

# Cabinet

<b>Report Title</b>	Allithwaite and Cartmel Neighbourhood Development Plan ('making' (adoption) of the Plan)
<b>Date of Meeting</b>	30 April 2024
<b>Report Author</b>	Gareth Candlin: Assistant Director Inclusive and Green Growth, Damian Law: Specialist Level 2 (Strategy/Planning Policy)
<b>Director</b>	Director of Thriving Places
<b>Lead Cabinet Member</b>	Cabinet Member for Sustainable Communities and Localities
<b>Why is this a key decision?</b>	<p>1. An executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates. <b>NO</b></p> <p>2. or is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council. For these purposes, savings and expenditure are "significant" if they are equal to or greater than £500,000. <b>NO</b></p> <p>For clarification, no treasury management decision shall constitute a Key Decision.</p>
<b>Wards Affected</b>	Grange and Cartmel
<b>Identify exempt information and exemption category</b>	None
<b>Reasons for urgency (only where applicable)</b>	N/A
<b>Appendices (if any)</b>	<p>Appendix 1 – Allithwaite and Cartmel Neighbourhood Development Plan Referendum Version</p> <p>Appendix 2 – Examiner's Report Submission Allithwaite and Cartmel Neighbourhood Plan</p> <p>Appendix 3 – Allithwaite and Cartmel Neighbourhood Code Referendum Version</p> <p>Appendix 4 – Equality Impact Assessment</p>

## 1. Executive Summary

- 1.1 The Allithwaite and Cartmel Neighbourhood Development Plan (ACNDP) is a neighbourhood plan prepared by Allithwaite and Cartmel Parish Council (ACPC). The ACNDP covers Allithwaite and Cartmel Parish and contains local planning policies and local green space designations and is supported by a Design Code. It has recently been the subject of a referendum. Paragraph 38(A) 4 of the Planning and Compulsory Act 2004 requires the Authority to

'make' the Neighbourhood Plan if more than half of those voting in the referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. More than half of those voting in the Allithwaite and Cartmel Neighbourhood Development Plan referendum on 29 February 2024 voted in favour of the plan. Following a positive result, a Neighbourhood Plan becomes part of the adopted development plan for Westmorland and Furness Council. This means it will be given full weight when assessing planning applications that affect land and buildings covered by the plan. The 'making' of the plan is a formal procedure that the Council must undertake in such circumstances to endorse and adopt the plan and legally bring it into force. This report seeks Cabinet approval to 'make' the plan.

## **2. Recommendations**

**For the reasons set out in this report, Cabinet is recommended to:**

- 2.1 'Make' (adopt) the Allithwaite and Cartmel Neighbourhood Development Plan (Appendix 1) under Section 38 (A) 4 of the Planning and Compulsory Purchase Act 2004 following a positive referendum result on the 29 February 2024.

## **3. Information: the Rationale & Evidence for the Recommendations**

### **Background and Drivers**

#### **Neighbourhood Plans – What are they?**

- 3.1 A neighbourhood plan is a plan that ultimately forms part of the Development Plan. It is prepared by a Neighbourhood Planning Body. This is the Parish or Town Council(s) where one exists. In this case the ACNDP has been prepared by Allithwaite and Cartmel Parish Council (ACPC) which is the Neighbourhood Planning Body.
- 3.2 A neighbourhood plan has to meet the following 'basic conditions' which are:
  - Having regard to national planning policies and guidance;
  - Contributing to sustainable development;
  - Being in general conformity with the strategic policies of the Local Plan
  - Being compatible with, EU obligations or human rights legislation; and
  - Meeting the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
- 3.3 The plan is subject to an Independent Examination, which may require amendments to the plan following the Examiners Final Report, before proceeding to referendum.
- 3.4 Subject to a majority vote in favour at referendum, the plan is Made (adopted by Council). It is not for the Council to decide either for or against adoption after referendum.

- 3.5 Once Made (adopted by Council), it has equivalent weight in decision making to the Local Plan as part of the Development Plan.

### **Neighbourhood Plans: What is the Local Planning Authority's role?**

- 3.6 The Local Planning Authority's role is:
- i. To approve the Neighbourhood Plan area and the Neighbourhood Planning Body (in a parished area this will be a parish or town council);
  - ii. To advise and support the Neighbourhood Planning body;
  - iii. To publicise and carry out consultation on the submitted plan;
  - iv. To organise (and fund) the independent examination;
  - v. To decide what changes should be made to the plan in response to the Examiner's final report;
  - vi. To notify representors and consultees of any proposed changes which differ from the examiner's report (which is the forthcoming consultation);
  - vii. To approve the Neighbourhood Plan for referendum (with any minor changes that may be necessary);
  - viii. To carry out and fund the referendum, supported by Government grant funding to a maximum of £20,000.
  - ix. In the event of a majority vote in favour at referendum, the Plan is Made (adopted by Council).

### **The Allithwaite and Cartmel Neighbourhood Development Plan**

#### **Plan preparation**

- 3.7 The ACPC began work on their Plan following the area's designation in January 2015. Informal consultation on the Plan was undertaken in 2016 and 2019. Formal consultation on a draft plan (Regulation 14) took place in September-October 2021. The Plan was then amended and submitted to South Lakeland District Council in November 2022. It was published for formal representation in February 2023 (Regulation 16).

#### **The Examination**

- 3.8 The Examination of the ACNDP commenced in May 2023. It was carried out through the written representations procedure and did not involve any form of hearing sessions. Mr John Mattocks BSc, DipTP, MRTPI, FRGS was appointed as the Examiner by Westmorland and Furness Council with the agreement of ACPC.
- 3.9 The examination closed in July 2023 with the Examiner's Final Report received on 14 July 2023 (Appendix 2). The Examiner's report includes a series of recommended modifications to the draft Plan that he feels are necessary to meet the basic conditions. The Examiner concluded that "the draft plan, subject to the modifications recommended in this report, meet the basis conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations

and is compatible with Convention Rights'. He also states "that the modifications recommended in this report be made to the Allithwaite and Cartmel Neighbourhood Development Plan 2022-2032 and that the draft plan as modified be submitted to a referendum".

### **Decision to proceed to referendum**

- 3.10 Following receipt of the examiner's report, and the support of ACPC, under delegated authority on the 8<sup>th</sup> January 2024 the Assistant Director of Inclusive and Green Growth in consultation with the Lead Cabinet Member for Sustainable Communities and Localities agreed to:
- Endorse the proposed changes to the Allithwaite and Cartmel Neighbourhood Development Plan as set out in Section 4 of the examiner's report and for the reasons given in the report;
  - Agree that a decision statement be issued to inform interested parties that the modified Neighbourhood Development Plan proceed to Referendum.
- 3.11 The decision statement for the ACDNP to proceed to referendum on the basis of the modifications being made to it and confirmation it meets the basic conditions was published on 17 January 2024, in accordance with Neighbourhood Planning (General) Regulations 2012 (as amended). Relevant persons and organisations were notified of the decision to proceed.

### **Outcomes & Objectives**

#### **Referendum Version of the ACNP**

- 3.12 The Referendum Version of the ACNP (Appendix 1) incorporating the examiner's recommended modifications and additional minor non-substantive changes, addresses a range of issues and includes seven planning policies that seek to:
- Ensure high quality in new development, taking account of the Allithwaite and Cartmel Design Code (see Appendix 3) which accompanies the plan (Policy AC1)
  - Conserve and enhance the landscape character of the Parish including protection of significant views (Policy AC2)
  - Conserve and enhance the Cartmel Conservation Area (Policy AC3)
  - Protect local green space through the designation of eight local green spaces (resulting in changes to the policies map for Allithwaite and Cartmel) (Policy AC4)
  - Protect and enhance green infrastructure and biodiversity (Policy AC5)
  - Protect dark skies to minimise light pollution (Policy AC6)
  - Restrict new dwellings within and immediately adjoining Cartmel village for principal residence occupation only (Policy AC7)

## Referendum

- 3.13 A local referendum was held in Allithwaite and Cartmel Parish on 29<sup>th</sup> February 2024 to decide whether the local community were in favour of the Plan. From the votes recorded, 259 of the 314 votes (82%) received were in favour of the Plan. The turnout of electors was 20.63%.

## Next Steps

- 3.14 In accordance with the provisions of Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, the Council must publish a statement on the Council's website setting out the decision to 'make' the plan and draw attention to interested parties of the decision. The 'made' ACNDP will be published on the website and made available for public inspection, and relevant persons and parties will be notified on where it can be viewed in accordance with Regulation 20 of the Neighbourhood Planning (General) Regulations 2012. The current referendum version (Appendix 1) will be updated as the 'made' version, following cabinet approval. The updates will be of a minor non-substantive nature.

## 4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

- 4.1 For people the ACNDP aims to protect and enhance the Allithwaite and Cartmel Neighbourhood Area's natural environment including its green infrastructure through the designation of eight local green spaces. It seeks to ensure that new development is supported by pedestrian and cycle routes. Through restricting new dwellings to principal residence occupancy, it seeks to support the sustainability of Cartmel, responding to issues around access to housing.
- 4.2 The ACNDP has listened to and responds to the needs of its customers and communities. It reflects the collective view of the residents of Allithwaite and Cartmel Parish that have engaged with the Plan-making process in developing a range of policies addressing relevant issues within their Neighbourhood Development Plan area.
- 4.3 The ACNDP supports the economic and cultural aspirations of the Allithwaite and Cartmel Neighbourhood Area, including protecting and enhancing its heritage. It supports the Council's aspirations to become carbon-net zero, protecting against climate change and enhancing biodiversity through sustainable development.

## 5. Consultation Outcomes

- 5.1 A comprehensive Consultation Statement was submitted as part of the Draft ACDNP in November 2022 as was prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (SI No.637) Part 5 Paragraph 15 (2)1 which defines a "consultation statement" as a document which:-

- Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan
- Explains how they were consulted;
- Summarises the main issues and concerns raised by the persons consulted and
- Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan

5.2 Allithwaite and Cartmel Parish Council has undertaken extensive consultation in preparing the plan. Every effort was made to involve the local community and other consultees in an open and meaningful way at every stage of its development. In the Examination report, the Examiner outlined the various consultation stages undertaken by the Parish Council and concludes these satisfy the statutory processes and the relevant basic condition.

## **6. Alternative Options Considered**

6.1 The Council believes the Plan meets the Basic conditions and subject to a majority yes vote should be 'made'. In light of the positive referendum vote, in these circumstances there are considered to be no alternative suitable options other than to 'make' the plan in accordance with the provisions of the Planning and Compulsory Purchase Act.

## **7. Reasons for the Recommendations**

7.1 The ACNDP has received a positive referendum vote and the Council believes it meets the Basic Conditions. In these circumstances in accordance with the provisions of Section 38 (A) 4 of the Planning and Compulsory Purchase Act 2004, the Council endorses the ACNDP and therefore must 'make' (adopt) it as part of the Development Plan for Westmorland and Furness Council.

## **8. Climate and Biodiversity Implications**

8.1 One of the Basic Conditions is to contribute to the achievement of sustainable development. The Plan is supported by a Strategic Environmental Assessment screening that concluded that the Plan would not trigger significant environmental effects. The ACDNP supports the Council's aspirations to become carbon-net zero, protecting against climate change and enhancing biodiversity through sustainable development. It includes policies which seek to support development that:

- Where possible and appropriate, orientates and sites buildings within sites to maximise energy efficiency and take opportunities for energy supply from on-site, decentralised renewable or low carbon energy systems (Policy AC1)
- Includes measures that seek to improve pedestrian facilities and linkages in the Parish and between villages to encourage walking and cycling (Policy AC1)
- Incorporates Sustainable Urban Drainage Systems which avoids all non-permeable surfaces or delivers a water management system

which minimises surface water run-off and ensures that all surface water is addressed within the site boundary (Policy AC1)

- Protects existing field boundaries such as hedgerows, dry stone walls and lane banks and restore hedgerows and rebuild dry stone walls where lost or unmanaged to support biodiversity (Policies AC3 and AC5)
- Conserves and enhances biodiversity and opportunities to incorporate biodiversity improvements, requiring where appropriate that they demonstrate they protect and enhance biodiversity and important wildlife habitats as well as deliver a minimum 10% biodiversity net gain (Policy AC5)
- Minimise light pollution to help protect the well-being of wildlife (Policy AC6)

## **9. Legal and Governance Implications**

- 9.1 Legal services are satisfied that all relevant legislation has been taken in to account in the drafting and processing of the ACNDP. Once made the ACNDP will play a robust role in the set of documents which must be considered for the proper planning and development of the area.

## **10. Human Resources Health Wellbeing and Safety Implications**

- 10.1 There are no direct Human Resources or Health & Safety implications associated with this report.

## **11. Financial Implications**

- 11.1 Although there are no direct financial implications from approving the plan this does result in the Parish Council receiving 25% of any relevant CIL (Community Infrastructure Levy) which is an increase from the standard 15%. This is a legislative requirement.

## **12. Equality and Diversity Implications**

- 12.1 The Equality Impact Assessment is attached at Appendix 4.

## **13. Risk Implications**

- 13.1 There are no risk implications in connection to endorsing the recommendations in this report. Approval to 'make' the Plan is in accordance with the provisions of the Planning and Compulsory Purchase Act 2004.

## **14. Background Documents**

- 14.1 Background information including supporting material produced to support the preparation of the ACNDP including the consultation statement can be viewed on the Council's website [Allithwaite and Cartmel Neighbourhood Plan \(southlakeland.gov.uk\)](https://www.southlakeland.gov.uk)