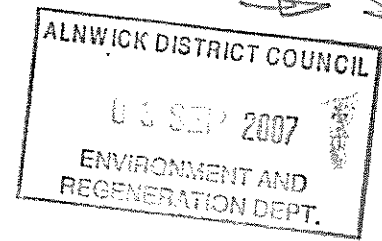




GOVERNMENT OFFICE
FOR THE NORTH EAST



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Your Ref:

Our Ref:

Date: 31 August 2007

Dear Mr Biggers

1. I am writing with reference to your application of 30 March 2007 for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Alnwick District Wide Local Plan (1997).
2. The Secretary of State's Direction is attached. Those policies not listed in the Direction will expire on 27th September 2007.
3. The extension of saved policies listed in this Direction does not indicate that the Secretary of State would necessarily endorse these policies if presented to her as new policy. The intention is merely to maintain an extension of existing adopted policy in the sole interests of maintaining continuity in the development plans system and a stable planning framework locally and, in particular, a continual supply of land for development.
4. Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. LPAs should adopt a positive non regulatory approach to DPD preparation and should not seek to reintroduce the numerous policies of many local plans.
5. Local planning authorities should make good progress with local development frameworks according to timetables in local development schemes. The exercise of extending saved policies is not an opportunity to delay DPD preparation. Policies have been extended in the expectation that they will be replaced promptly and by fewer policies in DPDs. Maximum use should be made of national and regional policy especially given the advanced position of many regional spatial strategies and the post 2004 status of the Regional Spatial Strategy.
6. From 27 September 2007 the extended policies should be read in context. Where policies were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions on planning applications. The attention of

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local planning authorities is drawn to Planning Policy Statement 3 *Housing* (paragraphs 6 and 68) and the Housing Green Paper - *Homes for the future: more affordable, more sustainable* (chapter 2, paragraph 15).

7. The Secretary of State's decision concerns a policy where there have been representations from a third party expressing views that differ from those of your authority. The Secretary of State received a letter dated 8 June 2007 from Nathaniel Lichfield and Partners on behalf of Persimmon Homes North East, requesting the Secretary of State to issue a Direction in respect of policy H3. On 13 June the Secretary of State invited you to comment on the contents of this letter, and you responded on 17 July. Further correspondence was submitted by Nathaniel Lichfield and Partners and yourselves on 31 July and 23 August 2007 respectively.

8. In reaching a decision on whether to issue a Direction in respect of policy H3 the Secretary of State has had regard to: the criteria in paragraph 5.15 of PPS12; the matters to which the Secretary of State will have particular regard, which are set out in Step 1 of the Protocol for handling proposals to save adopted Local Plan policies beyond the 3 year saved period, published by DCLG on 11 August 2006; and the correspondence from the parties referred to above.

Criterion(i) of paragraph 5.15 of PPS12 – where appropriate there is a clear central strategy

9. The housing strategy of the Alnwick District Wide Local Plan 1997, of which policy H3 forms part, is to focus housing on the two main settlements of Alnwick and Amble.

10. This approach is continued and developed further in the Council's up to date spatial strategy in the submission draft of the Core Strategy Development Plan Document (DPD), published in November 2006. The development strategy of the Core Strategy sets out a number of strategic policies to deliver sustainable development and guide the use of land to achieve the vision throughout the district (paragraph 4.1.1 of the draft plan). The plan identifies a clear settlement hierarchy, providing for the majority of development in Alnwick and Amble, and to a lesser extent in Rothbury. It also provides for the phased release of housing land and identifies a broad distribution of development between settlements, specifying that 33% of the housing allocation is to go to Alnwick, 33% to Amble, 10% to Rothbury and 24% to other villages.

11. The Secretary of State acknowledges that the core strategy has not yet been adopted, but there has been no significant disagreement about the broad principles of its strategy. It is significant that the North East Assembly considers the plan's overall strategy to be in general conformity with the draft Regional Spatial Strategy. For these reasons, the Secretary of State considers that it is appropriate to give substantial weight to the central strategy of the emerging core strategy in reaching a decision on policy H3.



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12. An analysis of the housing allocations in policy H3 indicates that 27% of the dwellings proposed are to be in Alnwick, 20% in Amble, 13% in Rothbury and 40% in other villages. Only 47% of new dwellings are provided in Alnwick and Amble, significantly less than the two thirds envisaged by the draft core strategy, and a correspondingly higher proportion of dwellings are provided in the other villages (40% rather than 24%). In the light of these figures, the Secretary of State considers that Policy H3 as a whole is not consistent with the central strategy of the emerging Core Strategy.

13. No detailed evidence has been supplied about the extent to which policy H3 has been implemented, and it is not therefore possible to tell to what extent unimplemented sites alone would be consistent with the Council's central strategy. In any event, a very important consideration is the fact that it is not open to the Secretary of State to issue a Direction in respect of only part of a policy. Policy H3 concerns 37 individual sites in a variety of locations, not just H3(10) which is of particular interest to the clients of Nathaniel Lichfield and Partners. Policy H3 must be extended in its entirety or not at all. For the reasons given above, the Secretary of State considers that the policy as a whole does not accord with criterion (i) of paragraph 5.15 of PPS12.

Criterion (ii) of paragraph 5.15 of PPS12 – the policies have regard to the Community Strategy for the area

14. The Local Development Framework is a key component in the delivery of the Community Strategy, and the Core Strategy DPD is expected to provide the strategic framework for subsequent site specific DPDs. The Secretary of State considers that the draft Core Strategy has clearly demonstrated a strong relationship with the Council's Community Strategy, particularly in chapter 3 and Appendix C of the plan. Policy H3 concerns the amount and distribution of housing in the District, which is an integral part of the central strategy. As the Secretary of State has already concluded in paragraph 12 above that policy H3 is not consistent with the Council's central strategy, she considers therefore that policy H3 does not have regard to the Community Strategy for the area.

Criterion (iii) of paragraph 5.15 of PPS12 – the policies are in general conformity with the Regional Spatial Strategy

15. The current Regional Spatial Strategy (RSS), RPG1, issued in 2002, contains little specific guidance on the future development of the rural north of the region, and on role of individual settlements. This is left to sub regional guidance to determine.

16. The Secretary of State's Proposed Changes to the draft revision of the RSS submitted by the North East Assembly, published in May 2007, proposes a locational strategy which concentrates the majority of new development in the two Conurbations, particularly within the core areas, and the Main Settlements (Policy 5). Development appropriate in scale is also allowed within Regeneration Towns and Rural Service Centres. Alnwick and Amble are the only places in Alnwick District which are identified as Rural Service Centres (paragraph 2.47). As the Secretary of State is of the view that Policy H3 is unlikely to



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deliver the majority of development within the two Rural Service Centres, for the reasons given in paragraph 12 above, she considers that policy H3 is not in general conformity with the draft RSS Review.

Criterion (iv) in paragraph 5.15 of PPS12 – the policies are in conformity with the core strategy development plan document (where the core strategy has been adopted)

17. As the core strategy has not yet been adopted, this criterion does not need to be specifically addressed. However, for the reasons given in paragraphs 9-16 above, the Secretary of State considers that the draft core strategy is of relevance with regard to other criteria in paragraph 5.15 of PPS12.

Criterion (v) in paragraph 5.15 of PPS12 – there are effective policies for any parts of the authority's area where significant change in the use or development of land or conservation of the area is envisaged

18. The Secretary of State does not consider that policy H3 is an effective policy for any parts of the authority's area as it is out of date with regard to an important aspect of national planning policy. It was drawn up before both PPG3 and PPS3 were published, and does not therefore pay regard to the requirement to encourage the development of previously developed land.

19. Although PPS3 does not contain the site search sequence set out in PPG3, it makes plain in paragraph 40 that a key objective of national policy is that local planning authorities should continue to make effective use of land by re-using land that has been previously developed. There is a commitment to a national annual target, and Local Development Documents are expected to include a local previously developed land target and trajectory, and strategies for bringing previously developed land into housing use. Your letters of 17 July and 23 August 2007 indicate that a number of the sites listed in policy H3 are greenfield. The Secretary of State therefore considers that H3 is unlikely to be an effective policy for development management purposes as it does not fully comply with national planning policy on an important matter, and would undermine the Council's ongoing efforts to prioritise development on previously developed land.

20. In addition, the Secretary of State notes that, in accordance with paragraph 13(5) of the Town and Country Planning (Local Development) (England) Regulations 2004, the Council have provided in Appendix A of the draft Core Strategy a list of all the existing Local Plan policies which are to be superseded upon adoption of the Core Strategy. Policy H3 is one of the policies so listed. As the Council's Local Development Scheme specifies that the Core Strategy is to be adopted in January/February 2008, policy H3 would only exist for 5 months at the most after 27 September should the Secretary of State decide to issue a Direction. It therefore has very limited opportunity to be an effective policy.



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Criterion (vi) of paragraph 5.15 of PPS12 – the policies are necessary and do not merely repeat national or regional policy

21. For the reasons given in relation to criteria (i) (iii) and (v) above, the Secretary of State is of the view that policy H3 is inconsistent with the Council's up to date spatial strategy, with draft RSS and national planning policy. She considers therefore that it is inappropriate, and not necessary for the determination of planning applications.

Protocol for handling proposals to save adopted Local Plan policies

22. As well as the criteria in PPS12, the Secretary of State has also taken into account the requirement to have particular regard to policies that support the delivery of housing, including unimplemented site allocations, set out in step 1 of the Protocol published on 11 August 2006.

23. Having considered all the information before her, the Secretary of State is not convinced that there is less than a five year land supply in Alnwick District, or that there is a compelling need for policy H3 to be extended to ensure such a land supply. The Secretary of State notes that the Council's Local Development Scheme of March 2007 contains a programme of site specific DPDs, with priority being given to the Amble Town Site Allocations and Policies DPD, and she considers that extending policy H3 could prejudice the Council's allocation of sites through the Local Development Framework process. In the Secretary of State's view, the soon to be adopted core strategy will provide the framework for a phased release of housing land until 2021, and for the housing delivery that the Government's Housing Green Paper calls for. The draft Regional Spatial Strategy, which is expected to be approved and issued in early 2008, will be part of the statutory development plan for the area, and national policy for both planning and housing is an important material consideration. All of these documents will play a key role in securing the delivery of sufficient housing in appropriate locations in Alnwick District while the site specific DPDs are being prepared.

Conclusions

24. For the reasons in paragraphs 9 -21 above, the Secretary of State considers that policy H3 does not meet any of the relevant criteria contained in PPS12 for extending saved policies. She has also had regard to the Protocol. She is of the view that there are no housing land delivery issues of sufficient importance to justify overriding the lack of conformity with the criteria in PPS12. The Secretary of State has therefore decided not to issue a Direction with regard to policy H3.

Yours sincerely,

Caroline Burden



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**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN ALNWICK DISTRICT WIDE LOCAL PLAN (1997)**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State

Caroline Burden
Head of the Planning Team
Government Office for the North East
31 August 2007

SCHEDULE

POLICIES CONTAINED IN ALNWICK DISTRICT WIDE LOCAL PLAN (1997)

RE6	Protection of Sites of Nature Conservn Importance
RE7	Protection of Local Nature Reserves
RE13	Protecting wildlife habitats
RE16	Protection of the AONB
RE 17	Protection of areas of high landscape value and historic parks and gardens
RE20	Rural diversification proposals
RE21	Control of new agricultural buildings
RE23	Development in the open countryside
BE2	Regional and local archaeological significance
BE7	Design and new development
BE8	Design in new residential developments and extensions (+ related appendices)
BE10	Shopfront design
BE11	Design principles for development in town centres
BE12	Protection of landscaped areas
BE13	Display of advertising (+related appendix)
H1	Housing in the minor settlements to meet exceptional local needs
H10	Residential development in open countryside
H13	Removal of restrictive occupancy conditions
H19	Control over tandem and backland development
H20	Development of Residential care Homes
H21	Provision for gypsies and travellers
TT1	Controlling the redevelopment of public transport facilities
TT2	Protection of route of A1 dualling from development
TT4	Ensuring the effects of additional traffic can be accommodated on the network
TT5	Controlling car parking provision
TT6	Traffic management and calming in new residential developments
TT12	Development of small public car parks to avoid parking congestion in villages
TT13	Providing for lorry parking
TT14	Provision for facilities for cyclists
TT15	Provision for development of harbour facilities at Warkworth Harbour
ED4	Providing a broader base of job opportunities on designated commercial sites
ED 8	Commercial use of upper floors in town centres
T3	Caravan and camping developments in protected landscapes
T4	Criteria based policy to assess static and touring caravan developments
T5	Criteria based policy to assess chalet developments
T6	Planning for new visitor attractions

CD1	New retail development
CD3	Protecting retail floorspace in the Primary Shopping Area
CD4	Farm shops
CD5	Garden Centres
CD18	Childrens Playspace
CD19	Securing on or off site recreation and OS facilities through S106
CD32	Controlling development that is detrimental to the environment and residential amenity
CD35	Planning for renewables
CD37	Development by water and sewerage statutory undertakers