

**Ponteland Town Council**

# **Ponteland Neighbourhood Development Plan**

A Report to Northumberland County Council of the Independent  
Examination of the Ponteland Neighbourhood Development  
Plan

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30 June 2017

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## Overall Finding

This is the report of the Independent Examination of the Ponteland Neighbourhood Development Plan. The plan area is the entire civil Parish of Ponteland. The plan period is to 2031. The Neighbourhood Plan includes 32 policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum based on the plan area.

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans 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.
3. The Ponteland Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Ponteland Town Council (the Town Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Ponteland Neighbourhood Area which was formally designated by Northumberland County Council (the County Council) on 28 June 2013. The Neighbourhood Plan has been prepared by the Ponteland Neighbourhood Plan Steering Group (the Steering Group), made up of local volunteers, on behalf of the Town Council.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has on 8 February 2017 been approved by the Town Council for submission of the plan and accompanying documents to the County Council. The County Council has submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the County Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The County Council will decide what action to take in response to the recommendations in this report.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. The County Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the County Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted<sup>3</sup>.
8. I have been appointed by the County Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
9. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or

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<sup>3</sup> Paragraph 198 National Planning Policy Framework (2012)

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>4</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>5</sup>

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>6</sup> The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

## **Basic Conditions and other statutory requirements**

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>7</sup> A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood 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);

<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>8</sup>

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.

15. 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.<sup>10</sup> 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 (the Regulations) which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the area that was designated by the County Council as a neighbourhood area on 28 June 2013. A map of the Ponteland Neighbourhood Plan boundary is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> All requirements relating to the plan area have been met.

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> I am able to

<sup>8</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>10</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

<sup>11</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>13</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>14</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

confirm that I am satisfied that each of these requirements has been met.

18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>15</sup> Paragraph 1.15 of the Submission Version Plan clearly states the plan period is to 2031, which mirrors that of the emerging Northumberland Local Plan Core Strategy.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>16</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>17</sup>

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<sup>15</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>17</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

## Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Ponteland Neighbourhood Plan Submission Draft March 2017
- Ponteland Neighbourhood Plan Basic Conditions Statement February 2017
- Ponteland Neighbourhood Plan Consultation Statement March 2017
- Ponteland Neighbourhood Plan Submission Plan Policies Map February 2017
- Habitats Regulations Assessment Report March 2017
- Letter from Natural England to Northumberland County Council dated 3 March 2017 regarding Habitats Regulations Assessment Screening
- Strategic Environmental Assessment Screening Opinion 14 November 2016
- Health Check report to Ponteland Town Council relating to the Pre-Submission Draft Ponteland Neighbourhood Plan 9 January 2016
- Ponteland Neighbourhood Plan Evidence Base
- Representations received during the Regulation 16 publicity period
- Castle Morpeth District Local Plan (2003)
- Northumberland Local Plan Core Strategy submitted to the Secretary of State for Communities and Local Government for independent examination 7 April 2017
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (June 2016) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning Act 2017
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- Neighbourhood Planning (General) (Amendment) Regulations 2015

24. The County Council states "A health check was undertaken through NPIERS during the pre-submission consultation stage. The report has been made available to the Independent Examiner. This

*recommended a number of modifications, some of which have not been addressed satisfactorily in the opinion of the Local Planning Authority. In particular the comments made through that health check regarding the intention to designate former railway lines as Local Green Space and the Darras Hall housing policy reflected the concerns raised by the Local Planning Authority. It is unfortunate that the health check report does not appear to have been published by the Town Council on their neighbourhood plan website, and it has not been considered in the Consultation Statement. The Town Council's response to each of the matters raised in the health check is therefore unknown. The Local Planning Authority would ask that the Independent Examiner has regard to comments made in the health check report."*

25. The Town Council has stated "*The health check was undertaken to look to strengthen the Plan; it is clearly referred to within section 1.17. The health check has been made available as part of the examination process*". The Town Council state an understanding that I will consider the health check as part of my examination of the Neighbourhood Plan.
26. It is good practice to submit an emerging neighbourhood plan to a health check. A 'health check' is an independent desk based review designed to help both the qualifying body and the local planning authority to identify issues that may cause delay or rejection of neighbourhood plans at the submission or independent examination stages. Unlike the Independent Examination which has the limited remit of assessing whether the plan meets the Basic Conditions and other requirements a 'health check' may also include suggestions how a neighbourhood plan could be improved. The 'health check' report is advisory only and has no legal status. I have read the health check report, provided to me by the County Council with the other Plan documents, on the basis it is a background paper. My report is, however, entirely independent and represents my own professional opinion.

## Consultation

27. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been

addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

28. An initial plan area wide survey was undertaken in January 2013 resulting in 420 responses which revealed the main priorities of residents included drainage and flooding; traffic; and the improvement of the shopping centres at Broadway and Merton Way. A further plan area wide survey held in November 2013 resulted in submission of 412 completed questionnaires which revealed concerns regarding traffic congestion close to schools; concerns regarding flooding; and a desire to see the special character and appearance of the area preserved through a review of the conservation area and protection of trees and green spaces.
29. A staffed exhibition of information boards at the Ponteland 'Party in the Park' in June 2013, 2015 and 2016 was an important feature of engaging with the local community. Other events have included engagement with students at the High School; consultations focussed on the plan vision and objectives; and a stakeholder event.
30. Pre-submission consultation in accordance with Regulation 14 was undertaken in the six-week period between 1 November and 16 December 2016. A total of 120 comments were received from 28 individuals. The observations made are presented at appendix 30 within the Consultation Statement where suggested responses, and suggested amendments to the Neighbourhood Plan, are set out. The suggestions of consultants have been reflected in a number of changes to the Plan that was approved by the Town Council for submission to the County Council.
31. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 21 April and 5 June 2017. Representations from 13 different parties were submitted during the publicity period. Another representation made by an agent on behalf of Dissington Estate, who through Lugano Dissington Estate are proposing the Dissington Garden Village, although dated 2 June 2017, was received electronically by the County Council at 5.48pm on 5 June 2017 after the period for representations had closed at 4.00pm on that day. I have looked at that representation and see no explanation why the submission was received after the closing time. I have not taken this representation into account in preparing my report. In reaching this decision I have noted the representation does not raise specific concerns and includes comments that are supportive of

the Neighbourhood Plan.

32. Observations made on behalf of National Grid include points of information but do not necessitate any modification of the Neighbourhood Plan. Ponteland Civic Society, and two other representations, confirm approval and endorsement of the Plan as a whole. The Ponteland Community Partnership state *“It is important we support a positive community led neighbourhood plan, which we feel this is, not against development but mindful it should respect the past history of the area, its role now in the wider community and the future needs of other generations to come and totally support the Vision Statement and all the Objectives 1 – 7 inclusive; we see the vision and objectives as a very positive outline of the plan and endorse these as the sentiments of the Ponteland Community Partnership”*. The Ponteland Community Partnership supports all the proposed policies, making some detailed comments which I have taken into account when considering the individual policies concerned. Northumbrian Water confirm *“strong support for the approach to sustainable water management and flood risk mitigation demonstrated throughout the Plan and consider that the policies and supporting information included will help to ensure that water management is a key consideration in new developments across the Plan area.”*
33. The Darras Estate Committee states support for the Neighbourhood Plan and comments *“The Darras Hall Estate comprises of over 55% of the homes and 60% of the residents in the Ponteland Civil Parish. Darras Hall Estate was set up under the precepts of the Georgism movement by a group of local businessmen led by Joseph Wakenshaw in 1910. Three local farms were purchased at auction and a Trust Deed was set up to preserve the principles of the movement and create a ‘Garden City of the North’. Castle Morpeth Local Plan recognised the importance of this heritage site and preserved the principles by creating policies PH2 and PH3. This has helped to preserve the low density of dwellings on the Estate”*. The Darras Estate Committee supports 25 of the Neighbourhood Plan policies unreservedly, and makes comment in respect of five policies. I have taken these policy specific comments into account when considering the policies concerned.
34. The Defence Infrastructure Organisation states *“The Ministry of Defence occupies land 2km to the North East of Ponteland. The land forms part of the Ponteland Range complex, Prestwick Carr SSSI and MOD let agricultural land. The concern that MOD wishes to highlight is that of flooding following periods of heavy rain. A series of large*

*drainage ditches follow the MOD boundary mainly on the south side of the site. During heavy rainfall periods, extensive flooding has been recorded which affects the public road to the south and part of the Range land which becomes overwhelmed with water. This flooding has affected a neighbouring privately-owned property and also led to the degradation of elements of the MOD farmed land. The MOD Land at Ponteland Range is in part low lying and as such is the receptor of excess surface water. The MOD's position is that the issue of flooding and its effect on Ponteland Ranges should be considered during the examination phase of the consultation period".* The Neighbourhood Plan includes policies that seek to ensure development proposals are adequately drained, and that they do not increase the risk of flooding elsewhere. It is beyond my remit to consider causes and possible solutions in instances where flooding is, and has been, occurring.

35. *The Coal Authority has stated "We again congratulate the Steering Group on the production of a thorough set of policies that promote sustainable development in the Ponteland Neighbourhood Plan area. As you will be aware the east of the Neighbourhood Plan area lies within the current defined surface coalfield. This includes some of the existing built up area. According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of 27 recorded mine entries, 14 surface hazards have been reported to The Coal Authority and other mining legacy features exist including; past surface mining and recorded/unrecorded shallow coal workings. Again, this affects the east of the plan area including Carr House, Prestwick, Cheviot View, Brough Hill and Callerton Lane End. If the Neighbourhood Plan allocates sites for future development in these areas then consideration as to the development will need to respond to these risks to surface stability in accordance with the National Planning Policy Framework and the Northumberland Development Plan. In addition, any allocations on the surface coal resource will need to consider the impacts of mineral sterilisation in accordance with the National Planning Policy Framework and the Northumberland Development Plan. I note that a number of designated sites fall on the surface coal resource and are affected by the presence of mining legacy features. However, none of these designations promotes new built development which could be detrimentally affected by mining legacy. As such we have no objection to any of the plan proposals".*

36. Whilst I deal with the requirements relating to neighbourhood plans in respect to national policy, and development plan policy, later in my

report I consider here the issues in relation to land instability and mineral sterilisation as they are relevant to both, and it is also necessary to consider the issue of excluded development.

37. A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development<sup>18</sup>. For these purposes excluded development includes development that consists of a county matter.<sup>19</sup> County matters include the winning and working of minerals. Part 2 of Schedule 9 to the Localism Act 2011 applies the excluded development provision to neighbourhood development plans. Neighbourhood development plans do not grant planning permission but set out policies in relation to the development and use of land. On this basis, neighbourhood development plan policies may not relate to excluded development including the winning and working of minerals. This exclusion, when applied to the construction of policies to be included in the Neighbourhood Plan, should not be taken to extend to land instability linked to past coal mining activity.
38. The Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) include Policy RE9 Ground Stability. This policy requires a statement on ground stability, together with details of measures to deal with any instability, to accompany any proposals for development on unstable or potentially unstable land. The Framework states planning policies should ensure that a site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. This aspect of policy can be dealt with by inclusion within the Neighbourhood Plan of a provision that these matters are required to be considered. I have later in my report recommended a modification to Policy PNP1 accordingly.
39. The issue of sterilisation of mineral resources is a complex matter. The existence of coal measures deep underground does not in itself provide a basis for the prevention of new built surface development or designations of land. To prove sterilisation would require examination of a wide range of factors including height of workable seams; depth of seams; overlying geology; and the nature of surface development including incorporation of appropriate construction features. These matters when considered together are beyond what could reasonably be dealt with by a qualifying body preparing a neighbourhood plan for a local community. The working of coal reserves deep underground

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<sup>18</sup> Section 61J (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011

<sup>19</sup> Within paragraph 1(1)(a) to (h) of Schedule 1 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011

could only be considered in the context of excluded matters. In the case of the Neighbourhood Plan area coal reserves are close to the surface. The Coal Authority map of coal resource areas (surface coal resources) shows the south-eastern part of the Neighbourhood Plan area to have surface coal resources. Coal measures close to the surface can only be extracted by disruption of the land surface by opencast mining methods. Designations of land, and development itself, can have the effect of sterilising coal resources, at least in terms of viability, where the winning of those resources would be extracted by opencast mining.

40. Minerals can only be worked where they exist. The existence of mineral deposits does not necessarily mean they can be worked. That decision will be based on a wide range of complex considerations that could not appropriately be considered by a community led neighbourhood planning process. To determine whether surface coal reserves can be worked requires consideration of compatibility of adjoining land uses. Where, for example, reserves are immediately adjacent to a school, or residential areas, they are unlikely to be able to be worked. If reserves cannot be worked then it cannot be found they can be sterilised by designations relating to the land above those reserves in that they are already sterilised by virtue of their juxtaposition in relation to sensitive neighbouring land uses. These issues can only be considered through exploration of mineral development matters that are excluded for the purposes of neighbourhood plan preparation.

41. Additionally, issues relating to mineral sterilisation are strategic in nature. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area<sup>20</sup>. Unlike issues of land instability that relate to specific sites, issues of mineral sterilisation must be considered on a wide area basis. It is inappropriate to consider issues of mineral sterilisation at a neighbourhood plan area level. Independent examination of a neighbourhood plan cannot consider whether the proposed strategy is the most appropriate or is justified by a proportionate evidence base<sup>21</sup>. I have not considered the issue of the sterilisation of mineral resources in this independent examination of the Neighbourhood Plan as I consider this to be excluded development.<sup>22</sup>

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<sup>20</sup> Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

<sup>21</sup> Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

<sup>22</sup> Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b)

Planning and Compulsory Purchase Act 2004

42. Network Rail has made a representation to the effect that train services are unlikely to be affected by the Neighbourhood Plan. This comment is made from the perspective of the current operational network. Later in my report I consider issues relating to the former railway land within the Neighbourhood Plan area.
43. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where appropriate I refer to those representations that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies.
44. In a consultation, Government, had put forward a question as follows *“Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?”* The published Government response to the consultation states *“We do not intend to take forward the proposals to introduce a new basic condition...”*<sup>23</sup> The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) Explains how they were consulted;
  - c) Summarises the main issues and concerns raised by the persons consulted; and
  - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>24</sup>
45. The Consultation Statement (March 2017) includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

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<sup>23</sup> Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

<sup>24</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

## The Neighbourhood Plan taken as a whole

46. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

47. The Basic Conditions Statement states *“The PNP is fully compliant with the European Convention on Human Rights.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>25</sup> I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. The Basic Conditions Statement includes the comment *“There is no discrimination stated, or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention.”* From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

48. The objective of EU Directive 2001/42<sup>26</sup> is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of

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<sup>25</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

<sup>26</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

'plans and programmes'<sup>27</sup> as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.<sup>28</sup>

49. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Town Council to submit to the County Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required. The County Council issued a Screening Opinion on 14 November 2016 concluding that a full Strategic Environmental Assessment (SEA) will not be required. The Screening Opinion included a statement of reasons why a full SEA report is not required. Both the Screening Opinion and the Basic Conditions Statement confirm that all the Statutory Consultees were consulted. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

50. The County Council has produced a comprehensive Habitats Regulations Report dated March 2017 which concluded the Neighbourhood Plan "*is not likely to have a significant effect on any European Sites*". The assessment includes reasons for the conclusion. The County Council has provided me with a letter from Natural England dated 3 March 2017 which includes the statement "*Your assessment concludes that the neighbourhood plan can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided, Natural England concurs with this view*". On this basis, it is not necessary to undertake a full Habitats Regulations Assessment 'appropriate assessment' to accompany the Neighbourhood Plan.

51. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

52. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

53. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations

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<sup>27</sup> Defined in Article 2(a) of Directive 2001/42

<sup>28</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

54. The Guidance<sup>29</sup> states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The County Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

55. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. 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<sup>30</sup> which requires plans to be “*consistent with national policy*”.

56. Lord Goldsmith has provided guidance<sup>31</sup> that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

<sup>29</sup> National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

<sup>30</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

<sup>31</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

57. The Basic Conditions Statement includes Table 1 which I am satisfied demonstrates how the Neighbourhood Plan has regard to the 12 core principles set out in paragraph 17 of the Framework.
58. The Neighbourhood Plan includes a positive vision for Ponteland. This includes the statement that Ponteland “*will maintain its identity as a sustainable, thriving community, accessible to people of all ages.*” Reference is also made to valuing the rural setting, rich heritage, natural environment and open spaces. These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
59. The vision is supported by seven objectives of the Neighbourhood Plan. These objectives refer to the built environment; the natural environment; local economy; housing; community wellbeing; flooding and sustainable drainage; and transport and movement. The objectives of the Neighbourhood Plan are consistent with the core planning principles of the Framework.
60. The planning policies of the Neighbourhood Plan are grouped under the topics that support the objectives of the plan. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.
61. The Neighbourhood Plan includes an Annex 1 that sets out three community actions relating to ‘conservation areas’; ‘local list of heritage assets’; and ‘youth forum’. The Annex also includes a list of future community actions that “*may be suitable for consideration by the Town Council in the future.*” Two representations submitted by individuals have stated complete agreement with the future community actions. The Ponteland Community Partnership states “*We understand that this section is not part of the examination however we wish to endorse this section as being important to the residents and to the principles of our organisation and state we welcome the delivery of the vision and objectives through the Community Actions.*” Whilst confirming agreement with, and support for, the full contents of the Neighbourhood Plan the Ponteland Civic Society has stated “*we wish to draw your attention to certain bullet points under Para. A.11 – “Future Community Actions” – Page 56, with which, as a Civic Society, we are particularly in favour, as follows:*

- *To work with NCC on the possible implementation of Article 4 Directions, etc;*

- *To work with NCC and local businesses to reduce street clutter, etc;*
- *To continue to work with NCC on the possibility of a future relief road for Ponteland;*
- *To establish the viability of a ‘Community Hub’ at a central location in Ponteland Village etc. We regard the proposal to erect 27 apartments on the site of the former Library to be both unjustified and a vital opportunity missed.”*

62. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. The community actions themselves do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The community actions would not be the subject of any referendum and would not become part of the Development Plan for the area. The approach adopted avoids those non-development and land use matters, raised as important by the local community or other stakeholders, being lost sight of. The Guidance states, *“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.”* The acknowledgement of community actions is consistent with this guidance and represents good practice. The Guidance states, *“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.”* I am satisfied the approach adopted, by including the community actions in Annex 1 of the Neighbourhood Plan, is appropriate and wholly consistent with the Guidance.

63. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having*

*regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

64. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.<sup>32</sup> The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”*<sup>33</sup>.
65. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
66. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement confirms *“The PNP has been prepared in full recognition of the need to contribute to sustainable development. An overarching policy - PNP 1 Sustainable Development Principles has been included to set out a positive and proactive approach to new development whilst identifying the key criteria that should be considered when determining a planning application.”* Tables 2, 3, and 4 of the Basic Conditions Statement show, for each dimension of sustainability, the alignment of the Neighbourhood Plan with the aims of the Framework.
67. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable

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<sup>32</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>33</sup> National Planning Practice Guidance (Ref ID:41-072-20140306)

development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Ensure high quality inclusive design;
- Ensure adequate infrastructure serves developments;
- Maintain the distinct character of Darras Hall;
- Conserve the significance of heritage assets;
- Ensure canopies and awnings, and building security measures are appropriate;
- Maintain and enhance green infrastructure and landscape character;
- Protect identified green approaches;
- Conserve biodiversity and protect wildlife corridors;
- Designate Local Green Spaces;
- Ensure continuing allotment provision;
- Support increased cemetery provision;
- Support economic development and strengthen and regenerate the village and local centre;
- Ensure developments include appropriate housing mix;
- Support new community infrastructure including open and recreation space and guard against loss of open space, and sports and recreational land;
- Support new or improved public toilet facilities;
- Support flood prevention and alleviation schemes and ensure development proposals minimise flood risk, including through sustainable drainage systems;
- Ensure transport implications of development are acceptable;
- Protect active travel routes;
- Support village centre related car and cycle parking provision; and
- Support proposals to improve the attractiveness of public transport services.

68. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood 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)

69. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.<sup>34</sup> “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.<sup>35</sup>

70. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”<sup>36</sup>

71. In this independent examination, I am required to consider whether the making of the Neighbourhood 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). The County Council has informed me that the Development Plan applying in the Ponteland Neighbourhood Area and relevant to the Neighbourhood Plan is the Castle Morpeth District Local Plan (2003). The Basic Conditions Statement confirms the saved strategic policies of the Development Plan for the Ponteland Neighbourhood Area are as follows:

- RE2 Renewable Energy
- RE3 Wind Power Areas of Search
- RE4 Water Quality
- RE5 Surface water run-off and flood defences
- RE6 Service Infrastructure
- RE8 Contaminated Land
- RE9 Ground Stability
- C1 Settlement Boundaries
- C4 Landscape corridors
- C11 Protected species
- C12 Wildlife corridors

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<sup>34</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>35</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>36</sup> National Planning Practice Guidance (ID: 41-04720 140306)

- C16 Green Belt
- C17 Green Belt
- C19 Infill at Major Developed Sites
- C26 Conservation areas
- H1 Housing land supply
- H2 Phasing
- H16 Housing in the countryside
- E1 Land Supply
- E4 Exceptional proposals for employment development
- S2 Out of town retail development
- T1 Major road improvements
- T6 Provision for cyclists – cycle routes

#### Ponteland

- PC1 Settlement Boundary
- PC3 Landscape Corridors
- PC4 Wildlife Corridors
- PC9 Conservation Areas
- PH1 Housing: Land Supply
- PE1 Employment
- PS1 Shopping – Commercial and business centre – changes of use
- PS2 Shopping - Commercial and business centre - development for certain uses outside centre
- PT1 A696 Ponteland Bypass
- PT2 Extension to B6323 Callerton Link Road
- I2 Planning Obligations

The County Council has confirmed agreement that these are the strategic policies of the Development Plan.

72. The County Council is preparing a new County-wide Local Plan. A Core Strategy, which will be the first document of the new Local Plan, is at an advanced stage of preparation. The Guidance states, Neighbourhood Plans can be developed before or at the same time as the local planning authority is producing its Local Plan. Although a draft neighbourhood plan is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

73. The emerging Core Strategy includes Policy 44 which states *“Development which would prevent the reintroduction of passenger rail services on the former railway track bed between Newcastle Airport Metro Station and Ponteland will not be permitted. The route and alignment of disused railway lines, together with land identified for*

*potential stations will be safeguarded. Development which would prejudice future use for passenger and freight transport will not be permitted unless the benefits of the development outweigh the importance of the retention of the facilities for future use. The Council will support proposals for the use of such routes for walking and cycling, where it will safeguard them for future rail use”.* The Neighbourhood Plan does not include a policy relating to the reintroduction of rail services nor is there any obligation for the Plan to include such a policy. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues. It is in any case likely a scheme for the reintroduction of rail services would, as a nationally significant infrastructure project, fall within the meaning of excluded development for the purposes of neighbourhood planning.<sup>37</sup> However, the part of the former railway track bed between Newcastle airport Metro Station and Ponteland that lies within the neighbourhood plan area is affected by policies PNP 14; PNP 15; and PNP 30 of the Neighbourhood Plan. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.<sup>38</sup> The Guidance states “*The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan....*”<sup>39</sup>. This can ensure that policies in the neighbourhood plan are not overridden by a new Local Plan. I have found the recommendations I am making for modification of the policies concerned, so that they meet the basic conditions, will also have the effect of avoiding conflict between the emerging Local and Neighbourhood Plans.

74. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there to introduce a degree of flexibility.*”<sup>40</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

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<sup>37</sup> For the meaning of “excluded development”, see section 61K. Localism Act 2011

<sup>38</sup> Section 38(5) Planning and Compulsory Purchase Act 2004

<sup>39</sup> National Planning Practice Guidance Paragraph (ID: 41-009-201 60211)

<sup>40</sup> Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

75. The Guidance states, “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.”<sup>41</sup>*

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

76. Consideration as to whether the making of the Neighbourhood 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) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan policies**

77. The Neighbourhood Plan includes 32 policies as follows:

Policy PNP 1: Sustainable Development

Policy PNP 2: High Quality and Inclusive Design

Policy PNP 3: Infrastructure

Policy PNP 4: Residential Development in Darras Hall

Policy PNP 5: Heritage Assets

Policy PNP 6: Heritage Assets and Highway Works

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<sup>41</sup> National Planning Practice Guidance (ID ref: 41-074 201 40306)

Policy PNP 7: Heritage Assets and Advertisements

Policy PNP 8: Building Security

Policy PNP 9: Canopies and Awnings

Policy PNP 10: Green Infrastructure

Policy PNP 11: Landscape

Policy PNP 12: Green Approaches

Policy PNP 13: Biodiversity

Policy PNP 14: Wildlife Corridors

Policy PNP 15: Local Green Space

Policy PNP 16: Allotments

Policy PNP 17: Cemetery

Policy PNP 18: Economic Development

Policy PNP 19: Village Centre and Local Centre

Policy PNP 20: Village Centre and Local Centre Regeneration

Policy PNP 21: Housing Mix

Policy PNP 22: Community Infrastructure

Policy PNP 23: Open and Recreation Space Provision

Policy PNP 24: Protection of Open Space, Sports and Recreational Buildings and Land

Policy PNP 25: Public Toilet Facilities

Policy PNP 26: Flood Alleviation

Policy PNP 27: Flood Risk

Policy PNP 28: Sustainable Drainage Systems

Policy PNP 29: Transport and New Developments

Policy PNP 30: Active Travel Routes

Policy PNP 31: Public Car and Cycle Parking

Policy PNP 32: Public Transport

78. Paragraph 4.2 of the Neighbourhood Plan states *“The Policies Map (Appendix 1) illustrates geographically the proposed policies of the Plan.”* I have been provided with a copy of the Policies Map that includes a map of the Plan Area and three insets relating to: Ponteland; the Village Centre; and the Local Centre.
79. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*<sup>42</sup>
80. The Guidance states *“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.”*<sup>43</sup>
81. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan...”*<sup>44</sup>
82. *“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. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*<sup>45</sup>

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<sup>42</sup> Paragraphs 184 and 185 National Planning Policy Framework (2012)

<sup>43</sup> National Planning Practice Guidance Paragraph (ID: 41-041-20140306)

<sup>44</sup> National Planning Practice Guidance Paragraph (ID: 41-040-20160211)

<sup>45</sup> National Planning Practice Guidance Paragraph (ID: 41-004-20140306)

83. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. The policy approach of the Neighbourhood Plan to the track bed and associated adjoining land of former railway lines within the Plan area is principally made up of three policies namely, PNP 14, PNP 15, and PNP 30. I have considered whether there are any inter-relationships between these policies that are relevant to my remit. I have concluded that it is appropriate for me to consider each of these policies individually.

### **Policy PNP 1: Sustainable Development**

84. This policy seeks to establish a presumption in favour of sustainable development and requires development proposals to demonstrate seven criteria would be met.

85. The requirement to demonstrate that development would “*make the best and most efficient use of land*” is imprecise as it is unclear how “*best*” and “*most efficient*” are to be assessed. In any case, it would be unreasonable to withhold support for a proposal on the basis it is not the best or most efficient use of land. Inclusion of criterion ‘c’ results in the policy not providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification to criterion ‘c’ in this respect.

86. In response to a representation made by The Coal Authority I have earlier in my report drawn attention to Policy RE9 Ground Stability of the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003). This policy requires a statement on ground stability, together with details of measures to deal with any instability, to accompany any proposals for development on unstable or potentially unstable land. The Framework states planning policies should ensure that a site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. It is evident that ground stability is a potential issue in a significant part of the Neighbourhood Plan area. This aspect of policy can be dealt with by inclusion within the Neighbourhood Plan of a provision that these matters are required to be considered. I have recommended an additional modification to criterion ‘c’ of Policy PNP1 accordingly.

87. The policy is in general conformity with the other strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE2 Renewable Energy; RE3 Wind Power Areas of Search; RE4 Water Quality; RE5 Surface water run-off and flood defences; RE6 Service Infrastructure; RE8 Contaminated Land; C1 Settlement Boundaries; C4 Landscape corridors; C11 Protected species; C12 Wildlife corridors; C16 Green Belt; C17 Green Belt; C19 Infill at Major Developed Sites; C26 Conservation areas; H1 Housing land supply; H2 Phasing; H16 Housing in the countryside; E1 Land Supply; E4 Exceptional proposals for employment development; S2 Out of town retail development; T1 Major road improvements; T6 Provision for cyclists – cycle routes; PC1 Settlement Boundary; PC3 Landscape Corridors; PC4 Wildlife Corridors; PC9 Conservation Areas; PH1 Housing: Land Supply; PE1 Employment; and PS1 Shopping – Commercial and business centre – changes of use.

88. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 1:**

**In Policy PNP 1 replace criterion ‘c’ with “Make efficient use of land taking into account land instability”**

**Policy PNP 2: High Quality and Inclusive Design**

89. This policy seeks to establish support for proposals that demonstrate high quality and inclusive design and sets out eight criteria for assessment. The policy also requires any Design and Access Statement to fully address the criteria stated.

90. The policy includes reference to “*sustainable design and construction techniques and renewable and low carbon energy technology*”. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: “*From the date the*

*Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings*". Whilst the Ministerial Statement only applies to new dwellings these are likely to be the most common form of development proposal occurring during the Plan period. The policy does not seek to establish standards or requirements but instead seeks to establish support. On this basis, I have not recommended a modification.

91. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE2 Renewable Energy; RE3 Wind Power Areas of Search; RE5 Surface water run-off and flood defences; T6 Provision for cyclists – cycle routes; PC3 Landscape Corridors; and PC9 Conservation Areas.
92. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. This policy meets the Basic Conditions.

### **Policy PNP 3: Infrastructure**

93. This policy seeks to establish that no significant adverse infrastructure impacts arise from development by supporting proposals that have or will have adequate infrastructure, services and community facilities either through new and/or improved provision. This policy would apply to the full range of scale of proposals including individual buildings and large-scale development such as the proposed Dissington Garden Village.
94. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE5 Surface water run-off and flood defences; RE6 Service Infrastructure; H2 Phasing; E4 Exceptional proposals for employment development; S2 Out of town retail development; T1

Major road improvements; T6 Provision for cyclists – cycle routes; and PE1 Employment.

95. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport; supporting high quality communications infrastructure; promoting healthy communities; meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. This policy meets the Basic Conditions.

#### **Policy PNP 4: Residential Development in Darras Hall**

96. This policy seeks to establish six criteria that are to be met if proposals for new or replacement dwellings, or extension to dwellings are to be supported within the Darras Hall Estate. The Darras Hall Estate is spatially defined as a Special Character Area on the Policies Map.
97. In a representation, the Darras Hall Estate states this policy is “*fundamental to the core of Darras Hall and the principles of the Trust deed and bylaws*”.
98. The County Council states “*The Local Planning Authority raised concerns at the pre-submission consultation stage about a policy to manage new housing and extensions to dwellings in Darras Hall due to the lack of evidence that describes the particular character of that area of the Parish and why it should be offered particular protection through planning policy. It is noted that additional work has now been undertaken by AECOM planning consultancy as part of the government’s national neighbourhood planning technical support package and presented as a Heritage and Character Assessment (January 2017). This describes Darras Hall (at page 26). The positive aspects of character that define Darras Hall are described in that report as the ‘...low density, eclectic mix, size, age and style of houses with mature trees and hedgerows providing green routes through the estate.’ (page 34). The report then goes on to define the issues to be addressed in seeking to improve future development with a view to generally respecting and restoring the quality and character of the estate. The Local Planning Authority recognises the desire to seek improvements in the design, density, building materials and means of enclosure within the estate. The report from AECOM goes some way in providing evidence to support a specific policy for Darras Hall. It is acknowledged that efforts have been made to justify the policy and*

also to modify the policy following representation made by the Local Planning Authority about the operation of the policy as drafted at pre-submission draft stage. However, there remain concerns about how Policy PNP 4 as currently drafted could be applied consistently. It remains unclear how a decision maker could understand the concept of space and privacy standards reflecting the size and quality of the proposed dwelling (or extension) and adjacent dwellings without understanding what those 'standards' should be. No space or privacy standards are defined in the Policy or elsewhere in the Plan. Such standards would require robust evidence. It is therefore difficult for a decision maker to apply the policy as drafted in practice. If the policy is intended to create consistent separation between dwellings then this ought to be defined. However, in doing so it may add to increasing uniformity which is a quality that could detract from the character of the area as defined in the AECOM work. The Local Planning Authority has concerns about the way in which paragraphs (a) and (b) of Policy PNP4 are drafted. Only policies that provide a clear indication on how a decision maker should react to a development proposal should be included in Local Plans. This is national policy set out at paragraph 154 of the NPPF and applies equally to neighbourhood development plans due to their status in forming part of the statutory development plan. The Local Planning Authority considers that paragraphs a and b of Policy PNP 4 fails to meet basic condition test (a) in that having regard to paragraph 154 of NPPF it would not be appropriate to make the neighbourhood plan. Additionally, without some definition of evidence based appropriate space standards, related to the character of the area, or separation distances (to ensure privacy), it is possible that Policy PNP 4 could present conflict with the intentions of Policy PNP 1, paragraph c which requires that applicants must demonstrate how development would '...make the best and most efficient use of land...'. The Local Planning Authority supports the inclusion of a policy concerning management of residential development in Darras Hall and welcomes the additional evidence presented in support of the policy. It is considered that the relevant matters requiring control or management can be covered through paragraphs c to f of the policy. When read in conjunction with Policy PNP 2, which sets out criteria associated with the creation of high quality and inclusive design, it is considered that sufficient clear guidance showing how a decision maker should react to a development proposal for a new dwelling or extension in Darras Hall would exist. It is therefore suggested that Policy PNP 4 be modified accordingly.

99. In a submission made during the Regulation 16 period for representations the Town Council states "Throughout the draft

*Neighbourhood Plan, reference is made to Darras Hall and its historical importance to both the Plan area and its local communities. During the extensive engagement on the emerging Plan, the need for the plan to conserve and enhance the special identity of Darras Hall was regularly highlighted by the local community. As a result, this is identified within the vision of the Plan and a specific policy was prepared to seek to ensure the effective management of future development on the Estate. It is noted that NCC support the inclusion of a policy concerning management of residential development in Darras Hall. NCC has been fully engaged by the Neighbourhood Planning Steering Group throughout the preparation of the Plan. As a result of the concerns expressed by NCC, the first draft of the Darras Hall policy was amended significantly to remove a lot of prescriptive detail. In addition, AECOM were appointed to prepare a Heritage and Character Assessment and the Steering Group prepared a Darras Hall Estate background paper<sup>46</sup> to provide further justification of the need for the policy and its contents. In their response to the Submission Plan, NCC express concern that the policy could not be applied consistently, particularly with regard to space and privacy standards, as they are not defined within the Plan. As explained above, earlier drafts of the Darras Hall policy included significant detail, informed by the Castle Morpeth Borough Local Plan (CMBLP), the Estate Trust Deed and the Bye-laws. However, officers from NCC expressed concern that this detail was too prescriptive and did not accord with the requirements of the National Planning Policy Framework (NPPF). This detail was therefore removed. PTC disagrees with NCC's assessment of criteria 'a' and 'b' of policy PNP 4. The policy has been written in such a way as to guide the decision maker, acknowledging that each application must be determined on its merits. When assessing a planning application, the decision maker will be able to apply professional judgement, guided by the criteria set out within policy PNP 4. The supporting evidence, particularly pages 26 and 34 of the Heritage and Character Assessment, clearly defines the importance of the unique garden city type development of the Darras Hall Estate to the Plan area. In addition, pages 14 and 15 of the Darras Hall background paper reproduces the relevant sections of the Trust Deed and Bye-laws. NCC's comments regarding the design guidance provided within PNP 2 is noted, however given the importance of design and layout on Darras Hall Estate, PTC consider it to be essential that this more locally specific guidance remains within policy PNP 4. PTC also disagree that the requirements of policy PNP 4 conflict with criterion 'c' of policy PNP 1. Policy PNP 1 includes a wide*

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<sup>46</sup><http://www.pontelandneighbourhoodplan.co.uk/evidence/built-environment/>

*range of criteria to guide new development across the Plan area, all of which should be considered, where appropriate, in the assessment of planning applications. The Plan should be read as a whole. It is clear, simply by reading the vision of the Plan, that the maintaining and enhancing the special identity of Darras Hall is significant. PTC therefore respectfully request that you make no amendments to policy PNP 4 in response to the NCC representation.”*

100. I have earlier in my report recommended a modification of criterion ‘c’ of Policy PNP1 which is referred to in both the County Council and Town Council representations. Criteria ‘a’ and ‘b’ relate to “*space and privacy standards*” without providing sufficient information to decision makers so that they could apply the policy with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification to delete criteria ‘a’ and ‘b’ and insert additional words into criterion ‘c’ so that it then includes a requirement to consider the separation of buildings. In this way, the policy will require consideration of distances between buildings and related issues of privacy in the context of the character of the surroundings of an application site without attempting to define standards that have not been subject to Regulation 16 consultation. As recommended to be modified the policy avoids unnecessary prescription as required by paragraph 59 of the Framework, whilst reinforcing local distinctiveness in accordance with paragraph 60 of the Framework.
101. Criteria ‘d’ and ‘f’ refer to hedgerows. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.
102. Criteria ‘d’ requires proposals to maintain the continuation of existing hedgerows and other boundary features of amenity value. This approach is not consistent with the presumption in favour of sustainable development in that it could in certain circumstances prohibit development altogether where, for example, an access needs to be formed. I have recommended a modification in this respect so that proposals must demonstrate the necessity for any removal of existing boundary features of amenity value. I have also recommended a modification of criterion ‘f’ for the same reason and also so that the policy more clearly has regard for the approach regarding loss of aged or veteran trees set out in paragraph 118 of the Framework. Criterion

'f' provides a policy context in respect of hedgerows not forming a site boundary feature.

103. The term "*should avoid*" in criterion 'f' is imprecise. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The recommended modification also has regard to the approach of paragraph 118 of the Framework regarding loss of trees.

104. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PH2 and PH3 relating to the Darras Hall Estate.

105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 2:**

##### **In Policy PNP 4**

- **delete criterion 'a' and criterion 'b'**
- **in criterion 'c' after "massing" insert "and separation"**
- **in criterion 'd' delete "maintain the continuation" and insert "demonstrate the necessity for any removal of"**
- **replace criterion 'f' with "Development proposals must demonstrate the necessity for loss of any tree or hedgerow of significant local amenity value, and in those circumstances, include equivalent compensatory planting. Loss of aged or veteran trees will only exceptionally be supported where it is demonstrated the need for, and benefits of development clearly outweigh the loss"**

#### **Policy PNP 5: Heritage Assets**

106. This policy seeks to establish that proposals that affect heritage assets or their setting will be supported where they sustain, conserve

and, where appropriate, enhance the significance of the heritage asset.

107. In a representation, the Darras Hall Estate states *“The Committee believes that Darras Hall should be considered as a Heritage Asset and the Estate ‘should be conserved’ in a manner appropriate to its significance.”* The policy seeks to establish an approach to proposals that affect heritage assets. The policy does not, and there is no requirement that it should, seek to identify the heritage assets in the Plan area.

108. I recommend insertion of the word “the” in the first sentence so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

109. The sentence *“Decisions will be based on a sound understanding of the significance of the asset and the impact of the proposal upon that significance”* is a point of information regarding process. The sound understanding of decision makers is not practically capable of being tested. I recommend the sentence is deleted so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

110. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC9 Conservation Areas.

111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:**

**In Policy PNP 5**

- **in the first sentence after “significance of” insert “the”**
- **delete the sentence commencing “Decisions will”**

### **Policy PNP 6: Heritage Assets and Highway Works**

112. This policy seeks to establish support to relax highway design standards, provided highway safety would not be compromised, in order to mitigate impact on the significance of a heritage asset.
113. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC9 Conservation Areas.
114. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. This policy meets the Basic Conditions.

### **Policy PNP 7: Heritage Assets and Advertisements**

115. This policy seeks to establish that advertisements should not detract from the significance of heritage assets or their setting.
116. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC9 Conservation Areas.
117. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. This policy meets the Basic Conditions.

### **Policy PNP 8: Building Security**

118. This policy seeks to establish support for open weave roller shutters and roller shutter boxes that do not project in front of the main elevations of buildings. The policy also seeks to establish criteria to be considered when a proposal affects a heritage asset or its setting.
119. The sentence *“Decisions on proposals affecting heritage assets will be made based on a sound understanding of the significance of the asset and the impact of the proposal upon that significance”* is a point of information regarding process. The sound understanding of decision makers is not practically capable of being tested. I recommend the sentence is deleted so that the policy provides a

practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

120. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC9 Conservation Areas.
121. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 4:  
In Policy PNP 8 Delete the sentence commencing “Decisions will”**

#### **Policy PNP 9: Canopies and Awnings**

122. This policy seeks to establish criteria for support of proposals for the installation of canopies and awnings.
123. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC9 Conservation Areas.
124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; and conserving and enhancing the historic environment. This policy meets the Basic Conditions.

#### **Policy PNP 10: Green Infrastructure**

125. This policy seeks to establish that development proposals should protect and where practical and viable improve and extend green infrastructure using native species. The policy establishes criteria against which development proposals will be assessed. Proposals that would include loss of part of the green infrastructure network will not be supported without equivalent or better alternative provision.

126. In a representation, the Ponteland Community Partnership states “*The PCP recognises the value and need to protect and encourage green infrastructure within future development in the Neighbourhood Plan designated area*”. The Darras Hall Estate states “*The Committee would like to protect and encourage green infrastructure within future development*”.
127. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular C4 Landscape corridors; C11 Protected species; C12 Wildlife corridors; C16 Green Belt; C17 Green Belt; PC3 Landscape Corridors; and PC4 Wildlife Corridors.
128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the Basic Conditions.

#### **Policy PNP 11: Landscape**

129. This policy seeks to establish that development proposals should maintain and where appropriate enhance landscape character.
130. The policy includes the term “*of Ponteland Parish*”. All of the policies of the Neighbourhood Plan apply throughout the Neighbourhood Plan area unless they specify a part of the area. It is confusing for one policy to confirm application across the parish. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
131. The policy refers to the “*Ponteland Parish Landscape Character Assessment*.” It is usually inappropriate for a policy to refer to an entire other document. However, in this case the reference is clearly stated to be to the definition of the landscape of the Neighbourhood Plan area. This represents a convenient approach avoiding lengthy description within the policy itself.
132. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PC3 Landscape Corridors.

133. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:**

**In Policy PNP 11 delete “the landscape character of Ponteland Parish” and insert “landscape character”**

**Policy PNP 12: Green Approaches**

134. This policy seeks to establish that development proposals affecting the Green Approaches identified on the Policies Map will be supported where they do not significantly adversely affect the character and amenity created by the grass verges, trees and hedgerows in these areas.

135. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.

136. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003), and in particular Policy PC3, which identified landscape corridors adjacent to the main approach roads to Ponteland both within the built area and beyond the village. The proposed policy carries forward the policy approach of the 2003 Local Plan. Although normally not appropriate, given the anticipated limited life of the Castle Morpeth District Local Plan policies, a period of duplication of policies with the Neighbourhood Plan is a practical necessity where a continuity of policy approach is desired. The Neighbourhood Plan policy does in any case include a notable update with the addition of the B6545 Rotary Way as an identified green approach.

137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the Basic Conditions.

### **Policy PNP 13: Biodiversity**

138. This policy seeks to establish that all development proposals should conserve biodiversity, and maximise positive biodiversity opportunities. The policy also sets out an approach to proposals causing harm to biodiversity.
139. In a representation, the Ponteland Community Partnership states *“The PCP endorses these policy proposals to conserve, protect and maximise opportunities for recreation, restoration, enhancement and the sensitive management of biodiversity with the reference to Northumberland Biodiversity Action Plan.”*
140. I consider modification of the policy is necessary in order to more clearly reflect national policy in particular paragraph 118 of the Framework with respect to avoidance of significant harm to biodiversity through locating on an alternative site with less harmful impacts.
141. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular C11 Protected species; PC3 Landscape Corridors; and PC4 Wildlife Corridors.
142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 6:**

**In Policy PNP 13 after “demonstrated” insert “the proposal cannot be located on an alternative site with less harmful impacts and”**

### **Policy PNP 14: Wildlife Corridors**

143. This policy seeks to establish that development proposals should protect and enhance identified wildlife corridors taking into account existing links and seeking opportunities to extend network links.
144. In a representation, the Ponteland Community Partnership states *“The PCP endorses 4.55 giving the need for sustained*

*connectivity to the “wider landscape” this can be a shared space with a purpose of movement for both mankind and wildlife to enjoy. Conserving the wildlife corridor gives a much stronger identity to the local area whilst also being used as a recreational route linking Ponteland to the open countryside. The community value this asset, as shown in a recent spring (Bridleway Project – Old Railway Line) Event where 10 organisations came together with NCC who have advised on improving this facility between Callerton Lane and Rotary Way. The success has generated the same commitment for the Rotary Way to Newcastle Airport route later in the year”.*

145. The Darras Hall Estate states *“This refers to the Old Railway Line which now comprises of 4 sections within Darras Hall:*

- *Darras Hall western boundary to Western Way*
- *Western Way to The Broadway*
- *The Broadway to Eastern Way*
- *Crossing Eastern Way to the village centre.*

*The Committee supports this policy as an alternative method for residents commuting through the estate away from the roads. It is a means for wildlife to travel with the protection of the trees, shrubs and undergrowth through a rural setting and housing estate. It should be noted that Darras Hall Estate owns the Bridleway through Darras Hall Estate. This is part of the old railway line from the early 1900's and has become a sanctuary for birds, small mammals and red squirrels.”*

146. The County Council states *“This policy seeks to identify wildlife corridors. The policy requires that development proposals affecting a wildlife corridor must protect and enhance the biodiversity quality and connectivity of the corridor. This includes the former railway line into Ponteland identified on the Policies Map. A wide range and substantial amount of evidence base documents are published on the Ponteland Neighbourhood Plan website. In relation to the Natural Environment topic area this includes: The Natural Environment, Open Spaces and Habitats Evidence Report (dated December 2015 on website); and the Stage 3 Presentation Report (November 2013). Neither of these documents mentions any intention to designate a wildlife corridor along the route of the former railway. The Natural Environment Topic Paper (September 2015) makes reference at paragraph 3.1.3 to community proposals to maintain the railway line for its wildlife value and enhance links to other wildlife networks. The intention to designate this route as a wildlife corridor is done without reference to any specific scientific or qualified opinion regarding the use and value of these routes to wildlife. The County Council is concerned that these designations are not supported by sufficiently robust evidence. Whilst*

*the County Council supports the general intention to protect and enhance networks of biodiversity advocated through paragraph 114 of NPPF, concerns remain about the application and interpretation of Policy PNP 14 as drafted because no specific evidence to justify designation exists. Only policies that provide a clear indication on how a decision maker should react to a development proposal should be included in Local Plans. This is national policy set out at paragraph 154 of the NPPF and applies equally to neighbourhood development plans due to their status in forming part of the statutory development plan. Having examined all available evidence presented in support of the Plan there appears to be no published evidence that describes or explains the biodiversity quality of the former railway lines intended for designation through this policy, nor is there any information about what enhancements may be required. Unlike other designations which have published evidence to describe the purpose and value of designation, for example, Sites of Special Scientific Interest, it appears that Policy PNP 14 has no specific evidence that helps in establishing the current biodiversity value or quality of the former railway lines. It is recognised that the supporting text in the Plan at paragraph 4.56 states that 'A wide range of species can be found...'. However, this claim is not substantiated with associated survey based evidence. It is therefore difficult to see how a decision maker could easily understand what enhancements to biodiversity quality might look like in the absence of any baseline data. For this reason, the Local Planning Authority consider that Policy PNP 14 fails to meet basic condition test (a) in that having regard to paragraph 154 of NPPF it would not be appropriate to make the neighbourhood plan. At the Pre-Submission Stage, the County Council objected to this policy on the basis that designation should demonstrate support from Natural England and the Northumberland Wildlife Trust. The County Council also recommended that support be secured for this designation from those bodies prior to proceeding with the inclusion of these routes as designated wildlife corridors so that the terms of paragraph 117 of NPPF are adequately addressed in relation to mapping the components of local ecological networks. It is noted that the Town Council's response to the County Council's representation set out on page 87 of Appendix 30 of the submitted Consultation Statement states that both Northumberland Wildlife Trust and Natural England support the inclusion of the railway line as a Wildlife Corridor. From their representations, it is clear that Northumberland Wildlife Trust recognise the need to define the reasons for its designation. Their representation, reproduced at page 73 of Appendix 30 provides no such evidence and simply provides an opinion that they '...tends to agree...' with the designation. The*

*County Council does not consider this sufficient to constitute evidence to support designation. There is no evidence of support expressed for the policy by Natural England, notwithstanding the claim to the contrary given in Appendix 30 (page 87). The County Council maintains its concerns and objections to Policy PNP 14 for the reasons given above”.*

147. In a submission made during the Regulation 16 period for representations the Town Council states *“PTC disagrees with NCCs comments which state that the proposed wildlife corridor along the former railway line is proposed to be designated without reference to any specific evidence. Paragraph 4.56 of the Neighbourhood Plan explains that in addition to those wildlife corridors identified within the CMBLP, it is proposed to designate an additional wildlife corridor which follows the route of the former railway line. PTC accepts that this route was not specifically identified within the background reports that are referred to within the NCC response, this is primarily as a result of the designation being identified as part of the evidence work on Local Green Space (LGS) designation. The proposed wildlife corridor designation has been prepared in accordance with national guidance. For example, paragraph 117 of the NPPF states that planning policies should: ‘identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation’. In addition, the National Planning Practice Guidance (NPPG)<sup>47</sup>, provides further guidance stating: ‘Local planning authorities and neighbourhood planning bodies should... consider the opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.’ NPPG also provides guidance<sup>48</sup> as to the evidence that should be taken into account in identifying and mapping local ecological networks. This includes: Main landscape features which, due to their linear or continuous nature, are important for the migration, dispersal and genetic exchanges of plants and animals, including any potential for new habitat corridors to link any isolated sites that hold nature conservation value, and therefore improve species dispersal; and Green space audits. Therefore, it is entirely appropriate that the proposed designation was informed as part of other background work<sup>49</sup> e.g. Landscape Character Appraisal – pages 22, 34, 37 and 38;*

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<sup>47</sup>Paragraph: 008 Reference ID: 8-008-20140306

<sup>48</sup>Paragraph: 009 Reference ID: 8-009-20140306

<sup>49</sup><http://www.pontelandneighbourhoodplan.co.uk/evidence/natural-environment/>

*Heritage and Character Assessment – pages 28, 29 and 34; and Local Green Space Background Paper – pages 13, 24, 25, 36, 37 and 38. PTC consider that policy PNP 14 and the proposed designation of the former railway line as a wildlife corridor, has been prepared in accordance with the requirements of national policy and guidance and is fully supported by proportionate evidence. PTC therefore respectfully request that you make no amendments to policy PNP 14 in response to the NCC representation.”*

148. The emerging Local Plan Core Strategy, at paragraph 9.35, recognises rail lines can have major positive benefits for the environment. As well as reducing transport-related emissions, *“railway lines can also provide wildlife corridors and valuable habitats for plants and wildlife.”* Any possible future re-introduction of rail transport services, on the part of the former railway track bed between Newcastle airport metro station and Ponteland that lies within the Neighbourhood Plan area, would not be incompatible with the former railway land corridor performing a role as a wildlife corridor.

149. Paragraph 117 of the Framework states in order to minimise impacts on biodiversity planning policies should, amongst other actions, identify and map components of the local ecological networks including *‘wildlife corridors’*. It is appropriate that the Neighbourhood Plan should identify such corridors. Identification and mapping of any wildlife corridor must be proportionately and robustly evidenced. I have not seen, in any of the documents before me, any survey results that establish a baseline of biodiversity in the areas proposed to be designated by Policy PNP 14 as wildlife corridors. On this basis, it is inappropriate to require development proposals to enhance an unspecified biodiversity quality and to incorporate unspecified existing wildlife links into their design. In this respect, the policy is insufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification of the policy in this respect.

150. Paragraph 118 of the Framework establishes the principles that should be applied when determining planning applications with respect to the aim of conserving and enhancing biodiversity as follows *“If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*. A neighbourhood plan policy should have regard to these principles. I have recommended a modification of the policy in this respect.

151. The term “*development proposals affecting a wildlife corridor*” is imprecise. It is unclear whether or not this would include proposals in the vicinity of a wildlife corridor. I have recommended a modification so that the policy refers to development proposals relating to land within the wildlife corridors identified on the Policies Map. It is unclear how the requirement of the policy “*to seek opportunities*” will be tested. I have recommended a modification in this respect also. These modifications are recommended so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The modification I have recommended also has regard for paragraph 173 of the Framework which requires attention to viability and deliverability in plan making.
152. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003), and in particular Policy PC4 Wildlife Corridors. Paragraph 4.56 of the Neighbourhood Plan refers to biodiversity networks already identified in the Castle Morpeth District Local Plan and refers to an additional wildlife corridor identified as “*following the route of the former railway line within Darras Hall.*” The Policies Map does not make this distinction. On this basis, it is clear the policy is intended to refer to all of the land shaded as ‘*wildlife corridor*’. Whilst there will be a duplication of policy in respect of all the wildlife corridors apart from the Darras Hall former railway route until the Castle Morpeth District Local Plan is no longer part of the Development Plan for the area I consider it is a reasonable approach to ensure continuity of a policy that is of importance to the local community.
153. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**Replace Policy PNP 14 with “To be supported, development proposals relating to land within the wildlife corridors identified on the Policies Map must demonstrate any significant harm to biodiversity quality and connectivity cannot be avoided through locating proposals to an alternative site; or will be adequately mitigated; or as a last resort, will be compensated for. All development proposals should demonstrate opportunities to create new links and habitats to reconnect isolated sites and**

**facilitate species movement have either been incorporated in the design, or are clearly shown to be not viable or deliverable.”**

### **Policy PNP 15: Local Green Space**

154. This policy seeks to designate five areas as Local Green Space.
155. In a representation, the Ponteland Community Partnership states *“The PCP treats all Local Green Space as potentially vulnerable areas of vital importance to the community’s mental and physical wellbeing they are part of the well-used facilities within the Civil Parish. This has been proved by our recent community project on part of the ‘Old Railway Line’ from Callerton Lane to Rotary Way during the spring of this year. Where 10 local organisations worked together to improve this facility for those who live/and or/work and visit Ponteland. NCC supported and advised on this project comprising of litter picking, hand pruning of trees, planting of 75 native trees and 60 wildflowers. The old railway line in use from 1905 and since the closure of the railway for passengers and freight in the 60’s legally binding agreements were put in place for footpaths to be maintained by land owners, Ponteland Parish Council (Pre-Town Council) and Northumberland County Council. This once continual railway line now crossed by roads and Ponteland Park is divided into 7 sections. There are 4 sections in Darras Hall, well used amenity by local residents, dog walkers, cyclists Sustrans Route 10 through an Estate of over 2,600 houses linking Ponteland to the rural community and open countryside”.*
156. The Ponteland Community Partnership also states *“It should be recognised that residents have an alternative method of commuting through Darras Hall Estate towards the village and away to the Airport, and visa-versa, bypassing away from the roads. This provides a means for wildlife to move around with the protection of the trees, shrubs and undergrowth through a rural setting and housing estate. Please note that Darras Hall Estate owns the Bridleway through Darras Hall Estate; this is part of the old railway line from the early 1900’s and has become a sanctuary for birds, small mammals and red squirrels.”*
157. The Darras Hall Estate states *“This relates to the four sections within Darras Hall, referred to above, and three additional sections from the Darras Hall boundary through the village onto Rotary Way and Newcastle Airport. All these sections are well used by local residents, cyclists and visitors. It is a recreational space from the*

*western boundary of Darras Hall to the village, through to Newcastle Airport with access at both ends into the rural community beyond”.*

158. The County Council states “Policy PNP 15 identifies five areas which it seeks to designate as Local Green Space. The designation of these areas is explained and supported through a separate paper ‘Ponteland Neighbourhood Plan: Local Green Spaces’ which is available on the Ponteland neighbourhood Plan website in the ‘Evidence’ section. This paper seeks to justify these designations by reference to national policy and guidance and a schedule of organisations that support the designations. The County Council is not convinced that appropriate evidence exists, nor that it is appropriate in any event having regard to national policy and guidance, to designate the former railway lines as Local Green Space. The Town Council’s supporting document identifies, on page 5 and page 9, the relevant national guidance published in Planning Practice Guidance which recognises that there is no need to designate linear corridors as Local Green Space simply to protect rights of way. The former railway lines are active travel routes being used as bridleways. This is registered on the definitive rights of way maps available online (see <http://map.northumberland.gov.uk/prow/>). It is not appropriate to use this special designation to protect these routes. Whilst there may be vegetation alongside the routes they are not, in the opinion of the Local Planning Authority, green spaces in the way that paragraphs 76 and 77 of NPPF envisage the use of designation powers. Paragraph 77 imposes very clear constraints on the designation of Local Green Space indicating that designation ‘...will not be appropriate for most green areas or open space.’ Paragraph 77 also requires that designation should only be used ‘...where the green area is demonstrably special to a local community...’. The County Council does not consider that the schedule of feedback given in Appendix 3 to the Local Green Spaces paper meets the expectations of paragraph 77 of NPPF in relation to demonstrating the importance to the local community in respect of the former railway lines. This presents the views of some local interest groups most of who are intrinsically linked to the preparation of the neighbourhood plan. Reference is made to a survey undertaken on 16 September 2016, but no details are given about the survey. The Local Green Spaces paper makes reference to the five areas of Local Green Space being defined in response to representations made during earlier community engagement and consultation during 2015 and 2016 (see paragraphs 3.2 and 3.3). However, none of the information available on the neighbourhood plan website relating to representations received as a result of consultation and engagement, nor any of the display materials used at those

*events, makes specific reference to the desire to designate the former railway lines as Local Green Space. Designation of the former railway lines as Local Green Space conflicts with advice provided in the Planning Practice Guidance and advice given at paragraphs 76 and 77 of NPPF. The Local Planning Authority considers that designation of the former railway lines as Local Green Space through Policy PNP 15 fails to meet basic condition (a) in that having regard to paragraphs 76 and 77 of NPPF and to advice provided in the Planning Practice Guidance it would not be appropriate to make the neighbourhood plan. Paragraph 76 of NPPF allows for planning policies to protect and enhance public rights of way and access. It would be appropriate to seek to apply protection to these routes that reflects this advice and reflects their actual purpose as recognised and registered bridleways. The County Council has concerns that designation of the former railway line as Local Green Space could prejudice any potential re-use of this route for passenger rail transport. This should be considered as a strategic matter which reflects the expressed intentions of the North East Combined Authority and Nexus to investigate an extension of the Metro network. Page 377 of the submitted Ponteland Neighbourhood Plan Consultation Statement contains the County Council's objection to the inclusion of the former Railway Line in Policy PNP 15. The County Council does not consider that, based on the response provided in that document, the Neighbourhood Plan has sufficiently taken account of the County Council's concerns. The County Council therefore maintains its objection to this policy, which was raised at Pre-Submission Draft stage, that it is important that any designation of the former railway line does not prejudice its potential future use for passenger rail transport. It is considered that Policy PNP 15 would prejudice a future rail connection along this route."*

159. In a submission made during the Regulation 16 period for representations the Town Council states "NCC suggest in their response that the proposed designation of the former railway line as LGS is not required or appropriate as: It is already protected as a public right of way; It does not form a green space, as envisaged by paragraphs 76 and 77 of the NPPF; Evidence has not been provided to illustrate that it is demonstrably special to a local community, as required by the NPPF; and The designation of the former railway line as LGS could prejudice any potential re-use of this route for passenger rail transport. This should be considered as a strategic matter which reflects the expressed intentions of the North East Combined Authority and Nexus to investigate an extension of the Metro network. In response to the first point, the designation of the former railway line as a public right of way does not prevent allocation of the area as a LGS."

*NPPG<sup>50</sup> states that where land is already protected by another designation, then consideration should be given to whether additional local benefit would be gained by designation as LGS. It is however clear from the proposals map and the definitive rights of way map, that the proposed LGS allocation covers a larger area of land than that identified as a public right of way. In addition, as set out within the Background Paper<sup>51</sup>, the local benefit is much more than its use as a right of way. With regard to the second point, it is not understood how NCC could reach this conclusion. Paragraph 76 of the NPPF refers to local communities being able to identify land, for special protection of particular importance to them. The background paper clearly defines this local importance. Paragraph 77 explains when the LGS designation should be used: Where the green space is in reasonably close proximity to the community it serves; Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value including as a playing field), tranquillity or richness of its wildlife; and Where the green area concerned is local in character and is not an extensive tract of land. All of these matters are fully considered within the Background Paper. Point three suggests that it has not been demonstrated that the proposed LGS is demonstrably special to the local community. Appendix 3 of the Background Paper summarises the feedback that was received on the proposed LGS designation. Support was received from: Ponteland Lions Club, with 16 members; Ponteland Community Partnership, with 15 members; Ponteland Natural Environment Group, with 3 members; Ponteland Wildlife Group, with 20 members; Friends of Ponteland Park, with 230 members; and Ponteland Civic Society with 230 members. Whilst it is accepted that some people may be on more than one local group, the responses represented around 514 members of the local community. PTC cannot understand how NCC can therefore conclude that evidence has not been provided to demonstrate that the proposed LGS is demonstrably special to the local community. In addition to the information provided within the Background Paper, PTC would like to make you aware of the Bridleway Community Project, which started in Spring 2017 and is due to continue until Autumn 2017. Details of the project were published in the April edition of the Pontnews and Views<sup>52</sup> (the free monthly community magazine for Ponteland). In summary: More than 50 people of all ages took part in the launch of the project and help to*

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<sup>50</sup>Paragraph: 010 Reference ID: 37-010-20140306

<sup>51</sup><http://www.pontelandneighbourhoodplan.co.uk/evidence/natural-environment/>

<sup>52</sup><http://www.ponteland-tc.gov.uk/wp-content/uploads/2017/03/PNV-April-17-issue-139.pdf>

*clear away refuse and cut back overhanging branches; The project will see the: Planting of 50 trees, supplied by NCC work completed by community volunteers; Clearing away of refuse and shredding branches, NCC and PTC; Planting and adopting an additional 25 trees, supplied by NCC work completed by Ponteland Scouts; Reinstatement of appropriate wild flowers donated by a member of the Friends of the Park; Skimming of path sides and adding hard core where necessary, NCC and PTC; Installation of display pedestal showing the heritage of the old railway line, wildlife and habitat, supplied by the Ponteland Community Partnership. With regard to the fourth point, the potential of the designation to prejudice any potential re-use of the route for passenger rail transport, the NPPF and NPPG are clear that LGS cannot be designated where it has planning permission for development or is not compatible with an existing development plan allocation. The proposed LGS does not have planning permission and is compatible with the Development Plan. Should the land be designated as LGS and funding be found to extend the Metro, an application could still be considered under the provisions of paragraph 78 of the NPPF. It is not appropriate to prevent the designation based on a long-term proposal that has no funding and therefore no guarantee of coming forward. PTC therefore respectfully request that you make no amendments to policy PNP 15 in response to the NCC representation.”*

160. The policy includes the sentence “*Development on land designated as Local Green Space will only be permitted where very special circumstances can be demonstrated in accordance with national Green Belt policy.*” Paragraph 78 of the Framework states “*Local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.*” Paragraph 90 of the Framework includes “*local transport infrastructure which can demonstrate a requirement for a Green Belt location*” as a form of development that is not inappropriate in Green Belt provided the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land in the Green Belt. On this basis, I conclude designation of the “*Old Railway Line from Darras Hall through Ponteland to the Airport*” as Local Green Space would not preclude local transport infrastructure to re-introduce rail services. I have recommended a modification to clarify this matter.

161. The Framework states “*Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new*

*development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”<sup>53</sup>*

162. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

163. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- *where the green area concerned is local in character and is not an extensive tract of land.<sup>54</sup>*

I find the intended Local Green Space designations relate to green spaces that are in reasonably close proximity to the community they serve; and the green areas are local in character. Whilst the former railway lines are lengthy they are relatively narrow and do not cover extensive areas of land. I find that each of the five Local Green Space areas are not an extensive tract of land.

164. A Local Green Spaces background paper and assessment report is presented in the Neighbourhood Plan evidence base. The Local Green Spaces background paper is an example of best practice setting out very clearly how the necessary criteria for Local Green Space designation are met in respect of each of the proposed areas, and including comprehensive evidence of the areas being demonstrably special and holding a particular significance. The

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<sup>53</sup> Paragraph 76 National Planning Policy Framework (2012)

<sup>54</sup> Paragraph 77 National Planning Policy Framework (2012)

background paper sets out information that offers sufficient evidence for me to conclude the areas are demonstrably special to a local community and hold a particular local significance.

165. The Guidance states “*there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation*”<sup>55</sup>. The Local Green Space background paper confirms that the proposed designation of the former railway land running from Ponteland Centre towards the airport and the former railway land from Ponteland Centre through Darras Hall estate is not motivated “*simply to protect rights of way*” in that other valid reasons are stated.

166. The description of area ‘e’ includes the phrase “*to the airport*”. The policies of a Neighbourhood Plan can only apply within the neighbourhood area. This also applies to the designation of Local Green Space. I have proposed a modification to avoid any misunderstanding in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

167. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003). The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to paragraphs 76 to 78 of the Framework concerned with the designation of Local Green Space. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 8:**

**In Policy PNP 15**

- **delete “to the airport” and insert “towards the airport”**
- **after “Green Belt policy” continue “for example, where local transport infrastructure proposals can demonstrate a requirement for such a location.”**

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<sup>55</sup> National Planning Practice Guidance Paragraph: 018 Reference ID: 37-018-20140306

### **Policy PNP 16: Allotments**

168. This policy seeks to establish that existing allotment sites should only be lost if this is unavoidable in which case equivalent provision must be made in anticipation of the loss.
169. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003). The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

### **Policy PNP 17: Cemetery**

170. This policy seeks to establish support for proposals to extend the existing cemetery at Prestwick or the creation of a new cemetery in a suitable location which must not compromise the potential route of a Ponteland relief road.
171. The term “*potential route*” is imprecise and results in the policy not providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification to delete the reference to a potential route of a Ponteland relief road.
172. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).
173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with planning positively for the provision of community facilities.

**Recommended modification 9:  
In Policy PNP 17 delete the second sentence**

## **Policy PNP 18: Economic Development**

174. This policy seeks to establish conditional support for development proposals that support economic growth and the creation or protection of jobs.
175. It is unnecessary and confusing for one policy to refer to compliance with the relevant policies of the Development Plan. All policies should be read in the context of the Development Plan as a whole. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
176. The policy would lead to withholding of support for proposals that have a significant positive impact on the built or natural environment or on residential amenity. I have recommended a modification so that support would be forthcoming in those circumstances.
177. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PE1 Employment.
178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 10: In Policy PNP 18**

- **delete “comply with the relevant policies in the Development Plan and they”**
- **after “significant” insert “adverse”**

## **Policy PNP 19: Village Centre and Local Centre**

179. This policy seeks to establish support for proposals that strengthen the Ponteland Village Centre and the Darras Hall Local

Centre. The policy also seeks to establish criteria necessary for support of a proposal for the change of use of ground floor A1 premises to another town centre use.

180. It is unnecessary and confusing for one policy to refer to *“the satisfaction of the local planning authority”*. Implementation of all the Neighbourhood Plan policies will require judgement on behalf of the local planning authority regarding the merits of a proposals. I have recommended a modification in this respect.

181. The policy seeks to establish criteria against which proposals would be assessed. Criterion ‘a’ and criterion ‘b’ are imprecise including the words *“unacceptable”* and *“excessive”*. Criterion ‘e’ includes the term *“whether stable or changing and at what pace”*. This term does not provide sufficient guidance to act as a basis for decision taking in respect of development proposals. I have recommended deletion of criteria ‘a’, ‘b’, and ‘e’ and modification of criterion ‘d’ so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

182. In making the recommendation for modification of this policy I have taken into account the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) which sets out what is required from applicants when submitting planning applications. The ‘Guidance on Information Requirements and Validation’ document published by the Department for Communities and Local Government Department (DCLG) in 2010 provides more information on the mandatory national information requirements and states that a valid planning application should include *‘information to accompany the application as specified by the local planning authority on their local list of information requirements’*. The use of local lists of information was again promoted in the Framework requiring that local lists be reviewed on a frequent basis to ensure that they remain ‘relevant, necessary and material’. The DMPO states that validation requirements imposed by local planning authorities should only be those set out on a local list which has been published within 2 years before the planning application is made to ensure information requirements are robust and justified on recent research. The Growth and Infrastructure Act 2013 makes clear that local planning authority information requirements must be reasonable having regard to the nature and scale of the proposed development and the information required must be a material consideration in the determination of the application.

183. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PE1 Employment and PS1 Shopping – Commercial and business centre – changes of use.

184. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:**

**In Policy PNP 19**

- **delete “to the satisfaction of the local planning authority”**
- **replace all the text after “viability of the Centres” with “Proposals should demonstrate that they will add to the attractiveness of the centre to shoppers and other users, and will not have an adverse impact on the amenity and operation of neighbouring properties and business.”**

**Policy PNP 20: Village Centre and Local Centre Regeneration**

185. This policy seeks to establish support for proposals that would realise an improved physical appearance to both buildings and the public realm within the Ponteland Village Centre and the Darras Hall Local Centre. The spatial definition of these centres is included on the Policies Map.

186. The policy states proposals will be assessed in accordance with the design principles set out in policy PNP2. It is unnecessary and confusing for one policy to refer to another policy of the Neighbourhood Plan. All policies should be read in the context of the Development Plan as a whole. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

187. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PE1 Employment and PS1 Shopping – Commercial and business centre – changes of use.

188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres and requiring good design. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:  
In Policy PNP 20 delete the second sentence**

**Policy PNP 21: Housing Mix**

189. This policy seeks to establish that new housing development should include a mix of dwelling types, sizes and tenures to meet the needs of the present and future community. The policy requires demonstration proposals have regard to the character and density of surrounding development and up-to-date evidence relating to housing need. Provision meeting the needs of older people and vulnerable groups is also supported, particularly when close to services and facilities.

190. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular PH1 Housing: Land Supply.

191. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and requiring good design. This policy meets the Basic Conditions.

**Policy PNP 22: Community Infrastructure**

192. This policy seeks to establish conditional support for provision of new community facilities and seeks to establish circumstances where a change of use of existing community facilities would be supported. Requirements for proposals affecting a designated 'Asset of Community Value' are also set out.

193. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).

194. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

### **Policy PNP 23: Open and Recreation Space Provision**

195. This policy seeks to establish that new development should provide open and recreation space on-site but where this is not appropriate or achievable specified alternative provision should be made.

196. The requirement for provision of open and recreational space as a minimum to a standard “*set out in the most up-to-date relevant evidence and guidance*” is imprecise. In particular, the use of the word “*relevant*” introduces uncertainty. The requirement to “*aim to provide*” also introduces uncertainty. I have recommended a modification so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Implementation of the policy will be assisted by including details of the Fields in Trust (2015) guidance within the text supporting the policy.

197. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).

198. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 13:**

**In Policy PNP 23 replace the first sentence with “To be supported, development proposals must demonstrate provision of open and recreational space, by quantity, type and walking distance, to meet the Fields in Trust guidance 2015 or equivalent later revised guidance.”**

## **Policy PNP 24: Protection of Open Space, Sports and Recreational Buildings and Land**

199. This policy seeks to establish that existing open space, sports and recreational buildings and land, including playing fields, should not be lost, or temporarily lost, except in specified circumstances.
200. In a representation, the Ponteland Community Partnership states *“The PCP representing the community believes there is a need to protect and improve our existing open spaces and recreational facilities”*.
201. The County Council states *“This policy designates various areas including an area of land north of Thornhill Road, adjacent to the former Ponteland Library as protected open space. The County Council is concerned that designation of this parcel of land which is incidental open space associated with the setting of the former Library is inappropriate in the context of national advice and guidance, in particular paragraphs 73 and 74 of NPPF. National policy in this respect is concerned with the provision and protection of open spaces associated with providing: ‘...opportunities for sport and recreation...’ which are identified as making ‘...an important contribution to the health and well-being of communities.’ Land adjacent to the former Library has never been used for such purposes. The designation also presents conflict with the County Council’s proposals relating to the former Ponteland Library site. The County Council would not support policies that prejudice opportunities associated with their assets. The Policies Map identifies several other areas of Protected Open Space which would similarly fail to meet the expectations regarding such protections set out in NPPF. In particular, land is designated for protection around the roundabout junction at the eastern end of Rotary Way and land in the vicinity of Fairney Burn/ Cheviot View. The Local Planning Authority considers that these areas should not be protected through Policy PNP 24 since their designation would not serve the purposes for protection identified in NPPF. Indeed, most of the areas in those locations are simply highway verges including visibility splays. One area is in use as an over-spill car park at the Golf Club. Extracts from the Policies Map showing these areas is provided at Appendix A to this schedule of comments. It is recognised that the Castle Morpeth District Local Plan (2003) designates ‘Protected Open Space’. In Ponteland this results in protection being afforded to four areas as Protected Open Space through Policies PC5; PC6 (also protected as a SSSI); PC7; and PC8. Additionally, an area of playing fields to the east of the Leisure Centre is protected through Policy PR1 of the Local Plan. These are defined on the Ponteland Proposals Map inset No. 26*

*which forms part of the adopted Local Plan. These protections are recognised in The Natural Environment, Open Spaces and Habitats Evidence Report (dated December 2015 on website). However, no other evidence describing any assessment of the value or contribution made to meeting aims expressed in NPPF of the remaining open spaces intended for protection through Policy PNP 24 can be found. The Local Green Spaces report identifies a number of areas not considered appropriate for that designation. However, these are not linked to a map base and therefore it is difficult to judge whether that assessment considers any of the candidate sites intended for protection through Policy PNP 24. Some of the sites identified for protection clearly do contribute to the provision of opportunities for sport and recreation. However, in the absence of any assessment that should follow a reasonable and proportionate methodology that results in demonstrable benefit and value arising from designation it is difficult to conclude that Policy PNP 24 meets the basic conditions. Designation of areas through Policy PNP 24 other than where they are currently protected by Local Plan policies has no particular justification. The Local Planning Authority considers that designation of some areas of open space, including that adjacent to the Ponteland Library, as Protected Open Space through Policy PNP 24 fails to meet basic condition (a) in that having regard to paragraphs 73 and 74 of NPPF it would not be appropriate to make the neighbourhood plan. Areas of land surrounding Ponteland Leisure Centre are also proposed to be protected as open space through Policy PNP 24. The County Council acknowledges that this is a valuable community resource and this will be re-provided as part of any redevelopment of the Leisure Centre and High School. However, during the process of redevelopment, there may be times when the County Council cannot provide a resource of equivalent quality and quantity in terms of area but that nonetheless still meets the needs of the clubs and people using it. If Policy PNP 24 survives Independent Examination the County Council considers that a different definition could be used regarding the meeting of needs since the policy as currently worded does not provide sufficient flexibility in terms of provision.” The County Council has included maps of what it describes as examples of unjustified Protected Open Space.*

202. In a submission made during the Regulation 16 period for representations the Town Council states “NCC state that policy PNP 24 does not accord with paragraphs 73 and 74 of the NPPF. PTC disagree with this assessment and consider it has been prepared in accordance with national policy and guidance. Policy PNP 24 will not prevent the redevelopment of any of the proposed areas of protected open space (POS) identified, provided it meets the criteria set out

*within the policy, which fully comply with the requirements of paragraph 74 of the NPPF, which states: 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'* Background to the reasons for designation of the proposed POS are set out within the Heritage and Character Assessment, particularly on pages 28, 29, 35 and 36. PTC therefore respectfully request that you make no amendments to policy PNP 24 in response to the NCC representation”.

203. The Policy is imprecise in that it does not identify the sports and recreational buildings to which it relates. The policy refers to buildings but apart from minor exception at the Ponteland Memorial Hall the Policies Map appears to exclude buildings from the areas identified as protected open space. In these respects, the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. In the absence of identification of sports and recreational buildings the policy does not provide an additional level of detail and/or a distinct local approach to that set out in the Framework. I have recommended the deletion of the components of the Policy that relate to sports and recreational buildings.

204. The Policy is also imprecise in that it does not identify the areas of open space and sports land including playing fields to which it relates, nor does it refer to the Policies Map. The Policies Map does identify areas of land to which the Policy is intended to apply although no schedule of those sites is presented. The sites include a range of types of open space. I have recommended a modification so that the Policy lists the sites concerned and makes reference to the Policies Map for a definition of their boundaries. I recommend this modification so that the policy does provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

205. A number of the areas identified on the Policies Map have frontage to highways that are identified as Green Approaches in Policy PNP 12. That policy seeks to establish that development proposals

affecting the Green Approaches identified on the Policies Map will be supported where they do not significantly adversely affect the character and amenity created by the grass verges, trees and hedgerows in these areas. I consider the areas west of the roundabout where Rotary Way and the A696 meet, and north and south of the A696 in the vicinity of the access to Ponteland golf club are little more than highway verges and that Policy PNP12 is sufficient to ensure that proposals affecting them are adequately assessed. To have Policy PNP 12 and Policy PNP 24 separately applying to these areas is not consistent with the achievement of a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

206. Seven areas identified on the Policies map, namely open space at: Thornhill Road Green; off Jackson Avenue/Pont View; at The Green; at Kirkley Drive; adjacent to Simonside View; and east and west of Dunsgreen, are incidental open spaces within residential areas that offer opportunity for informal sport and recreation use. Two further area of incidental open space are identified adjacent to the River Pont south of Ponteland Bridge and adjacent to the Ponteland Club and Institute (CIU Club). Other areas identified include formal sports pitches or courts in the grounds of buildings with a sports and recreation use. These are adjacent to the Ponteland Leisure Centre; adjacent to the Ponteland Memorial Hall; and at the adjacent Ponteland Community High School and Ponteland County Middle School sites. The policy would appear to me to be appropriate in respect of all of these areas. I have recommended a modification so that the policy identifies these areas that are defined on the Policies Map.

207. The remaining area identified on the Policies Map is adjacent to the former Ponteland Library. The County Council is opposing the application of Policy PNP 24 to this site. Where the owner of a site is stating opposition then this calls into question whether the area in question will endure for the Plan period. The land would appear to be a landscaped area being part of the curtilage of the former library building. I have not seen any robust and up-to-date assessment that concludes this area makes an important contribution to the health and well-being of the community that can be balanced against the opposition of the site owner. I have recommended deletion of this site from the application of the policy.

208. The second part of the policy is imprecise in that the terms “*temporary loss*” and “*temporary replacement*” are not defined. This

part of the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The second part of the policy does, also, not have sufficient regard for paragraph 173 of the Framework in respect of ensuring viability and deliverability in plan making. I have recommended the second part of the policy is deleted.

209. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).

210. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities and in particular paragraph 74. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:**

**In Policy PNP 24**

- **delete “buildings and” from the first paragraph**
- **after “playing fields” insert “(as defined on the Policies Map) at:**
  - **Thornhill Road Green;**
  - **Jackson Avenue/Pont View;**
  - **The Green;**
  - **Kirkley Drive;**
  - **Simonside View;**
  - **east of Dunsgreen;**
  - **west of Dunsgreen;**
  - **south of Ponteland Bridge;**
  - **adjacent to the Ponteland Club and Institute (CIU Club);**
  - **adjacent to the Ponteland Leisure Centre;**
  - **adjacent to the Ponteland Memorial Hall;**
  - **adjacent to the Ponteland Community High School and Ponteland County Middle School sites.”**
- **delete the second paragraph**

### **Policy PNP 25: Public Toilet Facilities**

211. This policy seeks to establish support for new or improved public toilet facilities.
212. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).
213. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

### **Policy PNP 26: Flood Alleviation**

214. This policy seeks to establish support for proposals for flood prevention and alleviation schemes including sustainable drainage systems.
215. The policy requires demonstration that schemes are “*the most sustainable solution*”. Paragraph 173 of the Framework requires consideration of viability and deliverability. I have recommended a modification so that the scale of obligations does not mean that viability of a development scheme is threatened.
216. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE5 Surface water run-off and flood defences.
217. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 15:**  
**In Policy PNP 26 after “solution” insert “that viability permits,”**

### **Policy PNP 27: Flood Risk**

218. This policy seeks to establish that proposals should demonstrate how they will minimise flood risk.
219. The policy states a requirement without consequence which results in the policy not providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect.
220. No reasoned justification has been provided in respect of the aim included in provision 'e' to reduce existing run-off rates where greenfield sites are to be developed. I have however not recommended a modification in this respect as the policy treats this as an aim rather than a requirement. Specific requirements are however included in provision 'f' which relates to development of previously developed sites. I have recommended a modification in this respect so that the policy has regard for paragraph 173 of the Framework which requires careful attention to viability and deliverability.
221. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE5 Surface water run-off and flood defences.
222. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 16:**

##### **In Policy PNP 27**

- before “Development proposals” insert “To be supported,”
- in provision ‘f’ after “discharge rates shall” insert “, subject to viability,”

### **Policy PNP 28: Sustainable Drainage Systems**

223. This policy seeks to establish that sustainable drainage systems should be incorporated into development.

224. The policy states a requirement without consequence. The term “*where it is necessary to manage surface water drainage*” introduces uncertainty and the phrase “*in accordance with national standards and any future local guidance*” is imprecise. The final sentence of the policy is detached from its context. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

225. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular RE5 Surface water run-off and flood defences. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 17:**

**In Policy PNP 28 replace the text before “unless” with “To be supported, development proposals must incorporate sustainable drainage systems, including arrangements for ongoing management and maintenance, in order to separate, minimise and control surface water run-off”**

**Policy PNP 29: Transport and New Developments**

226. This policy seeks to establish an approach to transport implications of new development.

227. Provision ‘d’ does not provide an additional level of detail and/or a distinct local approach to that set out in the strategic policy. It is unnecessary and confusing to repeat policy that is set out in other parts of the Development Plan. The term “*should be sufficient to meet the needs of residents, visitors and users of the development over its lifetime*” is imprecise. I have recommended this provision is deleted so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

228. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003). The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 18:  
In Policy PNP 29 delete provision 'd'**

**Policy PNP 30: Active Travel Routes**

229. This policy seeks to establish that active travel routes should be protected, or where justified, replaced. Proposals for new or improved routes will be supported.

230. In a representation, the Ponteland Community Partnership states *"The community value the opportunity to use these alternative methods of commuting through the parish whether it is around the River Pont, Ponteland Park, Route 10 National Cycle Network or the disused railway line. This network is all in a traffic free zone, away from the public highways, noise and congestion of vehicle traffic and in comparison, safety. An example is from the Dissington Limestone Rd following the old railway line commuting down through to the village, park and on towards the Airport"*.

231. The County Council states *"Policy PNP 30 identifies the former railway line into Ponteland as an active travel route and seeks to prohibit any development unless it would protect the route for active travel. The County Council considers that this is in direct conflict with the emerging Core Strategy. The Northumberland Local Plan Core Strategy was submitted to government in April 2017, with Examination planned to commence in September 2017. Policy 44 of that document states that the 'route and alignment of disused railway lines, together with land identified for potential stations will be safeguarded. Development which would prejudice their future use for passenger and freight transport will not be permitted unless the benefits of the development outweigh the importance of the retention of the facilities for future use. The Council will support proposals for the use of such routes for walking and cycling, where it will safeguard them for future rail use.'* The County Council maintains its objection to this policy, which was raised at Pre-Submission Draft stage, that it is important

*that any designation of the former railway line does not prejudice its potential future use for passenger rail transport. The County Council has concerns that designation of the former railway line as Local Green Space and as an Active Travel Route could prejudice any potential re-use of this route for passenger rail transport. This should be considered as a strategic matter which reflects the expressed intentions of the North East Combined Authority and Nexus to investigate extension of the Metro network.”*

232. In a submission made during the Regulation 16 period for representations the Town Council states, “*NPPG<sup>56</sup> is clear that a draft Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan in force, if it is to meet the basic condition. Although a draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested. NCC suggest that the proposal to designate the former railway line as an active travel route is contrary to policy 44 of the emerging Northumberland Local Plan Core Strategy, which has been submitted for examination. The text inserted to policy 44 was only added at submission stage, in accordance with policy 216 of the NPPF, limited weight can therefore be given to it. It should also be noted that the strategic policies of the emerging Core Strategy and therefore relevant to the preparation of Neighbourhood Plans, are those policies which clearly state, ‘in plan making’ at the start of the policy. Policy 44 is not a strategic policy as it only refers to development management decisions. In addition, NCC has not provided the evidence that has informed the proposed Core Strategy policy which seeks to prevent development on the former railway line. It should be noted that the Core Strategy was prepared and submitted by the former NCC Labour administration. The Conservatives, who now control NCC, made a clear statement within their manifesto<sup>57</sup> that they will immediately revise the Core Strategy. PTC therefore consider that limited weight can therefore be given to it. PTC respectfully request that you make no amendments to policy PNP 30 in response to the NCC representation.”*

233. The second part of the policy relates to the provision of new or improved active travel routes and meets the Basic Conditions. The first part of the policy relates to existing active travel routes. The supporting

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<sup>56</sup>Paragraph: 009 Reference ID: 41-009-20160211

<sup>57</sup><https://www.northumberlandconservatives.org.uk/sites/www.northumberlandconservatives.org.uk/files/2017-03/Northumberland%20Manifesto.pdf>

text to the policy at paragraph 4.133 states “*active travel routes are those routes that are used by pedestrians, cyclists and horse-riders.*” To be used in all of these ways a route would have to have the status of being a bridleway. The active travel routes that are “*in particular*” referred to in the policy namely “*the former Railway Line and Riverside Walk*” are not in whole bridleways. I have examined the definitive map available on the County Council website and find the Riverside Walk is a footpath and the former railway lines are part bridleway, and part footpath. With respect to the latter, the former railway line on the route towards the airport is a footpath north-west of Callerton Lane, and the former railway line through Darras Hall estate is a footpath west of Western Way. The proposed designation of routes as ‘active travel routes’ would not change the status of the routes concerned in terms of their legal use. There is a lack of clarity as to which active travel routes the first part of the policy applies. The policy wording refers “*in particular*” to those at the Former Railway Line and Riverside Walk as defined on the Policies Map. The term “*in particular*” implies there are others that are not specified. This would be consistent with an interpretation that all active travel routes are to be protected. The fourth bullet point within paragraph 4.133 of the Neighbourhood Plan refers to “*other well used footpaths*” which are listed however these are not referred to in the policy wording nor are they identified on the Policies map. This lack of clarity means that the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

234. The policy does anticipate there can be cases where there is a clear and demonstrable justification for the loss of an active travel route in which case a suitable alternative public route is to be provided within an agreed timescale. There is no limit on the timescale and it is not clear which parties are to agree the timescale. This further lack of clarity also means the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

235. The first part of the policy includes the term “*protect active travel routes*”. A public right of way can only be extinguished by due process of law. Legal process would concern either the stopping-up or the diversion of the right of way. Town and Country Planning legislation, and Highway legislation, establish proper process in respect of each of these cases. If planning permission has been granted and the proposed development will require a footpath, bridleway or restricted

byway to be stopped up or diverted to allow the development to take place, it is necessary for an application to be made to the local authority asking it to use its powers under section 257 of the Town and Country Planning Act 1990 to do so. Alternatively, following the amendment of Section 257 by the Growth and Infrastructure Act 2013, an order may be made in anticipation of planning permission. However, an order made in advance of planning permission cannot be confirmed by either the authority or the Secretary of State until that permission has been granted. It is up to the local authority to decide whether any proposals for stopping up or diversion are acceptable and it should not be presumed that the granting of planning permission will automatically be followed by the making of the order, or the confirmation of an order made in advance of permission. If a local authority makes an order and any objections to it cannot be resolved, the local authority has to refer it to the Secretary of State for determination. These referrals are determined by the Planning Inspectorate on behalf of the Secretary of State. Rather than be concerned with circumstances where planning permission is granted the Policy seeks to establish that proposals will not be supported unless they protect active travel routes or where there is clear and justifiable justification a suitable alternative route is provided. The effect on rights of way is a legitimate material consideration at that time and the policy is therefore acceptable in this respect.

236. Paragraph 41 of the Framework states *“Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could prove critical in developing infrastructure to widen transport choice.”* The emerging Local Plan includes Policy 44 which states *“Development which would prevent the reintroduction of passenger rail services on the following lines will not be permitted: ..... Former railway track bed between Newcastle Airport Metro Station and Ponteland. The route and alignment of disused railway lines, together with land identified for potential stations will be safeguarded. Development which would prejudice their future use for passenger and freight transport will not be permitted unless the benefits of the development outweigh the importance of the retention of the facilities for future use. The Council will support proposals for the use of such routes for walking and cycling, where it will safeguard them for future rail use.”* I have earlier in my report drawn attention to the Guidance where it states the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a Neighbourhood Plan is tested. There is no requirement for a Neighbourhood Plan to be in general conformity with the strategic policies of an emerging Development

Plan however it is good practice for there to be compatibility between emerging plans otherwise as in the current case the policy of the Neighbourhood Plan may fairly rapidly become obsolete, in that where there is conflict, the policy contained in the latest plan to become part of the Development Plan will prevail. In terms of compatibility of the two emerging Plans, public rights of way offering opportunities for active travel can run parallel and adjacent to railway lines where there is suitable separation using fencing. Use of the former railway line from Ponteland towards the airport for both active travel, and re-introduced railway services, is not necessarily impossible. There is no evidence to conclude separate rights of way offering safe and convenient opportunities for active travel cannot be incorporated into a development scheme to reintroduce rail services.

237. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003) and in particular T6 Provision for cyclists – cycle routes. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 19:**

**In Policy PNP 30**

- **delete “, in particular those at the Former Railway Line and Riverside Walk as defined on the Policies Map” and insert “(all statutory footpaths and bridleways, including those within the former railway line corridors and at the Riverside Walk identified on the Policies Map)”**
- **delete “within an agreed timescale” and insert “prior to the loss of the existing route”**

**Policy PNP 31: Public Car and Cycle Parking**

238. This policy seeks to establish conditional support for new public car parking and cycle parking provision to support Village Centre uses. Loss of such facilities where there is an identified need will not be supported unless equivalent provision is made in a suitable location.

239. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).

240. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres and promoting sustainable transport. This policy meets the Basic Conditions.

### **Policy PNP 32: Public Transport**

241. This policy seeks to establish support for proposals that will improve the attractiveness of public transport as a sustainable mode of transport.

242. Given that a wide range of types of proposals could improve the attractiveness of public transport in the interests of clarity I have recommended this policy should refer to 'development' proposals so that it provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The policy is in general conformity with the strategic policies included in the Development Plan, the Castle Morpeth District Local Plan (2003).

243. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 20:**

**In Policy PNP 32 before "proposals" insert "Development"**

## **Summary and Referendum**

244. I have recommended 20 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

245. I am satisfied that the Neighbourhood Plan<sup>58</sup>:

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<sup>58</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the Basic Conditions:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood 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);
  - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>59</sup>

**I recommend to Northumberland County Council that the Ponteland Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.**

246. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>60</sup> I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the County Council as a Neighbourhood Area on 28 June 2013.**

<sup>59</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>60</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>61</sup>

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 21:  
Modification of general text will be necessary to achieve consistency with the modified policies.**

Chris Collison  
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30 June 2017  
REPORT ENDS

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<sup>61</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990