

# **Neighbourhood Plan Examination - Basic Conditions Statement**

**Town and Country Planning Act 1990 (as  
amended)**

**Paragraph 8(2) of Schedule 4B Statement**

**Submission Date 10<sup>th</sup> December 2014**

**Matterdale Neighbourhood Development Plan Proposal**

by

Matterdale Parish Council acting as Qualifying Body

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## Appendices (appendices 1- 4 are separate documents)

- 1. Matterdale Neighbourhood Development Plan Examination Version**
- 2. Consultation Statement on UENDP Pre-submission version**
- 3. SEA and HRA Screening Opinion from LDNPA**
- 4. Area Designation Application and Decision**

## Document Information

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Client Matterdale Parish Council

Approved by Tom Woof MRTPI

## **INTRODUCTION**

1. This Basic Conditions Statement (BCS) has been prepared by H&H Land and Property Ltd as part of its Neighbourhood Planning work with the Matterdale Parish Council. The Parish area has been designated a Neighbourhood Area and Matterdale Parish Council is a qualifying body under the 2012 Neighbourhood Planning Regulations.
2. This BSC is submitted together with its appendices to Lake District National Park Authority (LDNPA) under s15(1) of the Neighbourhood Planning Regulations 2012.

## **Background to the Matterdale NDP**

3. The Matterdale Neighbourhood Plan was prepared following a decision by Matterdale Parish Council to undertake this process. This involved submitting an area designation application to LDNPA and securing grant funding from Locality to help with the technical expenses in preparing a Neighbourhood Plan. The Parish Council also set up a working party to prepare the documents. This group consisted of members of the Parish Council and other people invited onto the group to represent the communities of Wattermillock and Matterdale. The Working Party was chaired by Michael Toulmin and administered by the Parish Clerk Mr David Brown.
4. The Working Party engaged Mr Tom Woof MRTPI from H&H Land and Property to assist in the technical preparation of the necessary documents for this Neighbourhood Plan.

## **BASIC CONDITIONS**

5. Neighbourhood Development Plans must meet the following basic conditions<sup>1</sup>.

*(1) The examiner must consider the following—*

*(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),*

*(b) whether the draft neighbourhood development plan complies with the provisions made by or under sections 61E(2), 61J and 61L,*

*(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*

*(e) such other matters as may be prescribed.*

*(2) A draft neighbourhood development plan meets the basic conditions if—*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*

*(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*

*(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

*(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*

*(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

*(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).*

6. To meet these basic conditions the following information is presented to help the Examiner in his or her consideration.

### **Schedule 4B Paragraph 8 Section (1)**

1a) This is for the Examiner to determine having had regard to the information presented in this Statement. It is considered in detail below under Section (2).

b) the provisions of 61E(2), 61J and 61L as amended by s38C(5)(b) is a reference to the provisions of 38A and 38B.

In relation to the provisions of 38A and 38B the following is submitted.

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<sup>1</sup> Paragraph 8 of Schedule 4B to the 1990 Act (excluding 2b, c, 3 to 5 as required by 38C (5))

**38A**

- 1) Matterdale Parish Council is a qualifying body and entitled to submit a neighbourhood development plan (NDP) for its own parish area
- 2) The Matterdale NDP expresses policies relating to land use within the neighbourhood area
- 3) to 12) are essentially post examination procedures.

**38B**

- 1) a) the period of the NDP is up to 2030 or 16 years. This period has been chosen to align the NDP with the dates of the LDNPA Core Strategy.
  - b) the NDP does not include any provision for excluded development such as national infrastructure
  - c) the NDP does not relate to more than one neighbourhood area. It relates to Matterdale Neighbourhood Area as designated by Lake District National Park Authority on 7<sup>th</sup> January 2014.
- 2) There is no other NDP in place in this neighbourhood area.
- 3) Refers to conflicts within the NDP.
- 4) Refers to regulations that the SoS may make relating to NDPs. Such regulations are 2012 No 637 The Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Matterdale NDP. These regulations set out the process by which neighbourhood plans are to be made and set out
  - the consultation bodies for NDPs These have been included in the Consultation Statement (attached in the bundle appendix 2)
  - that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment. The Matterdale NDP has been subject to a Strategic Environmental Assessment and Habitat Regulations Screening Exercise which has concluded that no further assessment is required (attached in the bundle appendix 3).
  - that NDO may be subject to an Environmental Impact Assessment (not relevant for NDPs).
- 5) Refers to the publication of NDPs
- 6) Clarifies what is excluded development.

- (d) Whether the area for the referendum should extend beyond the area that the draft Neighbourhood Development Plan relates.

It is not considered that there is any benefit in extending the area for the referendum beyond the Designated Neighbourhood Plan Area because the effect of the policies in the NDP are specific to Matterdale Parish.

- (e) Prescribed Matters

There are no prescribed matters other than those considered below under paragraph 2 (g).

**Schedule 4B Paragraph 8 Section 2**

**(a) SoS Guidance - National Planning Policy Framework**

7. The NPPF in sections 183 - 185 refers to Neighbourhood plans and seeks that the ambition of those plans should be aligned with the strategic needs and priorities of the wider local area. Those strategic needs and priorities are generally set out in the adopted LDNPA Core Strategy/Local Plan.
8. The NPPF also seeks that Neighbourhood Plans are to be in 'general conformity with the Strategic Policies of the Local Plan'. This phrasing is slightly different than the legal requirement which is set out in the Act (Sch 4B Para 8 (2)(e)) refers to the making of the [plan] being in 'general conformity with the strategic policies contained within the adopted development plan'.

**Schedule 4B Paragraph 8 Section 2**

**(a) SoS Guidance - National Planning Practice Guidance**

9. NPPG 070 says:

*A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice.*

10. The National Policies that have been considered for relevance are listed below

<b>NPPF Paragraph</b>	<b>Summary of Relevance to Neighbourhood Planning</b>	<b>How the NPPF is taken account of in the MNP</b>
NPPF 2	Confirms the significance of the adopted development plan unless material considerations indicate otherwise	Consideration of the status of the LDNPA plans has been considered and views taken as to their relevance to the NDP.
NPPF 6 – 15	Puts sustainability at the heart of the planning system and the importance of local circumstances in plans.	The NDP is intended to improve the sustainability of the community of Matterdale by addressing housing, employment and community facilities in a locally distinctive way.
NPPF 16	Refers to neighbourhood planning and seeks that communities engage with the process and develop policies for housing, economic development and positively shape and direct development that is outside the strategic elements of the local plan.	The NDP considers these types of policies explicitly through active engagement of the community with the process
NPPF 17	Seeks that neighbourhood planning plays a part in developing an empowering and succinct planning system.	The NDP covers a wide range of matters that are referred to in this paragraph of the NPPF.
NPPF18 – 22	Seeks the encouragement and protection of sites for economic growth	The NDP encourages development specifically for small scale business uses which are appropriate for a settlement of Matterdale’s size.
NPPF 23 - 27	Refer to town centres	Not relevant to this NDP
NPPF 28	Refers to policies to support economic growth in rural areas	The NDP supports small scale economic growth in the rural area.

NPPF29 – 40	Refers to supporting sustainable transport	Not relevant to this NDP
NPPF 42 - 45	Refers to supporting high quality communications infrastructure	The NDP supports the provision of high quality communications infrastructure
NPPF47 – 55	Refers to the delivery of a wide choice of housing and in particular NPPF 50 refers to mixed communities which reflect local demand	The NDP seeks to deliver a range of housing for specific groups including affordable housing, older persons housing and custom build in response to local needs.
NPPF 56 – 68	Refers to the requirement for good design and in particular NPPF 58 seeks that NDPs should set out how that quality is to be provided	The NDP refers to high quality design as required by the LDNPA Core Strategy.
NPPF 69 – 78	Refers to the promotion of healthy communities and in particular to the use of neighbourhood plans to designate open green space	Not relevant to this NDP
NPPF 79 – 92	Refers to the protection of Green Belt land	Not relevant to this NDP
NPPF 93 – 108	Refers to climate change and flooding	These policies are not particularly relevant to the NDP other than in a general way. Sites which fall within areas vulnerable to flooding will need to address those issues through the normal development control process.
NPPF 109 - 125	Refers to the conservation of the natural environment including biodiversity	All developments must take due account of national or international designations for habitats. The NDP does not alter this in any way.
NPPF 126 - 141	Refers to the conservation and enhancing of the historic environment. There is no specific reference to Neighbourhood Plans in this section of the NPPF.	All developments must also take due account of national or international designations for landscape and heritage assets. While the landscape is generally protected by virtue of a National Park designation which is specifically for protecting the natural and cultural heritage of the area, all development should seek to protect and enhance these aspects in a locally distinctive way.

NPPF 142 – 149	Refers to safeguarding minerals	Not relevant to this NDP
NPPF 150 – 182	Refers to Plan making and specifically to local authority plan making as neighbourhood planning is considered in the next section.	Not relevant to this NDP
NPPF 183	Confirms that Neighbourhood Planning provides powers to set policies	The NDP does this.
NPPF184	Seeks that communities set positive policies for local circumstances providing they are aligned with strategic needs and are in general conformity with the strategic policies.	The NDP does this.
NPPF 185	Sets out the relationship of NDPs with other policies	The NDP will support the strategic policies of providing a reasonable quantum of housing for the settlement of Matterdale whilst directing it to locations that are deemed to be locally acceptable and acceptable according to all other land use planning criteria.
NPPF186 - 219	Refers to decision taking and implementation	These policies are not directly relevant to the issues set out in the NDP other than the confirmation that decision takers are entitled to weigh policies in plans (including neighbourhood plans) as material considerations in their deliberations.

11. The Rt Hon Greg Clark MP says in his forward to the NPPF that Planning should be a creative exercise, a collective enterprise, not excluding people and communities, and Neighbourhood Planning is intended to address this.

12. The presumption in favour of sustainable development within the NPPF means that neighbourhoods should plan positively to support local development that is outside the strategic elements of the local plan<sup>2</sup>.

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<sup>2</sup> NPPF paras 15 and 16

## Schedule 4B Paragraph 8 Section 2

### (d) Sustainable Development

13. The thrust of the Neighbourhood Plan is to increase and conserve the sustainability and vibrancy of the community in Matterdale Parish. Being within the National Park, and a highly sought after location there is pressure on housing, particularly from people wishing to purchase second homes or retirement homes. Housing in Matterdale is therefore at a premium. The MNP places an emphasis is on providing housing for local people particularly for those people who are working locally, either as employees or those with small businesses. There is also a policy aimed at providing, for the first time, affordable housing that is likely to be delivered in Matterdale. The provision of housing in this way will assist in the sustainability and vibrancy of the community in Matterdale.
14. Particular note should be taken of a recent planning application, and appeal for the reinstatement of a former dwelling and extension into adjoining barns at Denton Hill (7/2013/3048 and PINS 2211345). In this case the LDNPA refused the application in the main because of the 'unsustainable location' and the Inspector upheld this view in saying that the proposal does not accord with the sustainable principles set out in the development plan. The Parish Council, on the other hand, rejected this argument and saw this particular proposal as one which epitomised the way the current policy regime fails to take account of the specific dispersed qualities of Matterdale Parish. The Inspector accepted that the circumstances of this building were no different to other dwellings and sites in the area, which would suggest that Matterdale in general was being viewed as an unsustainable location. This is not what the Strategic Policies intend nor what the community in Matterdale foresees as its future. Sustainability in Matterdale Parish is not something that can be assessed simplistically with a focus on the use of the private car or the distance to services and facilities. This view is supported by the Matthew Taylor Review which highlighted a phenomenon he called the 'sustainability trap' in which a simplistic and narrow view of sustainability based primarily on transport based issues is wrong, because it starts from the wrong premise. He suggested that the planning system needs to move away from asking 'is this settlement sustainable?' to 'will this development enhance or decrease the sustainability of this community – balancing social, economic and environmental concerns?'
15. The MNP seeks to provide the tools for decision makers to reach a different decision in cases like Denton Hill by highlighting the circumstances and types of locations where local needs housing can be developed, (ie where landscape impact will be minimised) and clarifying that 'sustainability' is not to be simply assessed in terms of a narrow focus on transport issues. Rather, it needs a wider appreciation which will consider the reuse of existing buildings, energy efficiency, renewable energy provision, economic issues such as job creation, working from home, and micro business support. Social and cultural issues are equally important such as caring responsibilities, continuity in farm management, and the ability to remain in the community through changing life circumstances.
16. A dispersed community such as Matterdale's requires a locally distinct approach which is set out in the MNP and which upholds the basic strategy of National and Local Policy framework. NPPF 55 refers specifically to the sustainable development in rural areas and seeks that housing should be provided where it will enhance or maintain the vitality of rural communities. The MNP makes clear that the vitality (the vibrancy) of the community is at its heart. CS02 makes clear that the distribution of development will reflect and conserve the traditional settlement pattern and reinforce distinctiveness of place. For Matterdale that is reflected in detail of the policies of the MNP.

## Schedule 4B Paragraph 8 Section 2

### (e) General Conformity with Strategic Policies

#### Introduction

#### The meaning of general conformity

17. The term 'general conformity' is not defined in law but has been discussed in a number of judgements; particularly with regard to the relationship between Structure Plans and Local Plans. The use of the adjective 'general' is to introduce a degree of flexibility, although not unlimited flexibility. The judgements seem to conclude that the degree of flexibility this phrase permits will depend upon the planning judgement of the decision maker and the particular circumstances of the case.
18. In this case, the test is to be applied to a new and different tier of planning policy formulation; that between the strategic elements of a Local Plan and a Neighbourhood Development Plan. This relationship has not been tested in the Courts and there is no case law to consider to help in these circumstances, other than in the most general sense. It is useful therefore to consider what was the intention of the legislator in choosing these words to define this relationship. The SoS states in the NPPF;
- Neighbourhood Plans give communities the direct power to plan the areas in which they live through setting planning policies for the development and use of land. Parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications.*
19. This is what the Matterdale Neighbourhood Plan intends to do. The process of preparing a Neighbourhood Plan is a discretionary one that is undertaken by the Community. It is intended to be a locally driven process and one which is not undertaken by Local Authorities. As such, for a local community, it is a significant undertaking and one that is made voluntarily and not made lightly. To be worth this effort and time, the result of a Neighbourhood Plan must be sufficiently different from the Local Plan and to allow a difference that, although not undermining the overall strategy, does provide for decision making that would not otherwise be possible without a Neighbourhood Plan. To this extent then the policies of a Neighbourhood Plan will require more flexibility rather than less in the range of flexibility that 'general conformity' allows. The converse of this, if a more rigid approach to 'general conformity' were to be adopted, would tend to reduce the chances that Local Communities would undertake the process of Neighbourhood Plan making and the purpose of the Localism Act would be severely diminished.
20. The policies of Neighbourhood Planning will tend to seek out those areas of policy that will make the most positive difference for Local Communities and the phrase 'general conformity' needs to be interpreted accordingly.
21. For the relationship between the London Plan and Borough UDPs a definition of general conformity was proposed which referred to the significance of harm caused by a spatial development strategy. This level of planning and the level of 'general conformity' between Structure Plans and Local Plans has the potential to affect a larger and inherently more strategic area than that between a Local Plan and Neighbourhood Area. It is therefore natural that the degree of conformity between policies of higher tiers within the overall framework need to be tighter than those between lower tiers of policy; which may be looser, because they affect a smaller and inherently less strategic area.

22. The NPPF<sup>3</sup> says that *Neighbourhood planning is a powerful set of tools for local people*. This wording is intended to give local communities ambition and higher goals than is possible with Area Action Plans, Village Design Guides and the like. To be powerful a Neighbourhood Plan must be intended to allow a locally distinctiveness to be tangible and real and not be completely in conformity with higher tier policy. A level of variation within the strategic framework is part of neighbourhood planning.
23. For all these reasons each NDP policy needs to be considered with an understanding of ‘general conformity’ that is generally looser than that used to consider the relationship between Structure and Local Plans or between the London Plan and UDPs.
24. The SoS has issued guidance that sets out in brief criteria ‘what is meant by ‘general conformity?’

**NPPG 74 says:**

***What is meant by ‘general conformity’?***

*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach*

**MNP1**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

25. The Strategy for the Lake District is to provide the housing to meet identified need according to a general distribution which sees the Park as a series of sub areas. The sub area relevant to Matterdale is the East Distinctive area. The proportion of housing considered applicable to Matterdale in the MNP is a small proportion of the housing generally considered applicable to the East Distinctive Area. The 25 or so dwellings anticipated (but not capped or necessarily required – but provided according to an identified need) is an amount consistent with the Strategy up to 2025 but extends the provision beyond that date up to 2030. The MNP supports this general strategy by allowing an amount of development in the Parish that fits broadly within this strategy. It is accepted that some development is necessary for the wellbeing of the community, but the locational strategy provided by the LDNPA Local Plan does not fit with the community

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<sup>3</sup> NPPF para 184

in Matterdale, which needs more flexibility than provided by the 'exceptional circumstances' that CS02 allows.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

26. MNP1 could allow around 17 dwellings in the countryside within the current plan period (up to 2025). This represents a 26% proportion of the 63 dwellings to be permitted in the eastern distinctive area. This is in line with the 30% figure suggested in CS02. There is no conflict between the MNP and the LDNPA strategy on the number of dwellings to be provided in Matterdale.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

27. MNP1 particularly provides a level of detail for housing provision which clarifies that a degree of housing is expected and permissible within Matterdale Parish. The Plan more generally goes on to identify building types (for conversion or reuse), locations and, delivery mechanisms for development which is to be permitted under policies within the Core Strategy/Local Plan. It also provides policy detail to help decision makers with applications for succession planning on farms, and for employee housing, which are matters on which the current policy framework is silent.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

28. The rationale for the approach of setting out a housing figure is to provide a degree of comfort and certainty to local people that housing to meet their needs can be provided within their community both within the current strategic policy framework and beyond. It simply sets out in numerical terms the underlying principles in the Core Strategy that allows housing in dispersed settlements and communities like Matterdale. Matterdale Parish is the second most populous community in the Eastern Distinctive area, but its housing needs are not obviously accommodated for within the settlement hierarchy of the Core Strategy. Development proposals for local needs housing have been too easily rejected by decision makers on the basis of isolation from services and facilities and the reliance on the private car. Such decision taking, if continued, would unreasonably undermine the ability of the community to retain its vibrancy and sustainability and exacerbate the already high levels of second home ownership in the parish. By providing an explicit level of housing that is expected within the parish, decisions would be more likely to support housing proposals that the community wants and needs.

## **MNP2**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

29. This is consistent with CS02 by providing a local approach. Point 3 of List B of MNP2 does not conflict with bullet 4 of 'open countryside' CS02 which specifically allows

redevelopment. It should be noted that National policy for the 'change of use' of barns allows installation or replacement of walls and roofs. This policy is not dissimilar to that provided energy efficiencies are achieved.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

30. This policy has a potential minor conflict with the way the CS02 requirement for an 'essential need for a rural location' is to be expressed in terms of a 'local need for housing'. This is because any housing in Matterdale must be in a rural location under the terms in which the Strategic Policy is constructed. It would be unreasonable to expect that the 'essential need' for all housing in Matterdale would be expressed in terms of the former PPS7 Annex A. Rather the justification lies in a reading of NPPF 55 both in terms of housing to maintain the vibrancy of the community and as the following bullets as a non-exclusive list of circumstances where housing in the countryside is to be permitted. The fact of a Neighbourhood Plan which sets out the circumstances for housing in the countryside will provide a special circumstance that NPPF 55 anticipates.
31. This potential minor conflict with CS02 is more a result of the slight non-alignment of the Core Strategy with the NPPF which was published only a few weeks after the Core Strategy was adopted.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

32. The policy sets out a locally distinct approach that is clear in its purpose to allow housing development in locations that will not have a detrimental impact on the landscape. The requirement to increase renewable energy provision is also locally distinct whilst being sensitive to the context of the proposal. These approaches do not undermine the strategic policy which is also to allow conversions, redevelopment and reuse of suitable buildings and to seek a degree of renewable energy requirement in the proposals.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

33. The rationale for this policy lies in the basic position that new housing in Matterdale should be provided in a way that minimises the visual and landscape impact of such development. The various, but finite, instances where existing buildings could be reinstated, converted, or subdivided will provide the best opportunities for new housing that will fit best into the landscape – simply by already being there. This may not apply to all existing buildings, and that is why point 1 of list B is provided; but this is the starting point for the provision of new housing. It is a policy that fits with many parts of the Core Strategy that seek to see conversions and minimal landscape impact.

## **MNP3**

### **Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

34. This policy seeks to provide guidance and support for the provision of affordable housing in rural areas in a way that supports the general principle of the Core Strategy of providing housing to meet needs. However, the Core Strategy is unfortunately silent in providing support for small quantities of affordable housing in rural areas such as Matterdale. Small rural exception sites have not come forward, nor are they likely to in Matterdale because they are economically unattractive; and the size of development favoured by housing associations would not be suitable in Matterdale. Therefore this policy which addresses 3 sets of circumstances is a sensible addition to the policy framework and is aimed squarely at securing the provision of some affordable housing in Matterdale.

### **The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

35. The potential conflict with CS02 is the same as that for MNP2.

36. The first circumstance sets out the requirements for 'coat-tailing' and is likely to be the only way affordable housing could be delivered which is not self-build. This is a novel approach in the Lake District and sets out the circumstances for housing delivery which builds on the approach pioneered in CS18 and NPPF 173.

37. The second and third circumstance is intended to allow custom build affordable housing in appropriate locations without undermining existing Core Strategy policy.

38. It is unclear if the LDNPA consider that any part of Matterdale could be considered a 'cluster community'. There has been some variety in the responses to this issue. However, even if there is no cluster community in Matterdale at present, that is not to say that one could not be said to exist either through a change in definition, a change of mind by the LDNPA, a different view taken by the Secretary of State, or a new policy post 2025.

### **Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

39. This policy provides a distinct approach and a level of detail that is considered suitable for Matterdale and does not undermine any strategic policy.

### **The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

40. The rationale for this approach is one based on the reality of seeking affordable housing in small quantities in rural settings. Existing policy is based on assumptions that housing associations or other registered providers will provide affordable housing within the

National Park. The reality is that even in times of relatively good funding for such development, Matterdale is not a location for investment in affordable housing.

41. Matterdale falls into the category of places that are not suited to the scale of development where either private sector development of four or more dwellings will begin to provide affordable housing, or that housing associations will wish to invest. If Matterdale is to gain any affordable housing to meet housing need other forms of investment are required. This policy seeks to provide some opportunity for this to occur, through a one-for-one approach also known as 'coat-tailing' and by setting out the circumstances where custom build affordable housing could occur.

## **MNP4**

### **Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

42. This policy fills a gap in the Strategic Policy in the Lake District, but it supports the general policy position of supporting rural businesses and the tourist industry.

### **The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

43. There is no conflict with the existing strategic policies as it simply provides guidance for a form of housing that is not catered for in the Core Strategy.

### **Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

44. This policy provides a locally distinct approach on which the Core Strategy is silent.

### **The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

45. The rationale for this approach is that housing in Matterdale is at a premium and the tourist industry in particular and potentially other industries in Matterdale too are prevented from investing in housing for employees by the Local Connection criteria and restrictions on housing generally. However, what employers are wanting to provide is housing specifically for younger, less settled people who wish to work in Matterdale. This won't suit all employers and employees, of course, but it will suit some. The shocking statistic of 86% of employees commuting in to work from 2 major employers in the parish suggests that the current (nil) policy for employee housing is out of balance with the requirements of today's tourist industry.
46. This housing would be tied accommodation to the employment and is not the same as conversions to hostels or camping barns as envisaged in saved policy T6.

## **MNP5**

### **Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

47. The policy supports rural businesses by allowing the business to invest in housing for a variety of purposes. It supports the idea of ensuring communities remain vibrant and sustainable and support rural business.

### **The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

48. There is no conflict with existing policy.

### **Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

49. This policy provides an additional level of detail to existing policy and focuses on a pertinent issue that strategic policy fails to tackle head on.

### **The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

50. The rationale is to allow rural businesses, and in particular family run businesses like farms, to invest in housing to help them overcome particular key moments in their evolution. Farm succession planning or share farming are particular circumstances where an additional dwelling would allow a younger business partner to take on the enterprise in a managed way and ensure continuity between generations. There would also be times when the second dwelling would not be used in those circumstances, and that is when flexibility would be required to allow renting or holiday letting as a supplement to the enterprise's income. The key element is that the rural business provides the housing which should have some justification in terms of business needs. However, like all businesses their needs may change over time so flexibility is required in the management of the new dwelling.

## **MNP6**

### **Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

51. This policy upholds the general principles of NPPF 156. The Core Strategy is silent on this matter.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

52. There is no conflict identified.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

53. This policy provides a level of local detail for this type of development.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

54. The rationale for this policy is to remove any potential hurdle in the planning system, albeit with safeguards with respect to landscape and visual amenity, to the provision of broadband infrastructure. Major Telecom providers have Code Powers to erect equipment, but community providers and individuals do not, and this policy is intended to help those providers

## **MNP7**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

55. This policy supports the general policy position of supporting the rural economy and achieving vibrant and sustainable communities.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

56. There is no conflict with strategic policy particularly if there is no conflict for MNP2. This policy would allow live/work developments as part of local needs housing supported by MNP2.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

57. There is a local perspective added to the policy framework.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

58. The rationale for this policy is to encourage small businesses to develop within the parish and move out from the kitchen table to their own premises, either as separate enterprises or possibly within a business hub where facilities are shared. The aim of this policy is to ensure that planning policy does not become an impediment to micro scale economic

development. Businesses that are larger than 150m<sup>2</sup> will find encouragement from existing policy in CS02.

## **MNP8**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

59. This policy upholds the general policy position of delivering sustainable tourism.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

60. There is no conflict in the policy with strategic policy.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

61. This policy provides a degree of local distinctiveness that responds to the circumstances of Matterdale Parish by seeking to ensure that harm to the visual amenity of the area is minimised and that screen planting is effective.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

62. The rationale for this policy lies in the quantity and size of existing holiday park sites in Matterdale and the need to control more effectively the mitigation measures required to limit their impact.

## **MNP9**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

63. This policy upholds the general policy position of conserving and enhancing the special qualities of the Lake District National Park.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

64. There is no conflict with strategic policy.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

65. This policy provides additional detail and local approach through the description and historical account of the settlement pattern in the supporting text.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

66. The rationale for this approach is that the general position of protection for the environment in the National Park is well understood and runs through all policy in the Core Strategy and relevant sections of the NPPF. Therefore only slight modification in the form of highlighting some of the particular qualities of Matterdale Parish is needed to provide suitable protection in the Neighbourhood Plan.

**MNP10**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

67. This policy upholds the general strategic position of protecting designated heritage assets.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

68. There is no conflict with strategic policy.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

69. This policy provides additional detail and local approach through the description and historical account of the settlement pattern in the supporting text.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

70. The rationale for this approach is that the general position of protection for designated heritage assets in the National Park is well understood and runs through all policy in the Core Strategy and relevant sections of the NPPF. Therefore only slight modification in the form of highlighting some of the particular qualities of Matterdale Parish is needed to provide suitable protection in the Neighbourhood Plan.

71. This policy does not need to refer to non-designated heritage assets as they are adequately protected by policy in the NPPF.

**MNP11**

**Whether the neighbourhood plan policy supports and upholds the general principle that the strategic policy is concerned with**

72. This policy upholds the general principle of ensuring that planning decisions are taken in accordance with the development plan unless material considerations indicate otherwise.

**The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy**

73. There is no conflict with strategic policy.

**Whether the draft neighbourhood plan policy provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy**

74. This policy provides an additional level of detail in the approach to be taken by decision makers when faced with a balancing exercise in the determination of a planning application.

**The rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach**

75. The rationale for this approach is to provide a degree of flexibility in the application of policy into the future and to highlight to the decision maker that the Parish Council is not only entitled to make comments on planning applications but as a qualifying body for neighbourhood planning purposes has additional responsibilities in planning matters. While these responsibilities do not at this stage include the ability to determine applications, they could include the ability to put forward Neighbourhood Development Orders that could have a similar effect. This policy highlights the lawful position that material planning considerations supported by evidence can indicate that decisions need not always be in accordance with the development plan. In the circumstance where the Parish Council chooses to indicate to the decision maker what those material considerations are and to support them by evidence, and citing this policy, then it is quite appropriate for the decision maker to give that matter significant additional weight in the balancing exercise that must accompany all planning decision.

## **Schedule 4B Paragraph 8 Section 2**

### **(f) EU obligations**

76. The policies have been submitted to LDNPA as the appropriate environmental body together with a request for a Screening and Scoping Opinion as to whether a SEA is required or whether an appropriate assessment is required in relation to Habitat Regulations. It has been confirmed by LDNPA that no Appropriate Assessment is required under Habitat Regulations and that no Strategic Environmental Assessment is required either.

## **Schedule 4B Paragraph 8 Section 2**

### **(g) Prescribed matters and conditions**

77. Paragraph 1 of Schedule 2 of the Neighbourhood Planning Regulations 2012 prescribes the following condition for the purpose of this section of the Basic Condition Statement.

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

78. The effect of this condition and the explanatory note to the Neighbourhood Planning Regulations 2012 is that provided the appropriate environmental body (Lake District National Park Authority) is of the view that the NDP is not likely to have a significant effect upon a European Site (as considered above in Section (f) of the Statement) then, in the Examination of the Plan, the Examiner must apply the prescribed condition.

## **Conclusion**

79. The Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Matterdale NDP and all the policies therein. It is therefore respectfully suggested to the Examiner that the Matterdale NDP complies with Paragraph 8(1)(a) of Schedule 4B of the Act.