

Alnwick & Denwick Neighbourhood Plan

Proposed Post-Examination Further Modifications to Policies

Notification to prescribed persons under paragraph 13(1) of Schedule 4B to the Town & Country Planning Act 1990.

Introduction

1. The report of the independent examination into the Alnwick and Denwick Neighbourhood Plan (the Plan) was received by Northumberland County Council and Alnwick Town Council in December 2015 and was subsequently published on the County Council's website.

2. The County Council is required, under paragraph 12 of Schedule 4B to the Town & Country Planning Act 1990 (the 1990 Act), to consider each of the recommendations made by the examiner and decide what action to take in response to each recommendation. These provisions allow for the County Council as local planning authority to accept or reject the recommendations made by the examiner and to make further modification to the Plan where it considers those changes need to be made to secure that the Plan:

- meets the basic conditions;
- is compatible with the Convention rights;
- complies with other specified requirements set out in the 1990 Act; and
- contains no errors.

3. Where the County Council proposes not to accept the recommendations made by the examiner it is obliged to set out its reasons for that decision and to notify persons prescribed in Regulations inviting their representations. The persons prescribed in Regulation 17A(2) of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 are:

- the qualifying body;
- any person whose representation was submitted to the examiner of the plan; and
- any consultation body which is referred to in the consultation statement.

4. The County Council has written to each of these prescribed persons inviting their representations on the proposed further modifications to the policies in the Plan. This document sets out each of the policies where the County Council's conclusions on the extent to which the policies meet the basic conditions differ from recommendations made by the independent examiner.

5. The independent examiner concluded that modification would be necessary to 55 of the 64 policies contained in the submission draft Plan. Of these, he recommended deletion of 22 policies and modification to a further 33 policies.

Consideration of each of the recommendations made by the examiner has resulted in a conclusion by the County Council that retention of some policies proposed for deletion by the examiner could be achieved through further minor modification and that some alternative minor modifications would be acceptable to other policies to secure that the Plan meets the prescribed tests.

6. The County Council accepts the modifications to 46 policies, including deletion of 18 policies, as recommended by the examiner for the reasons set out in the examiner's report. There is no requirement to consult on those modifications recommended by the examiner where the County Council is in agreement with his recommendations.

7. The County Council has proposed additional modification to the remaining 18 policies to secure that they meet the prescribed tests and accordingly may be retained in the Plan to be put to referendum. This document sets out those policies as further modified by the County Council and describes the County Council's reasons for proposing further modification as required by paragraph 12 of Schedule 4B of the 1990 Act.

8. In making these further modifications the County Council has considered the requirements set out in paragraph 13 of Schedule 4B to the 1990 Act and advice provided in the National Planning Practice Guidance. Accordingly, the persons prescribed in Regulations have been notified and invited to provide their representations **on or before midnight on Friday 13 January 2017**.

9. The 18 policies proposed for further modification are presented in Schedule 1 below in order of the Chapters of the Plan. The policies have been renumbered as appropriate from the numbering given in the submission draft Plan to reflect the accepted deletion of certain policies and are presented in their modified form. The recommendations made by the independent examiner to the policies as they appeared in the submission version of the Plan are presented below each policy. The County Council's reasons for proposing these additional modifications is then described below each policy. Schedule 2 below provides the complete list of policies proposed to be included in the referendum version of the Plan, subject to the outcome of this period of consultation; and sets out where the County Council intends to accept the examiner's recommendations and where it has reached a different conclusion. A proposed final version of the Plan to be put to referendum has also been prepared and is available separately on the County Council's website.

Schedule 1:

Further modification to planning policies in addition to the accepted recommendations published in the examination report.

Chapter 4: Housing

POLICY H5: Existing Stock (*previously Policy H6*)

Extensions to existing dwellings beyond permitted development limits will be supported where:

- **The scale and design of the extension complements and respects the scale and design of the original property;**
- **The extension respects the character of the streetscene; and**
- **The privacy, daylight, sunlight and amenity of adjoining residents are safeguarded.**

What the Examiner said:

Permitted development allows some types of development to go ahead without planning permission. Some household extensions require planning permission and must be considered in the light of the presumption in favour of sustainable development.

Policy H6a effectively ignores the presumption in favour of sustainable development by seeking to impose a requirement for all extensions requiring planning permission to meet a stringent set of criteria. This does not allow for a balanced approach, whereby it may be that some harm can be overcome by some benefit(s) resulting from development. The Policy does not provide for this. As such, it does not have regard to national policy or contribute to the achievement of sustainable development. It fails to meet the basic conditions.

I note that national and local strategic policy already protect local character and residential amenity, and promote energy efficiency, and that, as worded, Policy H6a would allow development that caused significant harm to highway safety, contrary to national and local strategic policy.

Policy H6B seeks to support the use of vacant and disused living space in town centres subject to various criteria. In many circumstances, the reuse of such space is allowed without the need for planning permission. I note that the criteria set out in Policy H6B goes beyond the requirements of national policy in terms of protecting heritage assets and does not provide any indication of what "*impact on the operation of town centre uses on the ground floor*" actually means. A shared access might be an "*impact*" but would not necessarily be harmful.

Taking all of the above into account, Policy H6 fails to meet the basic conditions. I recommend:

Delete Policy H6 and related supporting text.

County Council reasons for modifications:

The National Planning Policy Framework (NPPF) states that:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”

It continues to say that the NPPF:

“...does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”

At the heart of the NPPF is the presumption in favour of sustainable development, which for decision takers considering applications for planning permission, means:

“...approving development proposals that accord with the development plan without delay”.

The proposed modifications seek to provide guidance to decision takers on alterations or improvements to dwelling houses, where planning permission is required. The modifications set out modest and clear criteria against which such planning applications will be assessed, and in accordance with the NPPF, which states, at paragraph 9 that:

“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

[....]

- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure”.*

The proposed modifications provide a decision taker with clear guidance on how to respond to a development proposal; they promote good design and seek to prevent harm to living conditions for residents. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 5: Economy and Employment

POLICY E5: Tourism Development

New tourism development in or adjacent to the town, particularly that which will help grow Alnwick and Denwick as a year round tourism destination, will be supported subject to all of the following being met:

- i) Development is located where it will complement business and services in the town and will not adversely impact on the vitality and viability of the town centre;
- ii) Development will contribute positively to the weekend and evening economy of the town;
- iii) The scale and character of development will not have an unacceptable adverse impact upon the natural and historic environment;
- iv) Development can be accommodated within the social and physical infrastructure of the town;
- v) Development will not have adverse impacts on living conditions in residential areas; and
- vi) Development will not have a significantly detrimental impact on the transport network and travel patterns.

What the Examiner said:

The Framework supports sustainable rural tourism and leisure developments (Paragraph 28) and promotes policies that support the viability and vitality of town centres (Paragraph 23).

Policy E5 supports new tourism development and has regard to national policy. However, it is not clear how part iv) will be measured, in terms of development being accommodated within the social and physical infrastructure of the town. This conflicts with the opening part of the Policy which allows development adjacent to the town and it provides no indication of how social infrastructure has been, or will be measured.

I recommend:

Policy E5, delete part iv)

Subject to the above, Policy E5 contributes to the achievement of sustainable development and meets the basic conditions.

County Council reasons for modifications:

The NPPF states that one of the core planning principles, which should underpin both plan-making and decision-taking, is that planning should:

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

The NPPF continues that in preparing plans support should be given to:

“existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances”.

Paragraph 28 of NPPF specifically supports economic growth in rural areas and recognises the need for support to be given to rural tourism and leisure developments that benefit businesses in rural areas where this respects the character of the countryside. The proposed policy clearly supports the growth of the visitor economy, which is important to the economic prosperity of Alnwick as an historic market town, provided that new development in this sector is capable of being accommodated without significant harm arising to interests that are acknowledged as being important in NPPF. This will provide clear guidance to the decision taker that, whilst tourism development is supported it is appropriate that consideration is given to the potential impacts of that development on the town’s infrastructure, its economy, living conditions and the natural and historic environment. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 6: Town Centre & Retail

POLICY TCR1: Primary Shopping Frontages

Within the area defined on the Proposals Map as Primary Shopping Frontage the predominant use at ground floor level will remain A1 use.

In order to maintain a viable balance between retail shops, service providers, and food and hospitality in the town centre, and to contribute to the weekend and evening economy beyond normal daytime opening hours, applications for change of use from retail within the Primary Shopping Frontages will be supported where the proposed use would:

- **maintain or contribute to high pedestrian footfall;**
- **retain active frontage, and**
- **maintain the primacy of the area's shopping activity.**

What the Examiner said:

This Policy seeks to protect ground floor retail use within the Primary Shopping Frontage, but supports changes of use so long as the new use “encourages” similar footfall, has an “attractive window display” and does not result in retail not being the “predominant” use.

As a consequence of the above, a Policy that aims to protect retail in a “Primary Shopping Frontage” would actively support the reduction of retail to just 51% of the frontage. Furthermore, no indication is provided as to what would constitute “encouraging” a “high pedestrian footfall” or who would measure what an “attractive window display” comprises and on what basis. Thus, the Policy would not provide prospective applicants with clarity and would not provide decision makers with a clear indication of how to respond to a development proposal.

Furthermore, the Policy then goes on to state that change of use will not be granted “where there is considered to be a viable retail future for the unit.” This last line conflicts with other parts of the Policy and no indication is given with regards what “a viable retail future for the unit” means or who will “consider” this and on what basis. The Framework supports the clear definition of primary and secondary frontages in shopping areas along with “policies that make clear which uses will be permitted in such locations.” Policy TCR1 is not clear and consequently, it does not have regard to the Framework.

I recommend:

Delete Policy TCR1

County Council reasons for modifications:

Paragraph 7 of the NPPF sets out the economic role implicit in delivering sustainable development, that is:

“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”.

Paragraph 27 continues:

“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.”

And should;

- *“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;*
- *promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres; and*
- *where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity”.*

The proposed modifications to Policy TCR1 support the primacy of retailing in the town centre, and, while the town centre is not in decline, the Neighbourhood Plan seeks to maintain and improve its viability and vitality by promoting opportunities to complement retail development with diversification into food, drink and hospitality. Offers of this kind are particularly important in market towns where evening activity not only underpins the visitor economy, but also provides choice for residents and strengthens the overall performance of the town centre. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 7 Community Facilities

POLICY CF5: Future Development of the Middle Schools

In the event that either or both the Lindisfarne and Duke's Middle Schools vacate their present sites the land is allocated for a mix of residential use, community education, open space and recreational uses.

Any proposals for the conversion, extension or alteration of the Duke's School shall respect the architectural and historic character of the listed building and its setting.

On the Lindisfarne site the facilities for community education and community sports should be retained and upgraded for ongoing community use or alternative equivalent or greater provision made within the site.

The development of both sites will be the subject of a master planning exercise or preparation of a development brief involving community consultation.

What the Examiner said:

Policy CF5 also has regard to Paragraph 72. It considers the future use of the existing school sites should they become available for redevelopment during the plan period.

For clarity, I recommend:

Policy CF5, penultimate paragraph, change last sentence to "...site. Applications for the development of each of the sites should be accompanied by a master plan and/or a development brief that has emerged further to community engagement."

County Council reasons for modifications:

Paragraph 16 of the NPPF says that the presumption in favour of sustainable development:

"will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan."*

The proposed modification sets out the means by which the future development of these important sites will be achieved by developing master plans or drawing up

development briefs in consultation with the local community. The philosophy described in paragraph 16 of NPPF is executed in the proposed modification. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY CF8: Public Toilet Facilities (*previously Policy CF9*)

The development of new public toilet facilities and/or the improvement of existing facilities, provided in partnership with the Town Council and developers will be supported.

What the Examiner said:

Policy CF9 doesn't make grammatical sense. It requires "*opportunities*" to contribute to development, but does not provide any information with regards exactly where the development will take place, or what form it will take. It is not clear how an opportunity can contribute to the improvement of existing facilities. I acknowledge the need for toilets and recommend:

Change Policy CF9 to "The development of new public toilet facilities and/or the improvement of existing facilities will be supported."

County Council reasons for modifications:

Paragraph 14 of the NPPF sets out the principle of sustainable development as:

"...a golden thread running through both plan-making and decision-taking."

For plan making this means:

"...local planning authorities should positively seek opportunities to meet the development needs of their area".

Paragraph 17 sets out the NPPF core planning principles, stating that planning should:

"be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area."

Paragraph 183 states that, as a matter of principle:

"Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need."

The proposed modification expresses the means by which improvements to, or the provision of, public toilet facilities will be sought through the provisions of the Neighbourhood Plan, in accordance with the views expressed by the local community in consultation during its preparation. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 8 Transport

POLICY TRA1: Walking

Throughout the plan area proposals for development will be required to provide safe and convenient pedestrian access. The enhancement of provision for walking including public rights of way will be supported.

What the Examiner said:

Policy TRA1 is confusing. Its wide--ranging approach, whereby it effectively supports any development so long as it improves the provision for walking, could have unintended effects and conflicts with other Policies in the Neighbourhood Plan.

The list of principles include traffic management criteria beyond the control of the Neighbourhood Plan and state that new routes will be provided, but do not set out how this will be achieved. The Policy ends by stating that changes will be made to traffic arrangements and to the undefined “*public realm floorscape*,” but does not indicate how, or even provide evidence to demonstrate that this can be achieved. Furthermore, it is not entirely clear how development proposals might “*further*” the principles, as required by the Policy.

Policy TRA1 does not provide decision makers with a clear indication of how to respond to a development proposal. It does not meet the basic conditions.

Notwithstanding the above, Paragraph 75 of the Framework supports the enhancement of rights of way and access. I recommend:

Change Policy TRA1 to “The enhancement of public rights of way and access will be supported.” (delete rest of Policy).

County Council reasons for modifications:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, including a social role, which is to support:

“...strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”.

Moreover paragraph 17 states that a core planning principle is to:

“...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

In promoting sustainable transport paragraph 29 says that:

“Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives”.

Paragraph 32 also establishes the principle that plans should take into account whether:

“...safe and suitable access to [...] site(s) can be achieved for all people”.

The proposed modification clearly states that the Neighbourhood Plan will seek the provision of a standard of pedestrian access to new developments, which is both safe and convenient; it also provides policy support for initiatives to support walking, as an active travel mode. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY TRA2: Cycling

Throughout the plan area proposals for major development will be required to provide safe and convenient cycle access. The enhancement of provision for cycling including existing cycle routes will be supported.

What the Examiner said:

The Framework encourages sustainable patterns of movement, giving priority to cycle movements and minimising conflicts between traffic and cyclists (Chapter 4 “*Promoting sustainable transport.*”)

Whilst it has regard to this, Policy TRA2 is unclear. It requires development that improves cycling provision to “*further*” a set of principles that appear to be aspirations rather than comprise land use planning policies. No evidence is provided with regards how continuous cycling routes “*will be developed progressively*” or how the Neighbourhood Plan can control speed limits.

The Policy goes on to state that the Wooler Line will be preserved for a cycling route. This contradicts earlier mention in (the deleted) Policy TRA1, which suggested that the Line would be preserved for a walking route.

Policy TRA2 effectively places onerous and unachievable requirements on the development of improved cycling provision. This does not have regard to the Framework and fails to contribute to the achievement of sustainable development.

I recommend:

Change Policy TRA2 to “The development of safe cycling routes will be supported.” (delete rest of Policy)

County Council reasons for modifications:

Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, including a social role, which is to support:

“...strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating

a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being”.

Moreover, paragraph 17 states that a core planning principle is to:

“...actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.

In promoting sustainable transport paragraph 29 also says that:

“Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives”.

Paragraph 32 establishes the principle that plans should take into account whether:

“the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure”.

The proposed modification clearly states that the Neighbourhood Plan will seek the provision of a standard of cycle access to major new developments which is both safe and convenient. The definition of major development will be added to the NP glossary of terms for clarity. The proposed modification provides policy support for initiatives to support cycling as an active travel mode. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY TRA3: Alnwick Bus Station

Proposals for the development of Alnwick Bus Station to provide a transport hub, that improves access to and services for passengers using public buses, private hire coaches and other public service vehicles will be supported, subject to the achievement of high quality design.

Alternatively the redevelopment of the site, as part of a wider comprehensive redevelopment scheme, which involves the incorporation of an enhanced transport hub, including improved facilities for passengers will also be supported, subject to the achievement of high quality design.

What the Examiner said:

The Neighbourhood Plan has no control over the provision of bus services. The last paragraph of Policy TRA3 gives unfettered support to the relocation of the bus station to *“a better and more accessible site.”* No indication is provided with regards to where the better and more accessible site is or on what basis this would be judged/who by.

The middle part of Policy TRA3 is generally supportive of the redevelopment of the bus station. Whilst ambiguously worded, this part of the Policy reflects a positive approach to sustainable development and has regard to national policy's support for sustainable movement patterns. I recommend:

Policy TRA3, delete first and third paragraphs and re-word as "Proposals for the redevelopment of the bus station to provide a transport hub will be supported subject to demonstrating high quality design that makes a positive contribution to local character."

County Council reasons for modifications:

There is a principle embodied in paragraph 31 of the NPPF, which is that:

"Local authorities should work with [...] transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development."

Furthermore, paragraph 35 of the NPPF says that:

"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to [...] have access to high quality public transport facilities".

The proposed modifications set out policy support for two alternative means of enhancing Alnwick Bus Station's important role in underpinning the Neighbourhood Plan area's sustainable transport infrastructure: i.e. the further development of the existing bus station, or its improvement as part of a wider redevelopment scheme, within the vicinity, but including the bus station site. The proposed modifications address the examiner's concerns and accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY TRA4: Transport Links (previously Policy TRA5)

Where the original alignment exists, the former rail route towards Alnmouth Station within the plan area will be protected for potential re-use by the Aln Valley Railway and compatible walking and cycling use.

What the Examiner said:

The first part of Policy TRA5 (Now Policy TRA4 under the proposed modifications) is unclear as no detail is provided with regards what the "*wider transport network around Alnwick and Denwick is.*" On the face of it, taken to an extreme for the purpose of emphasis, the Policy could support the development of an eight-lane motorway between Alnwick and the A1. The Policy is also exceptionally wide-ranging, to the point that, as worded, it would support practically any development.

The Policy only seeks to safeguard the former rail route towards Alnmouth “*where the original alignment exists.*” This does not appear to fully reflect the supporting text. No detailed information is provided to show precisely what the Policy intends to safeguard and no indication of what safeguarding the route actually means in planning terms is provided.

Policy TRA5(4) does not provide a decision maker with a clear indication of how to respond to a development proposal. I recommend:

Delete Policy TRA5 and related supporting text

County Council reasons for modifications:

Paragraph 35 of the NPPF says that:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.”

and that plans should:

“give priority to pedestrian and cycle movements, and have access to high quality public transport facilities”.

The proposed modifications to the policy clarify the spatial extent of the policy, i.e. within the neighbourhood area (the only possible extent), and its purpose. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 9 Environment

POLICY ENV1: Providing New Green Space Through Development (*previously Policy ENV2*)

Plans for major developments will:

- incorporate proposals for the provision of amenity green space and natural and semi-natural green space in the site; or alternatively
- include proposals for the improvement of existing parks and gardens where they are in the vicinity of the development site and immediately accessible to it.

In both instances proposals should meet the standards recommended by Northumberland County Council in its 2011 Open Space, Sport and Recreational Facilities assessment or any successor replacement documents.

What the Examiner said:

Policy ENV2 is reliant on standards that are the responsibility of another body. Furthermore, no substantive evidence is provided to demonstrate why every major development needs to specify how it would contribute to the requirements set out, or demonstrate how different areas of green space will be connected.

The Neighbourhood Plan provides no evidence to demonstrate that the different areas of green space referred to can be connected, or that a requirement to do so has regard to national policy or is in general conformity with the strategic policies of the Core Strategy. I recommend:

Delete Policy ENV2 and the related bullet point on page 56

County Council reasons for modifications:

Paragraph 68 of the NPPF provides explicit policy guidance on the promotion of development which promotes healthy communities as follows:

“The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning.”

Refining principle into policy, paragraph 73 of the NPPF states that:

“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Planning policies should be based on robust and up to date

assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

The proposed modifications clarify the Neighbourhood Plan’s intentions, which are either to seek the provision of open space within major new developments, or, where there is a case to be made, to improve existing open space, which is close to and immediately accessible to the development. In both instances, the benchmark for provision/improvement will be the County Council’s recommended standards, which, on the basis of the plan becoming an integral part of the Development Plan, will be familiar to the decision taker in the development management process. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY ENV2: Protecting Green Space (previously Policy ENV4)

Development that results in the loss of existing valued and valuable parks and gardens, or amenity green space will only be permitted when the development makes provision for alternative green space in the vicinity, which is equivalent or larger in size, and with an equivalent or greater level of accessibility and quality.

What the Examiner said:

Generally, Policy ENV4 has regard to Paragraph 74 of the Framework, which establishes that existing open space should not be built upon unless it is surplus to requirements or would be replaced by equivalent or better provision in a suitable location. I recommend:

Delete “...and natural and semi natural green space...”

County Council reasons for modifications:

Paragraph 74 of the NPPF states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*

The proposed modification provides clarification to the decision taker on planning applications with guidance as to how the utility of the open spaces are to be measured, i.e. in terms of their demonstrable value to the communities in the neighbourhood plan area, which would be assessed through consultation undertaken during the development management process. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY ENV4: Protecting Biodiversity (*previously Policy ENV7*)

In considering development proposals where exceptionally loss of biodiversity is unavoidable, provision should be made for creation of equivalent areas of habitat in the vicinity of the site, which are equal in size to, or larger than those lost.

What the Examiner said:

The first part of Policy ENV7 suggests that any development will be allowed within the sites referred to, so long as there is no loss of biodiversity. Such an approach may have unintended consequences and as such, affords significantly less protection to these sites than already exists.

The second part of Policy ENV7 has regard to Paragraph 118 of the Framework, which aims to “conserve and enhance biodiversity” and is in general conformity with Policy S12 of the Core Strategy, which considers development proposals against the need to protect and enhance biodiversity.

I recommend:

Policy ENV7, delete first paragraph.

The County Council’s Reasons for Modifications.

Paragraph 118 of the NPPF says that “*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity*”. The proposed modification ensures that the policy is grammatically correct having accepted the examiner’s modification to delete the first paragraph and it clarifies when the policy will be applied. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY ENV8: Protecting Green Infrastructure (*previously Policy ENV11*)

Local green infrastructure including rivers and streams, former rail track-beds, greenways, and woodland belts which provide corridors and habitats for wildlife will be protected and new provision supported. The enhancement of public rights of way in the plan area will be supported.

What the Examiner said:

Policy 11 is confusing. It seeks to protect “*local green infrastructure*” yet the Proposals Map simply identifies walking and cycling routes, rather than “*green infrastructure*.” Most of the routes identified are public rights of way and as noted earlier in this Report, the Framework supports their enhancement.

However, at least one of the routes is not a public right of way (between the eastern side of Alnwick and the A1). No substantive evidence is provided to demonstrate that this route can provide for cycling and walking and the Neighbourhood Plan cannot simply impose public rights of way.

Existing public rights of way are already protected. It is not clear why the Policy would support the enhancement of some public rights of way but not others. No evidence is provided to demonstrate that the public rights of way identified provide corridors and habitats for wildlife, most are simply public footpaths. The supporting text refers to other “*local green infrastructure*” but these are not identified on the Proposals Map.

I recommend:

Policy ENV11, change to “The provision of local green infrastructure which provides corridors and habitats for wildlife will be supported. The enhancement of public rights of way will be supported.” (delete the rest of the Policy)

Delete the routes highlighted in green on the Proposals Map (which do not show all of the public rights of way in the Neighbourhood Area.

County Council reasons for modifications:

Paragraph 114 of the NPPF states that planning authorities should:

“...set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.

The proposed modification identifies those features of the Neighbourhood Plan area which comprise both the components that make up the plan area’s networks of biodiversity and green infrastructure, and states clearly that they will be protected and added to. The proposed modifications therefore contribute to meeting one of the

three main dimensions of the government's support for sustainable development: the environmental role, whereby the planning system should contribute to:

"...protecting and enhancing our natural, built and historic environment".

The proposed modifications also create a policy which shows clearly how the presumption in favour of sustainable development will be applied locally, in accordance with paragraph 15 of the NPPF. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY ENV11: Reducing Light Pollution (*previously Policy ENV15*)

All street lighting in new developments should be designed to be dimmable, capable of part-night operation and to minimise upward light glow.

Where floodlighting is subject to planning permission it will only be permitted where the developer can robustly justify why it is necessary.

In rural parts of the plan area, all new street lighting and lighting within new developments should be set at the lowest intensity compatible with community safety in order to preserve dark skies.

What the Examiner said.

Both the Framework and the Core Strategy protect local character. Northumberland's dark skies are an inherent part of its character. Policy ENV15 seeks to protect these and in doing so, contributes to the achievement of sustainable development. I note that Northumberland County Council has no objection to this Policy and that planning applications for floodlights already need to robustly justify necessity.

I recommend:

Policy ENV15, delete middle paragraph.

County Council reasons for modifications:

Paragraph 125 of the NPPF says that:

"By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

It is considered that the retention of the middle paragraph, contrary to the examiner's recommendation, would provide clarity for the decision taker. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

Chapter 10 Heritage, Design and Culture

Policy HD4: The Approaches to the Town (*previously Policy HD6*)

In considering development proposals visible from the suburban routes to the historic core of Alnwick listed in Table HD2, design that is in keeping with local character and the use of structural landscaping to reinforce attractive entrances and routes into the town and to improve unattractive entrances and routes will be supported.

What the Examiner said:

Whilst this Policy has regard to national policy, which protects local character and to Core Strategy policies S15 and S16, which also protect local character, it is worded in such a way that it seeks to place a requirement on another body. It is not for the Neighbourhood Plan to state in a Policy what Northumberland County Council “*will expect to see.*”

I recommend:

“Design that is in keeping with local character and the use of structural landscaping to reinforce attractive entrances and routes into the town and to improve unattractive entrances and routes, will be supported.”

County Council reasons for modifications:

Paragraphs 56 to 58 of the NPPF set out the government’s policies relating to good design. These are to:

*“...plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;
develop robust and comprehensive policies that set out the quality of development that will be expected for the area; and
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit”.*

NPPF encourages development which is:

“...visually attractive as a result of good architecture and appropriate landscaping.”

The proposed modifications clearly set out the intention to plan positively for, and improve, the appearance of identified parts of the plan area by supporting development proposals whose qualities will either reinforce the prevailing character, or help to improve areas which are less attractive. The proposed modifications are

designed to establish better places by improving build quality and better streetscapes. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY HD5: Design in the Wider Town (*previously Policy HD7*)

Outside the historic core of the town new development (including extensions, alterations and changes of use to existing buildings) is encouraged to take the following design principles into account:

- a) Footprint: expected to respect the density and grain of the surrounding distinctive suburban townscape;**
- b) Design: expected to make a positive contribution to local character and distinctiveness whilst not discouraging appropriate innovation;**
- c) Quality: expected to respect and enhance the quality of the surrounding suburban townscape and any historic content, in design, materials, detailing and finishes;**
- d) Use: expected to be appropriate to the surrounding urban area and to function well not just in the short term but over the life-time of the development;**
- e) Size and scale: expected to respond positively to local character;**
- f) Materials: expected to be sympathetic to the local materials that are traditional in the surrounding suburban townscape;**
- g) Landscape and open space: expected to enhance local character and distinctiveness and create attractive places to live, work or pass through;**
- h) Access and safety: expected to create a safe and accessible environment where crime and disorder does not undermine local quality of life and community.**

What the Examiner said:

No definition of “distinctive suburban townscapes” is provided and it is therefore unclear where Policy HD7 applies. However the list provided in Policy HD7 provides helpful background information for all development proposals and has regard to national policy’s support for good design, referred to earlier in this Report.

I recommend:

Policy HD7, change opening sentence to “New development is encouraged to take the following into account: a) Footprint...”

County Council reasons for modifications:

Paragraph 17 of the NPPF states that one of the core planning principles is to:
“...take account of the different roles and character of different areas”.

The proposed modification is clearly helpful in differentiating the policy approach between the historic core of Alnwick (with its distinctive historic environment) and the rest of the town. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY HD6: Protecting Town Gateways (previously Policy HD8)

The protection and enhancement of the gateways to the historic core identified in Table HD3 will be sought when considering development proposals in their vicinity.

What the Examiner said:

Whilst Policy HD8 seeks to protect and enhance local character and conserve heritage assets, it is an unclear Policy. It states that gateways *“must be protected and enhanced.”* No indication is provided to set out on what basis this will happen, or what will occur if it does not happen. I recommend:

Policy HD8, change to “The protection and enhancement of the gateways to the historic core identified in Table HD3 will be supported.”

County Council reasons for modifications:

Paragraph 17 of the NPPF states that one of the core planning principles is to:
“take account of the different roles and character of different areas”.

Paragraphs 56 to 58 of the NPPF set out the government’s policies relating to good design. These are to:

*“...plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;
develop robust and comprehensive policies that set out the quality of development that will be expected for the area; and
establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit”.*

NPPF encourages development which is:

“visually attractive as a result of good architecture and appropriate landscaping.”

Paragraph 129 of the NPPF states that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

Each of the five gateways identified in Table HD3 is distinctive, and the significance of the components which make up the “gateway” are variously described. The proposed modifications set out the intention to protect and improve the appearance of the identified “gateways” through the management of development by seeking proposals whose qualities will either protect their prevailing character, or help to improve their appearance. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

POLICY HD7: Design in the Historic Centre (*previously Policy HD9*)

New development in the historic centre of Alnwick (including extensions, alterations and changes of use to existing buildings) will be supported if it adheres to the following design principles:

- 1. Footprint: expected to respect the grain of Alnwick’s historic layout and to enhance the connectivity of the town’s historic pattern of pedestrian lanes and alleyways;**
- 2. Design: expected to make a positive contribution to local character and distinctiveness and help to reinforce a strong sense of place whilst not discouraging appropriate innovation;**
- 3. Quality: expected to match the quality of Alnwick’s historic townscape in design, materials, detailing and finishes;**
- 4. Use: expected to be appropriate to the historic area and to function well not just in the short term but over the life-time of the development;**
- 5. Size and scale: expected to respond to local character and history;**
- 6. Materials: expected to be sympathetic to the local materials that are traditional in the historic core;**
- 7. Landscape and open space: expected to enhance local character and distinctiveness and create attractive places to live, work or visit;**

8. Access and safety: expected to create a safe and accessible environment where crime and disorder does not undermine local quality of life and community;

Existing guidelines: development expected to be in accordance with guidelines on shop fronts, stonework, windows and colours produced by Alnwick Civic Society in association with the former Alnwick District Council.

What the Examiner said:

The opening sentence of Policy HD9 is unclear. No definition of “opportunities” or indication of when they “*should be taken*” is provided. However, in general, the Policy has regard to national policy’s support for good design and for the conservation of heritage assets.

I recommend:

Policy HD9, change opening sentence to “New development in the historic centre of Alnwick is encouraged to take the following into account: 1. Footprint...”

County Council reasons for modifications:

Paragraphs 57, 128 and 129 of the NPPF variously state that:

“It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”;

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”; and

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

The proposed modification will clearly guide the decision taker in their assessment of the degree to which a proposal is sustainable and inform the presumption in favour of sustainable development in accordance with paragraph 15 of the NPPF. Accordingly, the County Council considers that these modifications ensure that the policy meets the basic conditions.

**Schedule 2:
Alnwick and Denwick Neighbourhood Plan Policies Post-
Examination Modifications
December 2016**

Colour coded key for table:

Policy deleted in accordance with examiner's recommendation
Examiner's recommendations accepted on modification or policy unchanged
Variation proposed to examiner's recommendation

Submission Draft Policy	New Policy Ref.	Examiner's Recommendations	Proposed Action
Policy SD1 Planning for Sustainable Development in Alnwick and Denwick		Delete	Delete
Policy H1 Quantity of Housing	H1	Modify	Accept Examiner's recommendations
Policy H2 Location of Housing Development	H2	Modify	Accept Examiner's recommendations
Policy H3 Ensuring a Choice of Housing	H3	Modify	Accept Examiner's recommendations
Policy H4 Affordable Housing		Delete	Delete
Policy H5 Housing Design	H4	Modify	Accept Examiner's recommendations
Policy H6 Existing Stock	H5	Delete	Variation to Examiner's recommendations
Policy H7 Housing in the Countryside		Delete	Delete

Policy E1 Providing for Economic Growth	E1	No change	Accept Examiner's recommendations
Policy E2 Location of Economic Growth	E2	No change	Accept Examiner's recommendations
Policy E3 Future Use of Existing Employment Sites	E3	No change	Accept Examiner's recommendations
Policy E4 Development on South Road	E4	No change	Accept Examiner's recommendations
Policy E5 Tourism Development	E5	Modify	Variation to Examiner's recommendations
Policy E6 Employment and Training for Young People	E6	Modify	Accept Examiner's recommendations
Policy TCR1 Primary Shopping Frontages	TCR1	Delete	Variation to Examiner's recommendations
Policy TCR2 Development Opportunities to Support Primary Shopping Frontages	TCR2	Modify	Accept Examiner's recommendations
Policy TCR3 Out of Centre Retail	TCR3	No change	Accept Examiner's recommendations
Policy TCR4 Local Convenience Retail		Delete	Delete
Policy TCR5 Market Place	TCR4	Modify	Accept Examiner's recommendations
Policy CF1 Protecting Key Community Facilities	CF1	Modify	Accept Examiner's recommendations
Policy CF2 Outdoor Sports and Leisure	CF2	Modify	Accept Examiner's recommendations
Policy CF3 Greensfield Playing Pitches	CF3	No change	Accept Examiner's recommendations

Policy CF4 Developing Greensfield for Education and Recreation	CF4	No change	Accept Examiner's recommendations
Policy CF5 Future Development of the Middle Schools	CF5	Modify	Variation to Examiner's recommendations
Policy CF6 Dual Use of Greensfield Facilities	CF6	Modify	Accept Examiner's recommendations
Policy CF7 Facilities for Older People	CF7	Modify	Accept Examiner's recommendations
Policy CF8 Safeguarding Health and Medical facilities		Delete	Delete
Policy CF9 Public Toilet Facilities	CF8	Modify	Variation to Examiner's recommendations
Policy TRA1 Walking	TRA1	Modify	Variation to Examiner's recommendations
Policy TRA2 Cycling	TRA2	Modify	Variation to Examiner's recommendations
Policy TRA3 Alnwick Bus Station	TRA3	Modify	Variation to Examiner's recommendations
Policy TRA4 Goods and Services		Delete	Delete
Policy TRA5 Transport Links	TRA4	Delete	Variation to Examiner's recommendations
Policy TRA6 Environmental Impacts		Delete	Delete
Policy TRA7 Maintenance		Delete	Delete
Policy TRA8 Traffic Management		Delete	Delete
Policy TRA9 Parking	TRA5	Modify	Accept Examiner's recommendations

Policy ENV1 Natural and Semi-natural Greenspace		Delete	Delete
Policy ENV2 Providing New Green Space Through Development	ENV1	Delete	Variation to Examiner's recommendations
Policy ENV3 Safeguarding Green Space on Middle School Sites		Delete	Delete
Policy ENV4 Protecting Green Space	ENV2	Modify	Variation to Examiner's recommendations
Policy ENV5 Local Green Space	ENV3	Modify	Accept Examiner's recommendations
Policy ENV6 Areas for Nature Conservation		Delete	Delete
Policy ENV7 Protecting Biodiversity	ENV4	Modify	Variation to Examiner's recommendations
Policy ENV8 Future Allotment Provision	ENV5	No change	Accept Examiner's recommendations
Policy ENV9 Protecting Trees	ENV6	Modify	Accept Examiner's recommendations
Policy ENV10 Landscaping of New Developments	ENV7	Modify	Accept Examiner's recommendations
Policy ENV11 Protecting Green Infrastructure	ENV8	Modify	Variation to Examiner's recommendations
Policy ENV12 Sustainable Drainage Systems	ENV9	Modify	Accept Examiner's recommendations
Policy ENV13 Small Scale Renewable Energy	ENV10	No change	Accept Examiner's recommendations
Policy ENV14 Energy Conservation in New Housing		Delete	Delete
Policy ENV15 Reducing Light Pollution	ENV11	Modify	Variation to Examiner's recommendations

Policy ENV16 Recycling Facilities		Delete	Delete
Policy HD1 Protecting Landscape Setting	HD1	Modify	Accept Examiner's recommendations
Policy HD2 Heritage Assets at Risk	HD2	Modify	Accept Examiner's recommendations
Policy HD3 Protecting Designated Heritage Assets		Delete	Delete
Policy HD4 Protecting Non-Designated Heritage Assets	HD3	Modify	Accept Examiner's recommendations
Policy HD5 Enforcing Protection of Heritage Assets		Delete	Delete
Policy HD6 The Approaches to the Town	HD4	Modify	Variation to Examiner's Modifications
Policy HD7 Design in the Wider Town	HD5	Modify	Variation to Examiner's Modifications
Policy HD8 Protecting Town Gateways	HD6	Modify	Variation to Examiner's Modifications
Policy HD9 Design in the Historic Centre	HD7	Modify	Variation to Examiner's Modifications
Policy HD10 Vital Historic Spaces		Delete	Delete
Policy HD11 Streetscape Design		Delete	Delete