

Broomhaugh and Riding Neighbourhood Development Plan

A report to Northumberland County Council of the Independent Examination of the Broomhaugh and Riding Neighbourhood Development Plan

Copy to Broomhaugh and Riding Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Broomhaugh and Riding Neighbourhood Development Plan. The plan has been prepared by Broomhaugh and Riding Parish Council. The plan relates to the whole parish of Broomhaugh and Riding which was designated as a Neighbourhood Area on 21 October 2020. The plan area lies within the Northumberland County Council area. The plan period runs until 2036. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Broomhaugh and Riding Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Broomhaugh and Riding Parish Council (the Parish Council). The whole parish of Broomhaugh and Riding was designated by Northumberland County Council (the County Council) as a Neighbourhood Area on 21 October 2020. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Broomhaugh and Riding Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Steering Group comprised of Parish Councillors and other community volunteers who are residents of the Neighbourhood Area.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the County Council. The County Council arranged a period of publicity between 13 April 2023 and 31 May 2023 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 5 June 2023.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the County Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The County Council will decide what action to take in response to the recommendations in this report.

6. The County Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the County Council subsequently decide the Neighbourhood Plan should not be made. Section 156 of the Housing and Planning Act 2016 requires a Council report recommending a grant of planning permission, or permission in principle, to identify any conflict with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the County Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
 - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.” The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents, and consideration of the written representations.
13. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and

- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, including in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the County Council on 21 October 2020. A map of the Neighbourhood Area is included on page 5 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). Subject to a modification of Policy BR1 I have recommended later in my report I can confirm that I am satisfied that each of these requirements has been met.

19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan

period runs from 2023 until 2036. The plan period is confirmed in the Foreword and in paragraph 1.13 of the Neighbourhood Plan.

20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
 - Broomhaugh and Riding Neighbourhood Plan 2023 - 2036 Submission Draft March 2023 and Policies Map and Policies Map Inset

- Broomhaugh and Riding Neighbourhood Plan Basic Conditions Statement March 2023 [In this report referred to as the Basic Conditions Statement]
- Broomhaugh and Riding Neighbourhood Plan Consultation Statement March 2023 [In this report referred to as the Consultation Statement]
- Draft Broomhaugh and Riding Neighbourhood Plan Submission Version February 2023 Strategic Environmental Assessment (SEA) Screening Opinion April 2023
- Habitats Regulations Assessment Report March 2023 of the Broomhaugh and Riding Neighbourhood Plan Submission Draft February 2023
- Information available on the Parish Council and the County Council websites including the Local Green Space background paper; the Natural Environment background paper; and the Housing background paper.
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the County Council and the Parish Council including the initial letter of the Independent Examiner dated 5 June 2023; the comments of the Parish Council on the Regulation 16 representations made on 9 June 2023; the letter of the Independent Examiner seeking clarification of matters dated 13 June 2023; and the response of the Parish Council and County Council dated 20 June 2023.
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- Northumberland Local Plan 2016 - 2036 adopted 31 March 2022
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019)
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here several key stages of consultation undertaken in order to illustrate the approach adopted.
26. In 2021 a Steering Group comprising Parish Councillors and other volunteers was established to oversee the development of the Neighbourhood Plan. Below the Steering Group six working groups were created to work on topic themes. Despite Covid19 restrictions comprehensive and inclusive engagement with the local community and other stakeholders has been achieved.
27. A parish wide residents survey was undertaken in early 2021 followed by drop-in events to discuss the vision and objectives of the plan and a draft plan.
28. Publicity has been achieved throughout the plan preparation process through 13 updates in the Parish News newsletter; four-page supplements in the Parish Council Newsletter delivered to every home in 2021 and in 2022; as well as in four separate e-mailings to residents.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 1 November 2022 and 13 December 2022. The consultation on the pre-submission draft Plan was publicised on the Parish Council website; hard copy documents were made available on request; and statutory and non-statutory consultees were contacted directly. A drop-in event attended by 32 people was held on 5th November 2022 at the Parish Hall. Other publicity was achieved through an article in the Parish Newsletter; an article in the Hexham Courant; an email to known email addresses of residents; and display of posters on parish notice boards. The Consultation Statement includes in Appendix 17 details of the comments received from 11 consultation bodies and from 29 residents and a response. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the County Council.
30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 13 April 2023 and 31 May 2023. Publicity was achieved through the County Council website and by making hard

copies of the submission documents available for inspection. Representations were submitted during the Regulation 16 period of publication from a total of 15 different parties.

31. The County Council has submitted supportive comments and suggestions to help in ensuring the Neighbourhood Plan meets the Basic Conditions and so that it provides clarity to assist decision-makers in applying policies consistently. I have recommended modifications, where I consider them necessary, either in respect of individual policies or in the Annex to my report.
32. Natural England and the Coal Authority confirmed those organisations have no specific comments. Historic England has confirmed it is pleased comments made in respect of the pre-submission draft plan have been considered and has no further comments. National Highways stated it is deemed there is no negative consequence to the Strategic Road Network associated with the Neighbourhood Plan. The Environment Agency comment regarding previously proposed land allocations that no longer form part of the Neighbourhood Plan, and raise no objection to the Neighbourhood Plan as submitted.
33. Representations on behalf of National Gas and National Grid state no assets are currently affected by proposed allocations in the Neighbourhood Plan.
34. A representation from two residents states “We feel that the designated Green Belt around Broomhaugh and Riding Mill is very important and should be kept as it is. If building was allowed on the green belt area to the east of Broomhaugh Cottage this would be a traffic hazard. There are already three roads accessing the A695 within a fifty-yard stretch. The A695 becomes increasingly busier.” The representation of an individual expresses concerns regarding protection of the Green Belt and retaining the village as a unique environment separated from other settlements. This representation also refers to affordable housing requirements and identifies additional land for protection as green space. The representation of another individual expresses concern that the Green Belt boundary no longer seems secure, particularly the fields to the east of the cricket field to the roundabout. The representation of two other individuals’ objects to the provisions of the Neighbourhood Plan on the grounds that land to the east of Broomhaugh should be protected as Local Green Space in Policy BR3, and that Policy BR5 should be deleted as it can be seen as encouraging housing development in the Green Belt around the village envelope. The representation of another individual states the Northumberland Local Plan attaches great importance to the Green Belt and does not identify a requirement for the Green Belt boundary to be amended or provide provision for a strategic review of the Green Belt which “would be wrong in principle and dangerous in practice.”

35. Pegasus on behalf of Osbit Limited states the inclusion of Broomhaugh House within the Green Belt acts as a policy hurdle for future expansion of the only significant employer in the Neighbourhood Area. The representation proposes the site is removed from the Green Belt.
36. A representation of Riseber Consulting Ltd on behalf of owners of land to the east of Ford Terrace supplements their previous representations made at earlier consultation stages. The representation proposes that a re-wording of the previously proposed Policy BR6 would be appropriate to ensure that the land to the east of Ford Terrace, and potential other housing sites, could still be brought forward for development without needing to be a rural exception site. The Policy BR6 referred to in the representation is not included in the Submission Neighbourhood Plan. I address matters raised in the representation, including the meeting of local housing needs, when considering Policy BR5 later in my report.
37. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley Borough Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Parish and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations. Alternative policy approaches and additional policy content were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These matters are only relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified.
38. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council submitted comments on the Regulation 16 representations on 9 June 2023. I have taken those comments into consideration in preparing my report.
39. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;

- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

40. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the Neighbourhood Plan Steering Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

41. This section of my report considers whether the Neighbourhood Plan, taken as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

42. Page 12 of the Basic Conditions Statement states the Neighbourhood Plan “is fully compliant with the requirements of the European Convention on Human Rights” and “there is no discrimination stated or implied, nor any threat to the fundamental rights guaranteed under the Convention.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing);

Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst an Equality Screening Assessment has not been prepared, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

43. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
44. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the County Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
45. Page 12 of the Basic Conditions Statement confirms SEA and HRA Screening assessments were undertaken and that both reports concluded that the Neighbourhood Plan is unlikely to have significant negative impacts and therefore neither a full SEA or HRA would be required.
46. I have examined the Strategic Environmental Assessment Screening Opinion dated April 2023 and have no reason to disagree with its conclusion. The SEA screening opinion includes those consultation responses received from the statutory consultees in respect of an initial screening in August 2022 and in

respect of the screening of the revised plan in February 2023. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

47. I have also examined the Habitat Regulation Assessment Screening Report prepared by the County Council dated March 2023 and have no reason to disagree with its conclusion. The report includes a consultation response from the statutory consultee, Natural England dated 7 October 2022, confirming agreement that the Neighbourhood Plan either alone or in combination would not be likely to result in a significant effect on any European (now Habitats) Site or the environment and therefore no further assessment work would be required. The report also includes an email from Natural England which confirmed on 15 March 2023 that there was no change in their agreement with the HRA report following an update to the report on 14 March 2023. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.

48. There are several other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

49. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

50. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The County Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the

Neighbourhood Plan contributes to the achievement of sustainable development

51. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
52. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
53. The most recent National Planning Policy Framework published on 20 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated, in part, on 25 August 2022. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Government consultation on possible changes to the Framework published in December 2022 has not formed part of my consideration.
54. Table 1 of the Basic Conditions Statement sets out an explanation how each of the policies of the Neighbourhood Plan has regard to the Framework and the Guidance. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
55. Several Regulation 16 representations refer to Green Belt, either supporting its purpose and alignment and stating the conditions for change are not met, or proposing a variation of the boundaries. Representations of individuals refer to the importance of maintaining the Green Belt. The representation of Riseber Consulting Ltd submitted on behalf of the owners of land to the east of Ford Terrace within the Green Belt proposes that land should be developed. The representation of Pegasus on behalf of Osbit Limited states the inclusion of Broomhaugh House within the Green Belt acts as a policy hurdle for future expansion of the only significant employer in the Neighbourhood and proposes the site is removed from the Green Belt. That representation sets out a case that

the need for expansion of the business has arisen, and could not have been anticipated whilst the Local Plan was being prepared, and that expansion of the business will not be harmful to the Green Belt. The Parish Council has stated “the parish council fully acknowledge Osbit as the only significant employer within the parish and its expansion plans. As explained regarding potential housing development, it is not possible for the neighbourhood plan to revise Green Belt boundaries where no requirement to do so has been identified in the local plan. If the neighbourhood plan sought to do this, it would not, as required by regulations, be in general conformity with the strategic policies of the development plan.”

56. Paragraph 140 of the Framework states “Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.” The Northumberland Local Plan has not identified a need for changes to the Green Belt boundaries. Under those circumstances the Neighbourhood Plan is unable to change the Green Belt boundaries as a Neighbourhood Plan policy with that effect would not have sufficient regard for national policy and would not meet the Basic Conditions.

57. The Neighbourhood Plan includes in Section 3 a positive vision statement for Broomhaugh and Riding. Six objectives addressing specific themes relating to the built environment; the natural environment; transport; climate change and energy; health and wellbeing; and local economy are also set out. It is intended achievement of those objectives will support delivery of the vision.

58. Section 5 of the Neighbourhood Plan sets out 26 community actions relating to matters grouped under the headings of built environment; natural environment; transport; sustainable development and climate change; and health and wellbeing. It is explained in paragraph 5.1 that these matters that have been identified by the working groups and residents are matters that were outside the remit of planning policy in a neighbourhood plan. It is stated that it may be possible for the Parish Council either alone or in collaboration with others to take forward some of these matters. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation

processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan. The approach adopted to take the community actions forward is entirely satisfactory. I am satisfied the inclusion of the community actions in a separate and final part of the plan document and without the background shading of the policies sufficiently differentiates the community actions from the policies of the Neighbourhood Plan.

59. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that, except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

60. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”

61. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

62. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Tables 2, 3, and 4 of the Basic Conditions Statement set out a statement how the objectives and policies of the Neighbourhood Plan contribute to the achievement of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.

63. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Establish support for development which embeds a commitment to sustainable design and construction;
- Establish that development should conserve and enhance local distinctiveness by demonstrating high quality design in respect of stated matters;
- Establish that development should protect and enhance the local rich natural environment;
- Designate ten Local Green Spaces;
- Establish requirements for support of development on rural exception sites;
- Establish protection for the existing public rights of way network and support for enhancement of the network including identified new active travel routes; and
- Establish support for development that maximises use of sustainable travel modes in identified ways.

64. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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)

65. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”
66. In this independent examination, I am required to consider whether 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 County Council has confirmed the Development Plan applying in the Broomhaugh and Riding Neighbourhood Area and relevant to the Neighbourhood Plan comprises the Northumberland Local Plan 2016 - 2036 adopted on 31 March 2022. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The County Council has advised me what are regarded by the Local Planning Authority as the strategic policies of the Local Plan. I have proceeded with my independent examination of the Neighbourhood Plan on the basis that the Development Plan strategic policies are Northumberland Local Plan (2022) Policies STP1 – STP9; Policies ECN1 – ECN6; Policies ECN12 and ECN13; Policies TCS1 – TCS3; and Policies HOU1 – HOU4; Policy HOU6; Policy HOU11; Policy QOP1; Policy TRA1; Policy TRA8; Policy ENV1; Policies MIN1 – 4; Policies MIN6 – MIN14; Policy WAS1 - WAS4; and Policy INF1.
67. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the entire development plan.
68. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

69. Consideration as to whether 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) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 5 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

70. The Neighbourhood Plan includes seven policies as follows:

Policy BR1: Embedding energy efficiency and renewable energy

Policy BR2: Design

Policy BR3: Natural environment

Policy BR4: Local green space

Policy BR5: Rural exception sites

Policy BR6: Accessibility

Policy BR7: Sustainable transport and new development

71. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the

strategic policies for the area, or undermine those strategic policies.” Footnote 18 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

72. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”

73. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

74. The Guidance 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.”

75. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”

76. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be

determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

77. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
78. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy BR1: Embedding energy efficiency and renewable energy

79. This policy seeks to establish support for development which embeds a commitment to sustainable design and construction.
80. On the basis the Development Plan including the Neighbourhood Plan should be read as a whole, it is not normally necessary for a policy to state “subject to compliance with other relevant policies in the development plan.” However, in this instance it is helpful to the reader to appreciate the embedding of energy efficiency and renewable energy measures in development proposals is not in itself sufficient to achieve support. I have recommended insertion of the word ‘proposals’ into the first sentence of the policy to improve clarity. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
81. In response to my request for clarification as to the meaning of the term “measures to reduce waste generated during construction” and an explanation how this will be monitored and assessed within the development management regime the Parish Council stated “Measures to reduce waste generated during construction could include schemes for recycling and/ or disposing of construction waste. Where there is waste generated, it would be expected that

the contractor would ensure that there was an appropriate means of waste disposal in place. It is anticipated that this level of detail would be set out within construction management plan (CMP) that would be required either as part of a planning application or through condition. Compliance with the details included within the CMP would therefore be monitored by the LPA.” I am not satisfied the matters referred to are sufficiently related to land use planning to form part of a policy of the Neighbourhood Plan. I am also mindful of the fact that matters relating to waste disposal are excluded development for the purposes of Neighbourhood Plan preparation. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

82. Paragraph 154 of the Framework states new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change, and can help reduce greenhouse gas emissions, such as through its location, orientation, and design. I am satisfied Policy BR1, including part c, is expressed in terms that reflect the Government’s policy for national technical standards as required by paragraph 154 of the Framework. Part e of Policy BR1 has sufficient regard for national policy relating to the conservation of heritage assets.

83. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies STP3 and STP4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

84. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy BR1

- **after “All development” insert “proposals”**
- **delete “Include measures to reduce waste generated during construction and”**

Policy BR2: Design

85. This policy seeks to establish that development should conserve and enhance local distinctiveness by demonstrating high quality design in respect of stated matters.
86. Paragraph 127 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested.
87. Paragraph 130 of the Framework states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”
88. In response to my request for clarification as to the meaning of the term “arrangements of front gardens” the Parish Council stated “This is included to reflect that different residential areas have different styles of front garden e.g., open plan, enclosed, include parking etc.” I have recommended a modification in this respect so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
89. The County Council state “Bullet point n refers to retaining views. We would suggest deleting this bullet point as the loss of a view is not a material

consideration in planning decisions.” The Parish Council has commented “As explained within the consultation statement (page 73), the parish council accept that the right to a view may not be a material planning consideration but the impact of a development on a view which is important to landscape character is. If the examiner agrees with the comments of the LPA, it is requested that consideration should be given to the following amended wording for criterion ‘n’: “Ensuring important elements of landscape character are conserved and where appropriate enhanced.” Part n of Policy BR2 is not supported by a sufficient evidence base, is imprecise, and does not provide a basis for the determination of planning proposals. The alternative wording suggested by the Parish Council would suffer from the same shortcomings. I have recommended part n of the policy is deleted. Part k of Policy BR2 merely repeats the wording of part e of paragraph 112 of the Framework. Both part k of Policy BR2 and part g of Policy BR7 relate to facilities for the charging of electric vehicles. I have recommended a modification so that this matter is dealt with in Policy BR7 only. The relevant supporting text should be transferred to follow paragraph 4.45. I have also recommended the insertion of the word “adverse” in part p of the policy to improve clarity of meaning. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

90. Whilst the term “encouraged” does not provide a basis for the determination of planning proposals however its use in parts a and d of the policy are acceptable in the context of the introductory text of part 1 of the policy. There is a degree of overlap between part h of the policy and Policy BR1 however they are compatible and both have sufficient regard for national policy.

91. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy QOP1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

92. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:
In Policy BR2**

- In part c replace “arrangements of front gardens, walls railings or hedges” with “and the style and nature of front gardens and boundary treatments in the locality”
- delete part k
- delete part n
- in part p insert “adverse” before “effect”

Move the text of paragraph 4.16 to follow paragraph 4.45

Policy BR3: Natural environment

93. This policy seeks to establish that development should protect and enhance the local rich natural environment including identified areas, features, and species.

94. The County Council state “Regarding paragraph 1, it is not clear how a decision maker should interpret the list of birds (breeding waders, farmland birds and swifts) in paragraph 1. Are they associated with particular areas in the Parish? The natural environment background paper is not particularly helpful in this respect. In addition, the general reference to ‘footpaths’ does not give sufficient guidance to decision makers. This would tend to undermine any protective intentions that the policy might have.” The Parish Council has commented “The features and species listed in section 1 of policy BR3 have been identified as being an important part of the natural environment of the parish. This is summarised in table 4 (see section 2.19). It may help with the application of the policy if section 1 and 2 are merged: “1. Development should protect and enhance the rich natural environment of the parish by seeking to ensure no loss or significant harm to sites of biodiversity value, such as priority habitats protected and priority species and their habitats and corridors that connect sites and species. Support will be given to proposals which promote the conservation of priority habitats and species and the protection and recovery of protected species. The following areas, features, and species, form an important part of the natural environment of the parish: a. Tyne River, Corbridge – Stocksfield Local Wildlife Site; b.”

95. The list included as part 1 of the policy has several shortcomings as a policy tool, not least I consider it represents an uneasy mix of features and species, is imprecise, and except for the first two listed locations it does not provide any indication of the spatial distribution of the elements listed. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The Parish Council has stated agreement with this modification.

96. Paragraph 179 of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 131 of the Framework states development schemes should retain existing trees wherever possible. Paragraph 180 of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. I am satisfied the approach of Policy BR3 is appropriate in this policy context.

97. The Parish Council also state “The policy included reference to important footpaths as these are regularly used and allow the local community to experience the rich natural environment. It may be more appropriate to refer to these footpaths, which are listed in table 4, in policy BR6. I agree that clarity is improved by only one policy of the Neighbourhood Plan referring to footpaths. The modification I have recommended in respect of Policy BR3 removes the reference to footpaths. I return to this matter when considering Policy BR6 later in my report.

98. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies STP6 and ENV1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

99. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:
In Policy BR3**

- delete part 1
- in part 2 replace the text in the first sentence with “Development proposals that will be assessed against Policies ENV1 and ENV2 of the Northumberland Local Plan 2016-2036 must demonstrate they protect and enhance the local rich natural environment by seeking to ensure no loss or significant harm to sites of biodiversity value with attention to any effect on those areas of ancient woodland and priority habitat identified on Figure 3 that have been identified as being of particular local biodiversity importance.”

Policy BR4: Local green space

100. This policy seeks to designate 10 specified sites as Local Green Space and establish a basis for determination of development proposals affecting them.
101. Where representations suggest that additional sites should be designated as Local Green Space that is not a matter for my consideration. I have earlier in my report explained my role is limited to examining whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.
102. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policies Map and Policies Map Inset of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. Even in the absence of such expansion, the scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
103. The policy states the designated areas will be protected from development in a manner consistent with the protection of land within the Green Belt. Decision makers must rely on paragraph 103 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’ in paragraphs 147 to 151. That latter part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments

Limited v Mendip District Council. Case Number: C1/2020/0812). I am satisfied the policy has sufficient regard for national policy in this respect.

104. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”
105. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
106. Paragraph 102 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably ‘close proximity’ to the community it serves, is local in character, and is not an extensive tract of land.
107. The evidence base supporting the Neighbourhood Plan includes a Local Green Space Background Paper (January 2022) which sets out an explanation of the method used to identify and select sites for designation as Local Green Space. The Background Paper provides in Appendix 1 a Local Green Space assessment which provides a justification for each proposed designation. Appendix 2 of the Local Green Spaces Background Paper provides additional detail and images. I am satisfied relevant reasons for designation are indicated as applying in respect of all 10 proposed sites including matters referred to in the Framework. As a matter of planning judgement, I consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and the Background Paper provide sufficient evidence for me to conclude that each of the areas

proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

108. The County Council state “We note that the following proposed LGS sites are in the Green Belt: LGS02, LGS03, LGS04 and LGS06 but acknowledge that the Local Green Space designation helps to identify areas that are of particular importance to the local community. The LGS Background Paper (October 2022) provides strong and varied reasons to support the proposed Local Green Spaces.” The Guidance states “If land is already protected by Green Belt policy, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.” I agree with the County Council position on this matter. I am satisfied designation of sites LGS02, LGS03, LGS04 and LGS06 as Local Green Space is appropriate even though those sites are protected by Green Belt policy. Similarly, although some land proposed for designation as Local Green Space is open space protected by the Local Plan the higher level of protection and the identification of areas of particular importance to the local community make LGS designation appropriate.

109. I find that the 10 areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.

110. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy STP6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

111. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

Policy BR5: Rural exception sites

112. This policy seeks to establish requirements for support of development on rural exception sites.

113. A representation on behalf of owners of land concludes “Unfortunately, as things currently stand, the Landowners object to the Submission Draft version of the Neighbourhood Plan and wish for these representations to be registered formally on this basis. The basic conditions tests of a Neighbourhood Plan are not being satisfied and the essential need for the Plan to address identified local housing needs as evidenced in the HNA needs urgent attention. Failure to do so will result in this community being deprived of the range of housing types and tenures that it so desperately needs, especially when such housing can easily be delivered on a site that would have no adverse impact on the purposes of the Green Belt and which has already been accepted at earlier stages of the Neighbourhood Plan process as being entirely appropriate and preferable for future housing development by both the local community and the Parish Council. Consideration being to amending the Submission Draft Neighbourhood Plan to address these fundamental shortcomings is therefore respectfully urged in the interests of ensuring national policy compliance and soundness.”

114. The Parish Council has stated “As should be evident on reading the plan and housing background paper, the parish council considers that the site to the east of Broomhaugh Cottage should be allocated for housing development. Initial drafts of the neighbourhood plan proposed to allocate the site. The housing site assessment process (which included a Green Belt assessment) concluded that the overall contribution of the site to Green Belt purposes was low, particularly as a result of the site being well contained, as it is adjacent to development to the north and west and would not extend development to the east or south (see housing background paper page 31). However, the advice from NCC on 9 June 2022 was: “National Planning policy (NPPF, 2021) is explicit that only ‘Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans’ (paragraph 140). NPPF demands that ‘exceptional circumstances’ should be demonstrated before Green Belt boundaries can be changed. In Northumberland the newly adopted Local Plan (March 2022) identifies the full extent of the Green Belt in the County. Policy STP7 (a strategic policy) sets out the strategic approach to the Green Belt in Northumberland. It states clearly that the Green Belt within Northumberland, as defined on the Policies map, will be protected. Green Belt boundaries are defined on the Northumberland Local Plan policies map available here. National planning policy makes no provision for a Green Belt review to be instigated through the neighbourhood planning process. Neighbourhood plans may modify Green Belt boundaries, but only where the need for changes to the Green Belt boundary have been established through strategic policies. That is not currently the case in Northumberland. Therefore, in our opinion, the neighbourhood plan would fail to meet the basic conditions because it would not have regard to national planning

policies, and it would not be in general conformity with Policy STP7 of the Northumberland Local Plan. The representation requests that if the plan did not release land from the Green Belt Policy BR6, which was included in the pre-submission draft plan should be reinstated (with revisions). Following the consideration of comments on the pre-submission draft plan it was agreed that a rural exception site policy would be more appropriate than policy BR6 (included in the pre-submission draft plan) given that any development adjacent to the settlement would be in the Green Belt.”

115. The representation of an individual states the Neighbourhood Plan is leaving the village and surrounds open to development and the writer understood the County Council targets for affordable housing had been met.
116. The Parish Council state “The draft plan clearly explains the reasons why it is considered that there is a need for further housing within the parish, and also the constraints of the Green Belt. The neighbourhood plan does not however propose any amendments to the Green Belt within the parish. Whilst the local plan does not identify a housing requirement figure for the parish, this does not mean that there is no need for affordable housing. The local plan includes several policies which support the delivery of affordable housing, including policy HOU7 which would allow the delivery of affordable housing within the Green Belt where specific criteria are met – this reflects national planning policy. The purpose of neighbourhood plan policy BR5 is to provide support for the delivery of affordable housing on exception sites, where criteria are met and highlight that there is a need for smaller homes. With regard demographics, it is clear from the information presented in section 2 that the parish has an ageing population, with notably more households aged all over 65 and fewer families with dependent children. The parish council considers there is a need for this to be addressed and the provision of additional appropriate housing, has an important role.”
117. The representation of two individuals’ states “The provisions of the Draft Plan as proposed can be seen as encouraging housing development in the Green Belt around the village envelope, thereby fettering the discretion of future parish councils to respond to development proposals on their merits. Policy BR5 is incompatible with Paragraph 4.9, and should be deleted. Unless the above modifications are made, we will object to the adoption of the Plan.” In respect of this representation the Parish Council states “The draft plan clearly explains the reasons why it is considered that there is a need for further housing within the parish and also the constraints of the Green Belt. Policy BR5 accords with the strategic policies of the Northumberland Local Plan and the National Planning Policy Framework (see Basic Conditions Statement pages 5 and 11). Should the

current or future B&R Parish Council wish to revise any elements of the neighbourhood plan it can do so.”

118. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.” Paragraph 4.30 of the Neighbourhood Plan states “Local Plan Policy HOU3 identifies housing requirements for neighbourhood areas. There is no allocation for Broomhaugh and Riding Parish.” Policy BR5 establishes criteria for support for the development of rural exception sites. No policy of the Neighbourhood Plan specifically seeks to limit the number of dwellings that can be developed within the Green Belt inset boundary. I am satisfied Policy BR5 has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

119. Whilst the Neighbourhood Plan does not allocate land for housing development Policy BR5 is relevant to housing supply. The Guidance states that where neighbourhood plans contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” Paragraph 4.32 of the Neighbourhood Plan confirms the Parish Council commissioned a housing needs assessment. One finding of the assessment was that the Neighbourhood Area has a high potential demand for both affordable homes to rent and buy, estimating that to 2036 there is a need for 7 affordable homes to rent and 26 to buy. The Housing background paper supporting the Neighbourhood Plan sets out details of a housing site assessment process. I am satisfied that in preparing the Neighbourhood Plan particular consideration has been given to the opportunities for allocating small and medium-sized sites suitable for housing in the Neighbourhood Area as required by paragraph 70 of the Framework. The Parish Council has decided a rural exception site policy

would be more appropriate in the submission Neighbourhood Plan than a housing site allocation as included in the pre-submission draft as any development adjacent to the settlement would be in Green Belt. I have explained earlier in my report that my role is to assess whether the submission Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. The Guidance states “Neighbourhood plans are not obliged to contain policies addressing all types of development.” There is no requirement that the Neighbourhood Plan should include allocation of land for housing development.

120. Paragraphs 137 to 151 of the Framework relate to protecting Green Belt land. Paragraph 149 states “a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” but identifies “limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)” as a type of development that is an exception to the general approach.
121. Annex 2 Glossary of the Framework sets out the definition of rural exception sites as “Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.” I am satisfied Policy BR5 as set out in the submission version Neighbourhood Plan has sufficient regard for national policy relating to exception sites and meets the Basic Conditions.
122. It is normally confusing for a policy to state “should accord with the provisions of all development plan policies...” as development proposals should in all cases be considered in the context of the Development Plan as a whole. With respect to Policy BR5 however I consider part 4 of the policy serves the purpose of explaining to the reader that the term “exception” is limited to the matters referred to in the definition of rural exception sites in Annex 2 Glossary of the Framework and does not extend to matters including design and highway safety, as set out in Policy BR5.
123. Whilst the requirement of the Basic Conditions relating to general conformity relates to the strategic policies of the Development Plan this does not prevent a requirement, as in the first part of Policy BR5, relating to Local Plan Policy HOU7 which is a non-strategic policy.

124. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies STP8 and HOU6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
125. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy BR6: Accessibility

126. This policy seeks to establish protection for the existing public rights of way network and support for enhancement of the network including identified new active travel routes.
127. When considering Policy BR3 I referred to a Parish Council comment regarding footpaths. I am of the opinion additional clarity will be achieved if policy matters relating to footpaths are referred to in Policy BR6 only. In response to my request for clarification the Parish Council and County Council stated "The pathways shown on the policies map are those included on the definitive public rights of way map produced by Northumberland County Council. Table 4 highlights those local walking routes which are well used by the local community. Not all of those are specifically designated as PROW and therefore not included on the policies map (for Policy BR6). For example, the route identified in table 4 'out to the Broomhaugh roundabout' is not designated as a PROW but it is well used by local residents. In addition, there are other footpaths which link to the PROW illustrated on the policies map. For clarity, the additional pathways listed in Table 4 could be added to the policies map." I have recommended a modification in this respect so that the Neighbourhood Plan is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
128. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policy TRA1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard

to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

Include all the pathways listed in Table 4 on the Policies Map and Inset

Policy BR7: Sustainable transport and new development

130. This policy seeks to establish support for development that maximises use of sustainable travel modes in identified ways.

131. The County Council state "Bullet point e. seeks to ensure that the cumulative impact on traffic flows on the highway network will not be 'severe.' It is suggested that 'significant' could be a more effective term to use as it may be easier to demonstrate." The Parish Council has confirmed the reference to impacts being severe reflects the Framework. Paragraph 111 of the Framework states "Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Whilst the suggestion of the County Council appears to have merit, I am unable to recommend a modification to that effect in the absence of necessary supporting evidence.

132. Paragraph 100 of the Framework states planning policies should protect and enhance public rights of way. Paragraph 106 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as cycle parking.

133. When considering Policy BR2 I referred to the representation of the County Council that noted the element of overlap of part k of that policy and part g of Policy BR7. I recommended a modification of Policy BR2 in that respect as it is less confusing for plan users if charging of electric vehicles is addressed in one policy only. I have also recommended a modification of part g of Policy BR7 in recognition of the point made by the Parish Council regarding the scope of the two policies. My recommendation for modification of part g of Policy BR7 is also made as the term "encourage" does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

134. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Policies TRA1 and TRA2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

135. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy BR7

- **in part g replace “Encourage” with “Enable”**
- **continue part g with “Proposals for standalone electric vehicle charging points will also be supported.”**

Conclusion and Referendum

I have recommended five modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I recommend to the County Council that the Broomhaugh and Riding Neighbourhood Development Plan for the plan period up to 2036 should, subject to the modifications I have put forward, be submitted to referendum.

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the County Council as a Neighbourhood Area on 21 October 2020.

Annex: Minor Corrections to the Neighbourhood Plan

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

The County Council recommend the policies of the Neighbourhood Plan should be listed separately in the Neighbourhood Plan contents page to assist navigation.

The County Council also state all maps should include the standard Ordnance Survey disclaimer.

I recommend these modifications are made so that the Neighbourhood Plan has sufficient regard for national policy and guidance being “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

Recommended modification 6:

Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.

Chris Collison

Planning and Management Ltd



23 June 2023

REPORT END