

Penrith Neighbourhood Development Plan (PNDP) Basic Conditions Statement

(Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990)

October 2019

Penrith Town Council

With assistance from



1.0 Introduction

- 1.1 Planning Practice Guidance (Paragraph: 065 Reference ID: 41-065-20140306)¹ sets out that only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
 - e. the making of the order (or neighbourhood 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).
 - f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
 - g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).
- 1.2 This Basic Conditions Statement sets out how the Penrith Neighbourhood Development Plan (PNDP) has been prepared to meet the basic conditions. It has been prepared as a supporting document for consideration by the PNDP independent Examiner.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

2.0 Legal Requirements

2.1 The Submission Plan is being submitted by a qualifying body

This Submission Plan is being submitted by a qualifying body, namely Penrith Town Council (PTC). The area was designated by Eden District Council on 6th September 2016 <https://www.eden.gov.uk/planning-and-building/planning-policy/neighbourhood-planning/penrith-neighbourhood-planning-area/>

2.2 What is being proposed is a neighbourhood development plan

The plan being proposed relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.

2.3 The proposed Neighbourhood Plan states the period for which it is to have effect

The PNDP states the period for which it is to have effect. That period is from 2014 to 2032 (the same period as the Eden Local Plan 2014-2032 <https://www.eden.gov.uk/planning-and-building/planning-policy/eden-local-plan/eden-local-plan-adoption/>).

2.4 The policies do not relate to excluded development

The PNDP does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

2.5 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.

The PNDP relates to the designated Penrith Neighbourhood Area and to no other area. There are no other Neighbourhood Plans relating to that neighbourhood area. The Designated Neighbourhood Plan Area has the same boundary as that of the Town Council at the time of the designation and is shown on Figure 1 in the PNDP.

3.0 Basic Conditions

3.1 a. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan

The PNDP has been prepared having appropriate regard to the policies set out in the revised National Planning Policy Framework (NPPF, February 2019)².

2. Achieving Sustainable Development

Paragraph 1 of the NPPF explains that '*The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.*' Paragraph 7 sets out that '*The purpose of the planning system is to contribute to the achievement of sustainable development.*' The planning system has 3 overarching objectives to achieve sustainable development (paragraph 8): an economic objective, a social objective and an environmental objective. These should be delivered through the preparation and implementation of plans (paragraph 9).

Table 1 sets out how the PNDP delivers the 3 overarching Objectives:

Table 1 Delivering Sustainable Development

NPPF Overarching Objectives	PNDP Policies and Proposals
<i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i>	The PNDP supports the economic objective for sustainable development via its policies for housing and the town centre. In turn these policies support the strategic policies of the ELP that set the quantum of housing for the area; and the town and district centre hierarchy. The PNDP also seeks to secure improvements to the appearance, infrastructure and functioning of the town centre.

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

NPPF Overarching Objectives	PNDP Policies and Proposals
<p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being;</i></p>	<p>The PNDP supports the strategic housing policies of the ELP with policies on housing design and housing mix. The PNDP will support the health, social and cultural well-being of Penrith and its various communities by designating Local Green Space, protecting open spaces, recreation sites, leisure and community facilities. The PNDP also includes policies that seek to make the town more accessible for pedestrians, cyclists and the users of public transport. The PNDP also includes a number of policy criteria that seek to create a safer environment. Policy 4 of the PNDP also seeks to promote accessibility and social inclusion.</p>
<p><i>c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p>	<p>The PNDP supports the environmental objective of sustainable development through its Local Green Space policy and its policy for the Conservation Areas. The PNDP also includes policy to promote high standards in terms of environmental design:</p> <ul style="list-style-type: none"> • Policy 1 Sustainable Development in Penrith • Policy 2 Environmentally Sustainable Design • Policy 3 Energy Use and Reducing Carbon Emissions

3. Plan Making

In Section 3 Plan Making, the NPPF sets out that 6 principles that plans should address. Table 2 sets out how the PNDP addresses each of these in turn.

Table 2 Plan Making

NPPF Plan Making	Penrith NDP
a) be prepared with the objective of contributing to the achievement of sustainable development;	The PNDP has been prepared to contribute to sustainable development; Table 1 above sets out how the Plan's objectives, policies and proposals address economic, social and environmental objectives.
b) be prepared positively, in a way that is aspirational but deliverable;	The PNDP has been prepared positively to support the strategic policies set out in the ELP. The policies are aspirational but deliverable in seeking to achieve high standards of design and greater environmental sustainability.

NPPF Plan Making	Penrith NDP
<p>c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;</p>	<p>All the policies have been prepared through an extensive and thorough approach to community engagement. Emphasis was put on 'front loading' the consultation to ensure policies reflected the comments and concerns of the community. This has led to regular and constructive involvement of the local community in the plan-making process.</p> <p>The accompanying Consultation Statement sets out the details of the extensive and wide ranging community consultation and engagement activities which have been undertaken at all stages of the Plan's preparation.</p> <p>At each consultation stage representations have been considered carefully and appropriate amendments to the PNDP made.</p>

NPPF Plan Making	Penrith NDP
<p>d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;</p>	<p>The PNDP policies and proposals have been prepared by a Steering Group (the PNDPG) on behalf of the Town Council, with support from a planning consultant and planning and housing officers at Eden District Council.</p> <p>Amendments have been made at key stages to improve the clarity and reduce ambiguity, but it is understood that the Examiner is likely to recommend further changes to wording following the examination process.</p>
<p>e) be accessible through the use of digital tools to assist public involvement and policy presentation; and</p>	<p>Updates and documents have been provided on the PNDP website at all stages of plan preparation. Social media has been used. See the accompanying Consultation Statement for further details.</p> <p>Responses by email were invited at informal and formal consultation stages as well as utilising digital survey tools.</p>
<p>f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).</p>	<p>The PNDP has been amended and updated to reduce duplication with policies in the Eden Local Plan. Again, it is understood that the Examination may lead to further changes to policies and supporting text.</p>

The Plan Making Framework

Paragraph 18 sets out that policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies. The PNDP contains non-strategic planning policies and proposals that add local detail and value to strategic policies in the Eden Local Plan. The supporting text for the PNDP policies refers to the relevant strategic policies.

Non-strategic policies

Paragraph 29 advises that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The PNDP sits beneath the strategic planning policy framework set by the ELP. The policies in the PNDP are non-strategic and provide more detailed development management policy for various forms of development (eg housing design, environmental design, shopfronts) or identify specific sites for protection (eg Local Green Spaces, recreation sites, community facilities).

Paragraph 30 goes on to say that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

5. Delivering a sufficient supply of homes

Paragraph 65 sets out that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The PNDP does not seek to allocate sites for housing, this matter is left to the ELP.

8. Promoting healthy and safe communities

Paragraph 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. The PNDP includes policies which protect Local Green Spaces, recreation and leisure facilities and community facilities. The PNDP also includes policies to improve accessibility and tackle social inclusion and a policy on walking and cycling.

9. Promoting sustainable transport

Para. 103 states planning system should “actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”: The PNDP includes policies to promote more sustainable transport:

- Policy 4 Accessibility and Social Inclusion
- Policy 11 Walking and Cycling
- Policy 12 Traffic Management

12. Achieving well-designed places

Paragraph 124 explains that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 125 goes on to say that design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. A key aim of the PNDP is to ensure future development achieves well-designed places, policies included in the plan deal with:

- Policy 1 Sustainable Development in Penrith
- Policy 4 Accessibility and Social Inclusion
- Policy 5 Conservation Areas in Penrith
- Policy 6 High Quality New Homes
- Policy 11 Walking and Cycling
- Policy 13 Penrith Town Centre Improvements
- Policy 14 Shopfront Design

15. Conserving and enhancing the natural environment

Paragraph 170 advises that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and recognising the intrinsic character and beauty of the countryside. The PNDP does not directly include policies on such matters, but by protecting Local Green Spaces, some of which have landscape and biodiversity value, the PNDP will contribute to this aspect of national planning policy.

16. Conserving and enhancing the historic environment

Paragraph 184 advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 185 goes on to say that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The PNDP includes a detailed development management policy for the town's two Conservation Areas (Policy 5).

3.2 b. Having Special Regard to the Desirability of Preserving any Listed Building or its Setting or any Features of Special Architectural or Historic Interest

The PNDP does not deal with this matter.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.3 c. Having Special Regard to the Desirability of Preserving or Enhancing Character or Appearance of any Conservation Area

The PNDP area includes two Conservation Areas Penrith Conservation Area and Penrith New Streets. These are dealt with under Policy 5 of the PNDP.

[Note: this Basic Condition only applies to Neighbourhood Development Orders but has been included for the sake of completeness].

3.4 d. Contributes to the Achievement of Sustainable Development

The Submission Neighbourhood Development Plan contributes strongly to the achievement of sustainable development. This is set out in more detail in Table 1 above in relation to the economic, social and environmental objectives of the NPPF.

3.5 e. In General Conformity with Strategic Local Planning Policy

The Submission Neighbourhood Plan is in general conformity with strategic Local Plan policies contained in the adopted Eden Local Plan 2014-2032. Table 3 sets out the way that the Neighbourhood Plan conforms to the relevant strategic planning policies in the Local Plan.

Table 3 General Conformity with Strategic Planning Policies in the Eden Local Plan 2014-2032

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 1 Sustainable Development in Penrith</p> <ol style="list-style-type: none"> 1. Development proposals should be designed to incorporate sustainable development principles and measures. These measures should build in resilience and achieve development that is adaptable to meet the challenges of future climate and socio-economic change. Development proposals should demonstrate, where practicable, that they meet all of the following criteria: 2. The inclusion of design features and measures that encourage active and healthy lifestyles, for example, good links to the walking, cycling and public transport network and incorporation of cycle storage, access to private or shared 	<p>Policy DEV1 - General Approach to New Development</p> <p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions in the area. Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p>	<p>Policy 1 of the PNDP seeks to secure sustainable development in Penrith. Policy 1 of the PNDP is in general conformity with Policy DEV1 of the ELP that incorporates the presumption in favour of sustainable development in the NPPF.</p> <p>Policy 1 is also in general conformity with Policy DEV2 of the ELP – both policies seek to minimise resource use and avoid flooding and the impact of climate change.</p> <p>Policy 1 is in general conformity with Policy DEV5 of the ELP that sets out district-wide policy for the design of new development. In particular in terms of design features, materials, accessibility and local character.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>garden space and public recreation space;</p> <p>3. Measures to prevent flooding and water course pollution and measures to minimise water consumption, including the incorporation of sustainable urban drainage systems, rainwater harvesting and water efficient fittings;</p> <p>4. Design that includes measures to minimise energy use and consumption, seeks to include the highest available standards of energy efficiency, and provides, where appropriate, on-site production of energy using renewable sources, such as photovoltaics, ground/air source heat pumps and small wind turbines;</p> <p>5. Utilising recycled building materials, wherever possible (eg masonry, roofing materials, aggregate etc.).</p>	<p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted. <p>Policy DEV2 - Water Management and Flood Risk</p> <p>New development must be in a location which meets each of the following criteria:</p>	<p>The approach set in Policy 1 is in general conformity with ELP Policy ENV5 both policies seek to support environmentally sustainable design.</p> <p>Policy 1, criterion 4 is in general conformity with ELP Policy ENV6 that seeks to support renewable energy.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>6. Maximise opportunities for active means of transport, (walking, cycling and public transport) and to promote use of low carbon vehicles by providing charging points;</p> <p>7. Use of sustainable, renewable, healthy products (eg by avoiding toxic or carcinogenic materials) that embody low energy output, and are, wherever possible, sourced locally;</p> <p>8. Protection of greenspaces, creation of new greenspaces and, where applicable, the development achieves net gains in biodiversity;</p> <p>9. Inclusion of adequate infrastructure to service the development and to ensure the development is sustainable – economically, socially and environmentally;</p>	<ul style="list-style-type: none"> • Avoids risks to the water supply, or includes sufficient mitigation measures to ensure that there is no risk to water supply. • Would not compromise the effectiveness of existing flood defences. • Meets the sequential approach to development in flood risk areas. Inappropriate development will not be permitted in flood zones 2 and 3, critical drainage areas or areas which have a history of groundwater flooding, or where it would increase flood risk elsewhere unless there is an overriding need and a clear absence of a suitable alternative site. If sites, as an exception, need to be developed in areas at risk of flooding, suitable flood protection measures will be required. Major development, defined in Appendix 2, should be informed by a flood risk assessment. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>10. Protection and enhancement of the local identity, character and distinctiveness of the town by way of sympathetic use of building styles, layouts, materials and landscaping.</p>	<ul style="list-style-type: none"> • New development must incorporate Sustainable Drainage Systems (SuDS), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. • Surface water should be discharged in the following order of priority: <ol style="list-style-type: none"> 1. To an adequate soakaway or some other form of infiltration system 2. By an attenuated discharge to a watercourse 3. By an attenuated discharge to a public surface water sewer 4. By an attenuated discharge to a public combined sewer <p>Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy DEV5 - Design of New Development</p> <p>The Council will support high quality design, which reflects local distinctiveness. All development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making. New development will be required to demonstrate that it meets each of the following criteria:</p> <ul style="list-style-type: none"> • Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. • Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. • Optimises the potential use of the site and avoids overlooking. • Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers. • Uses quality materials which complement or enhance local surroundings • Protects features and characteristics of local importance. • Provides adequate space for the storage, collection and recycling of waste. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Can be easily accessed and used by all, regardless of age and disability. • Incorporates appropriate crime prevention measures. <p>Proposals will be expected to demonstrate that they adhere to the design principles set out in the Eden Design Guide.</p> <p>Policy ENV5 – Environmentally Sustainable Design</p> <p>Proposals for commercial development and for major residential development, defined in Appendix 2, should demonstrate, where it is practical for them to do so, that they have considered each of the following criteria:</p> <ul style="list-style-type: none"> • Maximising daylight and passive solar gain through the orientation of buildings. • Integrating sustainable urban drainage systems. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Designing and positioning buildings to minimise wind funnelling, frost pockets and uncomfortable microclimates. • Integrating renewable energy technology into the scheme, and in schemes comprising over fifty dwellings or on sites over 1.5 hectares, exploring the scope for district heating. • Minimising construction waste, through for example designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible. • Providing well-designed and visually unobtrusive outdoor waste storage areas to promote recycling. • Promoting sustainable transport modes, through for example careful layout and road design to ensure it is conducive to walking and cycling and prioritises the pedestrian and cyclist over the car. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy ENV6 – Renewable Energy</p> <p>Renewable and low carbon energy schemes will be supported where they meet each of the following criteria:</p> <ul style="list-style-type: none"> Proposals can be incorporated into the local landscape without significant adverse impact. Particular attention will be paid to the landscape impact of proposed developments which are located close to or within the North Pennines AONB and the National Parks. Proposals respect the form of the built environment, including settlement character and heritage assets, with particular attention paid not only to the potential impact on the heritage asset itself, but also to its wider setting. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • The development proposed will not have an unacceptable impact on the amenity of local residents and can demonstrate that there is sufficient mitigation measures to minimise the impact of noise, smell or other nuisance or pollutants likely to affect nearby occupiers and neighbouring land uses. • It can be demonstrated that the natural environment, including designated sites will not be adversely affected (and where possible enhanced). • The local road network can satisfactorily accommodate the development proposed. • The proposed scheme will provide benefits to the community through their involvement with the proposal. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Where necessary, an assessment of the cumulative impacts of renewable energy developments has been undertaken, and there is found to be no significant adverse impact. • The proposed scheme will not have an unacceptable effect on civil or military aviation and/or other defence related installations. • The proposed scheme will not have an unacceptable effect on existing telecommunications infrastructure. • Suitable measures have been included for the removal of redundant structures or equipment and for the restoration of the site, should the site become non-operational. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • In addition to the criteria above, proposals involving wind energy development, are required to be located in a 'suitable area' (identified on the Policy Map) and following consultation, it must also be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. <p>Where mitigation is required to make any identified impacts acceptable these will, where necessary, be secured through conditions or planning obligations.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 2 Environmentally Sustainable Design</p> <p>Development should be designed in such a way that it promotes high quality, environmentally sustainable design. Proposals should, therefore, be informed by, and respect, the town's wider character and the local site context. High quality, contemporary design will be encouraged, which may promote local distinctiveness or, where appropriate, reflect a different aesthetic which expresses 21st Century responses, including design to reduce the impact of climate change. Planning applications will be assessed against the following:</p> <ol style="list-style-type: none"> 1. Design and Access Statements, where they are required to accompany a planning application, should set out how the proposal achieves high quality design and sustainable development; 	<p>Policy DEV1 - General Approach to New Development</p> <p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions in the area. Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p>	<p>Policy 2 of the PNDP seeks to secure environmentally sustainable design in Penrith. Policy 2 of the PNDP is in general conformity with Policy DEV1 of the ELP that reflects the presumption in favour of sustainable development in the NPPF.</p> <p>Policy 2 is also in general conformity with Policy DEV2 of the ELP – both policies seek to minimise avoid flooding – Policy 2 through the recycling of water.</p> <p>Policy 2 is in general conformity with Policy DEV5 of the ELP that sets out district-wide policy for the design of new development. In particular in terms of design features and materials.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>2. For planning applications classed as major development (see the Glossary in the PNDP) the Renewable Energy Statement shall set out how the proposal meets zero or low carbon targets and includes climate change resilience measures. As a minimum, for commercial buildings Building Research Establishment Environmental Assessment Method (BREEAM – Good or Excellent Standard) should be achieved;</p> <p>3. If the proposals are an innovative sustainable design solutions such proposals will be encouraged to ensure that buildings remain at the forefront of contemporary, sustainable building design and will be assessed for the way in which they include measures for:</p>	<p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted. 	<p>The approach set in Policy 2 is in general conformity with ELP Policy ENV5 both policies seek to support environmentally sustainable design. Policy 2 provides more detailed Penrith specific development management policy.</p> <p>Policy 2, criterion 2 is in general conformity with ELP Policy ENV6 that seeks to support renewable energy.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<ul style="list-style-type: none"> i. Adopting water recycling methods at source; ii. Using sustainable building materials; iii. Recycling of grey and rainwater; iv. Adopting high standards for thermal insulation and using features such as building orientation and natural ventilation to maximise passive solar gain and to aid natural heating and cooling of buildings and v. Inclusion of design features that encourage more sustainable lifestyles eg electric vehicle charging points, convenient storage of waste for recycling etc. 	<p>Policy DEV2 - Water Management and Flood Risk</p> <p>New development must be in a location which meets each of the following criteria:</p> <p>Avoids risks to the water supply, or includes sufficient mitigation measures to ensure that there is no risk to water supply.</p> <ul style="list-style-type: none"> • Would not compromise the effectiveness of existing flood defences. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Meets the sequential approach to development in flood risk areas. Inappropriate development will not be permitted in flood zones 2 and 3, critical drainage areas or areas which have a history of groundwater flooding, or where it would increase flood risk elsewhere unless there is an overriding need and a clear absence of a suitable alternative site. If sites, as an exception, need to be developed in areas at risk of flooding, suitable flood protection measures will be required. Major development, defined in Appendix 2, should be informed by a flood risk assessment. • New development must incorporate Sustainable Drainage Systems (SuDS), where practicable, to manage surface water run-off. All applications for major development, defined in Appendix 2, will be subject to review by the Lead Local Flood Authority. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Surface water should be discharged in the following order of priority:</p> <ol style="list-style-type: none"> 1. To an adequate soakaway or some other form of infiltration system 2. By an attenuated discharge to a watercourse 3. By an attenuated discharge to a public surface water sewer 4. By an attenuated discharge to a public combined sewer <p>Applicants will need to submit clear evidence demonstrating why there is no alternative option but to discharge surface water to the public sewerage system and that the additional discharge can be accommodated. The presumption will be against the discharge of surface water to the public sewerage network.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy DEV5 - Design of New Development</p> <p>The Council will support high quality design, which reflects local distinctiveness. All development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making.</p> <p>New development will be required to demonstrate that it meets each of the following criteria:</p> <ul style="list-style-type: none"> • Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. • Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. • Optimises the potential use of the site and avoids overlooking. • Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers. • Uses quality materials which complement or enhance local surroundings? Protects features and characteristics of local importance. • Provides adequate space for the storage, collection and recycling of waste. • Can be easily accessed and used by all, regardless of age and disability. • Incorporates appropriate crime prevention measures. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Proposals will be expected to demonstrate that they adhere to the design principles set out in the Eden Design Guide.</p> <p>Policy ENV5 – Environmentally Sustainable Design</p> <p>Proposals for commercial development and for major residential development, defined in Appendix 2, should demonstrate, where it is practical for them to do so, that they have considered each of the following criteria:</p> <ul style="list-style-type: none"> • Maximising daylight and passive solar gain through the orientation of buildings. • Integrating sustainable urban drainage systems. • Designing and positioning buildings to minimise wind funnelling, frost pockets and uncomfortable microclimates. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Integrating renewable energy technology into the scheme, and in schemes comprising over fifty dwellings or on sites over 1.5 hectares, exploring the scope for district heating. • Minimising construction waste, through for example designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible. • Providing well-designed and visually unobtrusive outdoor waste storage areas to promote recycling. • Promoting sustainable transport modes, through for example careful layout and road design to ensure it is conducive to walking and cycling and prioritises the pedestrian and cyclist over the car. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy ENV6 – Renewable Energy</p> <p>Renewable and low carbon energy schemes will be supported where they meet each of the following criteria:</p> <ul style="list-style-type: none"> Proposals can be incorporated into the local landscape without significant adverse impact. Particular attention will be paid to the landscape impact of proposed developments which are located close to or within the North Pennines AONB and the National Parks. Proposals respect the form of the built environment, including settlement character and heritage assets, with particular attention paid not only to the potential impact on the heritage asset itself, but also to its wider setting. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • The development proposed will not have an unacceptable impact on the amenity of local residents and can demonstrate that there is sufficient mitigation measures to minimise the impact of noise, smell or other nuisance or pollutants likely to affect nearby occupiers and neighbouring land uses. • It can be demonstrated that the natural environment, including designated sites will not be adversely affected (and where possible enhanced). • The local road network can satisfactorily accommodate the development proposed. • The proposed scheme will provide benefits to the community through their involvement with the proposal. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Where necessary, an assessment of the cumulative impacts of renewable energy developments has been undertaken, and there is found to be no significant adverse impact. • The proposed scheme will not have an unacceptable effect on civil or military aviation and/or other defence related installations. • The proposed scheme will not have an unacceptable effect on existing telecommunications infrastructure. • Suitable measures have been included for the removal of redundant structures or equipment and for the restoration of the site, should the site become non-operational. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> In addition to the criteria above, proposals involving wind energy development, are required to be located in a 'suitable area' (identified on the Policy Map) and following consultation, it must also be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. <p>Where mitigation is required to make any identified impacts acceptable these will, where necessary, be secured through conditions or planning obligations.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 3 Energy Use and Reducing Carbon Emissions</p> <p>Developers of major proposals above a threshold of 1,000 square metres or 10 dwellings shall provide at least 15% of the development's total predicted energy requirements from on-site renewable energy generation and storage, unless this can be demonstrated to be neither practicable nor viable.</p>	<p>Policy DEV1 - General Approach to New Development</p> <p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions in the area. Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p>	<p>Policy 3 of the PNDP seeks to secure sustainable development in Penrith. Policy 3 of the PNDP is in general conformity with Policy DEV1 of the ELP that reflects the presumption in favour of sustainable development in the NPPF.</p> <p>The approach set in Policy 3 is in general conformity with ELP Policy ENV5 both policies seek to support environmentally sustainable design.</p> <p>Policy 3 is in general conformity with ELP Policy ENV5 that seeks to support the integration of renewable technology into schemes. Policy 3 seeks to set Penrith policy for major proposals on such matters.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in that Framework indicate that development should be restricted. 	<p>In supporting such proposals and seeking their inclusion in major schemes Policy 3 would be subordinate to ELP strategic Policy EN6, but set more detailed aspirational planning policy for Penrith.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy ENV5 – Environmentally Sustainable Design</p> <p>Proposals for commercial development and for major residential development, defined in Appendix 2, should demonstrate, where it is practical for them to do so, that they have considered each of the following criteria:</p> <ul style="list-style-type: none"> • Maximising daylight and passive solar gain through the orientation of buildings. • Integrating sustainable urban drainage systems. • Designing and positioning buildings to minimise wind funnelling, frost pockets and uncomfortable microclimates. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Integrating renewable energy technology into the scheme, and in schemes comprising over fifty dwellings or on sites over 1.5 hectares, exploring the scope for district heating. • Minimising construction waste, through for example designing out waste during the design stage, selecting sustainable and efficient building materials and reusing materials where possible. • Providing well-designed and visually unobtrusive outdoor waste storage areas to promote recycling. • Promoting sustainable transport modes, through for example careful layout and road design to ensure it is conducive to walking and cycling and prioritises the pedestrian and cyclist over the car. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy ENV6 – Renewable Energy</p> <p>Renewable and low carbon energy schemes will be supported where they meet each of the following criteria:</p> <ul style="list-style-type: none"> Proposals can be incorporated into the local landscape without significant adverse impact. Particular attention will be paid to the landscape impact of proposed developments which are located close to or within the North Pennines AONB and the National Parks. Proposals respect the form of the built environment, including settlement character and heritage assets, with particular attention paid not only to the potential impact on the heritage asset itself, but also to its wider setting. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • The development proposed will not have an unacceptable impact on the amenity of local residents and can demonstrate that there is sufficient mitigation measures to minimise the impact of noise, smell or other nuisance or pollutants likely to affect nearby occupiers and neighbouring land uses. • It can be demonstrated that the natural environment, including designated sites will not be adversely affected (and where possible enhanced). • The local road network can satisfactorily accommodate the development proposed. • The proposed scheme will provide benefits to the community through their involvement with the proposal. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Where necessary, an assessment of the cumulative impacts of renewable energy developments has been undertaken, and there is found to be no significant adverse impact. • The proposed scheme will not have an unacceptable effect on civil or military aviation and/or other defence related installations. • The proposed scheme will not have an unacceptable effect on existing telecommunications infrastructure. • Suitable measures have been included for the removal of redundant structures or equipment and for the restoration of the site, should the site become non-operational. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • In addition to the criteria above, proposals involving wind energy development, are required to be located in a 'suitable area' (identified on the Policy Map) and following consultation, it must also be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. <p>Where mitigation is required to make any identified impacts acceptable these will, where necessary, be secured through conditions or planning obligations.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 4 Accessibility and Social Inclusion</p> <p>To ensure that all development proposals meet the needs of all groups and sections of the community they should be in a location that can be reasonably accessed by walking, cycling, those with mobility aids, public transport and motor vehicles. To increase accessibility, proposals should incorporate measures and features to ensure that any routes (eg footpaths, streets, roads etc.) through, to and from a site are welcoming, overlooked and safe.</p>	<p>Policy DEV1 - General Approach to New Development</p> <p>When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves economic, social and environmental conditions in the area. Planning applications that accord with policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p>	<p>Policy 4 of the PNDP seeks to secure is in general conformity with Policy DEV1 of the ELP that reflects the presumption in favour of sustainable development in the NPPF. National sustainable development has a social role.</p> <p>Policy 4 is in general conformity with Policy DEV3 of the ELP. Both policies seek to encourage development that is accessible by public transport. Policy 4 provides more detailed Penrith policy on how such measures are to be achieved.</p> <p>Policy 4 is in general conformity with Policy DEV5 of the ELP that seeks to ensure development “Can be easily accessed and used by all, regardless of age and disability.”</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>To improve social inclusion proposals should also:</p> <ol style="list-style-type: none"> 1. Provide high quality, well located, accessible, functional, centralised public open spaces, play areas and public spaces that allow people of all ages and backgrounds to meet and lead healthy and active lifestyles, where feasible and appropriate; 2. Incorporate design features that will allow buildings and spaces the flexibility to adapt and change so they can meet the needs of a changing population eg by incorporating design features such as those in the Lifetime Homes Standard that allow flexibility and adaptability to create better living environments for everyone. 	<p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permissions unless material considerations indicate otherwise – taking into account whether:</p> <ul style="list-style-type: none"> • Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or • Specific policies in that Framework indicate that development should be restricted. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy DEV3 - Transport, Accessibility and Rights of Way</p> <p>New development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport. Developments likely to generate severe adverse travel impacts will not be permitted where they are in isolated or difficult to access locations unless an overwhelming environmental, social or economic need can be demonstrated.</p> <p>Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Proposals will be expected to adhere to guidance and standards issued by the Highways Authority on the number of parking spaces to be provided (including for the disabled and for bicycles).</p> <p>Applications for major development (defined in Appendix 2), will be expected to be accompanied by a Travel Plan and/or a Transport Assessment showing all the following criteria:</p> <ul style="list-style-type: none"> • How the site will be safely connected to public transport. • How the site will meet the needs and safety concerns of pedestrians and cyclists. • How the impact of any heavy goods vehicles accessing the site will be minimised, including during the construction phase. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • The impact of the development on the local highway network. • How the site will ensure the permeability and accessibility of the area. • How the site safely and conveniently links to main attractors (such as schools, retail and employment uses). <p>Development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:</p> <ul style="list-style-type: none"> • It would prevent the future opening of any road or rail schemes under consideration. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • It would remove an existing right of way, unless there is no alternative suitable location and the benefits from the development would justify the loss, or where an acceptable diversion is provided and a legal diversion order obtained. • It would lead to a material increase or significant change in the character of traffic (vehicles, pedestrians, cyclists, horse riders and animals) using a rail crossing, unless it can be demonstrated that safety will not be compromised, in consultation with Network Rail. • Evidence shows that there would be a severe, unmitigated impact of the surrounding highway network. <p>Policy DEV5 - Design of New Development</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>The Council will support high quality design, which reflects local distinctiveness. All development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making.</p> <p>New development will be required to demonstrate that it meets each of the following criteria:</p> <ul style="list-style-type: none"> • Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. • Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. • Optimises the potential use of the site and avoids overlooking. • Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers. • Uses quality materials which complement or enhance local surroundings. • Protects features and characteristics of local importance. • Provides adequate space for the storage, collection and recycling of waste. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • Can be easily accessed and used by all, regardless of age and disability. • Incorporates appropriate crime prevention measures. <p>Proposals will be expected to demonstrate that they adhere to the design principles set out in the Eden Design Guide.</p>	
<p>Policy 5 Conservation Areas in Penrith</p> <p>A. Penrith Conservation Area</p> <p>Development within or affecting the setting of the Penrith Conservation Area should be designed to take account of the conservation or enhancement of the following:</p>	<p>Policy ENV10 - The Historic Environment</p> <p>The Council will attach great weight to the conservation and enhancement of the historic environment, heritage assets and their setting, which help to make Eden a distinctive place.</p>	<p>Policy 5 of the PNDP is in general conformity with Policy ENV10 of the ELP. Policy ENV10 sets strategic level policy for the conservation and enhancement of the historic environment, including heritage assets and their setting. Policy 5 of the PNDP sets more detailed development management policy for the conservation or enhancement of Penrith's Conservation Areas.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<ol style="list-style-type: none"> 1. Historic street patterns and layouts including former market places, lanes and yards and the Conservation Area's high degree of permeability; 2. The fine grain of built development and the well-defined building hierarchy with buildings generally two storeys in height and not exceeding four storeys unless of exceptional design and having no other significant adverse impact; 3. Vernacular buildings and styles; 4. Retention, re-use and use of local materials, for example red sandstone, Westmorland/Burlington slate and timber in buildings and red sandstone for boundary walls, or sympathetic alternatives that would encourage high quality, innovative design; 	<p>The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden's heritage assets and their setting. The Council will support proposals that would better reveal the significance of the asset, in particular those heritage assets identified as being most at risk. Opportunities for promotion, interpretation and increasing understanding should also be explored.</p> <p>Development proposals that would result in substantial harm to or total loss of significance of a designated heritage asset or its setting will only be permitted where it can be clearly demonstrated that the public benefits of the proposal would outweigh the harm or loss, and that the harm or loss is necessary to achieve those benefits.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>5. Irregular roofscapes and the predominance of vertical fenestration including number and size of window openings, materials, sub-division of windows (eg mullions), decoration, shutters, window colour and glazing;</p> <p>6. The retention, renovation and re-introduction of traditional shopfronts in line with the planning policies in this plan and the Eden District Shopfronts Supplementary Planning Document;</p> <p>7. Key views and vistas within and of the Conservation Area, including:</p> <ul style="list-style-type: none"> i. View of Beacon Hill from Penrith Castle, ii. View of the Lakeland Fells from green above Scaws Drive and from Beacon Edge. 	<p>The Council will require proposals to protect and where appropriate, enhance the significance and setting of Eden's non-designated heritage assets, including buildings, archaeological sites, parks, landscapes and gardens. Where the harm is outweighed by the public benefits of the proposals, the Council will require an appropriate level of survey and recording, the results of which should be deposited with the Cumbria Historic Environment Record.</p> <p>Where a development proposal affecting an archaeological site is acceptable in principle, the Council will ensure preservation of the remains in situ as a preferred solution. Where in situ preservation is not justified, the development will be required to make adequate provision for excavation and recording before or during development.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>8. Hard and soft landscaping in local materials with native species planting.</p> <p>B. Penrith New Streets</p> <p>Development within or affecting the setting of the Penrith New Streets Conservation Area should be designed to take account of the conservation or enhancement of the following:</p> <p>1. Retain the layout of tightly knit terraces and larger semi-detached and detached villas;</p>	<p>All development proposals affecting the historic environment, heritage assets and their settings (including where there is the potential of unknown archaeological assets) will need to be accompanied by an assessment of the significance of the asset and its setting and how it will be affected by the proposed development.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>2. Use suitable materials such as red sandstone and Westmorland/Burlington slate roofs or sympathetic alternatives that would introduce and encourage high quality, innovative design;</p> <p>3. Retention of vernacular architectural detailing such as arched doorways, bay windows, stone mullions, large stone chimney stacks and decorative eaves, and sandstone boundary walls within a high-quality design proposal;</p> <p>4. Retention of mature gardens and open spaces that are integral to the Conservation Area and its setting.</p>	<p>The level of information required will be proportionate to the significance of the asset and to the scale of impact of the proposal. For archaeological assets, this may where necessary include archaeological desk based assessment and field evaluation.</p> <p>The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 6 High Quality New Homes</p> <p>To ensure new housing development is of high-quality design that reinforces local identity and reflects local distinctiveness it should have regard to and will be assessed against the following:</p> <ol style="list-style-type: none"> 1. Use of sympathetic layouts and building forms when considered in relation to the surrounding context and use of traditional local materials and non-traditional, innovative materials, where the latter are sympathetic to the character of adjacent buildings and the immediate surrounding area. 2. Visual and landscape character impact. 3. Access to local facilities and services. 	<p>Policy DEV5 - Design of New Development</p> <p>The Council will support high quality design, which reflects local distinctiveness. All development proposals will be expected to perform highly when assessed against best practice guidance and standards for design, sustainability, and place making.</p> <p>New development will be required to demonstrate that it meets each of the following criteria:</p> <ul style="list-style-type: none"> • Shows a clear understanding of the form and character of the district's built and natural environment, complementing and enhancing the existing area. • Protects and where possible enhances the district's distinctive rural landscape, natural environment and biodiversity. 	<p>Policy 6 of the PNDP is in general conformity with Policy DEV5 of the ELP, both policies seek to support high quality design and reflect/reinforce local distinctiveness. Policy DEV5 is a strategic policy encompassing all development, Policy 6 is a Penrith wide policy covering new homes, as such Policy 6 provides non-strategic development management policy for the assessment of housing proposals in Penrith.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>4. Impact on existing communities in terms of residential amenity and impact on local infrastructure.</p> <p>5. Traffic generation and its impact.</p> <p>6. Provision of appropriate social infrastructure to meet the needs arising from the development, including accessible, usable open greenspace and landscaping of native species, including food plants and fruit trees.</p> <p>7. Provision of features to encourage wildlife movement, migration, nesting (eg bird boxes, bat roosts, hedgehog holes), roosting and foraging.</p>	<ul style="list-style-type: none"> • Reflects the existing street scene through use of appropriate scale, mass, form, layout, high quality architectural design and use of materials. • Optimises the potential use of the site and avoids overlooking. • Protects the amenity of existing residents and business occupiers and provides an acceptable amenity for future occupiers. • Uses quality materials which complement or enhance local surroundings • Protects features and characteristics of local importance. • Provides adequate space for the storage, collection and recycling of waste. • Can be easily accessed and used by all, regardless of age and disability. • Incorporates appropriate crime prevention measures. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity								
<p>8. Outside the town centre as defined in the ELP 2014-2032 the provision of off-street car parking provision to meet the standards defined in Part 1 of the Cumbria Design Guide produced by Cumbria County Council as set out below, including garages capable of meeting the needs of contemporary vehicles.</p> <table><tr><td>1 bedroom</td><td>1 space / garage</td></tr><tr><td>2 bedrooms</td><td>2 spaces</td></tr><tr><td>3 bedrooms</td><td>2.5 spaces</td></tr><tr><td>4 bedrooms</td><td>3 spaces</td></tr></table>	1 bedroom	1 space / garage	2 bedrooms	2 spaces	3 bedrooms	2.5 spaces	4 bedrooms	3 spaces	<p>Proposals will be expected to demonstrate that they adhere to the design principles set out in the Eden Design Guide.</p>	
1 bedroom	1 space / garage									
2 bedrooms	2 spaces									
3 bedrooms	2.5 spaces									
4 bedrooms	3 spaces									

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 7 Housing Type and Mix</p> <p>New housing development should provide a range of types and sizes of dwellings that meet identified local needs in accordance with ELP 2014-2032 Policy HS4.</p> <p>In Penrith, as confirmed by the 2018 Housing Need Survey, the priority should be for the provision of homes to meet the needs of young renters with/without children, first time buyers, empty nesters and the ageing population. The provision of serviced plots, either individually or in groups, for custom and self-build affordable housing will also be supported on sites of 10 or more homes, or where the site has an area of 0.5 hectares or more.</p>	<p>Policy HS4 - Housing Type and Mix</p> <p>The mix of dwelling types and sizes provided in new residential schemes will be expected to address the nature of local needs as evidenced through each of the following criteria:</p> <ul style="list-style-type: none"> • Any up to date local housing needs surveys and local housing market assessments. • Any other local housing needs information (e. g. relating to elderly people or special needs). • The location and characteristics of the site. • The type and mix of housing in the locality, including housing age, condition and occupancy. • Current housing market conditions and viability. 	<p>Policy 7 of the PNDP and Policy HS4 of the ELP both deal with housing type and mix. In terms of the overall range of types and mix of housing on a site Policy 7 of the PNDP defers to Policy HS4 of the ELP, and is, therefore, in general conformity. Policy 7 of the PNDP then goes on to set out more detailed guidance for applicants on the type and mix of housing based on the 2018 Housing Needs Survey.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Based on the 2018 Housing Need Survey and in consultation with the local community, developers should include bungalows within the mix of homes on individual sites. Extra care housing to meet the needs of the ageing population will also be supported.</p>		
<p>Policy 8 Identifying and Protecting Local Green Spaces</p> <p>The following areas (Map A – Policies Map, page 128) will be designated as local green spaces and will be protected from inappropriate development.</p>	<p>Policy ENV1 - Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity</p> <p>New development will be required to avoid any net loss of biodiversity and geodiversity, and where possible enhance existing assets. Should emerging proposals identify potential impacts upon designated sites, regard should be given to the objectives for each of the hierarchy of sites.</p>	<p>Policy 8 of the PNDP seeks to designate and protect Local Green Spaces in the neighbourhood area. The ELP does not include policy that identifies and specifically protects designated Local Green Spaces. The ELP does include policy to protect the natural environment and biodiversity (Policy ENV1), green infrastructure (Policy ENV4) and open spaces (Policy COM2).</p> <p>Policy 8 is in general conformity with these three ELP policies.</p>

Penrith NDP Policies		Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
C2	Land between rugby pitches and houses on Carleton Road	<p>The following designations are of international importance and will be afforded the highest level of protection:</p> <ul style="list-style-type: none"> • International/European Sites • Special Areas of Conservation (SAC). • Special Protection Areas (SPA). • Candidate SACs or SPAs. • Ramsar sites. <p>Where harm cannot be avoided, development will only be permitted where mitigation measures would result in no significant harm being caused. Where the proposal cannot rule out possible significant effects, no alternatives exist and the proposal is deemed to be of overriding public interest, the proposals will only be permitted if adequate compensatory measures can be put in place.</p>	<p>Having assessed the designated Local Green Spaces in relation to the national planning policy in the NPPF the PNDP sets development management policy that is consistent with that in the NPPF by ensuring development of the Local Green Spaces is consistent with that for Green Belt.</p>
PE6	Land and wood above Scaws Drive		
PE8	Land between Brentfield Way and Meadowcroft		
PE9	Folly Lane Allotments		
PE12	St Andrew's Churchyard		
PN14	Beacon Hill		
PN17	Open area at top of Croft Terrace against Beacon Edge		
PN18	Field on Beacon Edge		
PN24	Fell Lane Pinfold		
PN27	Cockell House Gardens / Drovers Lane		
PN28	Cockell House Gardens / Macadam Gardens		
PN29	Voreda Park Central Space		
PN30	Head of Macadam Way		
PN31	Pembroke Place		

Penrith NDP Policies		Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
PN32	Land in Voreda Park	<p>National Sites</p> <p>The following areas are of national importance to the promotion and protection of biodiversity and geodiversity:</p> <ul style="list-style-type: none"> • Sites of Special Scientific Interest (SSSI). • National Nature Reserves (NNR). • Limestone Pavement Orders (LPO). <p>Protection of these sites will be given significant weight when determining planning applications. Proposals which either directly or indirectly impact on the integrity of the sites will only be permitted in exceptional circumstances, where alternative sites have been ruled out and significant benefits have been identified which outweigh the impacts on the ecological network.</p>	
PN33	Plimsoll Close		
PN34	Cambridge Drive		
PN36	St Catherine's Churchyard		
PN37	Christchurch Churchyard		
PN39	Salkeld Road Allotments		
PN40	Coronation Gardens		
PN42	Bowscar Green Space		
PN43	Friends Meeting House Allotment Gardens		
PW45	Nichol Hill Nature Reserve		
PW46	Thacka Beck Nature Reserve		
PW47	Brunswick Square Gardens		
PW49	James Street Allotments		
PW50	Castletown/Musgrave St/Brackenber Allotments		
PP66	Thacka Glen		
PW52	Recreation area between Musgrave Street Allotments and Newton Road		

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>PW53 Weatheriggs Country Park</p> <p>PP67 Pategill Back Field</p> <p>PP70 Open space to south of Eden Housing Association (EHA)</p> <p>PP71 Open space to the north of EHA</p> <p>PP72 Open space to the north of Greengarth</p> <p>Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.</p>	<p>Local Sites</p> <p>The following areas are considered of local importance to the promotion and protection of biodiversity:</p> <ul style="list-style-type: none"> • County Wildlife Sites (CWS). • Regionally Important Geological Sites (RIGS). • Local Nature Reserves (LNR). • Habitats and Species in the Cumbria Biodiversity Action Plan (BAP). • Habitats and Species of Principal Importance (NERC Act Section 41 list). <p>Development which directly or indirectly affects these sites should only be permitted in circumstances where there is an identified need for development in that location. The benefits derived from development must significantly outweigh the harm and loss to species, soils and habitats.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>All development, where appropriate, should follow the following principles:</p> <ul style="list-style-type: none"> • It will protect and maintain and enhance habitats or species in the Cumbria <p>Biodiversity Action Plan, including the linked wildlife corridors which support them.</p> <ul style="list-style-type: none"> • It will protect, maintain and enhance features of geological value identified in the Cumbria Geodiversity Action Plan. • Residential and commercial sites will consider the benefits of including wildlife corridors as part of the open space requirement within new development. <p>Where the significant development of agricultural land is deemed to be necessary, applicants should seek to avoid the best and most versatile land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) in preference of developing land of a poorer quality.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Policy ENV4 - Green Infrastructure Networks</p> <p>A multifunctional network of green infrastructure will be identified, protected, managed and enhanced.</p> <p>Proposals, which protect and enhance the existing network and promote the creation of new green infrastructure will be supported. Development which leads to direct loss, fragmentation or degradation of green infrastructure will be resisted unless there is demonstrable evidence of wider public benefits from the proposal.</p> <p>New development should ensure that:</p> <ul style="list-style-type: none"> • Opportunities for the protection and enhancement of the district's green infrastructure network are maximised. • Proposals account for any known local deficiencies of green infrastructure identified by the Council. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Contributions may be sought for off-site provision where this leads to the creation and maintenance of a strategic network of green infrastructure capable of bringing benefits to the users of the development.</p> <p>Policy COM2 – Protection of Open Space, Sport, Leisure and Recreation Facilities</p> <p>Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted. The exception to this will be where the benefits of the development outweigh the loss. Proposals must satisfy each of the following criteria:</p> <ul style="list-style-type: none"> • There is a strong social or economic justification for the development. • There is no longer a need for the facility in the area, or if a need remains, alternative provision will be provided nearby. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> Any replacement facility must provide an equivalent or greater net benefit to the community, in terms of quality, availability and accessibility of open space or recreational opportunities. <p>Where development of a small area of the site would enable investment to improve the rest of the site this may be taken into account as a circumstance under which benefits may outweigh the loss of a site or facility.</p>	
<p>Policy 9 Protecting and Enhancing Sport, Leisure and Recreation Facilities</p> <p>The following sport and recreation facilities, also identified on the Policies Map, Map A, page 128, will be protected in accordance with Eden Local Plan 2014-2032 Policy COM2 Protection of Open Space, Sport, Leisure and Recreation Facilities:</p>	<p>Policy COM2 – Protection of Open Space, Sport, Leisure and Recreation Facilities</p> <p>Development proposals that result in the loss of open space, sport, leisure, allotments, recreational and cultural facilities will not be permitted. The exception to this will be where the benefits of the development outweigh the loss. Proposals must satisfy each of the following criteria:</p>	<p>Policy 9 of the PNDP is in general conformity with Policy COM2 of the ELP. Policy 9 defers to Policy COM2 and then adds a list of identified open space, sport, leisure and recreation facilities for protection using Policy COM2.</p>

Penrith NDP Policies		Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
C1	Carleton Heights play area	<ul style="list-style-type: none"> There is a strong social or economic justification for the development. There is no longer a need for the facility in the area, or if a need remains, alternative provision will be provided nearby. <p>Any replacement facility must provide an equivalent or greater net benefit to the community, in terms of quality, availability and accessibility of open space or recreational opportunities.</p> <p>Where development of a small area of the site would enable investment to improve the rest of the site this may be taken into account as a circumstance under which benefits may outweigh the loss of a site or facility.</p>	
C2	Part of C2 Penrith RUFC (the rugby pitches are already designated as public open space in the Local Plan although the field between the pitches and the houses on Carleton Road is not)		
C4	Hunter Hall School Playing Field		
C5	Frenchfield Sports Centre incorporating Penrith Football Club		
PE7	Scaws play area		
PE10	Friars Bowling Club		
PE11	Beaconside School Playing Fields		
PN16	Milton Street Play Area		
PN19	Penrith Golf Course		
PN21	Fairhill playing field		
PN41	Bowscar Play Area		
PW51	Castletown Recreation Area		
PS54	The Crescent Playing Fields		

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>PS55 Ullswater CC field between Cricket Club and Bridge lane</p> <p>PS56 Penrith Cricket Club</p> <p>PS57 Playing field at Southern Gateway to town between A66 and Clifford Road</p> <p>PS58 Clifford Road Play Area</p> <p>PS64 Castle Park</p> <p>PP68 Pategill Play Area and recreation ground</p> <p>Proposals for a new youth facility providing indoor and outdoor space will be supported where they would not lead to significant adverse impacts on the amenity of adjacent users and occupiers.</p>		

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 10 Protecting and Enhancing Health and Community Facilities</p> <p>There will be a presumption in favour of the protection of existing community facilities. The change of use of existing community facilities, will only be supported for other health, education or community uses such as community halls, local clubhouses, health centres, schools, public houses and children's day nurseries.</p> <p>When a non-community use (eg housing) is proposed to replace, either by conversion or redevelopment, one of the facilities such development will only be supported when it can be demonstrated that:</p>	<p>Policy COM1 - Principles for Services and Facilities</p> <p>Proposals for the development of or extension to community services and cultural facilities, including proposals that will assist in their retention, will be permitted where:</p> <ul style="list-style-type: none"> • The scale and design is suited to the location. • It respects the local built environment, character and conservation interests. • It is compatible with residential amenity. • Appropriate parking and servicing arrangements can be made. • The use of buildings for multiple community functions will be encouraged and supported. 	<p>Policy 10 of the PNDP identifies health and community facilities in Penrith for protection. The ELP does not include a similar policy, but does include Policy COM1 that is a development management policy for the development of community services and cultural facilities. Policy 10 is in general conformity with COM1.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>a) There is no longer a need for the facility or suitable and accessible alternatives exist.</p> <p>b) That it is no longer economically viable to provide the facility.</p> <p>c) That the site has been unsuccessfully marketed for sale in its current use.</p> <p>Proposals for new community facilities and improved access to existing community facilities on the Pategill, Raiselands, Scaws and Wetheriggs estates will be supported.</p>	<ul style="list-style-type: none"> • Where permitted development rights do not apply, the change of use of rural facilities such as a shop, public house, doctor's surgery, dental surgery, school, bank, church/chapel, village hall, allotments or other facility considered important to the community will only be permitted where it can be demonstrated that: • There is no longer a need for the facility or suitable and accessible alternatives exist. • That it is no longer economically viable to provide the facility. • That the site has been unsuccessfully marketed for sale in its current use. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 11 Walking and Cycling</p> <p>The provision and enhancement of walking and cycling links within the town especially between existing and new residential areas and key destinations, such as the town centre, employment sites, schools and other community facilities will be supported. Where appropriate, new development should include walking and cycling infrastructure that is of high-quality design and accessible to all.</p>	<p>Policy DEV3 - Transport, Accessibility and Rights of Way</p> <p>New development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport. Developments likely to generate severe adverse travel impacts will not be permitted where they are in isolated or difficult to access locations unless an overwhelming environmental, social or economic need can be demonstrated.</p>	<p>Policy 11 of the PNDP is in general conformity with Policy DEV3 of the ELP, both policies seek to improve opportunities for walking and cycling. Policy 11 of the PNDP sets more detailed development management policy to ensure facilities for pedestrians and cyclists are improved in Penrith. The criteria set in Policy 11 do not duplicate or conflict with Policy DEV3.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>To ensure new development meets this policy, assessment will be made against the following:</p> <ol style="list-style-type: none"> 1. Where necessary and feasible, provision of links to existing open spaces, green infrastructure and watercourses (rivers, becks and streams) and water features (eg ponds); 2. Connections to the existing network of walking and cycle path routes, where this is feasible, including ease and directness of any new connections created to the existing footpath and cycle path network (Map B, page 129); 3. The design of the foot and cycle paths within the development site should be legible and permeable (structured to provide routes to distinctive places and allow easy navigation around the site); 4. Design that ensures access for all users 	<p>Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people.</p> <p>Proposals will be expected to adhere to guidance and standards issued by the Highways Authority on the number of parking spaces to be provided (including for the disabled and for bicycles).</p> <p>Applications for major development (defined in Appendix 2), will be expected to be accompanied by a Travel Plan and/or a Transport Assessment showing all the following criteria:</p> <ul style="list-style-type: none"> • How the site will be safely connected to public transport. • How the site will meet the needs and safety concerns of pedestrians and cyclists. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>5. Where necessary, inclusion of signage that is of high-quality design, appropriate to the local context and avoids clutter;</p> <p>6. Routes of all kinds should be designed in such a way so as to be as safe as practicable, appropriately lit and to minimise opportunities for crime; and</p> <p>7. Include native tree and plant landscaping that is easily maintained and suitable to the route and its local context.</p>	<ul style="list-style-type: none"> • How the impact of any heavy goods vehicles accessing the site will be minimised, including during the construction phase. • The impact of the development on the local highway network. • How the site will ensure the permeability and accessibility of the area. • How the site safely and conveniently links to main attractors (such as schools, retail and employment uses). <p>Development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:</p> <ul style="list-style-type: none"> • It would prevent the future opening of any road or rail schemes under consideration. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • It would remove an existing right of way, unless there is no alternative suitable location and the benefits from the development would justify the loss, or where an acceptable diversion is provided and a legal diversion order obtained. • It would lead to a material increase or significant change in the character of traffic (vehicles, pedestrians, cyclists, horse riders and animals) using a rail crossing, unless it can be demonstrated that safety will not be compromised, in consultation with Network Rail. • Evidence shows that there would be a severe, unmitigated impact of the surrounding highway network. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>Policy 12 Traffic Management</p> <p>The following measures to improve traffic flows and ease congestion will be supported:</p> <ol style="list-style-type: none"> 1. A new route to divert through-traffic around the town, introduce traffic calming to improve safety, access for emergency vehicles and maintain traffic flows. 2. Measures to mitigate the impacts of traffic generated from new development. 3. Measures to improve road safety. 	<p>Policy DEV3 - Transport, Accessibility and Rights of Way</p> <p>New development will be encouraged in areas with existing public transport availability, or in areas where new development is likely to lead to the creation of available public transport. Developments likely to generate severe adverse travel impacts will not be permitted where they are in isolated or difficult to access locations unless an overwhelming environmental, social or economic need can be demonstrated.</p> <p>Development will be refused if it will result in a severe impact in terms of road safety and increased traffic congestion. Development should provide safe and convenient access for pedestrians, cyclists and disabled people.</p>	<p>Policy 12 of the PNDP is in general conformity with Policy DEV3 of the ELP. Policy 12 identifies local measures to improve traffic flow and ease congestion in the town.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Proposals will be expected to adhere to guidance and standards issued by the Highways Authority on the number of parking spaces to be provided (including for the disabled and for bicycles).</p> <p>Applications for major development (defined in Appendix 2), will be expected to be accompanied by a Travel Plan and/or a Transport Assessment showing all the following criteria:</p> <ul style="list-style-type: none"> • How the site will be safely connected to public transport. • How the site will meet the needs and safety concerns of pedestrians and cyclists. • How the impact of any heavy goods vehicles accessing the site will be minimised, including during the construction phase. • The impact of the development on the local highway network. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • How the site will ensure the permeability and accessibility of the area. • How the site safely and conveniently links to main attractors (such as schools, retail and employment uses). 	
	<p>Development will not be supported where it meets any of the following criteria, individually or cumulatively in combination with other development proposals:</p> <ul style="list-style-type: none"> • It would prevent the future opening of any road or rail schemes under consideration. • It would remove an existing right of way, unless there is no alternative suitable location and the benefits from the development would justify the loss, or where an acceptable diversion is provided and a legal diversion order obtained. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • It would lead to a material increase or significant change in the character of traffic (vehicles, pedestrians, cyclists, horse riders and animals) using a rail crossing, unless it can be demonstrated that safety will not be compromised, in consultation with Network Rail. • Evidence shows that there would be a severe, unmitigated impact of the surrounding highway network. 	
<p>Policy 13 Penrith Town Centre Improvements</p> <p>Development to improve the appearance of the town centre will be supported. Where appropriate, new development should seek to include or make contributions to the following:</p> <p>1. Improve the key gateways (entry points such as Castlegate, Bridge Lane and Ullswater Road) to the town centre and the main routes through the town;</p>	<p>Policy EC7 – Town Centres and Retailing</p> <p>Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of town and district centres:</p> <p>Penrith - Town Centre Alston, Appleby, Kirkby Stephen – District Centres</p>	<p>Policy 13 of the PNDP is in general conformity with Policy EC7 of the ELP that identifies the hierarchy of town centres in Eden and sets policy for town centre and retail development. Policy 13 does not seek to duplicate Policy EC7 it identifies a range of measures to improve the appearance of Penrith town centre.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<p>2. To incorporate native species of street trees and other planting at key gateways and through routes;</p> <p>3. Measures to improve the environment for walking and cycling, including possible pedestrianisation of areas in the town centre;</p> <p>4. High quality public realm, including public art, that meets the needs of all town centre users and that includes street furniture that is consistent in design and style with that in the Town Council style guide (see Supporting Town Council Actions), can be easily maintained and avoids clutter by way of over-provision and poor siting of street furniture;</p> <p>5. Provide suitable signage directing users to key locations and buildings.</p>	<p>Retail and other town centre developments of a scale appropriate to these roles will be supported, provided that:</p> <ul style="list-style-type: none"> • They do not compromise the functional operation of existing town centre uses including essential service operations. • Where proposals lie within the primary shopping area, the development assists in maintaining its existing retail function and does not lead to a concentration of uses which risk undermining the vitality and viability of town centres. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • New shop fronts relate in scale, proportion, materials and decorative treatment of the façade of the building and its neighbours. In conservation areas changes to shop fronts will not be permitted if they fail to contribute to the preservation and enhancement of the area's character, appearance and setting. • The development respects the character of the environment of the centre, including its special architectural and historic interest. <p>Proposals for main town centres will be required to be in accordance with the sequential test set out in the National Planning Policy Framework.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<p>Retail development outside town and district centres will only be permitted if it will not have a significant adverse impact on the vitality and viability of existing centres. Retail impact assessments will be required for proposals over 500 square metres gross which are outside of centres. Additionally retail impact assessments will also be required for proposals over 250 square metres gross that are within 400 metres of the boundary of Alston, Appleby or Kirkby Stephen district centres.</p>	
<p>Policy 14 Shopfront Design</p> <p>To maintain the quality, character and distinctiveness of Penrith town centre new shopfronts and alterations to existing shopfronts should take account of the following:</p>	<p>Policy EC7 – Town Centres and Retailing</p> <p>Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of town and district centres:</p> <p>Penrith - Town Centre</p> <p>Alston, Appleby, Kirkby Stephen – District Centres</p>	<p>Policy 14 of the PNDP is in general conformity with Policy EC7 of the ELP that identifies the hierarchy of town centres in Eden and sets policy for town centre and retail development. Policy 14 does not seek to duplicate Policy EC7 but provides a non-strategic development management policy for shopfronts. This is intended to maintain the quality, character and distinctiveness of Penrith town centre.</p>

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
<ol style="list-style-type: none"> 1. The scale and architectural style of the existing building and any existing shopfront. The overall aim should be to seek where possible, the retention and repair of existing traditional and historic features that contribute to the interest of the building and the street frontage; 2. The size, detailing and materials of signage should respect the character and the area within which it is located; 3. Security grilles and shutters should be installed on internal aspects only; and 4. Where in use, blinds, blind boxes and awnings should respect the scale and character of the building and the area within which it is located. 	<p>Retail and other town centre developments of a scale appropriate to these roles will be supported, provided that:</p> <ul style="list-style-type: none"> • They do not compromise the functional operation of existing town centre uses including essential service operations. • Where proposals lie within the primary shopping area, the development assists in maintaining its existing retail function and does not lead to a concentration of uses which risk undermining the vitality and viability of town centres. 	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	<ul style="list-style-type: none"> • New shop fronts relate in scale, proportion, materials and decorative treatment of the façade of the building and its neighbours. In conservation areas changes to shop fronts will not be permitted if they fail to contribute to the preservation and enhancement of the area's character, appearance and setting. • The development respects the character of the environment of the centre, including its special architectural and historic interest. <p>Proposals for main town centres will be required to be in accordance with the sequential test set out in the National Planning Policy Framework.</p>	

Penrith NDP Policies	Eden Local Plan Policies 2014-2032 (ELP)	General Conformity
	Retail development outside town and district centres will only be permitted if it will not have a significant adverse impact on the vitality and viability of existing centres. Retail impact assessments will be required for proposals over 500 square metres gross which are outside of centres. Additionally retail impact assessments will also be required for proposals over 250 square metres gross that are within 400 metres of the boundary of Alston, Appleby or Kirkby Stephen district centres.	

3.6 f. Be Compatible with EU Obligations

The Submission Neighbourhood Plan is fully compatible with EU Obligations.

The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

Strategic Environmental Assessment (SEA)

To meet the 'basic conditions' which are specified by law a Neighbourhood Development Plan must be compatible with EU obligations. Furthermore, as at 9th February 2015 Regulation 15 of the 2012 Neighbourhood Planning Regulations was amended to require that when a plan is submitted to the Local Planning Authority it should include either an environmental

report prepared in accordance with the applicable regulations or where it has been determined as unlikely to have significant environmental effects, a statement of reasons for the determination.

A SEA/HRA screening was produced for the PNDP Regulation 14 Draft in January 2019. This concluded in relation to SEA that: “the Plan in its current form is unlikely to have significant environmental effects and therefore SEA will not be required.” The SEA/HRA screening was consulted on with Environment Agency, Historic England and Natural England. They agreed with the January 2019 screening conclusion. An updated screening, that reaches the same conclusion, has been produced incorporating the statutory body consultation responses. This revised SEA/HRA screening will be consulted upon at Regulation 16.

Requirement for Habitats Regulations Assessment (HRA)

Article 6 (3) of the EU Habitats Directive (Council Directive 92/43/EEC) and Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires that an appropriate assessment of plans and programmes is carried out with regard to the conservation objectives of European Sites (Natura 2000 sites) and that other plans and projects identify any significant effect that is likely for any European Site. In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a Neighbourhood Plan is deemed likely to result in significant negative effects occurring on protected European Sites (Natura 2000 sites) as a result of the plan’s implementation.

A SEA/HRA screening was produced for the PNDP Regulation 14 Draft in January 2019. This concluded in relation to HRA that: “no further work will be required in order to comply with the Habitat Regulations.” The SEA/HRA screening was consulted on with Environment Agency, Historic England and Natural England. They agreed with the January 2019 screening conclusion. An updated screening, that reaches the same conclusion, has been produced incorporating the statutory body consultation responses. This revised SEA/HRA screening will be consulted upon at Regulation 16.

European Convention on Human Rights

The Submission Neighbourhood Plan is fully compatible with the European Convention on Human Rights. It has been prepared with full regard to national statutory regulation and policy guidance, which are both compatible with the Convention. The PNDP has been produced in full consultation with the local community. The PNDP does not contain policies or proposals that would infringe the human rights of residents or other stakeholders over and above the existing strategic policies at national and district-levels, as demonstrated below.

The Human Rights Act 1998 incorporated into UK law the European Convention on Human Rights (“The Convention”). The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual.

Section 6 of the Act prohibits public bodies from acting in a manner, which is incompatible with the Convention. Various rights outlined in the Convention and its First Protocol are to be considered in the process of making and considering planning decisions, namely:

Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Submission Neighbourhood Plan is fully compatible with the rights outlined in this Article. Although the Submission Plan includes policies that would restrict development rights to some extent, this does not have a greater impact than the general restrictions on development rights provided for in national law, namely the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011. The restriction of development rights inherent in the UK’s statutory planning system is demonstrably in the public interest by ensuring that land is used in the most sustainable way, avoiding or mitigating adverse impacts on the environment, community and economy.

Article 6 protects the right to a fair and public hearing before an independent tribunal in determination of an individual’s rights and obligations. The process for Neighbourhood Plan production is fully compatible with this Article, allowing for extensive consultation on its proposals at various stages, and an independent examination process to consider representations received.

Article 14 provides that “The enjoyment of the rights and freedoms set forth in ... [the] ... European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.” The Town Council has developed the policies and proposals within the PNDP in full consultation with the community and wider stakeholders to produce as inclusive a document as possible. In general, the policies and proposals will not have a discriminatory impact on any particular group of individuals.

3.7 g. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

The prescribed conditions have therefore been met in relation to the Penrith Neighbourhood Development Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

Penrith Town Council
With assistance from



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