



Northumberland
County Council

ADDENDUM TO APPENDIX 2

Gordon Halliday MA MPhil MRTPI

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY DEVONPORT ESTATES

**CONSTRUCTION OF A PUBLICLY ACCESSIBLE LANDMARK AND
ASSOCIATED DEVELOPMENT**

ON

**LAND AT COLD LAW, STIDDLEHILL COMMON, NEAR RIDSDALE,
RAY ESTATE, NORTHUMBERLAND**

PLANNING INSPECTORATE REF: APP/P2935/W/20/3244389

LOCAL PLANNING AUTHORITY REF: 19/00247/FUL

1. My Appendix 2 provides a Position Statement concerning the Northumberland Local Plan dated 2 February 2021.
2. On 24 February 2021 the Inspector, Susan Heywood, wrote to the Council stating "...whilst I consider the submitted Local Plan not to be sound, it is likely that it can be made sound by modifications'. The letter is appended.
3. The Inspector confirmed that the Draft Schedule of Main Modifications submitted by the Council in February 2021 are necessary to address soundness issues. An annex to the Inspector's letter refers to some matters not yet addressed by the Council that affect its soundness. None of these relate to policies referred to in the SOCG and my Appendix 2 as relevant to this appeal.
4. The next stages are for the Inspector to work with the Council to finalise the wording of the main modifications and to agree a timetable for their consultation.
5. While the Inspector's letter provides some confidence regarding the direction of travel as set out in the emerging plan, the Council considers that the level of weight to be given to the policies in the emerging Northumberland Local Plan at this stage, has not changed as a result of the Inspector's letter.

Gordon Halliday

5 March 2021



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Joan Sanderson
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Our Ref: PINS/P2935/429/11

Date: 24 February 2021

Dear Ms Sanderson

EXAMINATION INTO THE SOUNDNESS OF THE NORTHUMBERLAND LOCAL PLAN – OUTLINE OF MAIN MODIFICATIONS

1. Following the hearings into the Northumberland Local Plan, I am now in a position to confirm that whilst I consider the submitted Local Plan not to be sound, it is likely that it can be made sound by modifications.
2. In response to various questions and action points published during the Examination so far, the Council has proposed a number of main modifications to the Plan, the most recent being published in the Draft Schedule of Main Modifications February 2021.
3. I have now considered all of the Council's proposed main modifications and, without prejudice to the outcome of consultation on them and the conclusions of the final report, I am satisfied at this stage that they are all necessary to address soundness issues and will be effective in so doing. Mr Normington, the Inspector appointed to examine Chapter 13 'Managing Natural Resources', has reached the same conclusion with regard to the proposed main modifications to that chapter of the Plan, again without prejudice to the consultation and final report.
4. Paragraphs 5, 6 and 7 below and the Annex to this note summarise why the Plan is not sound with regard to some matters that were not addressed by the action points that have been published so far during the examination or the main modifications proposed by the Council. Full reasons for all of the findings and recommendations will be set out in the final report.
5. I have concluded that exceptional circumstances do not exist for the removal from the Green Belt, and allocation for safeguarded land, of the site at Prestwick Pit. Therefore, in addition to the main modifications identified in the Council's draft schedule, for the Plan to be sound a main modification is required to delete the safeguarded employment site at Prestwick Pit. This would involve its removal from paragraph 5b of policy ECN6, consequential

changes to paragraphs 5.43 and 4.73 of the Plan and a change to the submission Policies Map to show the site retained as Green Belt.

6. In addition, a further main modification is required to Policy ECN6 and explanatory text to set out the need for substantial planting along the boundaries between the Green Belt and the employment sites to be released from the Green Belt at Harwood Meadows, Prestwick Park and Prestwick Pit. This is to ensure that the boundaries of these sites are defined clearly in accordance with paragraph 139f of the Framework.
7. Finally, a main modification is required to introduce a commitment to undertake an early update of the Plan in so far as it relates to the assessment of need for open space, sport and recreation facilities and the justification for the allocated Protected Open Space sites. The Council should also review Appendix H1 to determine whether consequential modifications would be required to this appendix as a result of the wording of this new main modification. An update will be required to the Local Development Scheme to reflect this additional work and I will require a copy of this.
8. Assuming the Council would be content to make the necessary modifications to the Plan, I would be grateful if you could draft the wording and send them to the Programme Officer for my consideration. If the Council would not be prepared to put forward these main modifications, please advise me as soon as possible in order that I can consider how best to proceed with the Examination.
9. In identifying the main modifications that are necessary, Mr Normington and I have taken full account of all of the evidence and information available and the discussions at the hearing sessions. I must stress that these are proposed main modifications and are therefore provided without prejudice to the conclusions of the final report. I am not seeking comments on them at this stage. I will work with the Council, through the Programme Officer, to finalise the wording of the main modifications. Once I am satisfied with the final wording, I will confirm that consultation can go ahead and I will agree a timescale with the Council.
10. The Council should consider whether there is a need for further Sustainability Appraisal (SA) of the proposed modifications. An update to the Habitats Regulations Assessment (HRA) may also be necessary and the Council should consider this. Consultation should take place on these updated documents at the same time as the consultation on the main modifications.
11. Mr Normington and I will need to take into account the consultation responses and the results of the SA and any HRA, in relation to those parts of the Plan which we are examining, before finally concluding whether or not the proposed main modifications are required to make the Plan sound.
12. I would like to thank the Council for its co-operation during the Examination to date and look forward to working with you during the final stages of the Examination.

Yours sincerely

Susan Heywood

INSPECTOR

ANNEX

Main modifications required in addition to those proposed by the Council

Land removed from the Green Belt and safeguarded for employment uses

13. In the established Green Belt, identifying safeguarded land requires a change to Green Belt boundaries. For this to be justified, exceptional circumstances must exist in accordance with paragraphs 136 and 137 of the National Planning Policy Framework.
14. The current need for employment land identified within the evidence base documents would be met by the proposed employment land allocations, including land released from the Green Belt. Whilst there may be a need for further employment land in Ponteland within the next Plan period, there is no current evidence of this need. It would be very difficult to forecast such a need at this stage as the requirements of businesses, both in terms of the amount of land and its location, could have changed significantly within the next 15 years.
15. The Green Belt Review Technical Paper sets out that the safeguarded land at Prestwick Pit may allow, in a future Plan review, the relocation of the Meadowfield industrial estate from the centre of Ponteland to facilitate the allocation of the Meadowfield site for mixed use development, including housing. However, the feasibility of this relocation and reuse of the existing Meadowfield site has not been demonstrated in the Plan's evidence base. If this remains an aspiration in a future plan review, and if it can be justified, then the consequences for the need for housing and employment land can be considered and examined at that time.
16. For these reasons, I am not satisfied that exceptional circumstances exist to justify changing the Green Belt boundaries in the established Green Belt to identify safeguarded land at Ponteland. A main modification is required to delete the safeguarded employment site at Prestwick Pit. This would involve removal of the site allocation from paragraph 5b of policy ECN6, consequential changes to paragraphs 5.43 and 4.73 and a change to the submission Policies Map to show the site retained as Green Belt.
17. For clarification, a further area of safeguarded land is identified in policy ECN6 in Morpeth, south of A196 at Coopies Way. This lies within the Morpeth Green Belt extension where the Green Belt boundaries, including the inset boundary for Morpeth, are being set for the first time. This is not a new Green Belt nor does it involve the alteration of established Green Belt boundaries. Having regard to paragraphs 135, 136, 138 and 139 of the Framework, I therefore conclude that exceptional circumstances do not need to exist to justify the safeguarding of the site at Coopies Way. Consequently, the Plan is sound in relation to this safeguarded site.

Boundaries to the Green Belt release sites

18.Paragraph 139f of the Framework says that Green Belt boundaries should be defined clearly, using physical features that are readily recognisable and likely to be permanent. For the sites at Harwood Meadows, Prestwick Pit and Prestwick Park, some of the boundaries between the allocations and the Green Belt are currently weakly defined. Nevertheless, it would be possible to create effective, recognisable and permanent Green Belt boundaries in these locations, although I appreciate that there may be some restrictions on planting in the vicinity of the pipeline at Prestwick Pit. Policy ECN6 should set out the requirements for substantial planting along the boundaries of these sites (subject to the pipeline restrictions) where they abut the Green Belt. A main modification is required to ECN6 and the explanatory text.

Open Space

19.The evidence base on which the Protected Open Space designations are based consists of the PPG17 Open Space, Sport and Recreation Assessment 2011 (OSA) and the Review of Open Space in Northumberland Technical Paper 2018 (the Technical Paper).

20.At Regulation 18 stage, the Plan only included those areas of open space which had been designated in adopted plans in former District Council areas. However, in a number of areas the former policies were not saved leaving these other areas without any identified areas of open space to be protected. In addition, a number of existing designations in the former District Council areas were recognised to be out of date. I understand therefore that the Council took the view that the sites in the 2011 OSA should be the starting point for the identification of open space in the Regulation 19 version of the Plan.

21.The Technical Paper updated the 2011 OSA by deleting or modifying those sites that have been subject to change, for example those sites which have subsequently been built upon. Any additional areas of open space designated in former District Plans were added to those identified in the 2011 OSA, as were sites created in new residential developments since 2011. In addition, comments made during the Regulation 18 consultation were considered and some sites were modified or added to the Plan as a result.

22.As a result of the Regulation 19 consultation and subsequently during the Examination, it has become clear that there remain a number of sites which have been allocated as Protected Open Space, on the basis of the 2011 OSA, but where circumstances have changed or the justification for the allocation has been challenged. The Council has reassessed all sites where there has been a representation seeking modification or deletion of the open space designation to determine whether the allocation remains justified.

23.This process highlighted that the Council are not able to provide the evidence which explains why the Protected Open Space sites were categorised as falling into a particular typology (parks and gardens, natural and semi-natural greenspace, amenity green space, outdoor sports

facilities, provision for children and young people and allotments). This information, which formed the basis of the 2011 OSA, is no longer available. No updated assessment of each individual site has been made.

24. As a result, the Council has accepted that some of the Protected Open Space sites are not justified and changes to the submission Policies Map have been proposed to delete some of the sites. These changes have been set out in the latest draft Schedule of Proposed Main Modifications to the Northumberland Local Plan Policies Map and are necessary to make the Plan sound.
25. Paragraph 96 of the Framework states that "*planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision*".
26. In light of the above, I am unable to conclude that the evidence justifying the Protected Open Space allocations is robust and up-to-date. I am concerned that there may be other allocated sites which are no longer justified or, conversely, opportunities for new provision which have not been included in the Plan but which may be justified by an up-to-date assessment.
27. I also note that the proposed new Appendix H1 amalgamates the typologies of natural and semi-natural greenspace and amenity greenspace. Whilst this seems sensible, it is at odds with the typologies in the 2011 OSA, and therefore the Protected Open Space allocations, which distinguish between these two typologies.
28. Nevertheless, I recognise that the task of undertaking an updated needs assessment and reassessing all of the sites identified for designation as Protected Open Space in the County would be a time intensive one. Undertaking that task during the Examination would be likely to result in a significant delay in the adoption of the Plan. It is in no-one's interest to delay adoption of the Plan which, in all likelihood, can otherwise be found sound subject to main modifications.
29. Consequently, the Council should introduce a further main modification to the Plan to provide the commitment, within a specified timescale, to undertake an early update of the Plan in so far as it relates to the assessment of need for open space, sport and recreation facilities and the justification for the allocated Protected Open Space sites. The Council should also review Appendix H1 to determine whether consequential modifications would be required to this appendix as a result of the main modification. A timescale for the review should be set out in an updated Local Development Scheme.
30. Planning Practice Guidance sets out that Local Plans can be found sound conditional upon a review. I consider this to be a pragmatic approach which would ensure that this updated assessment is carried out whilst not causing delay in getting an adopted Plan in place.

Susan Heywood

INSPECTOR