

Allendale Parish Council

# Allendale Neighbourhood Development Plan

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

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# 1. Neighbourhood Planning

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>

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.

The Allendale Neighbourhood Plan (the Neighbourhood Plan) is nationally one of the earliest neighbourhood development plans to progress and the first in the North-East Region. Allendale Parish Council (the Parish Council), a qualifying body able to do so, has led the preparation of the Neighbourhood Plan.<sup>2</sup> Work on the production of the plan has been progressed through the Allendale Neighbourhood Development Plan Steering Group (the Steering Group). The Steering Group first met in July 2011 and comprised the local County Councillor, four Parish Councillors and a representative from Sustainable Allendale. The Steering Group has been supported by community volunteers including local representatives from the local business community and the local community and voluntary organisations.

The submission version of the Neighbourhood Plan has been approved by the Parish Council and submitted to Northumberland County Council (the County Council).

## 2. Independent Examination

This report sets out the findings of the independent examination into the Neighbourhood Plan.<sup>3</sup> The report includes 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.

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 plan. 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

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

<sup>2</sup> Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

<sup>3</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

Council. Once 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

I have been appointed by the County Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish 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 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 more than thirty-five years professional planning experience and have held national positions, including serving as a member of the national Coalfields Taskforce, and local authority Chief Planning Officer posts.

As independent examiner I am required to produce this report and must recommend either:

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

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>

In my examination of the Neighbourhood Plan in addition to those matters already identified in this report I am also required to check whether:

- the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;<sup>6</sup>
- the Neighbourhood Plan does not include provision about excluded development;<sup>7</sup>
- the Neighbourhood Plan meets the requirement to specify the period to which it has effect<sup>8</sup>

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

<sup>7</sup> Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

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

The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>9</sup> All parties have had opportunity to submit written representations and those representations are open to all to view.

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.

I am of the opinion that all parties have had full opportunity to register their views and put their case forward. The Neighbourhood Plan and the representations have been written precisely and with clarity. There are no issues including those arising from representations in respect of which I require further clarification. I took the decision that a hearing was not necessary and proceeded by examination of written representations.

### **3. The Plan area**

The Neighbourhood Plan relates to the area that was designated by Northumberland County Council as a neighbourhood area on 15 January 2013. The submission version of the Neighbourhood Plan includes a map which shows the plan area. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>10</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>11</sup> All requirements relating to the plan area have been met.

### **4. Basic conditions**

An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>12</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,

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<sup>8</sup> Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

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

<sup>10</sup> Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

<sup>11</sup> Section 38B(2) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- 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 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>13</sup>

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>14</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 – Neighbourhood Plan policies'.

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.

Apart from the correction of minor errors (presented at Appendix 1 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.

## 5. Documents

In undertaking this examination 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 is compatible with the Convention rights:

- Allendale Neighbourhood Development Plan Submission Plan for Independent Examination 14 February 2014
- Allendale Neighbourhood Plan Basic Conditions Report, Final Report
- Allendale NDP Consultation Statement for Submission Plan (September 2014) and background papers

<sup>13</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>14</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

- Allendale Neighbourhood Plan Submission Draft Plan Habitats Regulations Assessment Report February 2014
- Sustainability Review for the Allendale Neighbourhood Plan September 2013 (including report of review workshop held July 2013)
- Allendale Local Green Space Survey Report of Survey February 2014
- Allendale Local Housing Needs Survey March 2014
- Allendale Planning Applications Analysis January 2012
- Allendale NDP Strategic Environmental Assessment Screening Opinion (Northumberland County Council)
- Allendale Neighbourhood Development Plan Background Report March 2012
- Allendale Neighbourhood Development Plan Infrastructure Audit, and Strategic Housing Land Availability Assessment Sites both January 2012
- Tynedale District Local Plan Schedule of Adopted Policies effective from October 2007
- Tynedale Local Development Framework Core Strategy adopted October 2007
- Representations received during the publicity period
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*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*]
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

## 6. Consultation

It is evident that consultation throughout the Neighbourhood Plan preparation process has been thorough, comprehensive, inclusive and satisfactory. Engagement began in 2011 when priorities were identified by the local community during consultation events. Community workshops were held during 2012.

Extensive pre-submission consultation that included use of leaflets, posters, press announcement, direct consultations and community drop-in events was undertaken between January and March 2013. This resulted in almost one hundred comments which were taken into consideration in agreeing minor changes to the plan. The

evidence base was strengthened and the submission version of the plan was agreed in February 2014.

The Submission Plan has been the subject of a Regulation 16 publicity period from 17 October to 28 November 2014. A total of eight representations were submitted during this publicity period all of which I have taken into consideration in preparing this report even though they may not be referred to in whole or in part.

One representation comments on policies that I report later and objects to “*unwarranted and unacceptable*” fundamental changes to the local policy wordings made to the plan by “*central third parties*”. Durham County Council has no objections to the plan and congratulates the group on completion of the plan. The Coal Authority has commented a small area of resource is located in Kevelin Moor but no development is proposed therefore it is not necessary to consider the issue of sterilisation of surface coal resources. There are a number of recorded risks from past coal mining activity with 45 recorded mine entries, unrecorded probable historic shallow coal workings, and thick coal outcrops within the parish. This legacy is found in the Kevelin Moor, Pike Stones, Tommy Sparks Fold, northern parish fringe, and Monk Wood/Monk Hills areas. The Neighbourhood Plan does not allocate sites for future development in these areas so there is no need to respond to these risks to surface stability. The Coal Authority wishes the Parish Council every success with the finalisation of the Neighbourhood Plan.

Natural England has submitted a representation including, “*The neighbourhood development plan falls entirely within the North Pennines Area of Outstanding Natural Beauty (AONB). This is a nationally important landscape and Natural England is pleased to see this has been considered as part of the neighbourhood development plan. However there are other internationally, nationally and locally designated sites that are found within the boundary of the neighbourhood development plan that have not been clearly referenced and that need to be considered as part of the neighbourhood development plan process.*”

*The following Sites of Special Scientific Interest (SSSIs) are triggered by Natural England’s Impact Risk Zones (IRZs). Therefore an assessment to clarify whether there are any potential impacts on this SSSI’s interest features is recommended.*

- *Monk Wood SSSI – An impact risk has been identified for any development within 50m of this nature conservation site.*
- *Allen Confluence Gravels SSSI – An impact risk has been identified for any development within 50m of this nature conservation site.*
- *Catton Lea Meadow SSSI – An impact risk has been identified for any development within 50m of this nature conservation site.*
- *Allendale Moors and Hexhamshire Moors SSSIs – An impact risk has been identified for all planning applications with a new/additional footprint of greater*



*than 500m<sup>2</sup> outside existing settlements and any residential developments with a total net gain in residential units within 2km and any development within 500m of these nature conservation sites. These sites are also part of North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC).*

- Peckriding Top Lot SSSI – An impact risk has been identified for any development within 50m of this nature conservation site.*
- Haggburn Gate SSSI – An impact risk has been identified for any development within 50m of this nature conservation site.*
- Peckriding Meadows & High Knock Shield Meadow & White Ridge Meadow SSSIs – An impact risk has been identified for any development within 50m of these nature conservation sites. These sites are also part of North Pennine Dales Meadows SAC.*

*West End, Bells Grooves, Swinhope Burn and Hindleyhill Woods Local Wildlife Sites (LWSs) are located within the neighbourhood development plan boundary. You should ensure you have sufficient information to fully understand the impact of the plan on the LWSs.*

*We advise that the neighbourhood development plan includes criteria based policies for the protection and enhancement of the international, national and locally designated sites present. This is in line with paragraph 113 of the NPPF which makes it clear that distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological network. The neighbourhood development plan should always seek to avoid environmental impacts by directing development away from the most sensitive areas with mitigation considered only when this is not possible.*

*Hag Wood, Studdon Dean, Rude Cleugh, Hindley Hill Wood, Hindleywrae Wood, Asheybank Woods and Sheybank Woods are ancient woodland sites which have not been identified within the neighbourhood development plan and should be considered as part of the neighbourhood development plan process.*

*Natural England note that there is Biodiversity Action Plan Priority Habitat within the boundary of the neighbourhood development plan. The value of these areas and their contribution to the ecological network of local, national and internationally protected sites should be considered when locating new development. The neighbourhood development plan should, in accordance with paragraph 117 of the NPPF, encourage the preservation, enhancement and creation of priority habitats where these opportunities exist.*

*You should consider whether your plan has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.*

*Neighbourhood development plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.*

*Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.”*

There is no requirement for a Neighbourhood Plan to include any particular type of policies. The County Council and Parish Council have worked closely together and this collaborative working has included co-ordination of plan making to avoid duplication. The Natural England representation is substantial and whilst I would have no objection to inclusion of additional information in the plan I consider none of the matters raised require me to make a recommendation of modification of the Neighbourhood Plan that is necessary so that the plan meets the Basic Conditions.

A further representation makes comments regarding two policies ANDP2 and ANDP3 which I report later, and confirms support for the other policies of the plan and offers to discuss the opportunity of developing on either of two fields to the north of Allendale with the Parish Council. Another representation put forward land at Catton for potential development.

Where representations relate to specific policies of the Neighbourhood Plan I make reference to them in my report when considering the relevant policy.

Representations include a number of comments that would have been helpful to the Steering Group and Parish Council if made earlier in the plan preparation process that has taken place over a period of more than three years. Representations on a Submission Plan during the Regulation 16 publicity period are not the most effective mechanism to influence the content of a Neighbourhood Plan. It is not within my role to re-write the Neighbourhood Plan. The Regulations are very precise as to the nature of modifications I can make. As previously stated I have only recommended modifications to the Neighbourhood Plan where I consider they need to be made so that the plan meets the basic conditions.

## 7. The Neighbourhood Plan – Taken as a whole

The Neighbourhood Plan states the plan period will run from the date on which the plan is made until 31 March 2031 which satisfies that requirement. The introduction helpfully sets out the plan preparation process.

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; and whether the plan contributes to the achievement of sustainable development. Each of the plan policies is considered in turn in the section of my report that follows this.

### EU obligations, habitats, and human rights requirements

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>15</sup> I have seen nothing in the submission draft of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

The objective of EU Directive 2001/42 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 ‘plans and programmes’<sup>16</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>17</sup>

Northumberland County Council has issued a Strategic Environmental Assessment Screening Opinion on the Neighbourhood Plan dated 12 September 2013. The report concludes *“it is the opinion of the Council that it is not necessary to undertake a separate Strategic Environmental Assessment of the Allendale Neighbourhood Development Plan prior to publication of the submission version of the document subject to the following measures being taken:*

- *The amendments to the Plan agreed by Allendale Parish Council in September 2013 are made;*

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<sup>15</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>16</sup> Defined in Article 2(a) of Directive 2001/42

<sup>17</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

- *The Appropriate Assessment under the Conservation of Species and Habitats Regulations, currently in draft is agreed;*
- *The recommendations of the independent Sustainability Review carried out by Planning Aid England are implemented, including that proposing the need for additional wording stating that there will be safeguards associated with draft Policy ANDP 10;*
- *A section on Monitoring and Review of the Plan is inserted; and*
- *No material alterations to the plan's policies are made other than the above."*

The Basic Conditions Statement that accompanies the submission version Neighbourhood Plan states "*The County Council is now satisfied that, having regard to the changes made to the Pre-Submission Draft Plan policies as a result of recommendations made in the Sustainability Review, the plan will not require a separate Strategic Environmental Assessment.*"

A Habitats Regulations Assessment Report in respect of the submission version Neighbourhood Plan has been prepared by the County Ecologist of Northumberland County Council in February 2014. The report includes consideration of potential effect on the North Pennine Moors Special Protection Area and Special Area of Conservation; and the Special Areas of Conservation at North Pennine Dales Meadows, Tyne and Allen River Gravels, Moor House – Upper Teesdale Durham, and Tyne and Nent, Cumbria. The report concludes "*Northumberland County Council considers that the Allendale Neighbourhood Development Plan Submission Draft is not likely to have significant effect on any European Sites, for the reasons identified above.*" On this basis there is no requirement to consider effects arising in combination with other plans or projects.

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

The Neighbourhood Plan does not appear to raise issues that would give rise to obligations in respect of other European Directives.

I conclude that the neighbourhood plan:

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

Regard to national policies and advice contained in guidance issued by the Secretary of State, and contribution to the achievement of sustainable development

The Neighbourhood Plan presents a vision as follows:

*“The Parish of Allendale:*

*A group of sustainable, vibrant, linked rural communities focussed around a strong service centre at Allendale Town, adapting to the changing needs of our population.”*

The Plan objectives are set out as:

**1: Maintaining sustainable communities** *Provide a positive framework within which decisions on planning applications can be made for the benefit of continuing the sustainability of communities across the Parish;*

**2: Managing environmental impacts** *Minimise our negative impacts and maximise our positive impacts on the environment and resources reasonably required to live, work and enjoy life in the Parish of Allendale;*

**3: Sustaining local resources** *Reduce the level of finite resources used to meet development needs in the Parish including through reuse or recycling;*

**4: Economic development within environmental limits** *Develop and diversify the Allendale economy through inward investment, support for existing business networks, and by encouraging enterprise to enable development of new home-grown businesses and jobs where this would not significantly and adversely affect the quality of the local environment;*

**5: Meeting housing needs** *Encourage provision of housing, including affordable housing to meet identified needs where doing so would not significantly and adversely affect the quality of the local environment;*

**6: Delivering local infrastructure** *Support and encourage the continued provision of social, community, recreational and other leisure infrastructure reasonably required to meet local business, community and visitor needs;*

**7: Conserving our assets** *Conserve and enhance the landscape, biodiversity, natural habitats and cultural heritage of the Parish, having due regard in all decision making to the purpose of its designation as an Area of Outstanding Natural Beauty.”*

English Heritage has commented that *“although the Vision for the Plan makes no specific reference to the value of the historic environment to the quality of life in the Parish, I am pleased to note that Objective 7 concerns itself with conserving the assets of the area, including its ‘cultural heritage’. Because the phrase covers a broad range of asset types, however, including, for example, music, language, social history etc., it would be helpful if, in line with the terminology of the NPPF, the objective made explicit that ‘cultural heritage’ includes the built and historic environment and its component heritage assets, be they designated or otherwise”*. Whilst I would have no objection to such an amendment I have not recommended a modification of the Neighbourhood Plan as it is not necessary to meet the basic conditions.

Natural England has commented that given the extensive areas of habitat within the plan area that are protected at a national and international level (see SSSIs, SACs and SPA listed above), the protection and enhancement of these important habitats should also be referred to in objective 7. Again I would have no objection to such an amendment but I have not recommended a modification of the Neighbourhood Plan as it is not necessary to meet the basic conditions.

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>18</sup> The vision and objectives are consistent with, and have regard to, national policies and advice and illustrate how the Neighbourhood Plan aims to contribute to the achievement of sustainable development. The vision and objectives sit comfortably with the Framework aims: of delivering a wide choice of high quality homes; of building a strong competitive economy and ensuring the vitality of service centres; of conserving the natural environment and meeting the challenge of climate change; and promoting healthy communities.

The plan preparation process has included the commissioning of an independent sustainability review of the plan. That review was carried out through Planning Aid England and verified locally through a community workshop. This approach represents good practice.

The Neighbourhood Plan adopts a positive approach to meeting objectively assessed housing needs; promoting tourism and other business growth; encouraging social infrastructure; and contributing to the provision of energy infrastructure, whilst at the same time conserving assets of the natural environment. The Neighbourhood Plan is consistent with the planning system performing economic, social and environmental roles as anticipated in the Framework, and will contribute to the achievement of sustainable development.

Subject to my recommended modifications of the Submission Plan relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

#### General conformity with the strategic policies contained in the Development Plan for the area

The Framework states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must

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<sup>18</sup> Paragraph 14 National Planning Policy Framework 2012

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>19</sup>

Statutory weight is given to neighbourhood development plans that are in general conformity with the strategic policies of the development plan for the local area, and have appropriate regard to national policy. This ensures neighbourhood plans cannot undermine the overall planning and development strategy set out in the development plan for the local area.

The County Council has informed me that the Development Plan for Allendale comprises the Tyndale Local Development Framework Core Strategy adopted 2007, the Tyndale District Local Plan 2000 ('saved' policies); the Proposals Map and inset maps for Allendale Town and Catton applicable to both the Core Strategy and the Local Plan; the Northumberland Minerals Local Plan (adopted 2000); and the Northumberland Waste Local Plan (2001).

The Minerals and Waste Local Plans do not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that relate to policies of those plans. Additionally minerals and waste are excluded matters for the purposes of policy making in Neighbourhood Plans.

As the saved policies of the Tyndale District Local Plan and the Tyndale Local Development Framework Core Strategy predate the Framework, the Framework takes precedence where there is a conflict.

I have given particular consideration to the constraint on the scale of housing development schemes introduced by the Neighbourhood Plan. I consider it is necessary to address this issue in terms of the totality of strategic policies in the development plan, including those relating to the natural environment which in the context of the Neighbourhood Plan area should be given particular weight. I am satisfied the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.

The emerging local strategic planning policy is contained in the Northumberland Local Development Plan Core Strategy Preferred Options Consultation Document and further coverage of specific issues. The emerging plan is at an early stage of preparation. There is no requirement for a Neighbourhood Plan to conform to an emerging Local Plan.

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<sup>19</sup> Paragraph 184 National Planning Policy Framework 2012

## Monitoring

The Neighbourhood Plan contains a statement that the Neighbourhood Plan will be monitored by the Parish Council with the support of the County Council on an annual basis. The outcome of the annual monitoring process will be reported by the Chair of the Parish Council at the Annual Parish Meeting. This commitment to monitoring represents good practice and would facilitate opportunity for consideration of plan review should that be appropriate.

## **8. The Neighbourhood Plan – Neighbourhood Development Plan policies**

The Submission Plan includes 11 policies:

- 1: General Development Principles
- 2: Scale of Housing Development
- 3: Retention of Affordable Housing
- 4: New Business Accommodation and Tourism Facilities
- 5: New Build Tourism Accommodation
- 6: Working From Home
- 7: Conversion of Buildings in the Open Countryside
- 8: Demolition and Reconstruction of Derelict Buildings
- 9: Extensions to Dwellings
- 10: Small Scale Renewable and Low Carbon Energy Schemes
- 11: Protecting School Fields

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

*“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”.*

*“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*<sup>20</sup>

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 the 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.

Policies of the Neighbourhood Plan extensively include the phrase “*planning permission will be granted*”. The Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear through inclusion of an introductory statement, or policies should use the term “proposals will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise.

#### **Recommended modification 1:**

**The basis of decision making on planning applications should be clarified as indicated**

#### Policy ANDP 1: General Development Principles

This policy seeks to establish general development principles encouraging development proposals that would support and maintain the viability of communities across the Parish subject to specified limitations and requirements. The policy includes recognition of the Area of Outstanding Natural Beauty context requiring development to have regard to the appropriate principles and guidance.

English Heritage welcomes the requirement for all development to be located such that it does not significantly and adversely affect the character and appearance of the settlement in which it is located, or the social, built, historic, cultural and natural heritage assets of the parish. English Heritage suggest the use of the word ‘or’ rather than ‘and’ to make clear that a significant or adverse effect on any one of the assets described would be unacceptable. As it is apparent it is the intention that not all of the dimensions would have to be significantly and adversely affected then I have recommended a modification to substitute the word as suggested.

English Heritage suggest that the policy test in respect of heritage assets should be amended and better aligned with the concept of heritage ‘significance’ and state “*The NPPF requires any harm to heritage assets to demonstrate that it is outweighed*

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<sup>20</sup> see section 38(6) of the Planning and Compulsory Purchase Act 2004.

*by the need to achieve public benefits which are necessary and which cannot be met in any other way. The greater the status of the heritage asset and the greater the harm, the greater the public benefits must necessarily be in order to justify that harm.*” This statement of English Heritage is a general interpretation of section 12 of the Framework which establishes a complex policy approach to conserving and enhancing the historic environment. The Framework sets out a different approach to designated and non-designated heritage assets and distinguishes between total loss of significance, substantial harm to significance, less than substantial harm to significance, and effect on significance. It is not necessary for a Neighbourhood Plan to duplicate national policy nor is there any requirement for a Neighbourhood Plan to include any particular type of policy. It is however necessary to consider whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan. The part of policy ANDP 1 in question refers only to location of development and is generally aligned with national policy. I have recommended a modification to enhance that alignment in order to ensure the policy meets the basic conditions. I have already commented on the timing of input to plan preparation.

Natural England has commented that in addition to protection of the AONB’s landscape, this policy should refer to the protection and enhancement of nature conservation sites (as identified in the nature conservation site map) in accordance with international and national legislation, and national and local planning guidance. There is no requirement for a Neighbourhood Plan to include any particular type of policy. The policy does include a limitation that ensures the Neighbourhood Plan is not likely to have a significant effect on a European site.

A representation objects to the inclusion of ‘acceptable exceptions’ in respect of isolated sites. It is stated *“in our neighbourhood’s valleys, everywhere is accessible from everywhere else and higher up, on the tops, the land comprises designated local nature reserves and ‘Special Areas’ of different types where new, isolated build development should obviously never be permitted”* and *“by definition an area of Outstanding Natural Beauty is no place to experiment with architectural whims”* and there are no other uses considered appropriate in open countryside where there is no reasonable alternative. The aspects of the policy referred to are consistent with the Framework.

The policy is consistent with those aspects of the Framework relating to building a strong, competitive economy; supporting a prosperous rural economy; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; and with modification, conserving and enhancing the natural environment. Subject to modification this policy meets the basic conditions.

## **Recommended modification 2**

**In policy ANDP 1 delete the seventh bullet point and the preceding “;or” and insert a full stop, and not as a bullet point “All development shall avoid harm to the significance of social, built, historic, cultural or natural heritage assets of the parish.”**

### Policy ANDP 2: Scale of Housing Development

This policy seeks to establish conditional support for development of individual dwellings and small scale housing schemes. Although the Neighbourhood Plan is not assessed against the emerging Local Plan Core Strategy, which in any case is at an early stage of preparation, the emerging plan does provide an indication that the quantum of housing development to occur will be limited and in line with historic rates. Consultation has revealed community concerns are directed to the scale of individual schemes which the policy seeks to address through support of individual dwellings and small scale, defined as up to 9 dwellings, housing developments. The reasoned justification states *“the growth of settlements should appear as natural or organic additions which might normally be expected to have occurred over time rather than as larger new streets or estates of housing.”*

A representation suggests a clause is added to references to the delivery rate such that development is only permitted if needed at the time and that if one year’s quota is not used it cannot be carried forward. The representation suggests that carry forward could result in larger schemes being approved at any time in the next 20 years. The delivery rate referred to is indicative of scale and is not included in the policy. It is not my role to recommend modifications to introduce new elements to policies. The representation also states *“affordable housing should only be built if a need is identified, again so as not to just meet a quota, which could give too many houses thus allowing people from outside the area to be asked to take them up if none in the area needed them.”* Policy ANDP 2 supports schemes, including affordable housing, that contribute to meeting the objectively assessed housing needs of the Parish.

The Framework seeks to boost significantly the supply of housing and whilst silent in respect of the role of neighbourhood plans in this regard does require Local Planning Authorities to meet the full objectively assessed needs for market and affordable housing in the housing market area. I note additional work commissioned after the pre-submission stage of preparation of the Neighbourhood Plan included a survey of housing needs.

The Allendale Local Housing Needs Survey report shows a survey date of October 2013 and a final report date of 25 March 2014. The latter date is after the date

shown on the submission version Neighbourhood Plan 14 February 2014. The Housing Needs Survey Report is listed as part of the evidence base at Appendix A of the Consultation Statement dated September 2014 which is before the Regulation 16 publicity period (17 October to 28 November 2014) when the document was included in the list of supporting documents on the County Council website, and before the plan was submitted for examination in November 2014. On this basis I have taken the Housing Needs Survey report into consideration. The Housing Needs Survey report confirms limited need for new housing development in the plan area.

A representation states, *“We are encouraged that the Parish Council Housing Needs Survey is largely consistent with the County Council draft Core Strategy identifying a requirement for one hundred dwellings in Allendale, together with further development throughout the Parish. We believe that this level of growth in Allendale is required to ensure that it retains its Service Centre status within the County and for it to provide homes for those growing up and wishing to remain in the area.”* and *“We believe that it will be difficult for Allendale to balance the growth required by the Core Strategy and desired in the Neighbourhood Plan if only small scale developments are allowed to be brought forward.”* The representation states there are very limited suitable small sites and that larger scale developments that could be developed in smaller scale tranches or restricted to delivering a capped number of dwellings per year should be supported. Two sites to the north of Allendale are suggested where affordable housing, particularly affordable let housing can be developed over a timeframe potentially through a number of different developers with a greater mix of housing types and materials so as not to appear as a uniform housing estate.

The Neighbourhood Plan has been prepared on the basis that housing numbers and growth will be determined at a District –wide level through Local Plan mechanisms. The Neighbourhood Plan focuses on how development will be delivered. Policy ANDP 2 does not place any cap on the amount of development that can occur during the plan period nor does it impose any phasing requirement. The policy does however restrict the type of development occurring in any one scheme to not be more than small scale, which is defined in text as *“in general terms this will mean housing schemes of up to 9 dwellings”*. This is in line with the long established reference to schemes of 10 or more dwellings as major schemes, not least in definitions included in Government development management statistics. The policy would not prevent small scale housing development schemes occurring throughout the plan period in close proximity to one another.

The Submission Plan states that *“throughout consultation on the Neighbourhood Plan, concerns from the community have been directed towards the scale of individual developments, rather than a specific quantum of development over the plan period.”* The policy follows logically from the objectives of the Neighbourhood Plan in particular **“Meeting housing needs Encourage provision of housing, including affordable housing to meet identified needs where doing so would not significantly and**

*adversely affect the quality of the local environment, and **Conserving our assets** Conserve and enhance the landscape, biodiversity, natural habitats and cultural heritage of the Parish, having due regard in all decision making to the purpose of its designation as an Area of Outstanding Natural Beauty.”*

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*” and that outside strategic elements “*neighbourhood plans will be able to shape and direct sustainable development in their area*”. I consider the policy is appropriate in this respect, and in the context of the sensitive nature of the natural environment of the plan area, and the demonstration of objectively assessed housing needs. This policy meets the basic conditions.

### Policy ANDP 3: Retention of Affordable Housing

This policy seeks to achieve the retention of affordable housing. A representation states it would be helpful to prescribe a target for affordable housing in terms of a percentage of units consented and tenure split. It is not within my role to recommend additional policy dimensions for inclusion in the Neighbourhood Plan. There is no requirement for a Neighbourhood Plan to include any particular type of policy.

The policy is consistent with the aim of the Framework of delivering a wide choice of high quality homes. The policy includes reference to a definition of local connection and local need that is written with sufficient precision to provide a clear basis for decision making. This policy meets the basic conditions.

### Policy ANDP 4: New Business Accommodation and Tourism Facilities

This policy seeks to establish support for new business space and tourism facilities other than overnight tourist accommodation subject to defined principles and the criteria set out in policy ANDP 1.

A representation states, “*Paragraph 7.8 refers to new-build business space and tourism facilities being supported if, amongst other things, they are linked to existing development or a farm diversification scheme, within reasonable environmental limits. The commentary, however, provides little clarity on what those environmental limits might be.*” The policy requires development in the open countryside to show it is making a positive contribution to its setting and to the purpose of designation of the AONB.

The policy is imprecise in its use of the phrase small scale, however small scale non-housing development schemes are defined in the glossary as “*one where the*

*floorspace to be built is less than 500 square metres or where the site area is less than 0.5 hectares*". Whilst not essential to meet the basic conditions it may assist the user of the plan to include a footnote directing attention to the glossary. This policy is consistent with the components of the Framework relating to building a strong, competitive economy and supporting a prosperous rural economy. This policy meets the basic conditions.

#### Policy ANDP 5: New Build Tourism Accommodation

This policy seeks to ensure construction of new permanent buildings for overnight tourist accommodation will only be permitted within or adjoining existing settlements taking account of the fact Allendale is the main settlement in the Parish. The policy also seeks to establish conditional support for new small scale camping, chalet and caravan developments and for additional space or accommodation at existing sites. The policy is imprecise in its use of the phrase small scale, however small scale non-housing development schemes are defined in the glossary as "one where the floorspace to be built is less than 500 square metres or where the site area is less than 0.5 hectares. Again whilst not essential to meet the basic conditions it may assist the user of the plan to include a footnote directing attention to the glossary. A representation objects to *"the carte blanche permission for chalet and caravan developments anywhere in 'areas of open countryside'. The proviso of adequate and effective screening surely begs the question: if you have to hide it, why permit it? Check the state of the current chalet development in Catton to see what this amended policy results in."*

This policy is consistent with the components of the Framework relating to building a strong, competitive economy and supporting a prosperous rural economy. The requirement that developments are adequately and effectively screened and conform to criteria set out in policy ANDP1 is consistent with the component of the Framework relating to conserving and enhancing the natural environment. This policy meets the basic conditions.

#### Policy ANDP 6: Working From Home

This policy seeks to establish conditional support for working from home. The policy seeks to protect residential and visual amenity. The policy relates to use of part of a dwelling or small scale free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for office and/or light industrial uses. The policy is imprecise in its use of the phrase small scale and in order to provide a clear basis for decision making and to meet the basic conditions could be defined in the glossary. I am however not recommending a modification of the plan in this respect

as the policy provides satisfactory safeguards for residential amenity, and limits use to existing free-standing buildings within the curtilage of a dwelling, and also limits work use to occupants of the dwelling. The policy is consistent with the components of the Framework relating to building a strong, competitive economy and supporting a prosperous rural economy. This policy meets the basic conditions.

#### Policy ANDP 7: Conversion of Buildings in the Open Countryside

This policy seeks to establish conditional support for the conversion and reuse of redundant and disused buildings in the open countryside to create: permanent residential accommodation; permanent business and employment space; residential tourist accommodation and tourism facilities; and live-work accommodation. The term live-work accommodation is defined in the glossary. Six conditional requirements are set out relating to protection of historic significance and habitats; access; off-street car parking; AONB guidance; impact on landscape and visual amenity; and removal of permitted development rights. It is made clear the policy will apply to proposals forming part of a farm diversification scheme provided the main agricultural function of the farm is maintained, and subject to policy ANDP 1.

A representation queries the reference in Paragraph 8.4 of the Submission Plan to the need for proposals to satisfy criteria in relation to structural soundness. This is a drafting error as the reference should have been deleted when the related bullet point was removed from an earlier draft of the plan document. This minor error which I refer to in Appendix 1 should now be corrected.

English Heritage states “ *Policy ANDP7 (a), dealing with the historic importance of the building in question, should be redrafted in respect of safeguarding what is of heritage significance and value about it. As written the policy suggests that provided the significance of the building is properly identified and recorded (before loss) this criterion will be satisfied. Such an approach would not be NPPF-compliant.*” The policy should be modified to reflect the approach relating to safeguarding of heritage significance set out in the Framework.

English Heritage also states “*Policy ANDP7 (e) makes reference to curtilage boundary treatments in the context of impacts upon landscape and visual amenity. In order to safeguard the largely undeveloped appearance of the landscape the policy should also require curtilages to be proportionate in their extent in order to curtail the unnecessary suburbanisation of the countryside.*” The policy as stated does already guard against adverse and unacceptable impact on the landscape and visual amenity of the area. The question of definition of existing and proposed curtilage as well as boundary treatment will undoubtedly be a matter to be considered case by case. This is an example where more timely input to plan making

could be helpful and more effective. It is not within my role to recommend the introduction of new elements to policies.

Subject to the recommended modification the policy is consistent with the components of the Framework relating to supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural environment; conserving and enhancing the historic environment; and delivering a wide choice of high quality homes. This policy meets the basic conditions.

### **Recommended modification 3**

**In policy ANDP 7 before “the local” insert “there will be no unjustified harm to the significance of a heritage asset and”**

### Policy ANDP 8: Demolition and Reconstruction of Derelict Buildings

This policy seeks to establish support for the demolition and reconstruction of existing derelict, disused, abandoned and dilapidated buildings in the open countryside which were originally permanent structures and of substantial construction. The range of uses supported by policies in the Neighbourhood Plan is supported including residential, tourism accommodation, business and employment, and live-work accommodation. The policy is explicitly made subject to the criteria set out in Policy ANDP 1.

English Heritage states *“Policy ANDP8 allows for the conversion of derelict, disused, abandoned, and dilapidated buildings. Dilapidation covers a broad spectrum of disrepair. Further clarification in the commentary accompanying the policy on what is meant by dilapidation would be helpful otherwise someone occupying a building, which was perhaps missing its rainwater goods or a few slates, may argue that it is dilapidated and covered by the policy. Criterion (a) (1<sup>st</sup> bullet point) is the key to those instances where the policy applies, and should require buildings to be “.....structurally unsafe and incapable of being safely and economically repaired or converted to a new use. The observation in respect of Policy ANDP7 (a) above has application in respect of Policy ANDP8. At the other end of the dilapidation spectrum, the Policy would appear to allow for a building that was, for example, now no more than an unstable gable end to be redeveloped. I am unclear as to whether or not this is the intention of the Plan. Were Criterion (d) to be amended to provide that the replacement building should be faced employing materials which have been salvaged principally from the site itself (‘substantially’ meaning, presumably, in excess of 50%) this would ensure that there was still sufficient a building remaining with which to work. Criterion (f) relates, amongst other things, to curtilage. The need for proportionality referred to above in respect of Policy ANDP7 pertains. It is important to ensure that the policy does not introduce an inducement to deliberately*



*fail to maintain existing buildings in anticipation of obtaining consent for demolition and rebuilding. Such an outcome would be counter to the thrust of the Plan and the concept of sustainability. Even a building which is derelict, disused, abandoned or dilapidated may still be possessed of historic value. They may be regarded as heritage assets and may even still be statutorily designated as such. In such circumstances, there must be a presumption in favour of the retention of any element of it that contributes to its significance, and proposals resulting in the loss of any significance or harm to it will need to demonstrate that they are necessary to achieve public benefits that outweigh that harm or loss. Without this test the policy would not satisfy the NPPF.”*

With respect to the curtilage observations as in respect of policy ANDP 7 the policy as stated does already guard against adverse and unacceptable impact on the landscape and visual amenity of the area. The question of definition of existing and proposed curtilage as well as boundary treatment will undoubtedly be a matter to be considered case by case. This is an example where more timely input to plan making could be helpful and more effective. It is not within my role to recommend the introduction of new elements to policies.

I have noted the response of the Parish Council to a comment on the pre-submission draft plan included the statement that *“Allendale is characterised by numerous such buildings- more so than most other rural areas of Northumberland. It is considered that, unless opportunities for retaining these buildings are widened, the character of the area will suffer permanent damage.”* This represents a statement of special circumstances as required by paragraph 55 of the Framework.

Whilst it would be possible to modify the first bullet point to read “structurally unsafe and incapable of being safely and economically repaired or converted to a new use” and to replace criterion (d) with “The majority of the facing materials of the new building must be materials salvaged from the site itself with the remainder being locally sourced appropriate facing materials” these modifications are not necessary to meet the basic conditions. The policy should however be modified to reflect the approach relating to safeguarding of heritage significance set out in the Framework. Subject to the recommended modification the policy is consistent with those aspects of the Framework relating to building a strong, competitive economy; supporting a prosperous rural economy; delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the natural environment. As modified the policy will meet the basic conditions.

**Recommended modification 4**  
**In policy ANDP 8 add criterion (h)**

**“Proposals resulting in the loss of any significance or harm to a heritage asset will need to demonstrate that they are necessary to achieve public benefits that outweigh that harm or loss.”**

#### Policy ANDP 9: Extensions to Dwellings

This policy seeks to establish a criterion based approach to assessment of proposals for extensions to dwellings that applies equally in settlements and in the open countryside. The policy requires proposals to accord with policy ANDP 1. The criteria for assessment of proposals relate to a requirement for subservience, and use of matching or complimentary materials, to the host dwelling; residential amenity; cumulative impact; rainwater run-off.

English Heritage states *“Commentary advises that judgements in respect of scale and massing etc. will be made on the basis of the building as it stands at the time the application is made. Policy ANDP9: Extensions to Dwellings gives consideration to the cumulative effect of extensions on the plan area generally but not, it would appear, to the cumulative effect of the proposals on the building itself in relation to earlier extensions. Additionally, as drafted, the policy would appear to allow for multiple applications over a period of time, each one being judged on its effect on the host building as it exists at the time of each application, not its effect on the original building nor, for example, the building as it existed on the date the Plan was adopted. Such an accrual process could lead to some very large and unattractive buildings satisfying policy.”*

I have noted community engagement responses and the commitment to monitoring in the Neighbourhood Plan. The policy is consistent with those aspects of the Framework relating to delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the natural environment. This policy meets the basic conditions.

#### Policy ANDP 10: Small Scale Renewable and Low Carbon Energy Schemes

This policy seeks to establish conditional support for energy generating infrastructure using renewable or low carbon energy sources to serve individual properties or groups of properties in settlements and in countryside locations. A requirement for removal of infrastructure once it is no longer in use for energy generation is included.

The policy is consistent with those aspects of the Framework of meeting the challenge of climate change; requiring good design; and conserving and enhancing the natural environment. This policy meets the basic conditions.

## Policy ANDP 11: Protecting School Fields

This policy seeks to designate the existing area of school fields in Allendale as Local Green Space. The designation of Local Green Space has significant implications not least ruling out new development other than in very special circumstances. On this basis it is essential that the precise area of land being designated is identifiable. The map included in the Submission Plan is at sufficient scale to identify boundaries with certainty.

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.”*

I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designation has 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. Whilst the Neighbourhood Plan does not identify specific sites for housing development I consider that the Local Green Space designation will in conjunction with the other policies of the Neighbourhood Plan together establish a planning policy context that is consistent with the local planning of sustainable development and enable investment in sufficient homes and jobs.

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”*

I find that the Local Green Space designation relates to green space that is in close proximity to the community it serves; and the green area is local in character and is

not an extensive tract of land. The Parish Council carried out a survey of people living in those properties close to the fields and found 96% support for designation. Over half of respondents valued the fields for their tranquillity and almost as many referred to wildlife benefits. A range of future uses appropriate to a designated Local Green Space were supported. The policy states the designation “*reflects the particular importance the local community attach to the land by virtue of its recreational and amenity value and its proximity to people served by the land.*” I find the green area is demonstrably special to a local community and holds a particular local significance.

I have considered the intended Local Green Space designation in the context of the Framework, in particular in respect of paragraphs 76 and 77, and the Guidance, and found all of the requirements are satisfactorily met. This policy meets the basic conditions.

## **9. Summary and Referendum**

I have recommended the following modifications to the Submission Plan:

### **Recommended modification 1**

**The basis of decision making on planning applications should be clarified as indicated**

### **Recommended modification 2**

**In policy ANDP 1 delete the seventh bullet point and the preceding “;or” and insert a full stop, and not as a bullet point “All development shall avoid harm to the significance of social, built, historic, cultural or natural heritage assets of the parish.”**

### **Recommended modification 3**

**In policy ANDP 7 before “the local” insert “there will be no unjustified harm to the significance of a heritage asset and”**

### **Recommended modification 4**

**In policy ANDP 8 add criterion (h)**

**“Proposals resulting in the loss of any significance or harm to a heritage asset will need to demonstrate that they are necessary to achieve public benefits that outweigh that harm or loss.”**

I also make the following recommendation in Appendix 1 below

## **Recommended modification 5**

### **Identified errors that are typographical in nature or arising from updates should be corrected**

I consider the Neighbourhood Plan establishes, subject to the modifications I have recommended, a realistic and achievable vision for development and change within the plan area. I am satisfied that the Neighbourhood Plan<sup>21</sup>:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations;
- meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified meets the basic conditions:
  - 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 be 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>22</sup>

**I recommend to Northumberland County Council that the Allendale Neighbourhood Development Plan for the plan period up to 31 March 2031 should, subject to the modifications I have put forward, be submitted to referendum.**

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>23</sup> In all the matters I have considered I have not seen anything that suggests the

<sup>21</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

<sup>22</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>23</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

referendum area should extend beyond the boundaries of the plan area as they are currently defined.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by Northumberland County Council on 15 January 2013.**

### Appendix 1: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.<sup>24</sup> The Neighbourhood Plan is produced to a high quality presentation standard but includes a very small number of errors that are typographical in nature or arise from updates. I recommend modification as follows:

Renumber the second paragraph 3.2 as 3.3

In paragraph 8.4 delete “structural soundness;”

Additionally some of the recommended modifications in this report will necessitate consequential related minor adjustments to the Neighbourhood Plan document.

#### **Recommended modification 5**

**Identified errors that are typographical in nature or arising from updates should be corrected**

Chris Collison

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8 December 2014

REPORT ENDS

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<sup>24</sup> Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990