

# **ACOMB NEIGHBOURHOOD PLAN 2017-2032**

Acomb Neighbourhood Plan Examination,  
A Report to Northumberland County Council

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## **1. Summary**

- 1 Subject to the modifications recommended within this Report, made in respect of enabling the Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood 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);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (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.
  
- 2 Taking the above into account, I find that the Acomb Neighbourhood Plan meets the basic conditions<sup>1</sup> and I recommend to Northumberland County Council that, subject to modifications, it should proceed to Referendum.

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<sup>1</sup> It is confirmed in Chapter 3 of this Report that the Acomb Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## 2. Introduction

### The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Acomb Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Acomb Neighbourhood Plan Steering Group on behalf of Acomb Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Northumberland County Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Acomb Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.  
  
*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)
- 6 As confirmed in Paragraph 2.1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Acomb Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Acomb Neighbourhood Area and there is no other neighbourhood plan in place in the Acomb Neighbourhood Area. This is confirmed in Paragraph 2.5 of the Basic Conditions Statement.
- 7 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012<sup>2</sup>) and Planning Practice Guidance (2014).

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<sup>2</sup> A replacement National Planning Policy Framework was published in July 2018. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25<sup>th</sup> January 2019.

Role of the Independent Examiner

- 8 I was appointed by Northumberland County Council, with the consent of the Qualifying Body, to conduct the examination of the Acomb Neighbourhood Plan and to provide this Report.
- 9 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 10 I am a chartered town planner and have more than five years' direct experience as an Independent Examiner of Neighbourhood Plans. I also have more than twenty five years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 11 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 12 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Acomb Neighbourhood Area to which the Plan relates.
- 13 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 14 A neighbourhood plan must specify the period during which it is to have effect.
- 15 The front cover of the Neighbourhood Plan clearly sets out that the plan period comprises "2017-2032."
- 16 In addition to the above, Paragraph 2.3 of the Basic Conditions Statement states that:  
  
*"The submission draft plan identifies the period to which it relates as 2017 to 2032."*
- 17 Taking the above into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 18 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 19 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 Further to consideration of the information submitted, I confirmed to Northumberland County Council that I would not be holding a public hearing as part of the examination of the Acomb Neighbourhood Plan.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 21 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>3</sup> following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. 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 neighbourhood 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);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (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>4</sup>
  - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>5</sup>
- 22 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

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<sup>3</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>4</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>5</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.



- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 23 Subject to the content of this Report, I am satisfied that these three points have been met.
- 24 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

### European Convention on Human Rights (ECHR) Obligations

- 25 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 26 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

### European Union (EU) Obligations

- 27 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>6</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 28 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>7</sup>)
- 29 National advice then goes on to state<sup>8</sup> that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 30 This process is often referred to as a screening opinion, report or determination. If the screening report identifies likely significant effects, then an environmental report must be prepared.

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<sup>6</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

<sup>7</sup> Paragraph 027, *ibid*.

<sup>8</sup> Planning Practice Guidance Reference ID: 11-028-20150209.

- 31 An SEA screening opinion was produced by Northumberland County Council. This concluded that:

*"...in the opinion of Northumberland County Council, and having regard to formal representations made by the consultation bodies, the Acomb Neighbourhood Plan is unlikely to have significant effects on the environment when considered against the criteria set out in Schedule 1 of the SEA Regulations. It is therefore considered that the Acomb Neighbourhood Plan need not be subject to SEA."*

- 32 As per the quotation above, the statutory consultees, Natural England, Historic England and the Environment Agency, were all consulted on the screening opinion and all reached the conclusion that the Neighbourhood Plan is unlikely to have significant effects.

- 33 In addition to SEA, a Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

- 34 Northumberland County Council produced a Habitats Regulations Screening Opinion. The Screening Opinion notes that the nearest European sites to the Neighbourhood Area are Tyne and Allen Gravels Special Area of Conservation (SAC); North Pennine Moors SAC; North Pennines Moor Special Area of Protection (SPA); Border Mires Kielder-Butterburn SAC; and Roman Wall Loughs. Further to consideration of each of these, the Screening Opinion states that:

*"...there are no policies or proposals within this Neighbourhood Plan which would cause significant effects on European sites, or act as drivers to proposals which may cause significant effects."*

- 35 The Screening Opinion goes on to conclude that:

*"Acomb Neighbourhood Plan Submission Plan is not likely to have a significant effect on any European sites..."*

- 36 Natural England has confirmed that it:

*"...concurs with the conclusion...that the Acomb Neighbourhood Plan Submission Plan is not likely to have a significant effect on any European sites..."*

- 37 Further, neither Historic England nor the Environment Agency has dissented from the above conclusion.

- 38 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations”* (Planning Practice Guidance<sup>9</sup>).

- 39 In carrying out all of the work that it has and in reaching its conclusions, Northumberland County Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 40 Given all of the above, I conclude that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

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<sup>9</sup> Planning Practice Guidance Reference ID: 11-031-20150209.

#### **4. Background Documents and the Acomb Neighbourhood Area**

##### Background Documents

- 41 In undertaking this examination, I have considered various information in addition to the Acomb Neighbourhood Plan and draw attention to the fact that a replacement version of the National Planning Policy Framework was published in July 2018, after submission of the Neighbourhood Plan. The previous National Planning Policy Framework was published in 2012 and the replacement version differs from it in a number of ways.
- 42 As noted above, Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans until the 25<sup>th</sup> January 2019. Whilst the timing of the publication of the replacement document was such that the Neighbourhood Plan was considered against both the original and the replacement versions of the National Planning Policy Framework, this is neither unusual nor inappropriate – Paragraph 214 of the replacement National Planning Policy Framework must be considered in order for it to apply !
- 43 Taking this into account, information considered as part of this examination has included (but is not limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2012)
  - Planning Practice Guidance (2014)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - The Tynedale Local Development Framework Core Strategy (2007)
  - The saved policies of the Tynedale District Wide Local Plan (2000)
  - Basic Conditions Statement
  - Consultation Statement
  - Habitats Regulations Assessment Screening Opinion
  - Strategic Environmental Assessment Screening Opinion

Also:

- Representations received

44 In addition, I spent an unaccompanied day visiting the Acomb Neighbourhood Area.

#### Acomb Neighbourhood Area

45 The boundary of Acomb Neighbourhood Area is shown in Figure 1, on page 5 of the Neighbourhood Plan.

46 Northumberland County Council formally designated the Acomb Neighbourhood Area on 18 November 2015. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **5. Public Consultation**

### **Introduction**

- 47 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 48 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Acomb Neighbourhood Plan Consultation**

- 49 A Consultation Statement was submitted to Northumberland County Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>10</sup>.
- 50 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Acomb Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework ("*the Framework*").

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<sup>10</sup> Neighbourhood Planning (General) Regulations 2012.

- 51 Acomb Parish Council established a Neighbourhood Steering Group, made up of a core of seven members of the local community plus a County Councillor. An initial “drop-in” consultation event was then held in May 2016, to identify the main issues the Neighbourhood Plan should seek to address. This was attended by around twenty members of the community.
- 52 The drop-in was followed by the carrying out of a housing needs assessment in October 2016, as part of which, leaflets were distributed to all households in the Parish. The results of the assessment form part of the Neighbourhood Plan's evidence base.
- 53 In April 2017, a leaflet setting out the Plan's vision and objectives, together with survey forms, was hand-delivered to every household in the Parish and a prize draw was offered, to encourage the completion of the survey. Around 13% of forms were returned, with completed forms showing very high rates of approval for the vision and objectives. All residents (and other individuals and organisations) were invited to an Open Day, which was attended by 34 people. Views were taken on board, leading to changes to the vision and objectives.
- 54 The pre-submission draft plan was completed by the Steering Group in November 2017 and underwent consultation during December that year, and January and February 2018. The consultation was supported by an Open Day. Responses to the consultation were assessed and changes were made to the Neighbourhood Plan, all of which are summarised in the Consultation Statement.
- 55 Public consultation was well-publicised. Information relating to the Neighbourhood Plan, including regular updates and minutes from Parish Council meetings, was provided on-line, via both the Parish Council's website and a dedicated Neighbourhood Plan website. Posters were displayed in the post office, pubs, churches and village hall and hard copies of relevant documents were made available in various locations around the village. Flyers were distributed and notices placed around the village and on social media. Information was also published in the Parish Council's newsletter, the Acomb News and in the Hexham Courant.
- 56 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process, that matters raised were taken into account and that the reporting process was transparent.
- 57 Taking all of the above into account, I am satisfied that the consultation process was robust.



## **6. The Neighbourhood Plan – Introductory Section**

58 The basic conditions are set out earlier in this Report and I recommend:

- **Page 6, last para, change to “...for this area, as well as *have regard to national policy and guidance, as set out in the National...*”**

59 For clarity, I recommend:

- **Page 7, penultimate para, change to “...undertaken *is set out in...which was submitted with...*”**
- **End of Page 7, delete “What happens next ?” section**

60 The Neighbourhood Plan includes a loose Policies Map. Whilst I note that it can be more convenient to include relevant Maps within the body of the Neighbourhood Plan itself, I also recognise that the large size of the loose Policies Map ensures that it is extremely clear and that site boundaries, for example those relating to areas of Local Green Space are, as a result, easily identifiable.

61 Page 9 of the Neighbourhood Plan refers to the Policies Map as being “*at the end of*” the Neighbourhood Plan. This is imprecise, as there is a copy of the loose Policies Map appended to the Neighbourhood Plan. More importantly, this copy is at too small a scale to be of much use.

62 I recommend:

- **Page 9, Para 1.3, change to “...*The Green Belt boundary is shown on the Policies Map, which comprises a loose insertion to the Neighbourhood Plan. For indicative purposes only, a small copy of the Policies Map is also appended to the Neighbourhood Plan.*”**

63 For clarity and precision, I recommend:

- **Page 18, Para 2.16, provide a footnote to “demand study” – “*Employment Land and Premise Demand Study, ES Group for Northumberland County Council, 2015.*”**
- **Page 18, para 2.6, change to “...live-work units. *The policy would be aimed at addressing: The need...*”**
- **Page 19, Para 2.17, change to “...listed status. *Issues that plan-makers have considered include: The need to...*”**

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### **Community Facilities and Local Green Spaces**

#### **Policy 1: Local Green Spaces**

- 64 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

*“Local communities...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.”*

- 65 The Framework requires policies for managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 78, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 66 The designation of land for Local Green Space must meet the tests set out in Paragraph 77 of the Framework.
- 67 These are that the green space is in reasonably close proximity to the community it serves; that it 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 that it is local in character and is not an extensive tract of land.
- 68 In addition to the above, Paragraph 76 of the Framework requires that the designation of 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.

- 69 The first part of Policy E1 seeks to designate six areas of Local Green Space. The Neighbourhood Plan's evidence base sets out how the sites have been assessed against the relevant national policy tests. Whilst this assessment suggests that three of the proposed sites may comprise "*extensive tracts of land*," I am satisfied that this is not the case. Even the very largest of the proposed sites, Pit Heaps and Woodland Walk (G5), does not cover an extensive tract of land relative to the size of settlement as a whole.
- 70 However, more fundamentally, the supporting evidence states that one of the proposed sites, Uncultivated land to the south Playing Field (G2), is not demonstrably special to the local community. Essentially, this means that site G2 does not meet the relevant national policy tests. As above, it is necessary for a proposed Local Green Space to meet *all* of the relevant tests.
- 71 In the above regard, I note that the Parish Council has since suggested that G2 is special because of the "*richness of its wildlife*." However, this appears as an afterthought and there is no information to demonstrate that the wildlife referred to is unique to this area/or has been recognised by the community as being something demonstrably special about this specific site. Rather, according to the evidence, the site is not demonstrably special, is not currently of local significance, and "*not many people know it's there !*"
- 72 In respect of Local Green Space, the wording of Policy 1 does not have regard to Paragraph 78 of the Framework, which requires policies for managing development within a Local Green Space to be consistent with those for Green Belts and this is addressed in the recommendations below.
- 73 The supporting text to Policy 1 includes a somewhat confusing and unnecessary reference to land which is not covered by the Policy and I address this in the recommendations below.
- 74 The second part of Policy 1 seeks to prevent the loss of Acomb Playing Field.
- 75 National policy recognises that access to high quality open spaces and opportunities for recreation is important for the health and well-being of communities, and states that:
- "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless..."*  
(Paragraph 74, the Framework)

- 76 National policy then goes on to set out a number of exceptions, including the exception that existing playing fields may be replaced by equivalent or better provision in a suitable location. Consequently, by simply "*protecting*" Acomb Playing Field, the Neighbourhood Plan does not have regard to national policy.
- 77 Further to the above, Policy 1 is a Local Green Space policy. The protection of Local Green Space is distinctive from the protection of recreational land for recreational purposes, or the protection of community facilities. In this regard and in the interests of clarity, I agree with a suggestion made by Northumberland County Council, whereby the aims of Policy 1 in respect of Acomb Playing Field would be better set out as a distinct Policy, separate from the Local Green Space Policy.
- 78 Taking all of the above into account, I recommend:
- **Policy 1, change first sentence to "*The sites listed below and shown on the Policies Map are designated as areas of Local Green Space, which will be protected in a manner consistent with the protection of land within Green Belts.*"**
  - **Policy 1, delete "Uncultivated land south of Playing Field (G2)" and remove from Policies Map**
  - **Policy 1, delete all text after the list of five areas of Local Green Space**
  - **Supporting text, page 22, Para 3.3, first line change to "*...Spaces identified in...Play Area). Pit Heaps and Woodland Walk is valued for its recreational value and biodiversity interest. The Gaps provides an important...*"**
  - **Supporting text, Pages 23 and 24, Para 3.4, delete last sentence ("Whilst not...status.")**
  - **Delete Para 3.5**

- **Create a new Policy, “Policy 2: Acomb Playing Field. Acomb Playing Field and Pavilion, as shown on the Policies Map, should not be built on unless: a) it can be demonstrated through a robust assessment that the playing field and Pavilion building are surplus to local requirements; b) the loss resulting from any proposed development on the site would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, including the creation of a new pavilion, the benefits of which clearly outweigh the loss of the current use and buildings.”**
- **Provide a new paragraph of supporting text underneath this new Policy, “The Playing Field and Pavilion comprises an important community and recreation space for the village. The Playing Field and Pavilion makes a valuable contribution to the health and well-being of the community and comprises a highly-regarded green resource for Acomb village.”**

**Policy 2: Community Facilities**

- 79 In order to support a prosperous rural economy, Paragraph 28 of the Framework requires planning policies to provide for the retention and development of community facilities, including shops, meeting places, cultural buildings, places of worship and pubs.
- 80 In addition, to ensure the provision of the facilities that a community needs, Paragraph 70 of the Framework requires planning policies to:
- “...guard against the unnecessary loss of valued facilities...ensure that established shops, facilities and services are able to develop and modernise...and retained for the benefit of the community...”*
- 81 Policy 2 seeks to protect community facilities and provide a positive policy approach to the improvement of existing and/or development of new facilities. In so doing, it has regard to national policy.
- 82 As set out, the Policy includes an unnecessary reference to there being “a strong presumption against” the loss of facilities. This effectively comprises repetition, as the Policy already guards against loss. Whilst an aside, any such approach would need to be predicated on very detailed information setting out what various “weights” of presumption might be and how, for example, a “strong” presumption might result in different treatment to a standard presumption, and who might be the arbiter of this and on what basis. Fortunately, in this case, there is no requirement to achieve such a state of nirvana in respect of planning weight and materiality !
- 83 Some changes of use may comprise permitted development and may not, therefore, require planning permission. It may be, for example, that Acomb's Hair Salon could change to another use without a potentially unduly restrictive requirement to demonstrate need, viability or an alternative facility elsewhere in the Neighbourhood Area and I address this in the recommendations below.

84 I recommend:

- **Policy 2, after the list of facilities, change to “*Proposals requiring planning permission that involve the loss or...*”**
- **Policy 2, delete “There will be...in Acomb.”**
- **Policy 2, change last sentence to “...of Acomb, subject to any such proposal respecting local character, residential amenity and highway safety.”**
- **Policy 2, provide each facility with a number aligned with that shown on the Policies Map**
- **Re-align text for Para 3.9 on page 24**



## Flooding

### **Policy 3: Flooding**

- 85 Paragraphs 100 to 104 of the Framework establish national policy in respect to flood risk. Paragraph 100 states that:

*“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk...but where development is necessary, making it safe without increasing flood risk elsewhere.”*

- 86 Policy 3 seeks to reduce the impacts of flooding and in this way, it has regard to national policy.

- 87 As set out, the first paragraph of the Policy suggests that any proposals, for anything, will be supported, so long as they “contribute to” reducing flood risk and alleviation. Such an approach could result in support for unsustainable forms of development simply on the basis that they also involve contributing to the reduction of flooding. This would result in the Policy failing to contribute to the achievement of sustainable development.

- 88 The final part of the Policy applies to all proposals for development, regardless of whether flooding is a relevant factor. It is not clear why, for example, a proposal for a new cash machine or a residential extension should need to meet the requirements set out in this part of the Policy, which fails to have regard to Paragraph 193 of the Framework:

*“Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”*

- 89 I recommend:

- **Policy 3, delete first paragraph and change last sentence to “New development must not increase the risk of flooding elsewhere or create a future risk from flooding.”**
- **Supporting text, Para 3.14, delete last sentence, which is presented as a Policy, which it is not (and which provides support to “any” development)**

Transport, Traffic, Walking, Cycling and Horse-riding

**Policy 4: Walking, Cycling and Horse-riding**

90 Paragraph 75 of the Framework states that:

*"Planning policies should protect and enhance public rights of way."*

91 Generally, Policy 4 seeks to protect and enhance public rights of way and has regard to national policy.

92 As presented, the Policy is not clear. It suggests that improvements should only be made to the routes identified on the Policies Map. The Policies Map only includes some rights of way in the Neighbourhood Area and no information, or justification, has been provided in respect of why only the improvement of these routes would be supported.

93 I recommend:

- **Policy 4, change second sentence to "...walking routes will be supported."**

**Policy 5: Howford Quarry/Howford Lane**

- 94 As confirmed by Northumberland County Council, Howford Quarry has planning permissions or certificates of lawful use enabling operations without restriction of vehicle movements to and from the site.
- 95 Policy 5 seeks to prevent any “*intensification*” of use of the quarry requiring planning permission, unless there would be no significant increase to traffic movements; or safe pedestrian and cycling infrastructure is provided along Howford Lane.
- 96 To implement the requirements of Policy 5 would, according to the County Highways Authority, likely require third party land. There is no substantive evidence to demonstrate that this land is available and that the provision of the requirements of Policy 5 are deliverable. Policy 5 does not have regard to Paragraph 173 of the Framework, which requires plans to be deliverable.
- 97 Taking all of the above into account, I recommend:
- **Delete Policy 5, supporting text and Figure 9**

Housing

**Policy 6: New Housing**

- 98 Chapter 6 of the Framework, "*Delivering a wide choice of high quality homes,*" sets out the Government's aim:

*"To boost significantly the supply of housing."*

- 99 Policy 6 aims to set out a supportive framework for housing development in Acomb. However, as set out, the Policy is not precise.

- 100 The Policy refers to "*small-scale*" housing, but does not define this. As a consequence, the Policy is imprecise and does not make it evident how a decision maker should react to a development proposal, having regard to that part of Paragraph 154 of the Framework, which states that:

*"Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan."*

- 101 In this respect, I also note Northumberland County Council's representation which states that a one hectare site could reasonably be described as small or medium-sized and could be expected to accommodate 30-35 dwellings. However, there is nothing in the Neighbourhood Plan or its supporting information that suggests any intention for the delivery of new development on sites at this kind of scale.
- 102 Also, the Policy includes unnecessary repetition in respect of requiring brownfield housing development to make a positive contribution to local character, as the main body of the Policy already requires this.
- 103 It is not clear why it would be necessary for developments of more than five dwellings to demonstrate meeting the requirements of Policy 6 in a Design Brief, whereas this would not be necessary for a development of five dwellings or fewer. This introduces unnecessary confusion. As set out, the requirements of Policy 6 apply to all residential development.

104 Part of the Policy's supporting text reads as though it comprises a Policy, which it does not.

105 I recommend:

- **Policy 6, change to "*Residential development proposals in Acomb will be supported where they:*"**
- **Policy 6, delete sentence "On brownfield...that site."**
- **Policy 6, delete sentence "Developments of...above details"**
- **Supporting text, page 35, delete Para 3.27**
- **Supporting text, Para 3.28, change to "...residents. *The Policy encourages proposals to be of high quality design and to fit in...design. Proposals should also demonstrate...*"**
- **Supporting text, delete Para 3.32**

## Local Economy

### Policy 7: Local Economy

106 In supporting a prosperous rural economy, Paragraph 28 of the Framework states that neighbourhood plans should support:

*"...the sustainable growth and expansion of all types of business and enterprise in rural areas..."*

107 In addition, national policy places significant weight on the need to support economic growth in Chapter 1 of the Framework, *"Building a strong, competitive economy"*.

108 Policy 7 sets out a positive approach to supporting the growth and development of the local economy. It has regard to national policy.

109 The first paragraph of the Policy refers to *"small scale"* without providing any indication of what this means and consequently appears vague and imprecise. Further, this first part of the Policy is not concise and consequently, it fails to have regard to planning guidance<sup>11</sup> which states:

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

110 I recommend:

- **Policy 7, change first sentence to *"Proposals for new business uses and/or the expansion of existing business uses will be supported subject to demonstrating respect for local character, residential amenity and highway safety."***
- **Supporting text, Para 3.36, change to *"The Policy seeks to maintain and enhance these facilities by giving support to development..."***

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<sup>11</sup> Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

Design, Character and Heritage Assets

**Policy 8: Acomb Conservation Area**

- 111 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment*," recognises heritage assets as an irreplaceable resource and goes on to require all heritage assets to be conserved:

*"...in a manner appropriate to their significance."*  
(Paragraph 126, the Framework)

- 112 As set out, Policy 8 requires any development within the setting of the Conservation Area to demonstrate how it will "*preserve*" or enhance the character of Acomb Conservation Area. As above, national heritage policy refers to "*conserve*" rather than the less appropriate term "*preserve*" and this is taken into account in the recommendations below.
- 113 It is not clear why the first part of the Policy refers to all development, but then the Policy goes on to refer to, what appear as, fairly random examples of different kinds of development. This appears both unnecessary and confusing. In the same sentence, the Policy states that proposals "*must*" have regard to, and then lists a range of things. In the absence of any evidence to the contrary, some of the criteria would simply be irrelevant to some forms of development and as a consequence, this part of the Policy fails to have regard to Paragraph 193 of the Framework, which requires information required to be relevant, necessary and material to the application in question.
- 114 There is no "*need*" for all development in a Conservation Area or its setting to make a positive contribution. Relevant national policy, as set out in Chapter 12 of the Framework, requires development to conserve or enhance. Conserving a heritage asset is not necessarily the same thing as making a positive contribution to it. No justification is provided for Policy 8's approach, which equates to setting out a requirement for all development to enhance the Conservation Area and its setting, and failing to have regard to national policy in this respect.

115 In the absence of clear justification and evidence, it is not clear why all development should use local materials. This sets out a highly prescriptive approach that, for example, appears to conflict with the reference to the use of "*Welsh slate*" in the supporting text.

116 In addition, in the absence of any detail, it is not clear what "*special attention*" might comprise and how such attention might be deliverable through this land use planning policy.

117 I also note that, as the Parish Council is not the Local Planning Authority, it is unable, through the Neighbourhood Plan, to determine whether or not development will be "*refused.*"

118 I recommend:

- **Policy 8, second line, change to "*Area should demonstrate how it will conserve or enhance...*"**
- **Policy 8, second sentence, change to "*Proposals in the Conservation Area and its setting should have regard to: the aim of making a positive contribution...i) The use of appropriate materials, including natural...*"**
- **Policy 8, delete criterion b)**
- **Policy 8, change, "*d) Take account of the rural...*"**
- **Policy 8, change "*e) Have regard to the setting of Listed Buildings and their group value.*"**
- **Policy 8, delete last sentence "*Development...refused.*"**



**Policy 9: Non-designated Heritage Assets**

119 With specific regard to non-designated heritage assets, national policy states that:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*  
(Paragraph 135, the Framework)

120 In general terms, Policy sets out an approach that seeks to ensure that non-designated heritage assets are conserved in a manner that has regard to national policy.

121 However, the Policy itself refers to a list of non-designated heritage assets. This list is not included in the Neighbourhood Plan, but is appended to it. In this regard, I am mindful of Northumberland County Council's comments in respect of the limited nature of evidence supporting the non-designated asset status sought for each building/feature in the Appendix.

122 Having considered the available information, whilst certainly a positive way forward, it appears to me that, at this time, this is “*work in progress*” and that the evidence supporting the Neighbourhood Plan is insufficient to justify affording non-designated asset status to all of the buildings/features mentioned.

123 Taking this and the constructive recommendation provided by Northumberland County Council into account, I recommend:

- **Change Policy 9 to “*Proposals affecting non-designated heritage assets should be sensitively designed having regard to the significance of the heritage asset including, where relevant, its archaeological, historic and/or architectural interest and its setting.*”**
- **Supporting text, change Para 3.48 to “*The Parish Council is committed to supporting the assessment and definition of a list of non-designated heritage assets in the Parish.*”**

- **Do not append the non-designated asset information to the Neighbourhood Plan**
- **Change the text under the photo on page 42 to *“Figure 13: The White House, a potential non-designated asset”***

### **Policy 10: Design in New Development**

124 National planning policy dedicates a Chapter of the Framework to good design, Chapter 7 "*Requiring good design.*" Within this Chapter, Paragraphs 56 and 58 state that:

*"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

*...plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area."*

125 Policy 10 seeks to provide for good design and in this respect, it has regard to national policy. However, as set out, the Policy requires all forms of development to demonstrate how the proposal addresses things that may not be material or necessary. Such an approach fails to have regard to Paragraph 193 of the Framework's requirement that:

*"Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question."*

126 As the Policy requires high quality design for all development, it is unnecessary to single out extensions and conversions in the opening sentence.

127 "*Geography*" relates to the study of time and space and is a very broad concept to incorporate into Policy 10, whereas "*topography*" would appear less broad in this context, as it would relate to relevant site features. I take this into account in the recommendations below.

128 I recommend:

- **Policy 10, change first sentence to "*All new development in the Neighbourhood Area must comprise high quality design. Where relevant and material, a proposal for development should demonstrate how it: a)...and site topography; and...*"**

- Supporting text, Para 3.50, line five, change to “...to ensure that, where relevant, development incorporates design measures...”
- Supporting text, Para 3.51, change to “...proposal. The Policy seeks to ensure that schemes minimise...and do not result in unacceptable impacts on amenity.”

## **8. The Neighbourhood Plan: Other Matters**

129 Neighbourhood Plans cannot place a monitoring requirement on the Local Planning Authority and consequently, it is not appropriate to suggest that any such monitoring will take place.

130 I recommend:

- **Delete Paras 4.1 and 4.2**

131 Whilst I note that the Glossary appended to the Neighbourhood Plan is subject to change, I recognise that it may have been a useful addition as the plan emerged through consultation. As it does not form part of the Neighbourhood Plan itself, it is up to the Parish Council as to whether or not to append it to the document.

132 The Qualifying Body has requested that an omission from the Acknowledgements page be corrected and I recommend:

- **Page 46, add to list of Steering Group members "*Councillor Trevor Cessford*"**

133 The recommendations made in this Report will have a subsequent impact on contents, page, policy, paragraph and figure numbering.

134 I recommend:

- **Update the contents, page, policy, paragraph and figure numbering, taking into account the recommendations contained in this Report.**

## 9. Referendum

135 I recommend to Northumberland County Council that, subject to the modifications proposed, **the Acomb Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

136 I am required to consider whether the Referendum Area should be extended beyond the Acomb Neighbourhood Area.

137 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

138 Consequently, I recommend that the Plan should proceed to a Referendum based on the Acomb Neighbourhood Area approved by Northumberland County Council and confirmed by public notice on the 18 November 2015.

**Nigel McGurk, October 2018**  
**Erimax – Land, Planning and Communities**



EST. 2011