

THE ACKLINGTON NEIGHBOURHOOD PLAN 2023 - 2036

(Submission Version)

Report of the Examination into the
Acklington Neighbourhood Plan 2023 - 2036

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To Northumberland County Council
And to Acklington Parish Council

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1. Introduction

Neighbourhood planning

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

2. This report concerns the Regulation 15 Submission draft of the Acklington Neighbourhood Plan 2023-2036 (“the Draft NDP”).

Appointment and role

3. Northumberland County Council (“NCC”), with the agreement of qualifying body Acklington Parish Council (“APC”), has appointed me to examine the Draft NDP. I am a member of the planning bar and am independent of NCC, APC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and trained others who wish to be examiners. I have extensive experience both as a planning barrister and as a neighbourhood plan examiner. I do not have an interest in any land that is, or may be, affected by the Draft NDP.

4. My examination has involved considering written submissions and a detailed site visit on Wednesday 23rd October 2024. I have read and considered all the documents with which I have been provided.

5. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 12 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

2. Preliminary Matters

Public consultation

6. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. Consultation with local residents is summarised in the Draft NDP's paragraph 6.26. Details of Consultation are contained in the Consultation Statement (February 2024). I am satisfied that APC took public consultation seriously and that consultation is accurately recorded in the Consultation Statement. Consultation has been sufficient and meets the requirements of the Neighbourhood Planning (General) Regulations 2012 ("the General Regulations") and the human rights of occupiers of homes and of property owners.

Other statutory requirements

7. I am also satisfied of the following matters:

- (1) The neighbourhood area is the parish of Acklington.¹ NCC designated this on 17th February 2018. APC is authorised to act in respect of this area (Town and Country Planning Act 1990 ("TCPA") s61F (1) as read with the Planning and Compulsory Purchase Act 2004 ("PCPA") s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development as defined in TCPA s61K (PCPA s38B (6)), and does not relate to more than one neighbourhood area (PCPA s38B (1)(c));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B (2));
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The Draft NDP specifies the period for which it is to have effect, namely 2023-2036, as required by PCPA s38B(1). The end-date sensibly aligns with that of the Northumberland Local Plan ("NLP"), which was adopted in March 2022.

3. The Extent and Limits of an Examiner's Role

8. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B para 8(2) as amended and as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;

¹ This is shown on the Policies Map.

- (d)² The making of the Plan contributes to the achievement of sustainable development;
- (e) The making of the Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- (f) The making of the Plan does not breach, and is otherwise compatible with, retained EU obligations; and
- (g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

9. There is one relevant prescribed basic condition:³ *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* Chapter 8 comprises regulations 105 to 111.

10. TCPA Sch 4B para 8(6) and para 10(3)(b) and the Human Rights Act 1998 mean that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention.

11. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last three paragraphs. In particular, I may not consider whether any other test, such as the soundness test provided for in respect of independent examinations under PCPA s20, is met.⁴ Rather, Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community.

12. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are:

- (1) that the Draft NDP proceeds to a referendum as submitted;
- (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to a referendum; or
- (3) that the Draft NDP does not proceed to referendum.

13. If I determine that either of the first two options is appropriate, I must also consider whether the referendum area should be extended.

² The omission of (b) and (c) results from these clauses of para 8(2) not applying to neighbourhood development plans (PCPA s38C (5)(d)).

³ Sch 2 para 1 of the General Regulations prescribes this. PPG Reference ID: 41-079-20190509.

⁴ *Woodcock Holdings Ltd v. Secretary of State for Communities and Local Government* [2015] EWHC 1173 (Admin), 1st May 2015, Holgate J., para 57; *R. (Crownhall Estates Limited) v. Chichester District Council* [2016] EWHC 73 (Admin) 21st January 2016, Holgate J., para 29; PPG Reference ID: 41-055-2018022.

14. My power to recommend modifications is limited by statute in the following terms:

The only modifications that may be recommended are—

(a) modifications that the examiner considers need to be made to secure that the draft [NDP] meets the basic conditions mentioned in paragraph 8(2),

(b) modifications that the examiner considers need to be made to secure that the draft [NDP] is compatible with the Convention rights,

(c) modifications that the examiner considers need to be made to secure that the draft [NDP] complies with the provision made by or under sections 61E(2), 61J and 61L,

(d) modifications specifying a period under section 61L(2)(b) or (5), and

(e) modifications for the purpose of correcting errors.⁵

15. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not in itself sufficient to recommend modification. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Kebbell Developments Ltd v. Leeds City Council.⁶ Errors include matters that were correct when written but have become out of date. I may not recommend a modification that would put the draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my recommended modifications seek to limit the extent to which the substance of the draft NDP is changed.

16. It is not my role to consider matters that are solely for the determination of other bodies such as NCC in a non-planning capacity, Historic England or the Environment Agency. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to evaluate aspirations that are not policies, but it is important that aspirations are clearly expressed to be such and do not give the impression that they are policies. It is not my role to add to aspirations or community actions.

4. Consideration of Representations

17. I have given each representation careful consideration, but have not felt it necessary to comment on all of them. Rather in accordance with the statutory requirement and bearing in mind the judgment of Lang J in R. (Bewley Homes Plc) v. Waverley Borough Council,⁷ I have

⁵ TCPA Sch 4B, para 10(3). The provisions in (a), (c) and (d) are in the TCPA.

⁶ [2018] EWCA Civ 450, 14th March 2018, paras 34 and 35.

⁷ [2017] EWHC 1776 (Admin), Lang J, 18th July 2017.

mainly concentrated on giving reasons for each of my recommendations.⁸ Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind.

5. Public Hearing and Site Visit

18. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations.⁹ However, an examiner must cause a hearing to be held for the purpose 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 (1) adequate examination of the issue or (2) a person has a fair chance to put a case.¹⁰ Since neither applied in this case, I did not hold a public hearing. The holding of a public hearing is very much an exception.

19. I decided that an unaccompanied site visit was necessary and held one on Wednesday 23rd October 2024. The weather was fine, visibility was good and there were no impediments to the visit. The site visit helped me to gain a sufficient impression of the nature of the area for the purpose of my role.

6. Basic Conditions and Human Rights

Regard to national policies and advice

20. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from them only if there are clear reasons, which should be explained, for doing so.¹¹

21. The main document in which national planning policy is contained is the National Planning Policy Framework 20th December 2023 and I have borne that in mind. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”). A consultation draft of a new NPPF has been issued and I have read it in full.¹² As a consultation draft, little if any weight would normally be given to its details, although it may indicate a “direction of travel”. There is a direction of travel in providing for more housing in sustainable locations, which includes the proposed removal of changes made in December 2023 that were widely seen as impeding housing provision. However, the NLP was made before the December

⁸ TCPA Sch 4B, para 10(6).

⁹ PPG Reference ID: 41-056-20180222.

¹⁰ TCPA Sch 4B paras 9(1) and (2).

¹¹ *R. (Lochailort Investments Limited) v. Mendip District Council* [2020] EWCA Civ 1259, Lewison LJ, 2nd October 2020, paras 6, 31 and 33.

¹² <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>

2023 changes. In the circumstances I do not consider it appropriate to give substantial weight to the consultation draft.

22. The NPPF provides that neighbourhood plans should support the delivery of strategic policies contained in local plans and should shape and direct development that is outside of these strategic policies.¹³ Its paragraphs 28 and 29 state:

28. Non-strategic policies should be used by... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

*29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.*¹⁴

23. NPPF paragraph 60 states:

*60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay...*¹⁵

Contributing to the achievement of sustainable development.

24. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those

¹³ NPPF para 13.

¹⁴ At this point a footnote states, "Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area." The consultation draft NPPF does not alter paragraphs 28 and 19 other than their numbering.

¹⁵ The consultation draft does not propose changing these words, but does propose a change to paragraph 60's final sentence.

proposed in the Draft NDP. The total effect of the constraints introduced by the Draft NDP when read with existing constraints must not prevent the achievement of sustainable development.

General conformity with the development plan's strategic policies

25. The third basic condition means that I must consider whether the Draft NDP as a whole is in general conformity with the strategic policies contained in the development plan for the area of the authority. The strategic framework for development is contained in the development plan for Acklington, the NLP.¹⁶

26. The adjective '*general*' allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. The draft NDP "*need not slavishly adopt every detail*".¹⁷ This condition only applies to strategic policies - there is no conformity requirement under this basic condition in respect of non-strategic policies in the NLP, in respect of the emerging Local Plan, or in respect of other local authority documents that do not form part of the adopted development plan, although these may be relevant to other matters. In assessing general conformity and whether a policy is strategic, I have borne in mind helpful PPG advice.¹⁸ Whether a policy is strategic is not a matter of label and I have applied planning judgment to the issue.

Retained EU obligations

27. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, retained EU obligations. I have in particular considered the following, together with the UK statutory instruments implementing them in England: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive (2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v. Coillte Teoranta.¹⁹ I have borne in mind that proportionality is a concept of and underlies EU law and must be wary of requirements that would be disproportionate to the Draft NDP.

¹⁶ NCC is preparing Gypsy, Traveller and Travelling Showpeople Local Plan, which when adopted will form part of the statutory development plan for the county, but there is no policy or other mention of Gypsies, Travellers and Travelling Showpeople in the draft NDP.

¹⁷ Wiltshire Council v. Cooper Estates Strategic Land Ltd [2019] EWCA Civ 840, para 3, 16th May 2019.

¹⁸ PPG Reference IDs: 41-074-20140306; 41-075-20190509; 41-076-20190509; and 41-077-20190509. I have also borne in mind the relevant part of the judgment in R. (Swan Quay LLP) v. Swale District Council [2017] EWHC 420 (Admin), para 29, Dove J, 27th January 2017.

¹⁹ Case C-323/17, 12th April 2018.

28. I am satisfied that all requirements in respect of strategic environmental assessment and habitat regulation assessment are met.

29. I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

Conservation of Habitats and Species Regulations 2017

30. I am satisfied that the making of the NDP with my proposed modifications would not be incompatible with the prescribed basic condition.

Human Rights

31. The planning law of England and Wales in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. Historically, the Convention rights that have been most relevant to town and country planning are those under the Convention's Article 6(1), 8 and 14 and under its First Protocol Article 1 and I have considered these. I have also considered the recent landmark judgment of the European Court of Human Rights' ("ECtHR") Grand Chamber in Verein KlimaSeniorinnen Schweiz and Others v. Switzerland,²⁰ which held that under article 8 a State has a positive obligation to implement sufficient measures to combat climate change. In Convention jurisprudence a State includes its emanations such as local government. First Protocol Article 1 reinforces the common-law principle that private property rights should not be removed without proper justification, and I have borne that in mind. Apart from those, nothing in my examination of the Draft NDP has required further consideration of human rights.

7. The Local Plan

32. Acklington village is a 'small village' in the NLP.²¹ Parts of the NLP that expressly relate to small villages include:

"Policy STP 1

Spatial strategy (Strategic Policy)

1. To deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets: ...

²⁰ Application no. 53600/20, 9 April 2024.

²¹ Page 327, Appendix A, North Delivery Area.

d. In order to support the social and economic vitality of rural areas, and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development ...”

And

“Northumberland was ranked first out of 87 authorities in terms of tranquillity, according to a Campaign to Protect Rural England study undertaken in 2006. The Council recognises tranquillity as a distinctive characteristic of Northumberland’s countryside. While the County contains the Northumberland National Park, and the North Pennines and Northumberland Coast AONBs, much of the County, outside of these designated areas is also rural, and tranquil in nature, and is characterised by its open countryside, small villages and hamlets. The Council seeks to ensure that the quiet enjoyment of the landscape is maintained by avoiding urbanising effects in these areas. This will largely be achieved through the landscape character approach outlined in Policy ENV 3, which seeks to retain key rural qualities found in many landscape character areas and avoid the gradual creep of urban paraphernalia into remote areas. Other policies such as Policy POL 2 on pollution and Policy QOP 2 on good design and amenity will also help with the aim. However, a dedicated policy is needed to safeguard Northumberland’s very rural character from particular threats to tranquillity.” [Paragraph 10.28]

33. NLP’s policies map shows: Acklington’s settlement boundary; the boundary of Guyzance Conservation Area; the Coquet River and Coquet Valley Woodland SSSI; Local Wildlife and Geological Sites; Ancient Woodland; Protected Open Space; and a settlement boundary for Togston and Broomhill, most of which is outside the parish, but a small limb of which that includes land in the northwest of Togston is in the parish. The draft NDP does not alter any of these and I do not consider that it should. The NLP was adopted in March 2022 and is therefore relatively recent. This was before the December 2023 changes to the NPPF which the consultation draft NPPF proposes to remove. Save to the extent that it has been overtaken by significant events such as a relevant change in government policy or facts, it is up to date. I am not aware of any such event and therefore treat the NLP as up to date in so far as it affects this examination.

34. Broomhill/Togston is “service village” and as such higher in the settlement hierarchy than Acklington. Apart from the small and peripheral part of Togston in the parish, Broomhill/Togston is outside the parish and therefore not a matter for this examination. I note that policy STC 1 (1) (c) states that service villages “*will provide for a proportionate level of housing and be the focus for investment in rural areas, to support the provision and retention of local retail, services and facilities*”. Nobody has advanced a housing site in or close to the small part of Togston in the parish or otherwise suggested that this has consequences for this examination.

8. The Nature of the Neighbourhood Area

35. The population of Acklington parish in the 2021 Census was 563. The village has seen considerable growth in recent years and there are still plots for sale at the Paddocks.

36. In considering the contents of the Draft NDP I must consider the nature of the neighbourhood area. This is helpfully described in some detail in the Draft NDP, particularly in its sixth chapter and it is not necessary to repeat most of this. In addition to the matters specified in the Draft Plan, I have also considered what I saw on my site visit and other matters. The rail service at Acklington station is limited to only two trains a day in one direction and one train a day in the other, Mondays to Saturdays on the Metrocentre to Chathill route. The X18 bus from Newcastle and Morpeth serves various destinations close to the county's coast via Acklington East End every day of the week. It is approximately hourly. This bus also serves HMP Northumberland and a few parish residents close to the Togston West End bus stops.

37. The only classified road in the parish is the B6345, part of which forms Acklington's main street. No Sustrans cycle route goes through the parish. The public footpaths and bridleways in the parish provide an opportunity for recreation, notably St Oswald's Way, but are unlikely to play a significant role in facilitating access to work, community facilities or public transport.

38. Facilities within the parish are limited. Within Acklington village there is the parish church of St John the Divine and its churchyard, the village hall, and the bus stops in the east of the village. A little to the west of the village and within easy walking distance of it, there are the Railway Inn pub and restaurant and the railway station with its very limited service. There are no shops within the parish that sell convenience goods.²² There is no other public house or restaurant within the parish.²³

39. There is no provision for formal outdoor sports, but there is green space at the east of the village with football goal posts and a nearby play area known as the Acklington Play Space.

40. The village hall holds a variety of events. There is an Acklington Women's Institute, an Acklington Art Group and the Acklington Fellowship. The church is clearly active with frequent services of different types. It is the only place of worship in the parish.²⁴

41. None of the hamlets and farmstead groups mentioned in paragraph 6.1 of the draft NDP are served by public transport or contain any community facilities. As such, they are highly

²² There is an art shop and gallery in the village of Acklington.

²³ The Rigg and Furrow brewery in Acklington Park Farm has a 'Brewery Tap', which is open on Fridays and Saturdays and sells street food.

²⁴ Christ Church North Broomhill Methodist and United Reform church is just outside the parish and within walking distance along a good pavement from Acklington.

dependent on private motor vehicles. These include Guyzance, which I consider further below and which is also not within normal walking distance of any community facility.

42. The parish contains listed buildings, including nine within the Acklington settlement boundary, nine in Guyzance, six at Guyzance Hall and three at Bank House Farm.

43. Parts of the River Coquet run through the parish. All of the River Coquet and its banks within the parish are a site of special scientific interest (“SSSI”).

9. The contents of the Draft NDP

Introduction

Page 4, paragraph 1.2

44. I agree with NCC that this paragraph needs to be tidied and corrected.

Recommended modification 1

Page 4, paragraph 1.2

Replace this with:

“This Neighbourhood Plan (hereafter referred to as the Acklington Neighbourhood Plan or ANP) sets out a vision for the parish of Acklington (the neighbourhood area) and includes planning policies for the use and development of land. It will form part of the statutory development plan for this area, and its policies will be used to determine planning applications within the parish.”

Page 4, paragraph 1.4

45. This paragraph should make it clear that APC is the qualifying body for neighbourhood planning and that the Neighbourhood Plan is APC’s Plan, not the Steering Committee.

Recommended modification 2

Page 4, paragraph 1.4

Insert after Acklington Parish Council in line 1, “, the qualifying body,”.

Insert at the end, “The ANP is Acklington Parish Council’s Plan.”

Page 4, paragraph 1.5

46. The second sentence of this paragraph requires correction to ensure precision.

Recommended modification 3

Page 4, paragraph 1.5

Replace “is designed to align” with “aligns”.

Background

Page 5, paragraph 2

47. While the settlement within the parish with the largest population is Acklington, it is wrong to exclude mention of part of a settlement (albeit a small part), Broomhill/Togston, that is higher in the settlement hierarchy.

Recommended modification 4

Page 5, paragraph 2

Add at the end of this paragraph, “A small part of Broomhill/Togston, which is “service village” in the Northumberland Local Plan, is also in the parish.”

This Regulation 14 Plan

Page 6, heading and paragraphs 4.1 and 4.2

48. The heading and paragraphs 4.1 and 4.2 will need to be brought up to date.

Recommended modification 5

Heading

Delete “Regulation 15”.

Page 6, paragraphs 4.1 and 4.2

Bring these paragraphs up to date.

Planning Policy Background

Page 6, paragraph 5.1 (and also pages 7 and 41)

49. The fourth indent needs to be brought up to date. As a result of legislation following the decision to leave the European Union “*EU obligations*” has been replaced by “*retained EU obligations*”. Although important in constitutional terms, the change has no impact on the substance of this Draft NDP. This also requires a modification at the bottom of page 7 and to the third line of page 41.

50. The sixth indent is also inaccurate. It should reflect the Neighbourhood Planning (General) Regulations 2012 Schedule 2 paragraph 1, which states:

“In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act — The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

51. I am satisfied that these errors have not had any substantial consequence.

Recommended modification 6

Page 6, paragraphs 5.1

In the 4th indent, replace “EU obligations” with “retained EU obligations”.

Replace the 6th indent with “Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

Page 7

At the bottom of this page, replace “EU Obligations” with “Retained EU Obligations”.

Page 41

In the third line, replace “EU” with “retained EU obligations”.

Acklington Parish

Page 9, paragraph 6.1

52. Togston should be mentioned.

Recommended modification 7

Page 9, paragraph 6.1

Add at the end of this paragraph, “Some houses in Togston on the north side of Acklington Road are in the parish”.

Development in Acklington Village (ANP1)

Page 17, paragraph 8.8

53. The third sentence should avoid the unnecessarily imprecise “several”. All nine of Acklington village’s listed building are in the village’s historic core.

Recommended modification 8

Page 17, paragraph 8.8, third sentence

Replace “several” with “nine”.

Page 20, policy ANP1

54. Density may be affected by national and local policy and in some cases can be affected by the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990

sections 66 and 72. NPPF paragraphs 128 and 129 discourage inefficient use of land and low-density development. Since encouragement of low-density development can increase the cost of open-market and affordable housing and increase pressure for development of greenfield land, it needs robust justification. The former hits both younger people trying to get their own homes and older people trying to “downsize”. The draft NDP paragraph 6.21 states: “*Most of the recent housing that has been permitted in Acklington has consisted of larger executive style homes*”. Its paragraph 3.3 refers to “*support for any new housing development to be more directly related to the housing needs of people living in the neighbourhood area*” and its paragraph 6.26 includes “*Residents would like any future housing to be well integrated, smaller in scale and well-designed, meeting a need for young families and local people*”. Density and layout should be left to national and local plan policy (and also in the case of Listed Buildings and Conservation Areas to law).

Recommended modification 9

Page 20, Policy ANP1 (b)

Delete “respect the existing density and layout of development and”.

55. Element (c) is too demanding. It requires retention of open spaces that are not local green spaces with a more absolute policy than applies to local green spaces. It requires retention of trees that are neither subject to tree preservation orders, nor in a Conservation Area. It overlaps considerably with the statutory biodiversity net gain requirement²⁵ without justifying the difference. It should be replaced by less absolute policy.

Recommended modification 10

Page 20, policy ANP1 (c)

Replace ANP1(c) with “The desirability of retaining trees hedgerows, habitats and open spaces and of improving biodiversity, habitats and landscaping.”

Principal Residency Housing Policy (ANP2)

Page 21, paragraph 9.2

56. NCC is concerned that the six words at the end of this paragraph are neither proportionate nor appropriate. I agree that they are unnecessarily demanding and it should not be essential for the proportion to be recalculated with each planning application. They can be deleted. This would leave NCC free to recalculate the proportion if and when considered appropriate without requiring this to be done on every occasion. I understand that NCC intend to do this annually using Council Tax and Business Rates data.

²⁵ Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Recommended modification 11

Page 21, paragraph 9.2

Delete “at the time of the application”.

Page 21, paragraphs 9.1, 9.3 and 9.4 (and page 13) and page 14 paragraph 7.3

57. A high proportion of second and holiday homes and holiday lets has created serious problems in parts of England and Wales. Where these problems exist and evidence justifies this, restrictive policies are appropriate. I agree with NCC that a restrictive policy in the draft NDP has been justified in respect of Guyzance Conservation Area, but not elsewhere. There is no need for the draft NDP to deal with other locations. APC recognises the need for monitoring and will no doubt monitor the proportion of second and holiday homes and holiday lets elsewhere in the parish. The modification to the policy that I recommend seeks consistency with other emerging plans.

Recommended modification 12

Page 21, paragraphs 9.1, 9.3 and 9.4 and page 13

Replace the first indent on page 13 with:

“Policy ANP2 is about principal residency dwellings in the Guyzance Conservation Area and restricts all residential dwellings to principal residency where the percentage of second and holiday homes and holiday lets is over 20% of the total number of dwellings.

Replace paragraph 9.1 with:

“9.1 This policy is about the increase in the number of second and holiday homes and holiday lets in the Guyzance Conservation Area. While it is understood that in some cases these can bring financial benefits to areas by way of local spending by holiday makers, the lack of year-round or principal residency means that some places such as Guyzance are beginning to lose their sense of community.”

Replace paragraphs 9.3 and 9.4 with a single paragraph retaining footnote 2:

“9.3 At the time of drafting, Guyzance Conservation Area has approximately 29% second and holiday homes and holiday lets.² Unless it can be demonstrated that non-principal residency dwellings have fallen below 20%, any new dwellings (new builds and conversions) within this area will be principal residency only.”

Replace policy ANP2 with:

“Within the Guyzance Conservation Area, proposals for new housing, including that created by change of use and by sub-division of existing dwellings, but excluding replacement dwellings, will only be supported where occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence.

This restriction will apply unless the percentage of second homes, holiday homes and commercial holiday lets within the Guyzance Conservation Area falls below 20% and will be secured through a planning condition or an agreement under the Town and Country Planning Act 1990 section 106.”.

Page 14, paragraph 7.3, first indent on this page

Replace “neighbourhood area” with “Guyzance Conservation Area”.

Community Facilities Policy (ANP3)

Page 22, policy ANP3

58. Policy ANP3 identifies three community facilities: Acklington Village Hall, St John the Divine Church and Graveyard, and the Railway Inn. The final sentence requires six months marketing at a reasonable commercial price. I have no difficulty in understanding this in respect of the public house but note that this is already covered by NLP policy INF3. It seems wholly unrealistic in respect of a village church and graveyard and doubtful in respect of a village hall. The requirement has not been justified in respect of the village hall, church and graveyard and policy in addition to policy INF3 has not been justified in respect of the Railway Inn.

Recommended modification 13

Page 22, policy ANP3, final sentence

Delete this sentence.

Green Infrastructure Policies (ANP4 and ANP5)

Page 25

59. The paragraphs within policy ANP4 should be numbered, for ease of future use and to avoid possible confusion.

60. I share NCC’s concern about the phrase “mature hedgerows”, noting that it is imprecise. Instead, the precise phrase “important hedgerow as defined in the Hedgerows Regulations 1997 regulation 4 and Schedule 1 Part II” should be used.

Recommended modification 14

Page 25, Policy ANP4

Number the paragraphs within the policy.

Replace the first sentence of the third paragraph with “The loss of important hedgerows as defined in the Hedgerows Regulations 1997 regulation 4 and Schedule 1 Part II will be avoided where possible.”

61. The final sentence of the policy is imprecise and should be modified to prevent possible confusion with the Environment Act 1995.

Recommended modification 15

Page 25, Policy ANP4, final sentence

Add, after Environment Act, “2021”.

Page 26

62. This proposes five local green space designations (“LGSs”), four in Acklington and one in Guyzance:

LGS1: Land north and east of St. Omer Road (Acklington);

LGS2: Land and play area to the north of Churchill Way (Acklington);

LGS3: Land to the southwest of Churchill Way (Acklington);

LGS4: Rigg and Furrow fields on the north side of B6345 (Acklington); and

LGS5: Open space in Guyzance Village.

63. The NPPF provides for LGSs in its chapter 8, which is headed “Promoting healthy and safe communities”. Under the sub-heading “Open Spaces and Recreation”, its paragraphs 105 to 106 state:

105. The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should 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 updated, and be capable of enduring beyond the end of the plan period.

106. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) 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

c) local in character and is not an extensive tract of land.²⁶

64. PPG chapter 37 gives key advice on LGS designation. Among other things it states:

How does Local Green Space designation relate to development?

²⁶ The consultation draft does not propose any change to paragraphs 105 and 106, other than their numbering.

*Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.*²⁷

What about public access?

Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (eg green areas which are valued because of their wildlife, historic significance and/or beauty).

*Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.*²⁸

Does land need to be in public ownership?

*A Local Green Space does not need to be in public ownership. However... the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.*²⁹

65. These paragraphs are central to any consideration of whether land should be designated as an LGS. They should be followed unless there is a sufficiently good reason not to do so and none is apparent to me. In considering the proposed LGS designations, I have borne in mind and found helpful the judgment of the Court of Appeal in R. (Lochailort Investments Ltd) v Mendip District Council³⁰. The phrase in paragraph 105 “*capable of enduring beyond the end of the plan period*” was given specific consideration. This is a less demanding policy than applies to Green Belt designation where the stronger “*permanently*” is used, but is still important.

66. I have considered each proposed LGS and the reason for their designation in the papers that I have seen and viewed each of them on my site visit.

67. At the regulation 14 stage NCC stated that the inclusion of LGS designations is supported and that was is considered that the LGS background paper provided evidence to justify the inclusion of those in the Plan. Northumberland Estates stated, “*The ANP has not*

²⁷ Reference ID: 37-007-20140306.

²⁸ Reference ID: 37-017-20140306.

²⁹ Reference ID: 37-019-20140306.

³⁰ [2020] EWCA Civ 1259, 2nd October 2020.

complied with Paragraph 105 because in designating Local Green Space (LGS) it has not complemented these with sustainable development relating to investment in sufficient homes etc.” I have of course considered the actual wording of paragraph 105. This does not make LGS designation dependant on the provision of new homes, but says that it “*should be consistent with the local planning of sustainable development and complement investment in sufficient homes*”. That does not necessarily require allocation of land for new homes in less sustainable locations like Acklington and does not require new homes in particularly unsustainable locations like Guyzance. I have no reason to doubt that the relatively recent NLP has provided for sufficient new homes in the county and that its identification of a zero minimum housing requirement for Acklington parish was appropriate. LGS designation is not dependent on new homes in addition to those provided for in the NLP.

LGSs 1 and 2

68. LGS1 and LGS2 meet the criteria for being an LGS.

LGS3

69. At the regulation 14 stage the owner of this land said: “*...after speaking to my architects who know all the issues I have had in the past, I will be applying shortly for planning permission and would not be interested in handing it over for a playground or open space, I have invested a lot of money into this land so the only other option is I would consider is selling the land to your committee at a price of X.*” There was no regulation 16 representation opposing the designation. The land is open and immediately opposite houses. I am satisfied that LGS3 meets the criteria for being an LGS.

LGS4

70. Regulation 14 representations in respect of LGS 4 included:

“Policy ANP5 is welcome. You should refer to the County Council’s Northumberland Landscape Character Assessment to support the historical interest for proposed designation LGS4. This explains that character area 39, in which the plan area lies, is a landscape heavily modified by coalmining and restoration, so fragments of historic ridge and furrow are rare. This increases their historic significance.” [Historic England]

“Northumberland Estates questions whether there have been any up-to-date assessments undertaken and if there is an evidenced need for LGS4? Under a recent housing planning application in Acklington ..., it was identified that there was a surplus of amenity greenspace in the Parish.”

“The LGS4 site is also surrounded by recent housing development on its western boundary and 20th century housing on its southern boundary, with the boundary of

Acklington village's Historic Core being some 220 metres away to the west – ridge and furrow is commonplace in Northumberland and it is unclear how these fields under LGS4 form an important historic setting?” [Northumberland Estates]

71. LGS 4 is clearly visible from roads and contains obvious ridge and furrow. There is other land in the immediate vicinity of Acklington that has not been designated. I am satisfied that its designation would not prevent rural exceptions sites or other sustainable development and that it otherwise meets the criteria for designation as an LGS.

LGS5

72. This comprises two paddocks that front onto Guyzance village's street and are in Guyzance Conservation Area. The western paddock has 6 Guyzance village to its west, roadside walls to its north and 7 and 8 Guyzance village to its east – each of these is a listed building. To its south is open countryside. The eastern paddock has 7 and 8 Guyzance village and an outbuilding group to the south of 7 and 8 to its west and a pump opposite number 1 to its north – each of these is a listed building. To its east is an access road to Guyzance Hall and to its south open countryside.

73. Regulation 14 representations in respect of LGS 5 included:

“It is contended that this area of farmland is neither beautiful, historic, recreational, tranquil nor rich in wildlife. None of these assertions are true. It is poor quality farmland (Type 3b) as confirmed in the Soil Environmental Services Report dated April 2021 submitted as part of this response.” [The planning agent of the owner of Guyzance Hall and Guyzance Estate]

74. One comment during the regulation 14 consultation was, *“I often see bats and barn owls here”*. This statement is publicly available and has not been disputed. All UK species of bat are European protected species.³¹ Barn owls (*tyto alba*) have some protection under the Wildlife and Countryside Act 1981³², it being illegal to intentionally or recklessly disturb them. Barn owls are not a protected species, but are a priority in the Northumberland Biodiversity Action Plan. The presence of bats and barn owls including roosts in the vicinity is confirmed by E3 Ecology Ltd's May 2023 Ecological Appraisal.³³ I have read this appraisal in full. In so far as it relates to the state of the land it considers I have no reason to doubt it. In so as it relates to a proposal for two houses on the western portion of LGS5, that is not a matter for me. I have also read the report of Soil Environment Services Ltd which gives the western portion of LGS5

³¹ Rhinolophidae and Vespertilionidae: the Conservation of Habitats and Species Regulations 2017 Reg 42 and Sch. 2 as this applies in England; the Habitats Directive (92/43/EEC) Annex II para 1. All UK species of bat also have protection under Wildlife and Countryside Act 1981 Sch. 5 and the Wild Mammals (Protection) Act 1996.

³² Sch 1.1 and sch 9 part 1.

³³ Page 5, 4th paras. 4 and 6; page 18 paras 2 and 3; page 19, table 8 and para 2; page 24, para 1 and 4

a Grade 3B agricultural land classification. The basis for this is a combination of a Wetness Class of IV in the soils with the Field Capacity Days of 183.4 and a topsoil texture of clay loam. I have no reason to doubt this report.

75. LGS5 comprises the only green spaces along Guyzance's street. There are no public rights of way in or next to the settlement. Bats and owls have been seen over it and I saw jackdaws and garden birds there during the site visit. I am satisfied that it is demonstrably special to the local community because of the richness of its wildlife. I am not persuaded that there is sufficient ridge and furrow to make it special. Given the particularly unsustainable nature of Guyzance, I am satisfied that there is no breach of the second sentence of paragraph 105. I have concluded that it satisfies the test for an LGS and should be designated as such.

76. Policy ANP 5 meets the basic conditions and can proceed without modification.

Historic Environment Policies

Page 28

77. The paragraphs within policy ANP6 should be numbered, for ease of future use as this and to avoid possible confusion.

78. For the reasons given in paragraph 54 above, policy in respect of density in addition to national and local policy and law is not appropriate.

79. To avoid confusion, the third paragraph should be limited to applications for planning permission.

80. The fourth paragraph is too absolute and, needs to be modified so as to be compatible with both NLP policy STP 1 and Conservation Area status.

81. The final sentence is not necessary. (I have included conversion in my recommended modification to policy ANP2.)

Recommended modification 16

Page 28, Policy ANP6

Number the paragraphs within the policy.

In the first paragraph, delete "prevailing density and".

In the third paragraph, replace "Proposals for development" with "Applications of planning permission".

Add at the end of the fourth paragraph, "unless it (1) is within the settlement and not in open countryside, (2) is appropriate in the Conservation Area and (2) supports the sustainable growth of an existing business or the formation of a new business, or provides for new or enhanced community facilities."

Delete the final sentence.

Appendix A

Page 33, final row, column 3

82. There is a minor typing error in the final sentence on this page.

Recommended modification 17

Page 33, column 3

Replace “Conservation Are” with “Conservation Area”.

Page 34, 1st row, column 3

83. This contains an error. The land to the north of Guyzance Village is not designated as an LGS.

Recommended modification 18

Page 34, 1st row, column 3

Delete, “Also designated as LGS”.

Page 35, 2nd row

84. An NDP can only cover land within the neighbourhood area. Where land is partly within the area and partly outside this should be made clear to avoid confusion. Most of Acklington Airfield is outside the area with only a small proportion in the parish. The identification of this small proportion as a non-designated heritage asset has not been justified. I viewed it on my site visit from the upper deck of an X18 bus and do not consider that what I saw is sufficient to justify its identification as a non-designated heritage asset.

Recommended modification 19

Page 35, row beginning NDHA8

Delete the whole of this row.

Page 36

85. A list of non-designated heritage assets cannot include designated heritage assets such as listed buildings. There are nine listed buildings in the historic core of Acklington village.

Recommended modification 20

Page 36, row beginning NDHA11

Add at the end of the first column, “excluding the nine listed buildings”.

Replace the third column with “The cottages and street in Acklington from the village hall, the vicinity of the church through to the school including historic buildings

associated with village life, including the village hall, rows of traditional single and two storey traditional stone houses on both sides of the road through the historic part of the village. A well is also situated just outside the historic core on the road north out of the village. Listed buildings are excluded.”

Page 38

86. A list of non-designated heritage assets cannot include designated heritage assets such as listed buildings. There are three listed buildings at Bank House Farm.

Recommended modification 21

Page 38

Add at the end of the first column, “excluding the three listed buildings”.

87. While I am recommending modifications to Appendix A which policy ANP7 incorporates, the wording to the policy itself meets the basic conditions and can proceed without modification.

Glossary of Terms

Page 40

88. The footnote reference does not relate to anything that is contained in the draft NDP, having been taken from the NPPF and as such is confusing. It should be deleted and replaced with the NPPF text.

Recommended modification 22

Page 40, line 5

Delete “81”. Add at the end of the definition of affordable housing, “(This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021)”.

Page 41

89. My recommended modifications remove mention of density and so make the inclusion of density in the glossary unnecessary

Recommended modification 23

Page 41, definition of density

Remove this definition.

90. The third sentence entry in respect of Development Plan is out of date.

Recommended modification 24

Page 41, Paragraph beginning Development Plan, third sentence

Replace this with “In this neighbourhood area it includes the Northumberland Local Plan 2022 and this Neighbourhood Plan if it is made”.

Page 41

91. In a formal document that has effect under statutory provisions, regulations should be given their formal name, in this case the Environmental Assessment of Plans and Programmes Regulations 2004.

Recommended modification 25

Page 41, Paragraph beginning Environmental report

Replace “SEA Regulations 2004” with “Environmental Assessment of Plans and Programmes Regulations 2004”.

Page 42

92. The definition of Local Plan is incorrect. The plan for the future development of the area includes a relevant NDP.

Recommended modification 26

Page 42, Paragraph beginning Local Plan

Replace with “Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community.”

93. The first sentence of the definition of neighbourhood plan is incorrect. It includes town council which is unnecessary since town councils have parish-council status and is potentially confusing since some city councils (e.g. Ripon, Lichfield and Salisbury) which it does not mention also have parish-council status. It incorrectly excludes neighbourhood forums.

Recommended modification 27

Page 42, paragraph beginning Neighbourhood Plan, first sentence

Replace with “Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.”

Page 44

94. There are no sustainable transport nodes in or adjoining the neighbourhood area and no mention of any sustainable transport node anywhere in the draft NDP. Its inclusion in the glossary of terms is unnecessary and potentially confusing.

Recommended modification 28

Page 44, paragraph beginning Sustainable transport nodes

Delete the whole of this paragraph.

10. Updating

95. It may be that parts of the draft NDP need updating. Nothing in this report should deter or delay appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact.

11. The Referendum Area

96. I have considered whether the referendum area should be extended beyond the designated plan area.³⁴ However, I can see no sufficient reason to extend the area and therefore recommend that the referendum area be limited to the neighbourhood area, the parish of Acklington.

12. Summary of Main Findings

97. I commend the Draft NDP for the effort that has gone into its creation. I particularly welcome the fact that it has covered the whole parish and not only the principal settlement and adjoining land. It shows a commendable commitment to the parish and its environment.

98. I recommend that the Draft NDP be modified in the terms specified in Appendix A to this report to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft NDP to which I am not recommending modifications.

99. With those modifications, the Draft NDP will meet all the basic conditions and human rights obligations. Specifically:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it will be appropriate to make the NDP;
- The making of the NDP will contribute to the achievement of sustainable development;
- The making of the NDP will be in general conformity with the strategic policies contained in the development plan for the neighbourhood area;
- The making of the NDP will not breach, and will not otherwise be incompatible with, retained EU obligations;

³⁴

PPG Reference ID: 41-059-20140306.

- The making of the NDP will not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- The modified Draft NDP will in all respects be fully compatible with Convention rights contained in the Human Rights Act 1998.

100. I recommend that the modified NDP proceed to a referendum, the referendum area being the area of the Draft NDP, *i.e.* the parish of Acklington.

Timothy Jones, Barrister, FCI Arb,
Independent Examiner,
No 5 Chambers
22nd November 2024.

Appendix A: Recommended Modifications

Recommended modification 1

Page 4, paragraph 1.2

Replace this with:

“This Neighbourhood Plan (hereafter referred to as the Acklington Neighbourhood Plan or ANP) sets out a vision for the parish of Acklington (the neighbourhood area) and includes planning policies for the use and development of land. It will form part of the statutory development plan for this area, and its policies will be used to determine planning applications within the parish.”

Recommended modification 2

Page 4, paragraph 1.4

Insert after Acklington Parish Council in line 1, “, the qualifying body,”.

Insert at the end, “The ANP is Acklington Parish Council’s Plan.”

Recommended modification 3

Page 4, paragraph 1.5

Replace “is designed to align” with “aligns”.

Recommended modification 4

Page 5, paragraph 2

Add at the end of this paragraph, “A small part of Broomhill/Togston, which is “service village” in the Northumberland Local Plan, is also in the parish.”

Recommended modification 5

Heading

Delete “Regulation 15”.

Page 6, paragraphs 4.1 and 4.2

Bring these paragraphs up to date.

Recommended modification 6

Page 6, paragraphs 5.1

In the 4th indent, replace “EU obligations” with “retained EU obligations”.

Replace the 6th indent with “Regulation 32 and Schedule 2 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does

not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”

Page 7

At the bottom of this page, replace “EU Obligations” with “Retained EU Obligations”.

Page 41

In the third line, replace “EU” with “retained EU obligations”.

Recommended modification 7

Page 9, paragraph 6.1

Add at the end of this paragraph, “Some houses in Togston on the north side of Acklington Road are in the parish”.

Recommended modification 8

Page 17, paragraph 8.8, third sentence

Replace “several” with “nine”.

Recommended modification 9

Page 20, Policy ANP1 (b)

Delete “respect the existing density and layout of development and”.

Recommended modification 10

Page 20, policy ANP1 (c)

Replace ANP1(c) with “The desirability of retaining trees hedgerows, habitats and open spaces and of improving biodiversity, habitats and landscaping.”

Recommended modification 11

Page 21, paragraph 9.2

Delete “at the time of the application”.

Recommended modification 12

Page 21, paragraphs 9.1, 9.3 and 9.4 and page 13

Replace the first indent on page 13 with:

“Policy ANP2 is about principal residency dwellings in the Guyzance Conservation Area and restricts all residential dwellings to principal residency where the percentage of second and holiday homes and holiday lets is over 20% of the total number of dwellings.

Replace paragraph 9.1 with:

“9.1 This policy is about the increase in the number of second and holiday homes and holiday lets in the Guyzance Conservation Area. While it is understood that in some cases these can bring financial benefits to areas by way of local spending by holiday makers, the lack of year-round or principal residency means that some places such as Guyzance are beginning to lose their sense of community.”

Replace paragraphs 9.3 and 9.4 with a single paragraph retaining footnote 2:

“9.3 At the time of drafting, Guyzance Conservation Area has approximately 29% second and holiday homes and holiday lets.² Unless it can be demonstrated that non-principal residency dwellings have fallen below 20%, any new dwellings (new builds and conversions) within this area will be principal residency only.”

Replace policy ANP2 with:

“Within the Guyzance Conservation Area, proposals for new housing, including that created by change of use and by sub-division of existing dwellings, but excluding replacement dwellings, will only be supported where occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. This restriction will apply unless the percentage of second homes, holiday homes and commercial holiday lets within the Guyzance Conservation Area falls below 20% and will be secured through a planning condition or an agreement under the Town and Country Planning Act 1990 section 106.”.

Page 14, paragraph 7.3, first indent on this page

Replace “neighbourhood area” with “Guyzance Conservation Area”.

Recommended modification 13

Page 22, policy ANP3, final sentence

Delete this sentence.

Recommended modification 14

Page 25, Policy ANP4

Number the paragraphs within the policy.

Replace the first sentence of the third paragraph with “The loss of important hedgerows as defined in the Hedgerows Regulations 1997 regulation 4 and Schedule 1 Part II will be avoided where possible.”

Recommended modification 15

Page 25, Policy ANP4, final sentence

Add, after Environment Act, “2021”.

Recommended modification 16

Page 28, Policy ANP6

Number the paragraphs within the policy.

In the first paragraph, delete “prevailing density and”.

In the third paragraph, replace “Proposals for development” with “Applications of planning permission”.

Add at the end of the fourth paragraph, “unless it (1) is within the settlement and not in open countryside, (2) is appropriate in the Conservation Area and (2) supports the sustainable growth of an existing business or the formation of a new business, or provides for new or enhanced community facilities.”

Delete the final sentence.

Recommended modification 17

Page 33, column 3

Replace “Conservation Are” with “Conservation Area”.

Recommended modification 18

Page 34, 1st row, column 3

Delete, “Also designated as LGS”.

Recommended modification 19

Page 35, row beginning NDHA8

Delete the whole of this row.

Recommended modification 20

Page 36, row beginning NDHA11

Add at the end of the first column, “excluding the nine listed buildings”.

Replace the third column with “The cottages and street in Acklington from the village hall, the vicinity of the church through to the school including historic buildings associated with village life, including the village hall, rows of traditional single and two storey traditional stone houses on both sides of the road through the historic part of the village. A well is also situated just outside the historic core on the road north out of the village. Listed buildings are excluded.”

Recommended modification 21

Page 38

Add at the end of the first column, “excluding the three listed buildings”.

Recommended modification 22

Page 40, line 5

Delete “81”. Add at the end of the definition of affordable housing, “(This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021)”.

Recommended modification 23

Page 41, definition of density

Remove this definition.

Recommended modification 24

Page 41, Paragraph beginning Development Plan, third sentence

Replace this with “In this neighbourhood area it includes the Northumberland Local Plan 2022 and this Neighbourhood Plan if it is made”.

Recommended modification 25

Page 41, Paragraph beginning Environmental report

Replace “SEA Regulations 2004” with “Environmental Assessment of Plans and Programmes Regulations 2004”.

Recommended modification 26

Page 42, Paragraph beginning Local Plan

Replace with “Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community.”

Recommended modification 27

Page 42, paragraph beginning Neighbourhood Plan, first sentence

Replace with “Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.”

Recommended modification 28

Page 44, paragraph beginning Sustainable transport nodes

Delete the whole of this paragraph.

Appendix B: Abbreviations

The following abbreviations are used in this report:

APC	Acklington Parish Council
Convention	European Convention on Human Rights
Draft NDP	Regulation 15 Submission draft of the Acklington Neighbourhood Plan 2023-2036
ECtHR	European Court of Human Rights
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	local green space
NCC	Northumberland County Council
NDP	Neighbourhood Development Plan
NLP	Northumberland Local Plan
NPPF	National Planning Policy Framework (December 2023)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
Sch	Schedule
SSSI	Site of Special Scientific interest
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb '*include*', I am not using it to mean '*comprise*'. The words that follow are not necessarily exclusive.