LAKE DISTRICT NATIONAL PARK AUTHORITY

NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012

Matterdale Parish Neighbourhood Development Plan

DECISION STATEMENT

1. Summary

1.1 Following an independent examination, the Lake District National Park Authority (the Authority) confirms that the Matterdale Parish Neighbourhood Development Plan may proceed to a Neighbourhood Planning referendum.

2. Background

2.1 On 26 February 2014, the Authority designated Matterdale Parish for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.

2.2 Following the submission of the Matterdale Parish Neighbourhood Development Plan to the Authority, the plan was publicised and representations were invited. The publicity period ended on 27 February 2015.

2.3 The Authority appointed an independent examiner, Mr Chris Collison, to review whether the Plan should proceed to referendum.

2.4 The examiner's report concludes that subject to making the recommended modifications the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

2.5 The Park Strategy and Vision Committee of the Authority on 22 April 2015 endorsed the examiner's report and agreed that the Matterdale Parish Neighbourhood Development Plan should proceed to referendum.

3. Decision and Reasons

3.1 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Authority has decided to make the modifications to the draft plan set out in Table 1 below, to ensure that the draft plan meets the basic conditions set out in legislation. It has also decided to make the modifications to the draft plan set out in Table 2 below for the purpose of correcting errors.

3.2 The Authority has considered whether to extend the area in which the referendum is to take place. Like the examiner, the Authority has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

Table 1: Modifications in line with Examiner's Recommendations

1	Paragraph 10 should be amended to state the plan period	Paragraph 10 of the Submission Plan states "A Neighbourhood Plan should have a time period in which it applies. It is suggested that this period be up to 2030." The Plan should, as the Basic Conditions Statement does, include a statement rather than a suggestion in this respect. The Basic Conditions Statement refers to the plan period having been chosen to align with the dates of the National Park Authority Core Strategy. This is incorrect. The National Park Core Strategy has a plan period to 2025 which is correctly stated in the Neighbourhood Plan submission version. There is no requirement for the Neighbourhood Plan period to align with the Core Strategy plan period.
2	The basis of decision making on planning applications should be clarified as indicated	Policies of the neighbourhood Plan extensively include the phrase "be permitted". The Framework states "the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise". This basis for decision making should be made clear through inclusion of an introductory statement, or policies should use the term "be supported" in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise.
3	Delete policy MNP1	The policy is imprecise and fails to provide a clear basis for decision

		making in respect of planning proposals. There is a failure to demonstrate proportionate, robust evidence to support the choices made and the approach taken. The policy does not meet the basic conditions.
4	• Extend criterion 1 in List A after "ruins" adding "where the replacement dwelling will be substantially (in excess of 50%) externally faced employing materials which have been salvaged from the site itself" • Delete criterion 2 in List B and replace with "Proposals should maintain and incorporate local design features and materials, respect amenity of neighbouring buildings regarding scale and layout, and not adversely affect highway safety." • Delete criterion 3 in List B and replace with "Proposals resulting in the loss of any significance or harm to a heritage asset will need to demonstrate that they are necessary to achieve public benefits that outweigh that harm or loss." • Delete "and the size of the dwelling is a consequence of the design process" from criterion 4.	The policy fails to provide decision makers with the necessary clarity to determine planning applications. The term ruin is not defined. The policy does not meet the basic conditions.
5	• Delete the policy title and insert "Linked new build local needs housing and affordable local needs housing" • Delete "The sites for both the Locals Needs and Affordable Local Needs dwellings are acceptable to the Parish Council" and replace with "The proposal relates to a rural exception site" • Delete "providing a site value for the Local Needs dwelling of £150,000 and £20,000 for the Affordable Local Needs Dwelling (index Linked) is used." • Delete "All normal site planning requirements are met" and insert "The proposal including any access tracks will not have a significant unacceptable impact on the landscape or visual amenity of the area and the proposed accommodation should maintain and incorporate local design features and materials, respect amenity of neighbouring	It is necessary for the policy to state that it relates only to rural exception sites in order to be in general conformity with policy CS18 of the Core Strategy and to have regard to national policy. The criterion that the sites for both the local needs and affordable local needs dwellings are acceptable to the Parish Council does not provide clarity as to the sites or type of sites that would be acceptable. The criterion also attempts to impose a veto on decision making by the Local Planning Authority which is beyond the remit of a neighbourhood plan. There is no stated evidence to support the site value figures included

	buildings regarding scale and layout, and not adversely affect highway safety." • Delete "Or 2 The proposed dwelling meets all the following criteria: Limited to 125m^2 internal floorspace Is on the site of an existing building or forms an infilling or rounding off of an existing group of buildings Is within close proximity to other housing Or 3 Is within a 'cluster community' as defined within the LDNPA Core Strategy/Local Plan	in the second criterion. The criterion that *"all normal site planning requirements are met"* does not provide clarity for decision makers in respect of development proposals.
6	Delete "All other site planning criteria are met" and insert "The proposed accommodation is; • located within the site of the established business or immediately adjacent to it; • in close proximity to existing buildings; • of a design and scale, and in a location, that is not harmful to landscape and scenic beauty, and is not detrimental to visual amenity; and • located so that highway safety is maintained."	The criterion that "All other site planning criteria are met" is not sufficiently precise to guide decision makers.
7	• The policy title should be amended to "Housing on farms or at rural businesses" • Delete the first sentence and insert "A single proposal during the plan period for one additional dwelling at each owner occupied established farm enterprise or rural business to be used by family members, holiday letting, or renting to local people or workers will be supported." • In the final paragraph delete "will need careful consideration to allow both the flexibility the policy intends and also to" and insert "must" • In the final line after "existing farmyard" add "or rural business premises"	Family owned is not a sufficiently precise term to guide decision makers. The aim of the policy wold not justify implementation of multiple proposals on a site in open countryside in a National Park as that would not have sufficient regard for national policy set out in the Framework.
8	After "will be supported" add "where the workspace involved is less than 150 square metres."	Inclusion of the size of premises restriction in the wording of the policy is necessary to provide sufficient clarity that a decision maker can apply it consistently and with confidence when determining

		planning applications.
9	• After “special qualities of the” insert “Lake District National Park and of the settlement pattern of the Matterdale” • After “obligations” insert “or planning conditions attached to any planning permission” • Delete “where, for example, an essential need for a full time employee can be evidenced” and insert “through application of policy MNP4”	The reference to those qualities that make this part of Matterdale Parish locally distinctive in the reasoned justification is unclear. Paragraph 38 of the submission plan identifies the settlement pattern of Matterdale as giving it its special identity. In order to provide decision makers with necessary clarity this local definition should be included in the policy in order for it to be taken into consideration alongside the defined special qualities of the National Park as a whole in applying the policy. The reference to planning obligations should be extended to refer also to planning conditions attached to any planning permission in order to achieve clarity. The final sentence of the policy does not provide clarity through use of the phrase “for example” without specifying other circumstances. Clarity regarding the issue of a permanent home for an employee can be achieved by linking the policy to policy MNP4.
10	• Insert “of the settlement pattern” before “of Matterdale” • After “development proposals” insert “Great weight will be given to conserving landscape and scenic beauty, and the conservation of wildlife and cultural heritage.” • The supporting text to policy MNP9 should include reference to the purposes and duty of National Parks; paragraphs 115 and 116 of the Framework; and signposting to the English National Parks and the Broads: UK Government Vision and Circular 2010.	In order to meet the basic conditions I recommend modification of the Neighbourhood Plan so that it more clearly demonstrates it has regard to national policy and guidance issued by the Secretary of State in respect of the National Park context. The policy does not offer guidance as to the special qualities of Matterdale which the supporting paragraph identifies as the settlement pattern.
11	Delete policy MNP10	The policy does not have regard to national policy and does not meet the basic conditions

12	Delete policy MNP11	It is not possible for a Neighbourhood Plan to specify the weight to be applied to any consideration by the Local Planning Authority in undertaking the duty to determine planning applications. The policy does not meet the basic conditions.

Table 2: List of corrections made to errors in text

13	• Paragraph 14 delete “Distinctyive” insert “Distinctive” • Reference to buildings in policy MNP2 and to agricultural buildings in paragraph 26 should be aligned • Paragraph 26 insert “be” after “can” • Inclusion of Core Strategy policies represents unnecessary duplication and may prove unhelpful should those policies change during the neighbourhood plan period • The Glossary should define local need housing and local need affordable housing to reflect the Housing Provision SPD March 2014.	Identified errors that are typographical in nature or arising from updates should be corrected.

4. Referendum

4.1 To meet the requirements of The Neighbourhood Planning (Referendums) Regulations 2012 the following question will be asked:

'Do you want the Lake District National Park Authority to use the Neighbourhood Plan for Matterdale Parish to help it decide planning applications in the neighbourhood area?'

4.2 The date and venue of the referendum will be agreed with Eden District Council and Matterdale Parish Council.

4.3 We will publicise the details of the referendum on our website and in such other manner as we consider likely to bring it to the attention of people who live, work or carry on business in Matterdale Parish.

Dated: 28 April 2015