

CONISTON NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Lake District National Park Authority
into the examination of the
Coniston Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Coniston Neighbourhood Plan has been prepared to set out the community's wishes for the future development of this remote rural parish including housing, business and tourism development on a scale that will help to support local community facilities and the rural economy.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - Placing the Complementary Supporting Actions in an Appendix to the Neighbourhood Plan.
 - Revising the wording of the aspirations and limiting them to those that are addressed in the plan's policies.
 - Clarifying the wording of policies to ensure that their meaning is clear and unambiguous and drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications.
 - Revising Policy CNP5 so that it relates only to community facilities and services and not businesses which are addressed in Policy CNP2.
 - The inclusion of a Proposals Map to show the areas identified under Policies CNP6 and 8.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Coniston Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning is a relatively new process introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that Neighbourhood Plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

Legislative Background

- 2.5 I was appointed as an independent examiner to conduct the examination on the Coniston Neighbourhood Plan by Lake District National Park Authority in April 2015. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service.
- 2.6 As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;

- (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
- (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.7 I am satisfied that the Neighbourhood Plan includes policies that relate to the development and use of land and does not include provision for any excluded development. The Plan does, however, include Complementary Supporting Actions which are described as “*non land use activities that are intended to bolster the intentions of the policy*”. Recommendation 5 addresses how the Complementary Supporting Actions should be better distinguished from the neighbourhood development plan itself.
- 2.8 The Neighbourhood Plan area is co-terminus with the parish of Coniston and was designated by the Lake District National Park Authority on 26 February 2014 as a Neighbourhood Area. Paragraph 1.3 of the Basic Conditions statement states that the Plan relates to the Coniston Neighbourhood Area and that there are no other Neighbourhood Plans relating to that area.
- 2.9 The lifespan of the Neighbourhood Plan is stated to be from 2015 to 2025.
- 2.10 The neighbourhood plan making process has been led by Coniston Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. A Steering Group made up from representatives from the community has been responsible for overseeing the preparation of the Plan.
- 2.11 I am satisfied therefore that the Coniston Neighbourhood Plan satisfies all the requirements set out in paragraph 2.6 above.

Conformity with Basic Conditions and other statutory requirements

- 2.12 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. To meet the basic conditions and it be appropriate for a Neighbourhood Plan to be ‘made’, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - be in general conformity with the strategic policies contained in the Development Plan for the area;
 - contribute to the achievement of sustainable development;
 - not breach, and be otherwise compatible with, EU obligations and human rights requirements;
 - not have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 2.13 In addition to the basic conditions and Convention rights, I am also required to consider whether the neighbourhood plan complies with the provisions made

by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004. I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

Policy Background

- 2.14 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.15 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.16 The second basic condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan covering the neighbourhood plan area is the Lake District National Park Local Development Framework / Local Plan. Part 1 contains the Core Strategy (adopted 2010); Part 2 the Allocations of Land (adopted 2013); Part 3 the Minerals Safeguarding Areas (adopted 2013). There is also the Lake District National Park Saved Local Plan (1998) Policies Consolidated Document dated November 2013.
- 2.17 The Basic Conditions Statement sets out an assessment of the conformity of each policy with the national and local strategic policies of the adopted Local Development Framework.
- 2.18 I have considered the policies of the Neighbourhood Plan against the NPPF and PPG and the strategic policies in the adopted Lake District National Park Local Development Framework Core Strategy. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

EU obligations and human rights requirements

- 2.19 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

- 2.20 Screening Opinions for the Strategic Environmental Assessment and Habitats Regulations Assessment were undertaken and dated March 2015 and November 2014 respectively. Consultation was carried out with the relevant statutory agencies. In response Natural England confirmed that they were of the opinion that, on the understanding that no new allocations will be taken forward through the Coniston Neighbourhood Plan, a Strategic Environmental Assessment (SEA) was not necessary in this instance. Natural England also stated that they were in agreement with the findings of the HRA Screening Report that the Coniston Neighbourhood Plan would not have any likely significant effects on European Designated Sites.
- 2.21 The Environment Agency concurred with the Lake District National Park Authority's overall conclusion that no significant effects on the environment were likely from the Coniston Neighbourhood Plan.
- 2.22 The screening opinion for the SEA was "*Having regard to the location, nature and scale of the Coniston Neighbourhood Plan, it is considered that the policies in the Plan are unlikely to adversely affect the integrity of the Special Qualities or the environmental characteristics of the area. Therefore a Strategic Environmental Assessment (SEA) is not considered necessary in this instance*".
- 2.23 The Screening Assessment for the HRA of the Neighbourhood Plan policies on European sites identified that there would be no significant impacts.
- 2.24 The Basic Conditions statement states that
- "Screening opinions were issued by the Lake District National Park Authority with regards to the Strategic Environmental Assessment and Habitats Regulations Assessment. These determined that a full SEA was not required and an Appropriate Assessment was not required under Habitat Regulations. The consultation bodies were asked to comment and no concerns were raised."*
- "The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act."*
- 2.25 No equalities impact assessment has been undertaken of the Neighbourhood Plan. Consultation has been comprehensive. No representations have been received to suggest that the plan may give rise to any equalities impacts.
- 2.26 I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Contributes to sustainable development

- 2.27 Section 5 of the Basic Conditions Statement includes an assessment of how the Neighbourhood Plan contributes towards delivering sustainable development and considers how each policy contributes to the enhancement of the economic, social and environmental conditions of the area.
- 2.28 I am satisfied that, subject to the modifications proposed, the Coniston Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

The Neighbourhood Plan Preparation

- 2.29 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.30 The preparation of the Neighbourhood Plan commenced in October 2012 following the completion of the Parish Plan. The initial draft of the Plan was publicised at the Coniston Community Day on 20 April 2013 and feedback sought from the community.
- 2.31 Consultation with local organisations and statutory consultees on the draft plan was held between 16 September and 30 November 2013. Following this, revisions were made to the plan and two further community drop in sessions were held in March and October 2014.
- 2.32 Extensive publicity for the events was carried out with the local community including postcards delivered to every home as well as emails, newsletters and posters. Adjacent parish councils, statutory consultees and a long list of community groups were consulted by email or letter.
- 2.33 The Consultation Statement states that the issues raised at the consultations were recorded together with the actions taken. Annex 5 of the submitted material includes the feedback generated by survey monkey in the October 2014 consultation. Upon request the Qualifying Body has supplied a table setting out the issues raised under each policy and the action taken.
- 2.34 The Neighbourhood Plan was submitted to the Local Planning Authority on 25 March 2015. Consultation on the submission draft plan ran from 30 March 2015 until 11 May 2015.
- 2.35 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

The Examination Process

- 2.36 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a

public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

- 2.37 I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. I am satisfied that I am in a position to properly examine the plan without the need for a hearing. I had before me background evidence which have assisted me in understanding the background to the matters raised in the Neighbourhood Plan. Furthermore no parties have requested a hearing.
- 2.38 I have considered the Basic Conditions Statement and the Consultation Statement and various annexes submitted alongside the Neighbourhood Plan. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies.
- 2.39 This report is the outcome of my examination of the Submission Draft Version of the Coniston Neighbourhood Plan 2015. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended it can go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be made following approval by Lake District National Park Authority.
- 2.40 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - That the plan should proceed to referendum if modified; or
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.41 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 The Neighbourhood Plan - Introduction, Vision and Plan Process

- 3.1 Where modifications are recommended, they are highlighted in bold print, with any proposed new wording in italics.

Why have a Neighbourhood Plan and the process

- 3.2 Paragraph 6 refers to the Neighbourhood Plan taking effect from January 2016 and covering the period 1 January 2016 to 31 March 2025. This may be considered misleading as some weight will be afforded the plan following its submission in accordance with NPPF paragraph 216. Furthermore as the plan is dated 2015, it is recommended that this section refers to the plan period as being 2015 – 2025.

Recommendation 1: Revise paragraph 6 of page 3 to:

The Coniston Neighbourhood Plan will become part of the Development Plan for the area and will sit along-side the LDNPA's Local Plan. *It covers the period 2015 to 2025.*

Flowchart of Process

- 3.3 Final Box headed "Adoption". The Neighbourhood Planning Regulations Section 19 stipulates that the neighbourhood development plan is "made" by the Local Authority.

Recommendation 2: Amend flowchart to refer to the Local Authority "***making***" the Neighbourhood Plan

Introduction to Coniston and the Village at Present

- 3.4 These sections includes a summary of key facts about the parish concerning the early development of mining and the growth of tourism. It highlights the main issues of the lack of affordable housing and the high proportion of second homes in the village. This section also makes mention of the possibility of attracting families to the village employed in the expanding industries of Low Furness. The village currently has a good range of services, although fears are highlighted that these may decline in the future.
- 3.5 Coniston Parish is in a relatively isolated village. Its situation in the heart of the Lake District makes is a popular venue for people enjoying outdoor pursuits. Nevertheless it continues to be a thriving community and still maintains its "local" character.
- 3.6 Further relevant information and data is included with the background information under each policy.

A Vision for the Parish in 2025

- 3.7 A succinct vision statement is set out that focuses on the nature of the community of Coniston in the future.

- 3.8 Natural England expressed disappointment that their comments in relation to strengthening the plan's vision and policies to better reflect the natural assets of Coniston were not taken on board.
- 3.9 It is evident from the Vision that the Plan is focused on the future development of the community of Coniston. There is no requirement for a Neighbourhood Plan to be holistic or to address all planning or environmental matters. The Lake District National Park Local Plan includes strategic policies that address the safeguarding of the natural assets of the area much of which are designated of international and national significance.

Objectives

- 3.10 The Neighbourhood Plan does not include objectives. The Aspirations are described as sub-component objectives of the vision. It would be helpful if the form of wording of the aspirations was reviewed to ensure that they are clearly worded as objectives and relate only to those matters that are the focus of the subsequent policy. At present some refer to "the Neighbourhood Plan will..." others to "the community..." and others to "the Parish Council ...". For the sake of consistency and to ensure that the Neighbourhood Plan is seen as a community plan and not solely a Parish Council document, it is recommended that the aspirations should be reviewed and written as objectives of the Neighbourhood Plan (eg To ensure that ...) without reference to the Parish Council, Community or the Community Land Trust.

Recommendation 3: Review all Aspirations and rephrase as objectives of the Neighbourhood Plan so that they relate only to the matters to be delivered by the subsequent policy, taking into account the further modifications set out under each policy recommendation below.

Planning Process

- 3.11 This section helpfully sets out the current planning policies applicable to the parish and explains the process for considering planning applications including the co-operative approach adopted by the community and the work undertaken by the Coniston and Torver Community Land Trust.
- 3.12 It is considered that the first three paragraphs provide a valuable context to the Neighbourhood Plan explaining the relationship with the strategic policies of the Lake District Local Plan. However, the final five paragraphs are a description of the process of determining planning applications. Should the Qualifying Body wish to incorporate them in the document, it is recommended that they be included in an Appendix to the Neighbourhood Plan and headed "Process of Determining Planning Applications – this does not form part of the Neighbourhood Plan".

Recommendation 4: Delete paragraphs 4 to 8 of Planning Process on page 7

Structure of the Neighbourhood Plan

- 3.13 Page 9 sets out the Plan Format and explains the sub-headings used in the Plan. It is noted that the final section “Complementary Supporting Actions” includes *“other non-land use (and therefore not subject to Examination) activities that are intended to bolster the intentions of the policy”*.
- 3.14 Planning Practice Guidance states that *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority”*.
- 3.15 It goes on to explain that *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”*
- 3.16 Although the Plan Format page explains the status of the Complementary Supporting Actions, it is considered that they are not sufficiently clearly distinguished from the Neighbourhood Plan policies themselves. Those actions that do not relate to the development and use of land should be clearly separated from the Neighbourhood Plan and included in an appendix to the Plan.
- 3.17 The Examination has not considered the content of the Complementary Supporting Actions.

Recommendation 5: Place non land use Complementary Supporting Actions in an appendix to the Plan headed “Complementary Supporting Actions - These do not form part of the Neighbourhood Plan”.

4.0 Neighbourhood Plan – Policies

- 4.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 4.2 In order to ensure that a Neighbourhood Plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 4.3 It is noted that several policies in the Neighbourhood Plan include the requirement that development should be carried out “in accordance with the policies of the plan”. This phrase is considered to be unnecessary as proposals will be considered against all relevant policies in the development plan which will include the Neighbourhood Plan when it is made.

Policy CNP1 – Our Community

- 4.4 The background to this policy is LDNPA Core Strategy Policy CS02 - Achieving vibrant and sustainable settlements. This policy states:

“We aim to enable development to support and maintain the vibrancy and sustainability of settlements, regenerate areas of need and reinforce the distinctiveness of place. Development should be of a scale and nature appropriate to the character and function of the location in which it is proposed and:

- 1 contribute towards meeting the needs of the local community, or*
- 2 bring benefit to the local community, or*
- 3 deliver sustainable tourism.”*

- 4.5 The Core Strategy policy goes on to explain the role of the Rural Service Centres and states that the level of development will be proportionate to the size and population of the settlement and to the capacity of the settlement to accommodate further development.
- 4.6 The aspiration behind Policy CNP1 as set out in para 1.1 of the Neighbourhood Plan is for the parish to be friendly, progressive, family based and for it to continue to be actively involved in honest, fair and consistent decision making about future development.
- 4.7 The submission draft policy highlights various points from Policy CS 02 as being pertinent to Coniston. It would have been helpful if the policy had been developed to explain how these matters were to be applied in the local context of Coniston parish. It is recommended that an explanation of the terms “appropriate scale” and “direct community benefits” be added to the How to Implement section to aid in the interpretation and application of the policy.

Recommendation 6: Policy CNP1

Add the following text to the How to Implement section of Policy CNP1:

“Appropriate scale of development” is that of a scale and nature appropriate to the character and function of Coniston as a Rural Service Centre.

“Direct community benefits” is where the development brings a social or financial benefit to the community of Coniston secured by a planning condition or legal agreement.”

Policy CNP2 Business

- 4.8 This policy seeks to provide for the development needs of local businesses so that they may prosper and provide more employment opportunities. There is a wide range of businesses in the parish including retail, farming, quarrying, tourism and visitor attractions. The Background Information includes a comprehensive list of local businesses. The policy makes reference to this list; this is considered to be unnecessary as it does not add any explanation or limitation to the policy and will become out of date.
- 4.9 The policy is generally supportive of proposals to retain and develop existing businesses and to develop new businesses providing these do not “significantly adversely affect the distinctive character of the community”. No clear explanation or interpretation of this phrase has been included in the Plan and it is unclear how the impact of a proposal on the “character of the community” will be assessed. It is recommended that this be rephrased to be consistent with the wording of Policy CNP6.

Recommendation 7: Amend Policy CNP2 as follows:

The phrase “including those listed in the Background Information” be deleted from 2A.

Revise last line of 2A to read:

“significantly adversely affecting the local community”

Policy CNP3 - Housing

- 4.10 This policy aims to secure sufficient housing to enable local people to live in their home village so that they can take an active part in their community life. Part of the aspiration is to ensure that the proportion of homes lived in permanently is maintained at a minimum level of 60% by encouraging the

return of weekend homes to permanent and local occupancy and by supporting new build schemes that are covered by permanent and local occupancy conditions.

- 4.11 The first part of aspiration 3.2 - encouraging the return of weekend homes to permanent and local occupancy – is considered to be an action that cannot be addressed through planning policy and should be addressed through the Complementary Supporting Actions. It should therefore be deleted from the aspiration for Policy CNP3.
- 4.12 LDNPA Core Strategy Policy CS18 provides the framework for housing provision in the parish. The explanatory text states that “All housing in the National Park must meet the identified local needs and local affordable needs of the locality. We will not permit any open market housing”. It goes on to advise that Supplementary Planning Document ‘Housing Provision’ explains what is meant by the terms ‘local need’ and ‘local affordable need’, and provides details on the approach that will be applied to facilitate the delivery of local affordable needs housing. It also establishes the thresholds that will be applied when considering proposals for local needs housing.
- 4.13 It is clear that the first part of Policy CNP3 is in general conformity with Core Strategy Policy CS18. However, the policy does not supply any locally specific detail as to how the strategic policy should be implemented.
- 4.14 The second part of Policy CNP3 supports the development of self-build homes for permanent occupancy on appropriate sites and which conform to the Affordable Housing for Sale criteria set out in Annex 8.
- 4.15 The customary terminology that is applied to this type of housing is for “custom and self build” to differentiate between homes that individuals build themselves and those where they employ contractors.
- 4.16 Annex 8 published alongside the submission draft Coniston Neighbourhood Plan does not include specific criteria for Affordable Housing for Sale. Reference should instead be made to the LDNPA’s Supplementary Planning Document on Housing Provision which sets out the considerations that custom and self builders should take into account to build homes to meet local needs.
- 4.17 It would be helpful for the definitions of terms used in the Plan to be included in an Appendix within the document. These terms should be consistent with those used in the Core Strategy and the SPD on Housing Provision.
- 4.18 The policy refers to the development of self build homes on “appropriate sites”. It is considered that this is a vague term and as no explanation has been provided in the supporting text to aid its interpretation, it is recommended that it be deleted.
- 4.19 The How to Implement section states that “*Coniston & Torver CLT will be consulted by all developers during the initial stages of new housing*”

developments, new builds and conversion". As this is not a regulatory requirement, it is recommended that this text be revised to read: *"Developers are requested to consult the Coniston and Torver CLT on the preparation of proposals for new housing developments and conversion"*.

Recommendation 8: Policy CNP3

Revise paragraph 3.2 to read

"To support new build schemes that will provide permanent and affordable homes to meet the needs of local people".

Revise Policy CNP3 to read:

"Housing development will be permitted that provides:

- ***housing that meets local need and local affordable need; or***
- ***custom or self build housing for permanent occupation in accordance with the Lake District National Park's Supplementary Planning Guidance on Housing Provision."***

Include a Glossary of Terms as an appendix of the Neighbourhood Plan (and not a separate document) to include the definition of housing terms consistent with those used in the Core Strategy and SPD on Housing Provision.

Include the following in the How to Implement section:

"Developers should refer to the Lake District National Park Authority's Housing Provision Supplementary Planning Document 'How we use Core Strategy Policy CS18 'Housing Provision' in Planning Decisions' Adopted March 2014."

Revise the final paragraph of the How to Implement section to read:

"Developers are requested to consult the Coniston and Torver CLT on the preparation of proposals for new housing developments and conversions".

Policy CNP4 – Buildings, Structure and Sites of Historic Importance

- 4.20 This policy seeks to retain and enhance the unique character of the area by conserving locally important sites of historic value.
- 4.21 The NPPF and PPG sets out guidance on heritage assets both designated and non-designated including the importance of developing a strategy to sustain and enhance the significance of heritage assets and putting them to viable uses consistent with their conservation. The PPG advises that *"local*

planning authorities may identify non-designated heritage assets. These are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets”.

4.22 The Lake District National Park Local Plan Core Strategy Policy CS27: The Acclaimed Historic Environment sets out a detailed policy for the historic environment. This includes the requirement that:

“Development proposals will seek to conserve and enhance the character, integrity and setting of the historic environment including:

- *historic assets on the statutory list of buildings of special architectural or historic interest, or on the schedule of ancient monuments; or*
- *non-statutory sites including historic parks and gardens, conservation areas, and designated or proposed world heritage sites; or*
- *locally important sites and features identified on the Lake District Historic Environment Record; or*
- *the historic character of settlements.”*

4.23 The first part of Policy CNP4 is in general conformity with Core Strategy Policy CS27. The policy includes reference to the Local List of Heritage Assets that has been prepared jointly by the Coniston Local History Group and Coniston Parish Council.

4.24 The second part of Policy CNP4 refers to the future reuse of a place of worship or the St Andrew Youth Centre should they no longer be required for their existing use. The policy states that *“re-use proposals will be supported provided these are in accordance with the policies of the plan”*. No explanation is given as to how other plan policies are to be used in the implementation of this policy. It is considered that the policy lacks clarity and precision and could not be used by decision makers with confidence. Should it be necessary to develop proposals for the reuse of these or other listed buildings in the future, then the policies of the plan would in any event be considered.

4.25 English Heritage has commented that it is disappointed not to see more policy and aspirations to improve and manage the heritage assets of Coniston. Suggestions are made that the policy should refer to the NPPF and be strengthened. The representation notes that there are Heritage at Risk sites within the parish and 5 Grade II* listed buildings.

4.26 As mentioned previously, there is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies.

4.27 The background information to Policy CNP4 refers to a list of locally important heritage assets that has been drawn up by the Coniston Local History Group and Coniston Parish Council. The Lake District National Park Authority has confirmed that this has no statutory status. In order for this local list to become a material consideration in determining planning decisions it should

be approved by the Lake District National Park Authority following consultation in accordance with the advice in the PPG. This will ensure that a consistent approach is taken to selecting suitable assets for inclusion in the local list. The Background Information should be revised to reflect this requirement.

Recommendation 9: Policy CNP4

Revise the Background Information to Policy CNP4 to include reference to the Grade II* Listed Buildings and the Scheduled Monuments at Risk.

Revise the third paragraph to read:

“In August 2008Coniston PC. This resulted in an informal list of locally important heritage assets being drawn up. The Lake District National Park Authority will be requested to consult on and formally approve this local list so that it can be used to guide planning decisions.”

Delete paragraphs 4 and 5 of the Background Information.

Revise Policy CNP4 as follows:

“Development proposals will seek to conserve and enhance the character, integrity and setting of the historic environment including:

- Scheduled ancient monuments;***
- Listed Buildings; and***
- Locally Important Heritage Assets.”***

Delete Section 4B of Policy CNP4.

Policy CNP5 Village Services

- 4.28 The aim of this policy is to ensure that village services – both publicly run and private businesses - are retained and enhanced. The Plan seeks to ensure that there will continue to be a range of small independent shops and services.
- 4.29 The NPPF supports the sustainable growth and expansion of businesses in rural areas and the delivery of social, recreational and community facilities and services.
- 4.30 Core Strategy Policy CS19 supports the development, redevelopment and improvement of community, health and education facilities and will protect existing community, education and health facilities from loss or change of use, unless there is evidence to demonstrate that there is no longer a local

community need for the facility, or that the facility is no longer suitable or viable for a local community use.

- 4.31 Core Strategy Policy CS20 identifies a Central Shopping Areas for Coniston and supports development proposals for retail and town centre uses that maintain and enhance the vitality and the historic character of the centre.
- 4.32 Core Strategy Policy CS21 protects existing open spaces and recreation facilities and only allows development on such sites in the exceptional circumstances stipulated.
- 4.33 It is evident that the policy is in general conformity with the NPPF and the strategic Local Plan policies. The background information to the policy lists a wide range of community services and facilities as well as retail businesses.
- 4.34 There is an overlap between this policy and Policy CNP2 on Businesses. In order to clarify the interpretation and application of the policy it is recommended that it should refer to community facilities and services only and exclude commercial retail and other businesses which are covered by Policy CNP2.
- 4.35 Policy CNP5 refers to “key local services” and “vital services” but there is no explanation of what these terms refer to.

Recommendation 10: Amend Policy CNP5 as follows:

“Policy CNP5 – Community Facilities and Services

Development proposals that will provide new and improved community facilities and services will be supported.

Measures to retain and develop existing community facilities and services that may be at risk of closure will be investigated and supported where feasible, unless it can be demonstrated that there is no longer a community need for the facility or service or that the community use of the property is no longer suitable or viable.”

The Aspiration and Background information should be revised to reflect the reworded policy. Paragraph 5.2 should be moved to Section 2 Businesses. The retailers listed in the background information of Policy CNP5 should be deleted.

Policy CNP6 Tourism

- 4.36 This policy aims to ensure that tourism developments are of an appropriate scale and meet the aims and wishes of the community and that Coniston builds on its reputation as a leading centre for mountain walking.

- 4.37 NPPF supports sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.
- 4.38 Core Strategy Policy CS24 supports proposals for “*tourism development to deliver a high quality, sustainable tourism experience for the diverse range of visitors to the National Park. New development will be focussed in rural service centres*”. The policy also includes provisions for “*new development and the re-development, extension and improvement of existing tourism accommodation, facilities and attractions to raise the quality of provision will deliver sustainable tourism*” subject to a number of measures.
- 4.39 Core Strategy Policy CS28 protects the landscape character and biodiversity of lakes and lakeshores, but recognises that there is a need for limited lakeshore development to support lake services and facilities that rely on a lakeshore location. A number of criteria are set out to manage lakeshore development.
- 4.40 Core Strategy Policy CS25 provides protection for the spectacular landscape of the area. Development proposals are to be assessed by giving the highest level of protection to the landscape.
- 4.41 Policy CNP 6 includes a general statement supporting the development of new tourist attractions providing they have no significant adverse impact on the local community and are of an appropriate scale and in accordance with the policies of the plan. The second part of the policy supports proposals that would extend or improve existing tourist attractions and services and includes a list of attractions. Both parts of the policy refer to “The Neighbourhood Plan supports...”. It is recommended that this be revised to wording consistent with other policies of the plan in the format of “Development of ... will be supported”.
- 4.42 This policy presents an approach to the future development of new and improved tourist attractions in the area. The implementation of the policy would be aided by an explanation of the term “appropriate scale”. Nevertheless it is considered that the Core Strategy provides sufficient safeguards to ensure that proper consideration is given to the environmental impact of proposals.

Recommendation 11: Amend Policy CNP6 – Tourism as follows:

Revise both 6A and 6B to read “*The development of.....will be supported.*”

Delete “*provided that the proposal are in accordance with the policies of this plan*” from both 6A and 6B.

Show the location of attractions listed on the Proposals Map.

Policy CNP7 Transport / Traffic Management / Parking

- 4.43 The aims of this policy as stated are to secure improved conditions for road users; encouraging visitors to explore the area by alternative means of transport to the car; resistance to the promotion of major cycling events; the retention of off-road and on-road parking and the provision of off-road parking where needed of a modest scale.
- 4.44 However the policy only addresses three matters: the provision of off-road cycleways and footpaths; the management of traffic and parking provision.
- 4.45 It is recommended that the aspiration section be revised to reflect the final policy to include reference to the improvement of bridleways. Reference to the discouragement of the promotion of major cycling events should be deleted from the aspiration as this is not a land use planning matter.
- 4.46 Core Strategy Policy CS14 promotes the development and use of sustainable travel choices and seeks to safeguard and, where possible, improve the rights of way network. Additionally public parking provision will only be allowed if it is a proven component of a strategic traffic management scheme.
- 4.47 The Lake District National Park Authority has made a representation to the third bullet point in Policy CNP7 concerning additional parking facilities. The representation states that *“The Authority does not believe that the ambition of the neighbourhood plan in relation to additional parking is aligned with the strategic policies of the National Park. The bullet point serves to undermine the strategic policy, as it weakens the intention of the policy by applying less rigour to the evidence requirements”*.
- 4.48 *“The community aspires to support additional off-road parking which is of a modest size and is proven to be required. The wording of the policy is ambiguous and the rationale and justification for the approach has not been accompanied by evidence. The policy would introduce a lesser policy requirement for car parking proposals than that of Policy CS14 of the Core Strategy.*
- 4.49 *“The Core Strategy’s strategic policy establishes a position of only supporting public parking if it is part of a strategic traffic management scheme. A degree of conflict has been introduced and this aspect of the Neighbourhood Plan is considered to be not in general conformity with the adopted Local Plan. The third bullet point is not precisely worded and does not provide sufficient clarity so the decision maker can apply it consistently and with confidence. No evidence has been presented to justify it.”*

Recommendation 12: Policy CNP7

Delete the final sentence of paragraph 7.1 concerning the promotion of cycling events.

Amend paragraph 7.2 to read “*To improve the management of traffic and the provision of additional parking facilities where there is a proven need as part of a local traffic management scheme*”.

Revise Policy CNP7 to read:

“7A. The development of new and improved off-road infrastructure for walkers, cyclists and horse riders will be supported.

7B. Improvement to the management of traffic throughout the parish will be supported.

7C. Additional parking facilities should be provided only where there is a demonstrated proven need as part of a local traffic management scheme.”

Policy CNP8 – Environmental Sustainability

4.50 The aspirations for the policy aim to address a number of environmental matters:

- To protect the local environment;
- Measures to attempt to guard against the adverse effects of climate change;
- Non renewable resources to be used wisely and buildings to be as energy efficient as possible;
- Measures for flood prevention;
- The safeguarding of important open areas in the parish used for walking and cycling as “ a green area and quieter areas”;
- Promoting renewable energy schemes where there is minimal visual effect on the environment.

4.51 There is no reference to guarding against the adverse effects of climate change, the wise use of non renewable resources or the energy efficiency of buildings in the policy and whilst it is appreciated that these may be aspirations of the community, as they do not form part of the neighbourhood plan policy they should be deleted from the aspiration.

4.52 The NPPF encourages local communities to recognise the responsibility to contribute to energy generation from renewable and low carbon sources. It also encourages the protection and enhancement of valued landscapes with great weight being given to conserving landscape and scenic beauty in National Parks

4.53 Core Strategy Policy CS16 – Generating renewable and low carbon energy supports the development of renewable and low carbon energy generating schemes. It has identified that there is potential for hydro

schemes and other sources of localised community based energy development. The policy includes the proviso that “*proposals should not adversely affect the landscape character of the National Park or its special qualities*”. With regard to wind energy developments regard should be paid to the “Cumbria Wind Energy Supplementary Planning Document (2007)”.

4.54 Core Strategy Policy CS17 Development and Flood Risk makes exceptional provision for additional flood defences only where the proposal demonstrates that it is the most sustainable response to a particular threat.

4.55 Core Strategy Policy CS25 addresses the protection of the spectacular landscape of the Lake District. The supporting text refers to the Landscape Character Areas taking into account the qualities of the areas of tranquillity and quieter areas. Core Strategy Policy CS26 encourages the enhancement of the biodiversity resource.

4.56 The Environment Agency has made a representation to paragraph 8.2 of the plan which reads:

“The community will be fully protected from future flooding incidents by joint action between the Coniston Flood Forum Group, Coniston Parish Council, local authorities and the Environment Agency to ensure timely preventative-action work is completed”.

4.56 The Environment Agency does not feel that it is possible to guarantee full protection from future flooding as there is no way to predict extreme events or other events that may lead to flooding, such as a culvert/bridge blocking. The Agency requests that Section 8.2 is amended to read:

“Risk to the community from future flooding incidents will be significantly reduced by joint action between the Coniston Flood Forum Group, Coniston Parish Council, local authorities and the Environment Agency.”

4.57 I concur with the views of the Environment Agency and recommend that the revised wording proposed be adopted and that this be placed under the How to Implement section. Paragraph 8.2 should be revised to become an objective “to ensure that the risk of flooding to the community is reduced”.

4.58 Policy CNP8 identifies three types of environmental area: a water quality area, a green corridor and quiet areas; a brief explanation is given as to the purpose of each designation but no policy or guidance is included in the plan as to how the areas are to be safeguarded or enhanced. The boundaries of the areas have not been defined. The Qualifying Body has commented that Policy CNP8 identifies specific areas which are locally important to the parish which they wish to protect in accordance with Core Strategy Policies CS25 and CS26. It is recommended that the wording of the policy and implementation section is clarified and the areas shown on a Proposals Map.

4.59 The aspiration, policy and Implementation Action Plan refer to the parish's wish to implement renewable energy schemes particularly for hydro electricity. To be consistent with national and strategic policies these sections should refer to "*renewable and low carbon energy*" and refer to "*not adversely affecting the landscape character of the National Park or its special qualities*". The How to Implement section refers to "The parish" in several places; it is not clear whether this refers to the parish council or the community. It is recommended that the two actions should be rewritten without reference to the parish to reflect that it is an implementation proposal of the plan.

Recommendation 13: Policy CNP8

Amend 8.1 to read:

"To protect the local environment, including the landscape, groundwater, special habitats, flora and fauna."

Amend 8.2 to read:

"To ensure that the risk of flooding to the community is reduced".

The following text is added to the How to Implement section:

"Risk to the community from future flooding incidents will be significantly reduced by joint action between the Coniston Flood Forum Group, Coniston Parish Council, local authorities and the Environment Agency."

Amend 8.3 to read

"To protect the water catchment area and to protect and enhance important environmental areas for their biodiversity and tranquillity."

Amend 8.4 to read:

"To promote renewable and low carbon energy schemes that benefit the local community and that do not adversely affect the landscape character of the National Park or its special qualities."

Revise Policy CNP8 to read:

"8A The following areas will be protected and managed to enhance their environmental assets:

- ***the Coniston & Crake Catchment Area to ensure the long-term protection of water quality within the area.***
- ***Yewdale Wood to enhance its biodiversity as a green corridor***
- ***the quieter areas:***
 - ***at the head of Coniston Lake in the Monk Coniston area***
 - ***the Yewdale and Tilberthwaite Valleys***

- **Coppermines Valley**
- **the Common Lands to the south of the Village**

8.B Development proposals and engineering works which reduce the risk of flooding will be supported.

8.C Proposals for renewable and low carbon energy schemes will be supported where such schemes are in accordance with national and strategic policies.”

Show all areas referred to on a Proposals Map.

Further it is recommended that an explanation is added to the How to Implement section to clarify the approach to maintaining the special qualities of the water catchment area, the green corridor and the quieter areas making reference to the Core Strategies Policies CS25 and 26.

5.0 Referendum

- 5.1 The Coniston Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Lake District National Park Authority that the Coniston Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a

referendum based on the neighbourhood area defined by the Lake District National Park Authority on 26 February 2014.

6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Coniston Neighbourhood Plan Submission Draft Version 2015
- Coniston Neighbourhood Plan Basic Conditions Statement
- Coniston Neighbourhood Plan Statement of Public Consultation
- Coniston Neighbourhood Plan SEA/ HRA Screening Report updated November 2014
- Other Annexes submitted alongside the Neighbourhood Plan
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Lake District National Park Local Development Framework Part 1 contains the Core Strategy (adopted 2010);
- Lake District National Park Local Plan Part 2 the Allocations of Land (adopted 2013);
- Lake District National Park Local Plan Part 3 the Minerals Safeguarding Areas (adopted 2013).
- Lake District National Park Saved Local Plan (1998) Policies Consolidated Document dated November 2013.
- Lake District National Park Authority Housing Provision Supplementary Planning Document How we use Core Strategy Policy CS18 'Housing Provision' in planning decisions. Adopted March 2014
- Cumbria Wind Energy Supplementary Planning Document (2007)

7.0 Summary of Recommendations

Recommendation 1: Revise paragraph 6 of page 3 to:

The Coniston Neighbourhood Plan will become part of the Development Plan for the area and will sit along-side the LDNPA's Local Plan. *It covers the period 2015 to 2025.*

Recommendation 2: Amend flowchart to refer to the Local Authority ***“making”*** the Neighbourhood Plan.

Recommendation 3: Review all Aspirations and rephrase as objectives of the Neighbourhood Plan so that they relate only to the matters to be delivered by the subsequent policy, taking into account the further modifications set out under each policy recommendation below.

Recommendation 4: Delete paragraphs 4 to 8 of Planning Process on page 7

Recommendation 5: Place non land use Complementary Supporting Actions in an appendix to the Plan headed ***“Complementary Supporting Actions - These do not form part of the Neighbourhood Plan”***.

Recommendation 6: Amend Policy CNP1 – Our Community as follows:

Add the following text to the How to Implement section of Policy CNP1:

“Appropriate scale of development” is that of a scale and nature appropriate to the character and function of Coniston as a Rural Service Centre.

“Direct community benefits” is where the development brings a social or financial benefit to the community of Coniston secured by a planning condition or legal agreement.”

Recommendation 7: Amend Policy CNP2 as follows:

The phrase ***“including those listed in the Background Information”*** be deleted from 2A.

Revise last line of 2A to read:

“significantly adversely affecting the local community”

Recommendation 8: Amend Policy CNP3 Housing as follows:

Revise paragraph 3.2 to read

“To support new build schemes that will provide permanent and affordable homes to meet the needs of local people”.

Policy CNP3 to read:

“Housing development will be permitted that provides:

- *housing that meets local need and local affordable need; or*
- *custom or self build housing for permanent occupation in accordance with the Lake District National Park’s Supplementary Planning Guidance on Housing Provision.”*

Include a Glossary of Terms as an appendix of the Neighbourhood Plan (and not a separate document) to include the definition of housing terms consistent with those used in the Core Strategy and SPD on Housing Provision.

Include the following in the How to Implement section:

“Developers should refer to the Lake District National Park Authority’s Housing Provision Supplementary Planning Document ‘How we use Core Strategy Policy CS18 ‘Housing Provision’ in Planning Decisions’ Adopted March 2014.”

Revise the final paragraph of the How to Implement section to read:

“Developers are requested to consult the Coniston and Torver CLT on the preparation of proposals for new housing developments and conversions”.

Recommendation 9: Policy CNP4

Revise the Background Information to Policy CNP4 to include reference to the Grade II* Listed Buildings and the Scheduled Monuments at Risk.

Revise the third paragraph to read:

“In August 2008Coniston PC. This resulted in an informal list of locally important heritage assets being drawn up. The Lake District National Park Authority will be requested to consult on and formally approve this local list so that it can be used to guide planning decisions.”

Delete paragraphs 4 and 5 of the Background Information.

Revise Policy CNP4 as follows:

“Development proposals will seek to conserve and enhance the character, integrity and setting of the historic environment including:

- *Scheduled ancient monuments;*
- *Listed Buildings; and*
- *Locally Important Heritage Assets.”*

Delete Section 4B of Policy CNP4.

Recommendation 10: Amend Policy CNP5 as follows:

“Policy CNP5 – Community Facilities and Services

Development proposals that will provide new and improved community facilities and services will be supported.

Measures to retain and develop existing community facilities and services that may be at risk of closure will be investigated and supported where feasible, unless it can be demonstrated that there is no longer a community need for the facility or service or that the community use of the property is no longer suitable or viable.”

The Aspiration and Background information should be revised to reflect the reworded policy. Paragraph 5.2 should be moved to Section 2 Businesses. The retailers listed in the background information of Policy CNP5 should be deleted.

Recommendation 11: Revise Policy CNP6 as follows:

Revise both 6A and 6B to read *“The development of.....will be supported.”*

Delete *“provided that the proposals are in accordance with the policies of this plan”* from both 6A and 6B.

Show the location of attractions listed on the Proposals Map.

Recommendation 12: Policy CNP7

Delete the final sentence of paragraph 7.1 concerning the promotion of cycling events.

Amend paragraph 7.2 to read *“To improve the management of traffic and the provision of additional parking facilities where there is a proven need as part of a local traffic management scheme”*.

Revise Policy CNP7 to read:

“7A. The development of new and improved off-road infrastructure for walkers, cyclists and horse riders will be supported.

7B. Improvement to the management of traffic throughout the parish will be supported.

7C. Additional parking facilities should be provided only where there is a demonstrated proven need as part of a local traffic management scheme.”

Recommendation 13: Policy CNP8

Amend 8.1 to read:

“To protect the local environment, including the landscape, groundwater, special habitats, flora and fauna.”

Amend 8.2 to read:

“To ensure that the risk of flooding to the community is reduced”.

The following text is added to the How to Implement section:

“Risk to the community from future flooding incidents will be significantly reduced by joint action between the Coniston Flood Forum Group, Coniston Parish Council, local authorities and the Environment Agency.”

Amend 8.3 to read

“To protect the water catchment area and to protect and enhance important environmental areas for their biodiversity and tranquillity.”

Amend 8.4 to read:

“To promote renewable and low carbon energy schemes that benefit the local community and that do not adversely affect the landscape character of the National Park or its special qualities.”

Revise Policy CNP8 to read:

“8A The following areas will be protected and managed to enhance their environmental assets:

- ***the Coniston & Crake Catchment Area to ensure the long-term protection of water quality within the area.***
- ***Yewdale Wood to enhance its biodiversity as a green corridor***
- ***the quieter areas:***
 - ***at the head of Coniston Lake in the Monk Coniston area***
 - ***the Yewdale and Tilberthwaite Valleys***
 - ***Coppermines Valley***
 - ***the Common Lands to the south of the Village***

8.B Development proposals and engineering works which reduce the risk of flooding will be supported.

8.C Proposals for renewable and low carbon energy schemes will be supported where such schemes are in accordance with national and strategic policies. “

Show all areas referred to on a Proposals Map.

Further it is recommended that an explanation is added to the How to Implement section to clarify the approach to maintaining the special qualities of the water catchment area, the green corridor and the quieter areas making reference to the Core Strategies Policies CS25 and 26.