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Penrith Neighbourhood Development Plan Submission Draft - August 2020 Additional Representation on Behalf of Lowther Estate TRUST Regarding Policy 8 – Local Green Space October 2021

Introduction

This report is made on behalf of Lowther Estate Trust and Lonsdale Settled Estate and addresses “Further Comments of the Independent Examiner” dated 10th September 2021.

In its letter to the Examiner dated 9th August 2021, the landowner’s recommendations for Beacon Hill involved a plan showing “Beacon Hill East – Protected Open Space” (measuring 9.59 hectares) and “Beacon Hill West – Local Green Space” measuring 33.06 hectares.

Arising from the “Further Comments” letter, the landowners have refined their plan by showing “Beacon Hill East – Tourism and Recreation” (measuring 8.94 hectares) and “Beacon Hill West – Protected Landscape Feature” measuring 33.53 hectares and adding a masterplan for Beacon Hill East. The plans are dated 6/10/2021 and at **Appendix 1** of this report.

Questions for the Landowner

“Questions for the landowner” are answered as follows:

- a) **I understand that it was the landowner proposal that recommended the split between the LGS and the Protected Open Space - what was the criteria for drawing the boundary line where it would be drawn and would it be recognisable on the ground or is it an arbitrary boundary?**

Regarding “Beacon Hill East – Protected Open Space” (measuring 9.59 hectares), the straight western boundary is geographically arbitrary. The line was felt to represent the limit of commercial tourism aspirations of the landowners.

Regarding “Beacon Hill East – Tourism and Recreation” (measuring 8.94 hectares), the western boundary has been amended to better “round off” the policy area and to correspond with an ownership boundary. On the ground, the west boundary is still arbitrary but capable of being fenced with a post and rail or post and wire fence.

- b) Where it is proposed to locate tourist pods and lodges – is the expectation that these areas would have their own curtilages and will there be defined boundaries to the sites, either individually or as a collection and is the expectation that there will be vehicular access to the holiday accommodation with parking within the woods? Will this require the felling of trees around these accommodation areas? Will there be management buildings/ storage area covering laundry, waste disposal, reception buildings**

Appendix 1 of this report is a Masterplan drawn by the landowners showing about 40 holiday lodges with the following characteristics:

1. Primary vehicular, pedestrian and cycle access from Stagstones Road, as existing.
2. Permissive footpath and cycle connectivity from Stagstones Road to Beacon Tower, via existing track. Thus enhancing rural recreation to the wider community.
3. Phases 1 and 2.
4. Each phase up to 20 holiday lodges.
5. Lodges will be static caravans subject to the statutory definition of a caravan. “Log cabin” design to assimilate with the surroundings.
6. On-site warden’s lodge (occupancy controlled by condition), with visitor reception. No other management buildings are necessary. The holiday lodges are self-catering. *Note: Roundthorn Country House Hotel opposite the site entrance provides meals.*
7. Lodges located in a communal woodland setting. No curtilages and no gardens. Other than perhaps defining the western boundary of the policy area, no fencing is required.
8. Lodge footprints and incidental paths and roads will use permeable materials (eg a gravel pitch for each lodge) and be informed by ecological and arboricultural surveys. Some lodge pitches may not require the felling of any trees. Other pitches may require the felling of one or two pine trees. *Note: Beacon Hill East comprises a former quarry, with 10% hardwood and 90% commercial pine.*
9. Visitor accommodation car parks located next to the existing tracks and in several places, from where visitors will walk to their lodges. Car parks to include electric vehicle charging points, bins/recycling and biodisk package treatment plant.
10. Although not marked on the Masterplan, there is scope for a new public car park located near to Stagstones Road to fulfil a community aspiration of the Town Council’s new policy (“*the construction of a small suitably screened off road parking area.....wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging*”).

- c) What other types of commercial development would be considered under your policy and can you give examples?**

None.

d) What are your concerns with the policy as advanced by the Town Council?

Measuring 41 hectares, PN14 is an extensive tract of land and a blanket designation of open countryside. In that respect it is not in conformity with the Eden District Local Plan, which designates open countryside.

It is a “Local Green Space” policy 8 by another name. However, LGS designation must be subject to parameters set out in NPPF and PPG. Draft NPD policy 8 lists the many LGS’s at Penrith and their reasons for designation (reasonably close proximity, demonstrably special, local in character, not an extensive tract of land etc). The TC policy reason for designating a “Beacon Hill Protected Landscape Feature” is fundamentally the same as the reason for designating the Policy 8 LGS’s.

It is also a protected “Sport, Leisure and Recreation Facilities” policy 9 by another name. The new policy “Beacon Hill Protected Landscape Feature” refers to its “recreational value” and “important recreational and wellbeing opportunities”.

The new policy title refers to Beacon Hill being a “landscape feature”. However, the new policy refers to characteristics in addition to landscape value; namely recreation, biodiversity, heritage, culture and important views. The draft policy is more akin to Eden District Local Plan Policy ENV3 “The North Pennines Area of Outstanding Natural Beauty”. However, the Penrith NDP would be inconsistent with the Local Plan if the NDP were to designate Penrith Beacon a quasi-AONB.

It is **more** restrictive than draft NP Local Green Space policy 8. It includes the test of “conserve and enhance”, which is more commonly found in heritage policies. For example, Eden District LP policy ENV10 states “*The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden’s heritage assets and their setting.*” This restriction is not appropriate for Beacon Hill, which lies in open countryside and outside a Conservation Area.

It will frustrate the aspirations of the landowner to undertake “tourist accommodation and facilities” (further to Policy EC4 of the Eden District Local Plan) anywhere at Beacon Hill, in particular land to the east identified by the landowners as suitable for such development. The Town Council in its letter dated 24th August 2021 states that it “feels that the proposed policy accords with Policy EC4 of the Eden Local Plan and that the commercial aspirations of the landowner have not been frustrated.” This is false, given that the new policy states “Development proposals that would provide accommodation for overnight stays (eg chalets, pods or camping) will not be permitted.”

Given the new policy fails to recognise the commercial aspirations of the landowner, the policy is incompatible with the draft policy’s aspiration to improve public access and to “work in partnership with the landowners”. In other words, the community aspirations listed at 1 to 6 are unlikely to be delivered.

Draft NP policy 8 states “*Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.*” NPPF Green Belt policy allows certain types of development (those that are “not inappropriate”), set out in NPPF paragraphs 149 and 150, such as buildings for forestry and agriculture, outdoor sport and recreation, limited affordable housing, mineral extraction, changes

in the use of land etc. However, new policy “Beacon Hill Protected Landscape Feature” will prohibit development otherwise acceptable in Green Belt if it does not:

1. *“clearly demonstrates that it conserves and enhances the existing landscape, character and function of this important woodland area”, and*
2. *“conserve and enhance the recreational value (including the extent of public access), biodiversity value, heritage and cultural value, woodland character, important views (to and from the Beacon) and contribution of the area to a wider landscape character and sense of place.”*

It is unnecessarily prescriptive, referring to “narrow”, “small” “open sided”, “suitably screened”, “southern end of the site” etc. The location of “southern end” is unclear.

“Necessary forestry operations” does not constitute “development” and should be omitted.

The proposed policy restriction is not appropriate for a site that is not National Park, Conservation Area, AONB, SSSI, Ancient Woodland, County Wildlife Site, Historic Park and Garden, Local Nature Reserve, National Nature Reserve, Special Protection Area, Regionally Important Geological site (RIGS), Habitats and Species in the Cumbria Biodiversity Action Plan (BAP), Habitats and Species of Principal Importance (NERC Act Section 41 list), Limestone Pavement Order, Public Open Space and other sport, leisure and recreational facilities; all of which are policy designations used by the Eden District Local Plan and its associated policies map.

Recommendation

Acceptable options are:

1. Ignore the different versions of the draft policies put forward by both parties and examine the plan as submitted; or
2. Landowner draft policy for “Beacon Hill East” (measuring 8.94 hectares) and LGS designation for Beacon Hill West (33.53 hectares). However, 33.53 Ha still represents an extensive track of land; or
3. Landowner draft policy for “Beacon Hill East” (measuring 8.94 hectares) and “Beacon Hill Protected Landscape Feature” designation for Beacon Hill West (33.53 hectares), as amended by taking into account the above comments.

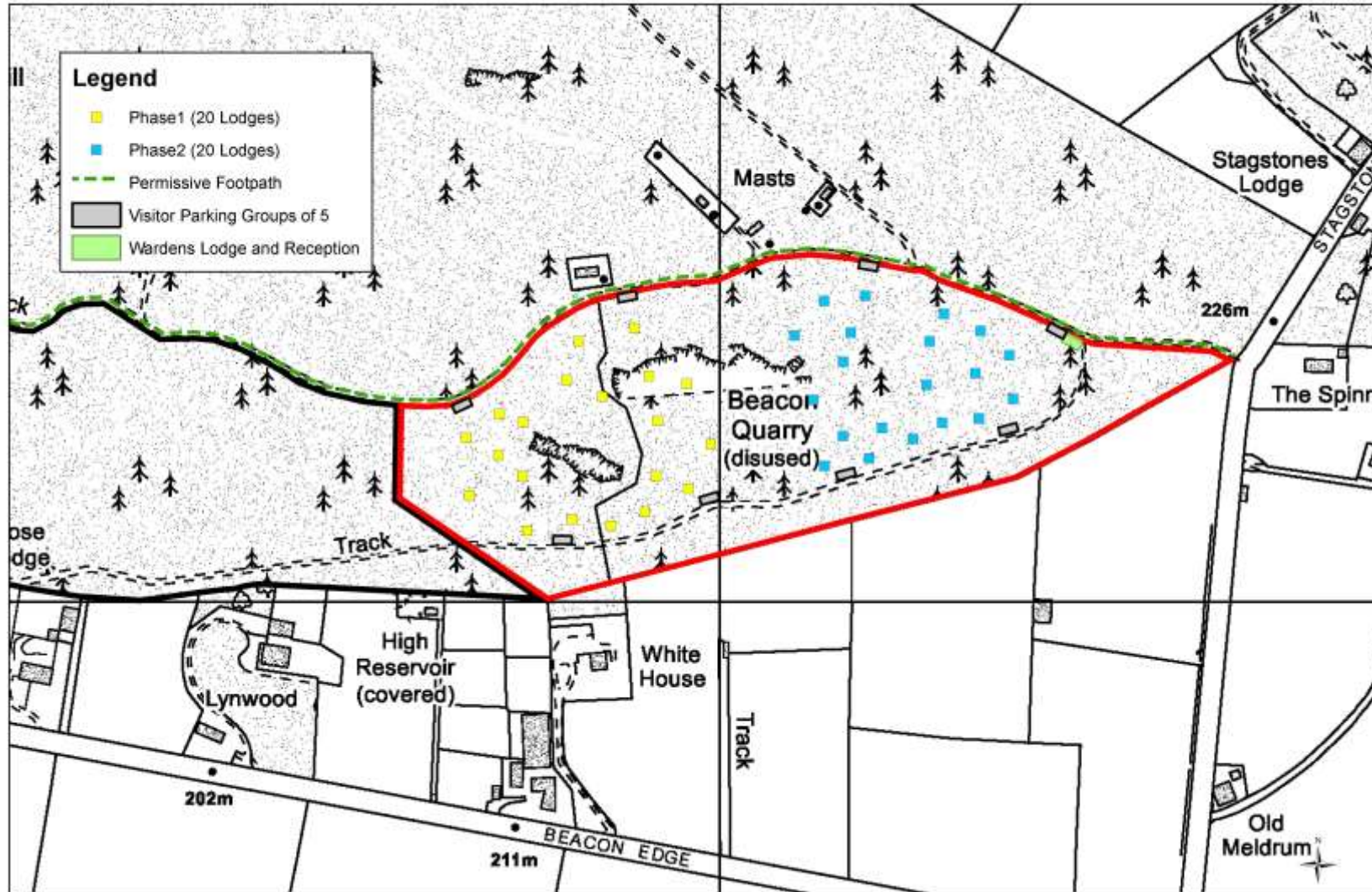
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Appendix 1

Plans for “Beacon Hill East – Tourism and Recreation” and “Beacon Hill West – Protected Landscape Feature”.

Beacon Hill East - Tourism & Recreation



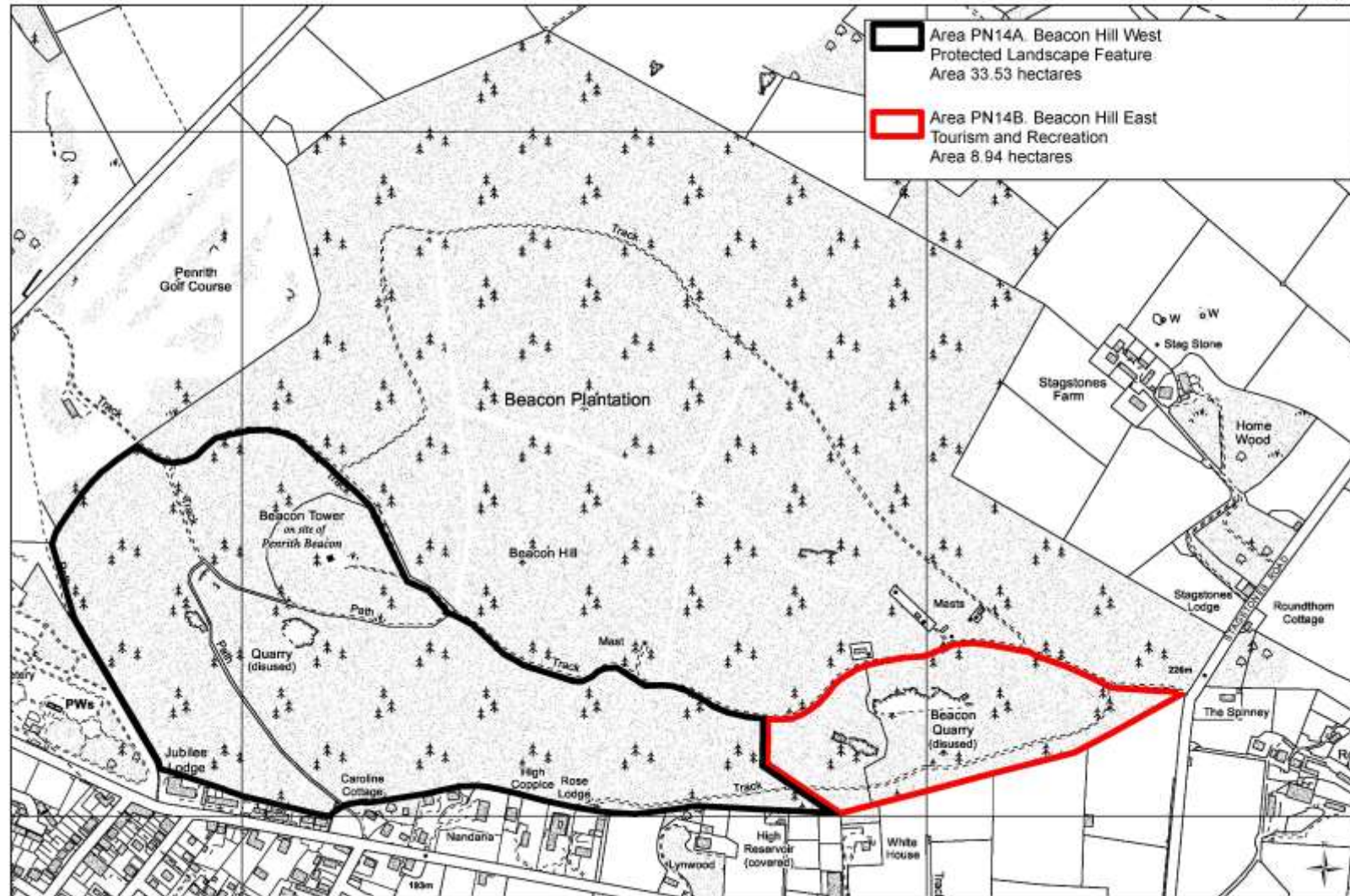
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Date: 06/10/2021

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Penrith Beacon



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