be vehicular, pedestrian, cyclists or horse-riders and that proposals do not have to be adjacent to a level crossing to potentially impact the crossing.

Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:

- By a proposal being directly next to a level crossing
- By the cumulative effect of developments added over time in the vicinity of a level crossing
- By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
- By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
- By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
- By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
- By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
- By any proposal that may cause blocking back across the level crossing
- By any proposal which may see a level crossing impacted by the introduction of cycling or walking routes

(3)

Guidance for future in regards to tunnels is attached.

(4)

Developments in the neighbourhood area should be notified to Network Rail to ensure that:

- (a) Access points / rights of way belonging to Network Rail are not impacted by developments within the area.
- (b) That any proposal does not impact upon the railway infrastructure / Network Rail land e.g.
 - Drainage works / water features
 - Encroachment of land or air-space
 - Excavation works
 - Siting of structures/buildings less than 2m from the Network Rail boundary / Party Wall Act issues
 - Lighting impacting upon train drivers ability to perceive signals
 - Landscaping that could impact upon overhead lines or Network Rail boundary treatments
 - Any piling works
 - Any scaffolding works
 - Any public open spaces and proposals where minors and young children may be likely to use a site which could result in trespass upon the railway (which we would remind the council is a criminal offence under s65 British Transport Commission Act 1949)
 - Any use of crane or plant
 - Any fencing works
 - Any demolition works
 - Any hard standing areas

For any proposal adjacent to the railway, Network Rail would request that a developer constructs (at their own expense) a suitable steel palisade trespass proof fence of at least 1.8m in height.

All initial proposals and plans should be flagged up to the Network Rail Town Planning Team London North Western Route at the following address:

Lazonby Neighbourhood Plan Basic Condition Statement [Submission: draft 01/05/18]

Town Planning Team LNW

Network Rail

1st Floor

Square One

4 Travis Street

Manchester

M1 2NY

Email: TownPlanningLNW@networkrail.co.uk

Regards

Diane Clarke AssocRTPI

Town Planning Technician LNW

Network Rail

Floor 1

Square One

4 Travis Street

Manchester, M1 2NY

GUIDANCE FOR DEVELOPMENT ABOVE/ADJACENT TO RAILWAY TUNNELS

1. The Developer should undertake a topographical survey of the site to determine the exact location and relationship of Network Rail's tunnels to the ground surface features. All levels to be related to Ordnance Datum. At this stage it would be beneficial for the applicant to also undertake a tunnel condition survey also.
2. Network Rail's Engineer is to approve details of any development or works within 15 metres, measured horizontally, from the outside face of the tunnel extrados with special reference to:
 - a. The type and method of construction of foundations
 - b. Any increase/decrease of loading on the tunnel both temporary and permanent. Certified proof that the proposals shall have no detrimental effect upon the tunnel will be necessary.
3. Any proposal must not interfere with Network Rail's operational railway nor jeopardise the structural integrity of the tunnel.
4. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the tunnel structures nor for any noise or vibration arising from the normal use and/or maintenance of the tunnel. No right of support is given or can be claimed from Network rail's tunnels or railway land.
5. The developer is to reimburse Network rail the cost of any remedial works to damage or deterioration of the tunnel structures caused by any development and in this respect Network Rail reserves the right to carry out any necessary emergency work on the site at the Developer's expense should this become necessary to safeguard the integrity of the tunnel structure.
6. If construction or other shafts associated with the tunnels are identified, Network Rail's Engineer must be advised immediately and work in the vicinity stopped. Network Rails' approval must then be obtained and working methods agreed before work is permitted to re-commence. The Developer is to reimburse Network Rail the cost of any necessary physical work, protection and/or supervision.
7. Network Rail to retain unencumbered rights of access to any existing tunnel shafts.
8. Where new roads, turning spaces or parking areas are to be situated adjacent to the tunnel shaft, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling into or damaging the tunnel shaft.
9. All drainage from any development must be taken away in an approved sealed pipe system. No soak ways are to be constructed within 50 metres of the tunnel. Details must be submitted for approval.

10. No piling over the tunnel. Bored piles as part of an independently supported structure clear from the tunnel may be acceptable, but the piles must not be closer than 5 metres from the outside face of the tunnel structure and have full bearing below invert levels, unless with prior approval of Network Rail.
11. Consideration will also be given to the monitoring of the tunnel in the vicinity of any development at regular intervals before, during any works and at completion, the cost of which to be at the Developers expense.
12. The developer should ensure that he has complied with all restrictive covenants, if any, contained in the title deeds to the property.
13. It should be noted that Network Rail as part of its rolling maintenance programme of tunnels will continue to seek access on an annual basis to carry out routine inspections of the land above such tunnels.

The Developer shall ensure that these requirements are met and provide, for acceptance by Network Rail, sufficient evidence, supported by drawings, calculations and Design check certificates. Design check certificates will be subject to an independent check arranged by and at the expense of the applicant.

Response from Woodland Trust:



The Woodland Trust
 Gortonham
 Lincolnshire
 NG31 6LL

[Redacted signature block]

2nd April 2018

Re: Consultation on Lazonby Neighbourhood Plan

Woodland Trust response

Thank you very much for consulting the Woodland Trust on your neighbourhood plan for Lazonby, we very much appreciate the opportunity. Neighbourhood planning is an important mechanism for also embedding trees into local communities, as such we are very supportive of some of the policies set out in your plan.

A Vision and Objectives for The Lazonby Neighbourhood Plan

The Woodland Trust is pleased to see that one of your visions for Lazonby does seek to only encourage appropriate development. Also, the principle objective of your Neighbourhood Plan identifies the importance of protecting the natural environment, and seeking to protect and enhance the North Pennines Area of Outstanding Natural Beauty (AONB).

Whilst the profile and description for your Neighbourhood Plan identifies the need to retain and enhance Lazonby and its largely rural character, it also acknowledges the need for development to integrate with the landscape. Given that Neighbourhood Plans are a great opportunity to think about how trees can also enhance your community and the lives of its residents, the natural environment and tree and woodland conservation in Lazonby, should also be taken into account as an objective in your Plan.

Trees are some of the most important features of the area for local people. This is being acknowledged with the Eden Local Plan Proposed Submission 2014 to 2032, which identifies ancient woodlands and trees as being valuable, both individually and collectively, as natural assets which are irreplaceable, and it also resists development resulting in the loss of woodland, hedgerows and trees. One of the objectives of Policy ENV2 (Protection and Enhancement of Landscapes and Trees) is to protect, manage and plan for the preservation of valued landscapes, such as ancient woodland and significant/veteran trees. This Local Plan policy should also be taken into account with the vision and objectives in your Neighbourhood Plan for Lazonby.

Therefore, the third objective of your Neighbourhood Plan should be amended to also seek to protect and enhance the character of Lazonby, and include the following paragraph as well:

" 3. To protect the natural environment, such as local woodlands, **veteran trees, hedgerows and trees**, through restricting development on greenfield sites."

Landscaping and New Development

We are pleased to see that your Neighbourhood Plan for Lazonby does identify the need to conserve and enhance its landscape, and this is being acknowledged with Policy D5 (Trees), which acknowledges retention and preservation of existing mature trees and hedges on any new development site.

However, your Plan for Lazonby should also seek to ensure development must conserve mature trees and hedgerows, so there is no loss or degradation of ancient woodland in your parish. It should also support conserving and enhancing woodland and trees, such as Oak trees, with management, and also to plant more trees in appropriate locations. Increasing the amount of trees and woods in Lazonby will provide enhanced green infrastructure for your local communities, and also mitigate against the future loss of trees to disease (eg Ash dieback), with a new generation of trees both in woods, and also outside woods in streets, hedgerows and amenity sites.

Information can be found here: <http://www.magic.gov.uk/MagicMap.asp> and <http://www.ancient-tree-hunt.org.uk/discoveries/interactivemap/>

Ancient woodland would benefit from strengthened protection building on the National Planning Policy Forum (NPPF). On 9th March 2018 the Prime Minister Theresa May launched the draft revised NPPF for consultation. Paragraph 173 c states:

development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable mitigation strategy exists. Where development would involve the loss of individual aged or veteran trees that lie outside ancient woodland, it should be refused unless the need for, and benefits of, development in that location would clearly outweigh the loss.

Whilst recognising that this policy is draft, we believe it must be given due weight in the plan making process as it shows a clear direction of travel from central Government to strengthen the protection of irreplaceable ancient woodland.

Therefore, we would recommend that your all of the land use policies of your Neighbourhood Plan should include something along these lines:

"Substantial harm to or loss of irreplaceable habitats such as veteran trees, should be wholly exceptional"

The Woodland Trust would suggest that your Neighbourhood Plan is more specific about ancient woodland protection. For example, the introduction and background to the consultation on the Kimbolton Neighbourhood Development Plan (2017) identified the importance of ancient woodland, and how it should be protected and enhanced. Also, we would like to see buffering distances set out. For example, for most types of development (i.e. residential), a planted buffer strip of 50m would be preferred to protect the core of the woodland in the geographical area of your Neighbourhood Plan. Standing Advice from Natural England and the Forestry Commission has some useful information:

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

The profile of Lazonby identifies the need to retain and enhance its rural character as a small rural settlement, and also the need for development to integrate with the landscape. Given that Neighbourhood Plans are a great opportunity to think about how trees can also enhance your community and the lives of its residents, the natural environment and tree and woodland conservation in Lazonby, should also be taken into account with a Policy in your Plan.

Therefore, we would like to see the importance of trees and woodland recognised for providing healthy living and recreation also being taken into account with your Lazonby Neighbourhood Plan. In an era of ever increasing concern about the nation's physical and mental health, the Woodland Trust strongly believes that trees and woodland can play a key role in delivering improved health & wellbeing at a local level. Whilst, at the same

time, the Health & Social Care Act 2012 has passed much of the responsibility for health & wellbeing to upper-tier and unitary local authorities, and this is reinforced by the Care Act 2014. Also, each new house being built in your parish should require a new street tree, and also any car parks must have trees within them.

Protection of Open Space

Whilst open spaces are being acknowledged as being the basic amenities needed for your village, and currently Policy D6 in your Neighbourhood Plan does also seek to retain and enhance recreational and local green spaces, resist the loss of open space, whilst also ensuring the provision of some more, however, to what extent there is considered to be enough accessible space in your community also needs to be taken into account. There are Natural England and Forestry Commission standards which can be used with developers on this:

The Woodland Access Standard aspires:

- That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size.
- That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes.

The Woodland Trust also believes that trees and woodlands can deliver a major contribution to resolving a range of water management issues, particularly those resulting from climate change, like flooding and the water quality implications caused by extreme weather events. This is important in the area covered by your Neighbourhood Plan because trees offer opportunities to make positive water use change, whilst also contributing to other objectives, such as biodiversity, timber & green infrastructure - see the Woodland Trust publication ***Stemming the flow*** – the role of trees and woods in flood protection - <https://www.woodlandtrust.org.uk/publications/2014/05/stepping-the-flow/>

Woodland Trust Publications

We would like to take this opportunity to draw your attention to the Woodland Trust's

neighbourhood planning microsite: <https://www.woodlandtrust.org.uk/campaigning/neighbourhood-planning/> which may give you further ideas for your plan.

Also, the Woodland Trust have recently released a planners manual which is a multi-purpose document and is intended for policy planners, such as community groups preparing Neighbourhood Plans. Our guide can be found at: <https://www.woodlandtrust.org.uk/media/100820409/planning-for-ancient-woodland-planners-manual-for-ancient-woodland-and-veteran-trees.pdf?cb=8298c0f2eaa34c7da329ee3bd8d48ff>

In addition, other Woodland Trust research which may assist with taking your Neighbourhood Plan forward is a policy and practice section on our website, which provides lots of more specific evidence on more specific issues such as air quality, pollution and tree disease: <https://www.woodlandtrust.org.uk/publications/>

Our evidence base is always expanding through vigorous programme of PhDs and partnership working. So please do check back or get in touch if you have a specific query. You may also be interested in our free community tree packs, schools and community groups can claim up to 420 free trees every planting season: <http://www.woodlandtrust.org.uk/plant-trees/community-tree-pack/>

If I can be of any assistance please do not hesitate to get in touch, I would be more than happy to discuss this further with you. If you require any further information or would like to discuss specific issues please do not hesitate to contact Victoria Banks Price – Planning Advisor [REDACTED]

Best wishes and good luck with your plan

Ian Linge – Local Planning Support Volunteer

On behalf of the Woodland Trust