

Cramlington Neighbourhood Plan

Submitted to LPA for examination

March 2019

Report to the Northumberland County Council on the Independent Examination of the submission draft Cramlington Neighbourhood Plan

September 2019

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Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal findings in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the Town and Country Planning 1990 Act (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 It is recommended that the plan, as modified, be submitted to a referendum and that the referendum area need not be extended beyond that of the neighbourhood area. 21 recommendations (some multiple) are made for modifications to the plan policies and text. The more significant recommendations, in summary, are:-

- That the settlement boundary be redrawn to include the allocated employment site at West Hartford Farm within the settlement of Cramlington;
- That the second part of policy CNP25 dealing with hot food takeaways be deleted;
- That the requirement for financial contributions to be made to mitigate the effects of increased recreational pressure within the Northumbrian Coast Special Protection Area be stated in a single free-standing policy and deleted from policies CNP 1, 3 and 4;
- That Policy CNP 4 be revised to provide detail on the two sites allocated for housing within the policy itself;
- That the terms of Policy CNP 6 be clarified including the deletion of the requirement for any contributions towards off-site affordable housing provision being directed to suitable sites within the neighbourhood plan area;
- That criterion f. in Policy CNP 11, which requires impact testing for out-of-centre office development over 2500m², be deleted;
- That Policy CNP 16 should cease to be treated as a plan policy and identified as a community aspiration;
- That Policy CNP 22 be clarified by the addition of a requirement reflecting national policy for the consideration of development proposals affecting heritage assets.

Section 1 - Introduction

Appointment

1.01 I have been appointed by the Northumberland County Council (NCC), acting as the Local Planning Authority (LPA), under the provisions of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, to carry out an independent examination of the Cramlington Neighbourhood Plan (CNP) as submitted to the LPA in March 2019. The NCC carried out publicity for the proposed plan, giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations')¹. The 6 week consultation period commenced on 7th June and ended on 19th July 2019. I had previously been sent copies of the submission documentation, as required under Regulation 17, and I received copies of the representations made under Regulation 16 on 22nd July 2019 at which point the examination commenced formally.

1.02 I have taken that documentation and all of the representations into account in carrying out the examination, along with additional material submitted during the examination as listed in Appendix B to this report.

1.03 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 45 years post-qualification professional experience in local and central government and latterly as a sole practitioner specialising in development plan policy work. I am independent of the Cramlington Town Council and of the Local Planning Authority. I have no land interests in any part of the plan area.

¹ All subsequent reference to a Regulation followed by a number is a reference to the Neighbourhood Planning (General) Regulations 2012 (as amended).

My role as an examiner

1.03 The terms of reference for the independent examination of a Neighbourhood Plan are statutory. They are set out in the Localism Act 2011 and in the 2012 Regulations. As an examiner I must consider whether the plan meets what are called 'the basic conditions'². In summary, these require me to consider:-

- whether, having regard to national policies and to advice contained in guidance issued by the Secretary of State, it would be appropriate to make the plan;
 - whether the making of the plan would contribute to the achievement of sustainable development;
 - whether the making of the plan would be in general conformity with the strategic policies contained in the development plan for the area;
- and to ensure that:-
- the making of the plan would not breach, and would otherwise be compatible with EU obligations³ relating to Strategic Environmental and Habitats Assessment and that the plan would be compatible with Convention rights, within the meaning of the Human Rights Act 1998; and
 - that 'prescribed conditions' would be met and 'prescribed matters' would be complied with in plan preparation and submission.

1.04 Legislation requires that my report on the draft plan should contain one of the following recommendations:-

- a) that the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to ensure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

² These are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as introduced in Schedule 10 of the Localism Act 2011)

³ At the time of writing the United Kingdom is due to exit the European Union ('Brexit') on or before the 31st October 2019. In that event, all existing EU obligations and Convention Rights are likely to be brought under UK law. References to such obligations and rights should be interpreted accordingly.

Section 2 – Statutory compliance and procedural matters

2.01 Upon application by the Cramlington Town Council (CTC) on 22nd October 2013, following public consultation between 11th November and 23rd December 2013, the Northumberland County Council formally designated Cramlington as a Neighbourhood Area on 11th February 2014. The submitted plan relates solely to the designated area and has been submitted by the CTC as the 'qualifying body'.

2.02 The title of the plan is given on the front sheet as the Cramlington Neighbourhood Plan with the sub-title 'Submission Draft' and it is dated March 2019. A statutory requirement⁴ is that the plan 'must specify the period for which it is to have effect'. This is stated in paragraph 1.16 of the plan to be 2018 to 2033 and so the statutory requirement is met. Other requirements which are satisfied are: a) the plan does not include provision about development which is 'excluded development' and b) a plan showing the area to which the Neighbourhood Plan relates has been submitted as required by Regulation 15(1)(a).

2.03 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'⁵. Before deciding whether a hearing would be required, on 4th August 2019, I issued a list of written questions seeking clarification and further information by way of justification for the plan policies. I received responses to those questions from the CTC on 9th August 2019 and from the NCC on 20th August 2019 although further exchanges on detailed matters continued until 3rd September. I confirmed by e-mail on 2nd September that a hearing would not be required.

2.04 I visited Cramlington on Wednesday 5th June 2019 in order to gain a full appreciation of the character of the town, the built-up area and countryside setting. Although that was some time before the examination commenced formally I had the benefit of the submission documentation. I walked from the railway station to the town centre and Cramlington Conservation Area and took buses to the northern and southern ends of the town walking through the residential areas to view the extensive areas of open space and proposed Local Green Spaces. Nothing in the Regulation 16 representations has caused me to consider that a further visit would be justified or required.

⁴ These statutory requirements are to be found in Section 38B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011),

⁵ Paragraph 9 of Schedule 4B to the 1990 Act (as in reference 2 above)

2.05 The CTC have submitted a Basic Conditions Statement in accordance with the Regulations⁶. It includes tabulated commentary divided into chapters dealing with each of the basic conditions in turn: national policies and guidance, in which NP policies are assessed against the NPPF and NPPG; sustainable development with tables for each 'strand' and general conformity with the strategic development plan policies notified by the NCC and listed in Appendix 2. There is also a chapter dealing with EU obligations. It is a comprehensive statement which provides a firm basis for the formal examination against the stated basic conditions.

2.06 I note that the Basic Conditions Statement also includes references to the draft Northumberland Local Plan (NLP) which has, since the CNP submission, been submitted to the Secretary of State and is being examined by a Planning Inspector. There is no statutory requirement for a neighbourhood plan to be consistent or to 'have regard' to an emerging development plan, only to the statutory plan. However, it is good practice to, as far as possible, ensure that the neighbourhood plan is not inconsistent with the emerging plan so as to obviate the need for an early review. Furthermore, the statutory plan is significantly out-of-date having been prepared before the issue of the NPPF. Consistency with the NLP, therefore, is likely to be an indication that the CNP reflects current national policy and guidance and would contribute to the achievement of sustainable development.

Compatibility with the EU Obligations

2.07 The term 'EU obligations' applies to those Directions relating to Environmental Assessment and Habitats given effect through UK Regulations as well as having regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) given effect through the Human Rights Act 1998.

2.08 Dealing first with the European Convention on Human Rights, it is stated in paragraph 5.1 in the Basic Conditions Statement that, throughout the preparation of the plan, emphasis has been placed to ensure that no sections of the community have been isolated or excluded; that there is no discrimination stated or implied nor any threat to the fundamental rights guaranteed under the convention. No representations have been made to suggest otherwise. From my own assessment I have no reason to disagree with the statement in paragraph 5.1

⁶ Regulation 15(1)(d)

that the CNP is fully compliant with the requirements of the ECHR. In other words, it would be compatible with Convention rights within the meaning of the Human Rights Act 1998.

2.09 A full account is given in section 5 of the Basic Conditions Statement of the steps taken to comply with regulations giving effect to European Directives⁷ for both Strategic Environmental Assessment⁸ (SEA) and Habitats Regulations Assessment⁹ (HRA). These are considered in more detail below.

Strategic Environmental Assessment

2.10 SEA screening was undertaken by the NCC on behalf of the CTC and, after the requisite consultation, a report issued in February 2016 concludes, in section 5.01, that the neighbourhood plan would be likely to have significant environmental effects and that a full SEA (Environmental Report) should be prepared. That amounts to a formal determination under Regulation 9(1) of the SEA Regulations. The Environmental Report was prepared by AECOM and consulted upon in parallel with the neighbourhood plan at Regulation 14 stage. Only Historic England responded with some minor amendments made in the final report as issued in January 2019 and submitted to the LPA with the plan itself. I am informed that the amended version was made available with the Regulation 16 consultation. As stated in paragraph 5.3 of the Basic Conditions Statement the conclusion reached in section 5.11, summarised in Table 5.2, is that the plan is predicted to have a number of significant positive effects and no significant negative ones although some minor such effects will require monitoring to ensure that they do not become significant.

2.11 There has been some criticism through public consultation of certain aspects of the approach taken to the consideration of alternatives in the SEA suggesting that this does not accord with regulatory requirements. Regulation 12(2) in the SEA Regulations states that the Environmental Report 'shall identify, describe and evaluate the likely significant effects on the environment of ... b) reasonable alternatives taking account of the objectives and geographical scope of the plan or programme.'

2.12 With regard to the definition of a settlement boundary for Cramlington two options have been evaluated as tabulated on page 17 of the report, basically 'change or 'no change' to the boundary. It is sufficient within the strategic

⁷ 2001/42/EC for SEA and 92/43/EEC for Habitats

⁸ The Environmental Assessment of Plans and Programmes Regulations 2004 ('The SEA Regulations')

⁹ The Conservation of Habitats and Species Regulations 2017 ('The Habitats Regulations')

context set by the statutory development plan for these to be the only 'reasonable alternatives'. Adequate reasons have been given for preferring the change option and a methodology developed to decide on the precise boundaries. It would not be 'reasonable' to expect all boundary changes to be subject to full testing against SEA objectives or, given the nature of the plan, to test alternative strategies for growth. That is more appropriate at the local plan (strategic) level.

2.13 As for the consideration of alternative sites for housing development, a full list of 28 sites is given in Table 4.1 of the Environmental Report with a detailed analysis at Appendix B. The sites are as identified in the SHLAA but do not include a site (ref. 9069) which is allocated as a prestige employment site in the statutory development plan. The background papers are in error in stating that all SHLAA sites have been evaluated, i.e. on what is called a 'policy off' basis, but, from my assessment of the somewhat complex planning history of this particular site (West Hartford Farm) in the context of the scope and objectives for the neighbourhood plan, I consider it to be distinguishable from the Fisher Lane employment site or, for that matter, the south west sector (see paragraph 4.09 below). It is evident¹⁰ that those areas were envisaged as part of the long-term development of Cramlington and were evaluated appropriately as 'reasonable alternatives' in the SEA. On the other hand, the West Hartford Farm site lies outside of the 'box' and is allocated only for specific prestige employment purposes. The qualifying body were justified in not regarding it as a reasonable alternative for housing development within the terms of SEA Regulation 12(2). I do not find the approach taken in the SEA to be at fault in that regard.

2.14 For the above reasons I consider that SEA Environmental Report has been properly prepared. It establishes that the plan, if made, would not breach and would otherwise be compatible with EU Regulations in this respect.

¹⁰ Diagram SW-D1, page 260 of the BVDLP

Habitats Regulations Assessment

2.15 A basic condition relating to habitats is prescribed in Regulation 32, Schedule 2, paragraph 1 of the 2012 Neighbourhood Planning Regulations. This has been amended by the 2018 Amendment Regulations¹¹ to read:-

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

Chapter 8 relates to Land Use Plans and includes Regulations 105 to 111 inclusive. Regulation 106(1) requires a qualifying body to submit with a neighbourhood plan such information as the 'competent authority' may reasonably require for the purposes of assessment under Regulation 105 or to enable it to determine whether such assessment is required. That information is contained in a report prepared by the NCC¹² on behalf of the qualifying body and submitted with the plan which includes¹³, at stage 2, an Appropriate Assessment. The potential significant effect is as the result, in combination with other development plan commitments, of residential or tourism developments, on the Northumbrian Coast SPA in respect of the interest features of migratory and wintering turnstone and purple sandpiper only. A formal determination¹⁴ is contained in paragraph 8.3 of the report. After consultation with Natural England wording was included in policies CNP1, CNP3 and CNP4 to secure contributions towards the Coastal Mitigation Service. That approach is considered in paragraphs 4.28-33 below.

2.16 It is clear from the submitted report that making of the neighbourhood plan would not breach the requirements of Chapter 8 in Part 6 of the requisite regulations. The prescribed basic condition is satisfied.

¹¹ SI 2018 No. 1307

¹² Sub-titled 'Assessment March 2019 v.02'

¹³ Taking account of the judgment in *People Over Wind and Sweetman v. Coillte Teoranta* by the European Court of Justice (C-323/17)

¹⁴ The determination is under Regulation 105, not 106 as stated in paragraph 8.3. The Regulation refers to the 'plan-making authority' and suggests that the formal determination should be after submission of the plan for examination.

Section 3 - Preparation of the plan and the pre-submission consultation processes

3.01 As required by legislation¹⁵, the CTC have submitted a Consultation Statement. It sets out the consultation stages commencing in March 2014 soon after designation of the neighbourhood area. A steering group was formed and three 'drop-in' events held in March and April 2014 providing feedback on the main issues for the plan. There followed a series of workshops on the south-west sector and a vision and objectives workshop in September 2014. These are detailed in section 3 of the report and appendices 1 to 9 inclusive. Residents, local businesses, stakeholders and community groups were all involved. This demonstrates that there was full and effective consultation in that initial phase of plan preparation.

3.02 There is a noticeable gap in the chronology of plan preparation in that there is no reference in the report to anything which happened between the September 2014 and September 2018 when the draft plan was published for formal consultation in accordance with Regulation 14 of the Neighbourhood Planning Regulations. It appears that the 4 year period was used in preparing an actual plan without further public engagement. However, it is apparent that the steering group had received sufficient feedback during the preliminary stages in 2014 to be able to prepare a plan which reflected adequately the wishes of the local community.

3.03 Full detail is given in section 4 of the consultation report on the Regulation 14 consultation which took place between 13th September and 25th October 2018, which is one day more than the statutory six week requirement. The publicity given is outlined in paragraph 4.2 and Appendices 11 to 14. Appendix 10 is a list of the consultation bodies and Appendix 13 a copy of the letter sent to those bodies. As stated in paragraph 4.4 of the report, Stannington Parish Council, although listed in Appendix 10, were not actually consulted but the error was later rectified.

3.04 Appendix 15 to the consultation report is a detailed analysis of the main issues raised in the Regulation 14 consultation responses and describes how those issues were considered by the CTC, in other words whether or not any amendments were made to the draft plan before submission to the LPA for examination. That approach meets the requirements of parts 2(c) and (d) of Regulation 15. However, a representation on the plan under Regulation 16 by Homes England drew to my attention that there was no reference in the consultation statement to the representation that body had made to the draft (Regulation 14) plan, no reference

¹⁵ The Neighbourhood Planning (General) Regulations 2012, Regulations 15(1)(b) and 15(2)

to the issues raised in that representation or any indication that the representation had been considered by the qualifying body. For that reason the submitted consultation statement failed to comply with Regulation 15(2).

3.05 It is the responsibility of the Local Planning Authority to satisfy themselves that all of the regulatory requirements have been complied with before sending a plan for independent examination.¹⁶ I therefore referred the matter back to the NCC and also notified the CTC by email. It transpired that the Homes England representation had been considered by the CTC but that a summary of the issues raised therein and the CTC response had been omitted in error from Appendix 15 in the consultation statement, nor was there mention of it in paragraph 4.4. Consequently, the CTC produced an addendum to Appendix 15 setting out their response to the Homes England representation which was sent to them by the NCC by letter dated 30 July 2019. Homes England responded by letter dated 7 August. I have taken that letter into account in my deliberations as if it had been submitted during the formal Regulation 16 consultation period. The CTC also produced an erratum slip to the Consultation Statement adding reference to the Homes England representation in paragraph 4.4.

3.06 At my request, the NCC confirmed, on 21st August 2019, that, with the above amendments to the submitted consultation statement, the draft plan met all regulatory requirements. The examination was, therefore, able to proceed.

¹⁶ Town and Country Planning Act 1990 (as amended) Schedule 4B, Section 7(1)(b).

Section 4 - The Plan, meeting the basic conditions

4.01 This section of my report sets out my conclusions on the extent to which the submitted plan meets those basic conditions which are set out in the first three bullet points in paragraph 1.03 above. If I conclude that the inclusion of a policy in the plan means that, as submitted, it does not meet one or more of the basic conditions, I recommend a modification to the plan policy in order to ensure that the plan, taken as a whole, does meet those conditions. Where such a recommendation is made this is identified by the use of **bold text**.

4.02 The representations on the plan submitted during the Regulation 16 consultation period (see paragraph 1.01 above) form a starting point for my examination of the plan but I am not limited by the scope of those representations in considering the degree to which the submitted plan meets the basic conditions.

4.03 As indicated in paragraph 2.03 above, from my initial consideration of the representations I considered that a number of matters required clarification or further comment and justification by the CTC although the NCC were also invited to comment as appropriate. From the material submitted in response to all of the queries raised I take the view that there are three key issues which arise in my examination of the plan against the basic conditions, in particular those relating to the regard which has been had to national policies and guidance and the general conformity with the strategic policies in the development plan. I have no doubt that, taken in the round, the plan will contribute to the achievement of sustainable development.

4.04 The key issues I have identified are:-

1. Whether the approach taken to the definition of a settlement boundary for Cramlington gives rise to conflict with the strategic policies of the statutory development plan to such a degree that the neighbourhood plan might be considered as not being in general conformity with those policies and hence fail to meet the requisite basic condition.
2. The adequacy of the evidence base to justify the proposed restrictions on the development of hot food takeaways as set out in the second part of policy CNP25.
3. The clarity of policy wording and implementation through decision-making on planning applications and the adequacy of the supporting evidence base.

THE KEY PLANNING ISSUES

Key planning issue 1 – The definition of a settlement boundary for Cramlington

4.05. A settlement boundary for Cramlington is shown on the 'proposals map' as approved as part of the Blyth Valley District Local Plan (BVDLP) in 1999¹⁷. The boundaries were applied by policy G6¹⁸ in the BVDLP which was replaced in 2007 by policy DC1 in the Blyth Valley Development Control Policies DPD¹⁹ although that document did not amend the boundaries. The NCC have listed²⁰ Policy DC1 as a strategic policy within the statutory development plan.

4.06 As stated in paragraph 4.38 of the submitted NLP that plan defines settlement boundaries for all main towns unless communities have chosen to define the boundary through the neighbourhood planning process. That is the position in Cramlington. A background paper has been submitted with the NP which explains the approach taken to the definition of a new settlement boundary for the town. The criteria used in the boundary definition are listed as bullet points in paragraph 5.1 of that paper. Although there is reference to extant planning permissions no account appears to have been taken of extant allocations, particularly for employment development.

4.07 The purpose of defining a settlement boundary is stated in paragraphs 5.9 to 5.12 of the CNP as an introduction to Policy CNP3 which sets out the types of development which will be 'supported' outside of the defined boundaries. It makes no mention of any major developments for housing or employment.

4.08 The representations submitted by Homes England draw specific attention to the fact that the settlement boundary in the NW part of the town is proposed to be drawn running east-west along the A192. That is a significant change from the boundary as drawn on the adopted policies map which extends northwards to include an area of some 53 ha. of land at West Hartford Farm. Together with another site off Fisher Lane it is allocated in the BVDLP under saved Policy W2²¹ as a 'work activity, requiring large individual sites in non-estate locations'. The Fisher Lane site is also included within the BVDLP settlement boundary. Neither site has been granted planning permission and both remain undeveloped as a

¹⁷ This is now the 'adopted policies map' for the purposes of Regulation 9 in the Town and Country Planning Local Planning (England) Regulations 2012, S.I. 2012 No. 767

¹⁸ Not G9 as stated in the Settlement Boundary Background Paper

¹⁹ In accordance with Appendix D of the DC Policies DPD

²⁰ Appendix 2A in the Basic Conditions Statement

²¹ Also listed in Appendix 2A as a strategic policy

result. They remain in agricultural use and, under the criteria set out in paragraph 5.1 of the background paper, the settlement boundary has been drawn to exclude them from the settlement. Whereas Fisher Lane was evaluated (site 16) in the Housing Background Paper and found to be 'unacceptable', West Hartford Farm was not so evaluated and a planning application²² for residential development was refused by the NCC in January this year.

4.09 Another significant change from the settlement boundary in the current adopted policies map is in the eastern and southern parts of what is termed the 'south-west sector' beyond the areas with extant planning permission which are broadly contained within the current boundary. The boundary has been extended eastwards to the railway line and southwards, the latter area identified as site 17 in the Housing Background Paper. On the NP policies map the boundary is drawn on the western side to abut the green belt boundary. Bearing in mind that the whole area is clearly shown on diagram SW-D1 on page 260 of the BVDLP and described on page 261 as part of the longer-term development of the SW sector, the realignment of the settlement boundary as proposed along well defined ground features would not be in conflict with the general principles for the long-term development of the south-west sector as set out in the BVDLP.

4.10 Guidance is given in the National Planning Practice Guidance (NPPG)²³ on the considerations which might determine the degree to which a neighbourhood plan is in 'general conformity with the strategic policies of the development plan'. These are:-

- 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.

In view of the above, I am satisfied that revising the settlement boundary for the south-west sector as shown on the NP policy map may be regarded as in general conformity with the statutory development plan.

²² Ref. 16/04741/OUT

²³ Reference ID: 41-074-20140306

4.11 As the Fisher Lane employment site is allocated under the same BVDLP policy as West Hartford Farm and both are shown on the adopted policies map as within the current settlement boundary it might be considered that the same approach should apply to both. Neither site is explicitly mentioned in the Settlement Boundary Background Paper. In essence, because they are undeveloped with no permission they are ignored. However, the similarity ends there.

4.12 I consider there to be significant differences in the strategic policy background as it applies to the two sites. This arises from the evolution of strategic policy since the adoption of the BVDLP. BVDLP policy W2 states that planning permission will only be granted in accordance with criteria which, for the Fisher Lane site are set out in 'proposal SW3' and for West Hartford Farm in 'proposal WP4'. Because the BVDLP had been adopted (in 1999) before the commencement of Section 38 of the Planning and Compulsory Purchase Act 2004 all of its policies would have lapsed 3 years after commencement but for a 'saving direction'²⁴ issued by the Secretary of State to the Blyth Valley Borough Council on 26th September 2007. However, that did not apply to those BVDLP policies which had been replaced by new ones adopted in either the Blyth Valley Core Strategy (BVCS) (July 2007) or the Development Control Policies DPD (BVDCP) (2007).

4.13 The BVCS is what might be described as a 'pure' core strategy in that, under good practice guidance current at that time only truly strategic sites are mentioned and they are not defined on a proposals map, only indicated on a key diagram. In that regard, West Hartford Farm is mentioned in paragraph 3.3.7 and in Policy SS1 in section c) for Cramlington refers to promoting West Hartford as a 'prestige employment site'. Furthermore, the West Hartford Farm site is clearly identified on the key diagram by a blue box to which policies SS1 and REG4 apply. There is no specific mention of the Fisher Lane site which is part of the provision of 'general employment land' to meet local needs, overall to continue the strategic employment role of Cramlington with the key diagram referring to policies SS1, REG2 and REG4. All of those policies have been categorised by the NCC as strategic.

4.14 BVCS Policy REG2 sets an overall land requirement for general employment purposes whereas REG4 is specific to West Hartford Farm stating that the site is to be allocated in a forthcoming DPD for Cramlington, which was never adopted. In Appendix C policy REG4 is listed as replacing BVDLP proposal WP4 but there is no

²⁴ Under paragraph 1(3) in Schedule 8 to the 2004 Act

reference to the equivalent proposal SW3 for Fisher Lane. As the latter is not mentioned in the Secretary of State's later saving direction, even though policy W2 itself is saved, it can no longer be implemented. It could be argued that it is no longer an allocation. Furthermore, the NP Employment Background Paper refers to more recent employment land studies which indicate that the Fisher Lane site should not be progressed and, unlike the West Hartford site, is not being promoted in the emerging NLP.

4.15 It is to be noted that the West Hartford Farm site remains a strategic priority in the emerging NLP²⁵ but my consideration of general conformity with the development plan can only relate to those in the statutory plan. In that respect, I consider that the emphasis given in the BVCS to the development of a prestige employment site at West Hartford Farm makes it an essential element in the strategy for the regeneration of the area. The text of the BVCS could not be more clear in this regard: 'West Hartford has a major role to play in fulfilment of the strategic employment role and the sustainable development of Cramlington ...'²⁶ and 'The site will also play a key role in delivering the borough's integrated regeneration strategy set out in policy SS1.'²⁷

4.16 Turning then to the considerations relating to general conformity quoted in paragraph 4.10 above, as stated in paragraph 5.9 of the plan 'the settlement boundary is a dividing line ... between areas of built development and the open countryside.' The rationale for defining the NP settlement boundary is largely related to existing or permitted land uses whereas the definition of the boundary in the BVDLP has taken the long-established approach of including land allocated for development in that plan within the settlement. Excluding the employment allocations from the settlement would mean that under the provisions of CNP3 they are to be treated as 'open countryside'. The policy would not allow for development of the kind envisaged in the BVDLP. In that respect re-drawing the boundary as proposed would conflict with the statutory plan and would not support or uphold the general principles of the strategic policies.

4.17 Nevertheless, given the absence of specific reference to the Fisher Lane site in the BVCS and the degree of uncertainty over the prevailing status of policy in relation to that site, I conclude that the degree of conflict with the principles underlying the strategic policies of the development plan taken as a whole is not of such magnitude that the proposal to redraw the settlement boundary placing the

²⁵ Policy ECN3 relates

²⁶ BVCS paragraph 4.3.18

²⁷ BVCS paragraph 4.3.19

Fisher Lane site within the open countryside takes the plan out of general conformity with the strategic policies of the statutory plan.

4.18 On the contrary, the strategic importance of the West Hartford Farm site is clear, for all of the reasons given in paragraph 4.15 above. To exclude it from within the defined settlement boundary and apply CNP Policy CNP3 to the land, as proposed, would introduce a very clear and significant conflict between the two plans. It would undermine rather than uphold strategic intent of BVDLP policy W2 and policies SS1 and REG4 in the BVCS. Furthermore, it would cause difficulties for a decision-maker to interpret development plan policy for the purposes of s38(6) of the 2004 Act²⁸. For those reasons, I conclude that the neighbourhood plan as submitted is not in general conformity with the strategic policies of the development plan in respect of the definition of the settlement boundary in the West Hartford Farm area which defines geographical extent to which policy CNP3 is to be applied. Consequently, the plan fails to meet basic condition quoted in the third bullet point in paragraph 1.03 of this report.

4.19 For the plan to meet the basic condition in this respect, the settlement boundary should follow the same line as that shown on the adopted policies map for Northumberland County as derived from the adopted proposals map for the Blyth Valley District Local Plan. That line includes the strategic employment allocation at West Hartford Farm within the settlement of Cramlington. I recommend accordingly below.

4.20 I am aware that the submitted Northumberland Local Plan is under examination by an Inspector appointed by the Secretary of State and that representations have been made seeking the removal of the employment allocation at West Hartford Farm from the plan. That is not a matter for me. In the event that the NLP is found not to be sound unless the allocation is removed it would change the strategic context upon which my decision on the general conformity issue has been based. That might suggest the need for an early review of the neighbourhood plan.

Recommendation 1.

On the policies map submitted with the neighbourhood plan, redraw the settlement boundary line to follow the line shown on the adopted policies map for Northumberland, that is as shown on the proposals map for the adopted Blyth Valley Local Plan, to include the allocated employment land at West Hartford Farm within the settlement of Cramlington.

²⁸ See NPPG Reference ID: 41-041-20140306

Key Issue 2: The adequacy of the available evidence to support the restrictions on the development of 'unhealthy eating outlets' as set out in the second part of policy CNP25

4.21 There is but a brief reference in the plan text, in paragraph 11.10, to various general health issues affecting Cramlington with a footnote (28) referring to a 2014 document. In the light of a representation²⁹ which raised issues concerning the justification for the policy to restrict the development of hot food takeaways (A5 uses) within 400 metres of school gates and also to restrict the numbers of such contiguous uses within and outside the town centre, I sought further information about the evidence base³⁰. As stated in the NPPG³¹ 'proportionate, robust' evidence should support the choices made and the approach taken, that is in policy formulation.

4.22 I am referred to the data contained in a background paper produced by the Northumberland County Council public health team³² which includes recommendations for a policy approach which has been carried forward into the Northumberland Local Plan as Policy TCS 6. Concerns about the health implications of obesity, especially in school age children, have come to the fore only relatively recently. 'Access to healthier food' is mentioned as a factor to be taken into account in planning policies and decisions in paragraph 91(c) of the current version of the NPPF but there was no mention of it in the original, 2012, version. This is developed further in Planning Practice Guidance in which paragraph 53-004 is directly relevant to the approach taken in both NP and LP policies and has recently been updated³³. However, as the KFC representation states any restriction on A5 uses can cut across national policy and guidance on maintaining the vitality of town centres, including a mix of uses. It also needs to be borne in mind that the term 'town centre' is defined in the glossary to the NPPF as encompassing district and local centres. The CNP makes no reference to centres other than 'the town centre' even though other local centres are mentioned in Appendix A to the Blyth Valley Core Strategy. To my mind, this emphasises the need for the detailed provisions of Policy CNP25b. to be adequately justified by reference to supporting evidence for a

²⁹ On behalf of Kentucky Fried Chicken (KFC)

³⁰ My question 36 and follow-up email 26 August 2019

³¹ Reference ID: 41-040-20160211

³² Public Health Technical Background Paper on Planning for Hot Food Takeaways, July 2018

³³ On 22 July 2019

conclusion to be reached that sufficient regard has been had to national policy and guidance and, hence, that the requisite basic condition is fully satisfied.

4.23 The wording of the first part of policy CNP25b. is closely modelled on that to be found in Policy TCS 6 of the emerging NLP. In practice, it is the same policy as that proposed to be applied countywide. In that respect, it cannot be said that it takes account of the national practice guidance that policies in neighbourhood plans ‘... 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.’³⁴ The only evidence produced is countywide. Moreover, the NCC background paper itself, in paragraph 6.5, states: ‘Evidence on the association between hot foods takeaways near to schools and obesity among school children is inconsistent.’ The NCC paper shows that Cramlington has higher levels of obesity than the county average and a density of A5 uses in most wards above the recommended threshold. But the NP policy, being the same as the countywide one, not only fails to be locally distinct but the evidence is not proportionate or sufficiently robust to justify a policy which would introduce a 400 m. exclusion zone around all schools in the town. For that reason, it fails the basic to meet the basic condition and should be deleted. My conclusion on this point is without prejudice to the wider issue of applicability of a countywide policy through the NLP.

4.24 Turning then to criterion ii. under part b. of policy CNP25 which is itself in two parts, a. and b., applying within and outside ‘the town centre’. I asked³⁵ for further justification for the proportion of A5 uses to be permitted in each type of area. They are locally specific and the limit of two adjacent units in locations outside the town centre compares to the three proposed to be applied countywide. However, I am advised that there is no locally derived evidence to justify the specific requirements in criterion ii. In the circumstances I must conclude that the adequate regard has not been had to practice guidance on the evidence needed in support of the whole of part b. in Policy CNP25 and the plan fails to meet the basic condition in that respect.

Recommendation 2.

Delete part b. of policy CNP25.

³⁴ Quote from paragraph 41-041 in the NPPG.

³⁵ By email 26 August 2019

Key Issue 3: The clarity of policy wording and implementation through decision-making on planning applications and the adequacy of the supporting evidence base.

4.25 This key issue covers many other issues which arise largely from my own scrutiny of the plan. It might also be expressed in terms of the degree to which the plan policies are sufficiently clear and unambiguous for them to be applied consistently and with confidence in the determination of planning applications³⁶ and, linked to that, whether the specific and detailed requirements set out in the policy criteria are supported by appropriate (proportionate, robust) evidence.

4.26 In my questions I sought clarification of the intentions behind the majority of policies which state that certain types of development will be 'supported' provided the policy criteria are met. I raised the matter because, if the policy is intended to be used in the determination of planning applications, the word 'support' can only mean an expectation that planning permission will be granted under the stated circumstances. As that is accepted to be the case there would have been no ambiguity had that been stated on the face of the policy. 'Support' could suggest a number of things beyond the scope of a land-use planning policy. Nevertheless, there is no suggestion that such policies would not be 'applied consistently and with confidence' by the NCC as Local Planning Authority and, consequently, I do not consider that such wording can be said not to 'have regard' to the practice guidance.

4.27 I will now examine each of the policies in plan order in terms of the relevant national policies and guidance primarily to ensure that they are clearly and unambiguously expressed and adequately justified by the available evidence. Where a policy is not mentioned it means that I am fully satisfied that the submitted plan meets all of the basic conditions with the inclusion of the policy unaltered.

Policies CNP1, 3 and 4.

4.28 These policies include identical final paragraphs which require 'all development' which would result in a net increase in residential units to make an appropriate financial contribution to the Northumberland Coastal Mitigation Service. It is explained in paragraph 1.12 of the CNP that this provision arises from the Appropriate Assessment (HRA) process to ensure that the developments proposed in the plan will not have a significant effect on the integrity of European sites. *See paragraph 2.15 above.*

³⁶ PPG reference ID: 41-041-20140306

4.29 The NCC have made representation that the plan would be clearer if this policy provision was stated once as a free-standing policy. The CTC agree and they also put forward suggested wording for text to support such a policy clarifying the context for it. The concern expressed by Natural England that there should be adequate mitigation of any increased recreational pressures within the coastal zones would, in my opinion, be met with greater consistency and confidence in decision-making should there be but one policy specifically dealing with the policy requirement. It has, perhaps, not been fully appreciated that the plan has to be read as a whole, as indeed does the development plan in all its parts, and that it does not add force to a policy intention for an individual requirement to be repeated. That applies equally to the duplication of policy between a local plan and a neighbourhood plan. A single policy would have full regard for practice guidance and hence meet the basic condition in that respect.

4.30 The position with regard to the operation of the Coastal Mitigation Service is explained in some detail in the HRA Appropriate Assessment document in paragraphs 7.3 to 7.5. I understand that the approach of requiring financial contributions from development within defined zones, which is proposed in emerging NLP Policy ENV 2.4d. and those zones are shown on the submission policies map. If that plan and policy is adopted it would apply countywide and duplication in the neighbourhood plan would be unnecessary. However, I accept that as the NP, subject to my recommendation, would be likely to be 'made' before the NLP is adopted a similar mitigation measure is required to be included in the NP.

4.31 However, it transpires that, as currently worded, the NP policy is not consistent with the countywide policy although there is no evidence to justify a different approach for this NP area. That would cause confusion in decision-making, at least in the interim. It appears to be an error by omission. The CNP policies all state that 'all development' will be required to make a financial contribution but, as explained in NLP paragraph 10.14, 'minor' development (that is fewer than 10 residential units or on less than 0.5 ha. in area³⁷) is not required to make such contribution in the 7-10 km. zone within which much of the south-western part of the NP area lies. The rest of the area is within 7 km. of the coast. The inconsistency may be resolved by the insertion of a footnote to qualify 'all development' to state that only major development within the 7 to 10 km. zone is

³⁷ The converse of the NPPF Glossary definition of 'major development'

required to make contribution. The neighbourhood plan policies map should also be amended to show at least the 7-10 km. zone although that is likely, in due course, to appear on the adopted policies map.

4.32 The other error by omission is in the absence of reference to tourist accommodation. That is clearly included in the background evidence for the county policy and it is logical that self-catering holiday accommodation or similar, is likely to increase recreational pressure on the coast if, possibly, on a more seasonal basis.

4.33 The recommendation below does not include the detailed wording for the supporting text as suggested by the CTC. I refer to it only in general terms. The operation of policy would also be clarified by including reference to the contributions being under s106 of the Town and Country Planning Act 1990, as stated currently in paragraph 1.12 of the plan text. In that respect, the 'tests' for such contributions as set out in paragraph 56 of the NPPF will apply. A contribution cannot relate to any 'cumulative' increase in recreational pressure only that which arises from the development itself.

Recommendation 3.

Delete the final paragraphs in policies CNP1, 3 and 4. These should be replaced by a new free-standing policy as set out below to be accompanied by supporting text to justify the approach taken.

All development¹ which results in a net increase in residential units or the equivalent in tourist accommodation will make an appropriate² financial contribution, by way of a section 106 obligation, to the Northumberland Coastal Mitigation Service.

Footnotes:

- 1. Within a zone, as shown on the policies map, extending between 7 and 10 km. from the coast only major development, that is on sites of more than 0.5 ha. in area or for 10 or more units, will be required to make a contribution.**
- 2. The contribution should be such as to ensure that adequate mitigation can be provided for the increase in recreational disturbance arising from such development to the nationally and internationally important bird populations within coastal designated sites.**

Other aspects of Policy CNP1

4.34 The CTC, in response to my written questions, have clarified the circumstances under which they envisage that criteria a. to c. in the is policy might be brought to bear in the consideration of individual planning applications. Although I remain of the view that the nature of the issues identified are likely to be resolved through the plan-making process rather than in development management decisions I accept that they occasionally arise.

4.35 There is a recognition that only some of the criteria are likely to be applicable to any particular development proposal, hence the introductory proviso of 'where applicable'. That will be clearly apparent to the decision-maker. Nevertheless, although a small point, I do think that the use of the word 'and' at the end of criterion i. gives the impression that it should only be considered in conjunction with the final criterion j. whereas, as the CTC have clarified, it is intended to signify that all of the criteria should be considered, where they apply. The conventional way of doing that is to place the word 'or' at the end of every criterion but putting it just once to replace 'and' would convey the same message. So to ensure absolute clarity I recommend that minor amendment.

Recommendation 4.

Replace the word 'and' at the end of criterion i. in policy CNP1 by 'or'.

Policy CNP2

4.36 I drew attention in my question 8 to the fact that criterion a. in this policy is adequately covered within the wider considerations listed in criterion b. I consider that, taken in isolation, criterion a. does not demonstrate that sufficient regard has been had to paragraph 127(c) in the NPPF which, although stating that development should be sympathetic to the surrounding built environment and landscape setting, also cautions against discouraging appropriate innovation or change, such as increasing densities. To meet the basic conditions criterion a. should be deleted.

Recommendation 5.

Delete criterion a. in policy CNP2.

Policy CNP3

4.37 Although it is suggested in representations that to draw settlement boundaries runs counter to Government policy which seeks to provide flexibility in meeting requirements for housing provision, the CTC have clearly weighed the pros and cons of such the policy approach in the evaluation of options for the SEA. It is also the case that settlement boundaries are proposed to be maintained for other areas in the emerging NLP. Apart from that, as I have evaluated in the first key issue, a general conformity issue could arise were there not to be a properly defined boundary to define the term 'open countryside' and the forms of development permitted therein, as listed in policy CNP3. I consider that settlement boundaries remain a useful planning policy tool.

4.38 Policy CNP3 is clearly expressed and, apart from the removal of the last paragraph as in recommendation 3, I do not recommend any other amendments to this policy.

Policy CNP4.

4.38 See recommendation 3 in relation to the second paragraph in this policy. The first part of the policy requires clarification. It is not correctly expressed. Sites are not allocated on the policies map. Such maps are intended to show the geographical extent of the areas to which a plan policy applies. It is clearly the intention that the two sites in Table 4 on page 21 of the plan, above policy CNP4, and given the references CNP4j and 4k., are the ones being allocated in the plan. They need to be explicitly allocated by the policy itself. Table 4 would then be superfluous.

4.39 Appendix 1 to the Housing Background Paper lists the sites, derived from the SHLAA, which were assessed as options for housing development. Site 9 is the Nelson Recreation Ground which is proposed for allocation and referenced CNP4j in Table 4 and shown on the policies map. However, the site appraisal states 'will require replacement and improved green space'. That is an important policy consideration which amounts to a qualification on the availability of the site. As it is a playing field in active use, NPPF paragraph 97 will apply. For it to be clear that regard has been had to the national policy it should be explicitly stated in the policy that the allocation is subject to the requirements of paragraph 97. I recommend accordingly.

4.40 The statutory development plan is out-of-date in terms of the housing provision figures therein. Consequently, the concept of 'general conformity' can relate only to the objectives and intentions behind the statutory plan rather than particular figure for housing delivery. The intention behind the CNP is clearly to carry forward the development, indeed completion, of the town as originally envisaged and as set out on pages 260 and 261 of the BVDLP (see paragraph 4.06 above). To that end, the strategy is reflected in the emerging NLP in which the requirement for the period 2016-2036 is stated in policy HOU 3 to be 2500 dwellings. A figure is given in Table 3 on page 21 of the CNP, as at April 2017 for extant permissions for 3353 dwellings and allocations are shown in Table 4 as being for a further 33 dwellings. However, the given capacity of site ref. 4f. of 2,091 dwellings appears to be an error. I recommend amendment. Nevertheless, it is clear that the CNP provides for well over the current strategic requirements, even though mostly in the form of pre-existing commitments. The allocation of additional small sites is in line with NPPF paragraph 69.

Recommendation 6.

A. Amend Table 3 on page 21 of the plan to list the correct capacity for site ref. 4f.

B. Delete Table 4 and replace Policy CNP4 by the following revised policy:-

The following sites, as shown on the policies map, are allocated for housing development:-

Site ref. CNP 4j. Nelson Recreation Ground: 1.66 ha. 25 dwellings.

This site will be released only if an assessment has been undertaken which demonstrates that the open space is surplus to requirements or that it will be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Site ref. CNP 4K. East Cramlington Farmhouse: 0.76 ha. 8 dwellings.

Policy CNP5

4.41 The first paragraph in this policy is in the nature of an objective which would apply to the mix of housing to be achieved across the whole plan area over the plan period. In practice, in view of the fact that the majority of the housing provision for the whole period already has permission, the scope for influencing the mix is likely to be very limited. Furthermore, starter homes and homes for social and private rent come within the category of affordable housing, addressed by policy CNP6 and thus only to be provided on sites for 10 more dwellings. Only one of the allocated sites is larger than that and most other new housing is likely to come forward from windfall sites, many of which are likely to be small. The smaller a site, the more difficult and unrealistic it is likely to be to achieve a mix which reflects the range of housing needs identified in the SHMA or local housing needs assessment. There is no reference to any possible effect on viability.³⁸

4.42 In response to my question 15 the CTC have stated that criterion b. has been included because the policy relates to house sizes. Nevertheless, questions of character and density are covered by policy CNP2 and the overlap is likely to give rise to uncertainty in implementation. The final part of the policy is rather narrowly expressed: 'the only exception ...' and it does not allow for considerations of the type identified above, primarily for smaller sites. The CTC have confirmed that it was intended to cover specialist housing allowing up-to-date evidence to be brought by a developer specific to that need. I agree that may justify development in such circumstances.

4.43 I remain of the view that the policy is neither clearly nor unambiguously expressed and could not be applied with confidence in development management decisions. I recommend a re-structured and simplified policy which should assist in meeting the laudable aim which underlies the policy and more closely reflect planning practice guidance.

Recommendation 7.

Delete policy CNP5 and replace it by a new policy to read as follows:-

Other than in development designed to meet an identified specialist housing need, the mix of housing sizes, types and tenures in proposed development should, in so far as is reasonably practicable and subject to viability considerations, assist in meeting needs identified in the most recently available Strategic Housing Market Assessment and/or the Cramlington Local Housing Needs Assessment.

³⁸ See NPPG Ref. ID 41-005-20190509

Policy CNP6

4.44 Paragraph 63 in the NPPF states that affordable housing should not be sought in residential development which are not 'major developments', which term is defined in the Glossary as the development of 10 or more homes or on sites of 0.5 hectare or more. The CTC have acknowledged that the first paragraph of Policy CNP6 is in error. Emerging NLP Policy HOU 6 would apply the same threshold.

4.45 The second paragraph in the policy would determine the 'level and type' of affordable housing which would be sought by reference to the latest SHMA and local needs assessment. NLP policy HOU 6 is labelled as strategic, when adopted, and will supersede the CNP policy. However, the NCC acknowledge that a local needs assessment might provide more up-to-date evidence to justify a variation in the level and type of provision locally. I accept, therefore, that it would not cause difficulty in implementation through decision-making.

4.46 My question 18 relates to criterion b. which requires that any financial contributions for off-site development of affordable housing should be used to deliver such housing within the neighbourhood plan area, albeit 'where opportunities arise'. The NCC have provided a detailed response to my question stating that the policy provisions on off-site contributions are overly restrictive and that there are likely to be few circumstances in which it would be appropriate to seek such contributions. It seems to me that should that situation arise it would be matter for the local planning authority to determine the location of any development so funded taking account of allocation policy which is a matter for the housing authority. A neighbourhood plan policy cannot pre-determine or restrict that decision. The situation in Cramlington is different to that in small rural settlements where need is usually more localised. I am not convinced that the policy can be implemented as currently worded nor is there proportionate or robust evidence available to justify a locational restriction of the kind envisaged. I recommend deletion of that provision.

4.47 The fourth paragraph in the policy, in seeking to determine who pays for a viability assessment, is not dealing with land-use planning matters. It is inevitably the case that a site-specific viability assessment would be required to justify a level of affordable housing provision below that required through the application of

development policy. The onus would be on the applicant to provide such information, without which it is unlikely permission would be forthcoming. I cannot envisage a mechanism to secure the payment of staff costs in checking the assessment. I recommend a revised wording to be included in the plan text.

4.48 As indicated in my question 19, the fifth paragraph in the policy does not take full account of the broadened NPPF definition of affordable housing in that starter homes or affordable home ownership not funded by public grant are not subject to restrictions on future affordability. The CTC have suggested an amendment to the wording of the paragraph to correct this. I agree that with such an amendment the policy would meet the basic conditions and I recommend it.

Recommendation 8.

A. In the first line of Policy CNP6, substitute the words 'ten or more' for 'more than ten' and 'or on sites of 0.5 ha. or more,' for 'and which have a combined floorspace of more than 1,000m²(gross internal area),'.

B. In the third paragraph of Policy CNP6, under criterion b., delete the words 'and will be used to deliver affordable housing within the Neighbourhood Plan area, where opportunities arise.'

C. Delete the fourth paragraph in the policy and insert the following as a new paragraph in the plan text:-

Any development proposal which involves the provision of affordable housing at a level below that required under the terms of this policy will need to be justified by an independent viability assessment of the scheme costs and end values.

D. Replace the first sentence in the fifth paragraph of the policy by the following sentence:-

The affordable housing provided in pursuit of this policy for rent, discount market sales housing, or where public grant funding is provided towards other affordable routes to home ownership, will be made available to people in housing need at an affordable sale or rental cost for the life of the property.

Policy CNP7.

4.49 Criterion b. requires new residential development to 'respect the prevailing density'. As for criterion a. in Policy CNP2, regard has not been had to paragraph 127(c) of the NPPF. Furthermore, density is not necessarily a good indicator of the degree to which a development might fit into its surroundings. It is possible to achieve that for higher densities through good design. I recommend deletion.

4.50 As the NCC have pointed out in their representation, criterion g. seeks to apply the optional technical standards for accessible and adaptable housing and the nationally described space standards. That has not had regard for the Written Ministerial Statement of 25 March 2015 in which it is specifically stated that neighbourhood plans should not be used to apply the national technical standards. Reference to the nationally described space standards may be made where the need for standards can be justified³⁹ and guidance⁴⁰ on establishing that need has been followed. As that is not the case criterion g. should be deleted.

4.51 I agree with the representation by NCC's Health and Public Protection section in respects of a lack of reference in policy to the use of renewable energy sources in new buildings. It is an omission given that it is referenced under the Cramlington Design Principles on page 26 of the plan. To include such a reference in policy would be to have regard to paragraphs 150 and 151 of the NPPF. I recommend that a reference be added in CNP7 (rather than CNP2) leaving precise wording to be agreed between the CTC and NCC.

4.52 Criterion l. refers to applying the principles set out in the Sport England Active Design Checklist or the New England Health Town Programme but no details are given of what those principles are or what their application would mean in practice. Development plans need to be self-contained so that policies are clear on their face and do not require the plan user to refer to external documents, especially those which set policies which have not been subject to independent scrutiny. The inclusion of cross-references of this kind does not, therefore, have regard to planning practice guidance on policy application and should be deleted for that reason.

³⁹ Footnote 46 on page 39 of the NPPF

⁴⁰ NPPG Reference ID: 56-020-20150327

Recommendation 9.

- A. In criterion b. of Policy CNP7 delete the words 'the prevailing density and';**
- B. Delete criterion g. of Policy CNP7 but replace it by a requirement for new development to maximise the use of renewable energy sources;**
- C. Delete the references to the Sport England Active Design Checklist and the New England Health Town Programme in criterion I. of Policy CNP7.**

Policy CNP8

4.53 It has been clarified by the CTC that Policy CNP8 is intended to encourage the effective use of the housing stock by bringing vacant dwellings back into use and is not intended to apply to the conversion of buildings to residential use. In that respect the wording in the first line is misleading but may be corrected by the insertion of the word 'residential' before 'properties'. Even though the intention may be as stated by CTC the NCC are correct to point out that the policy is likely to be applied mostly to existing (occupied) dwellings as there is but a low vacancy rate in Cramlington. That does not invalidate the policy however.

4.54 In response to the NCC representations, the CTC have also made suggestions for the re-wording of criteria b. and c. which I consider would improve the clarity of meaning and thus facilitate implementation in decision-making. I recommend accordingly.

Recommendation 10.

- A. In the first line of paragraph 6.36, insert the word 'residential' between 'vacant' and 'properties';**
- B. Reword criterion b. in Policy CNP 8 to read:-**
The extension or alteration is sympathetic to the character and appearance of the street scene;
- C. Reword criterion c. in Policy CNP 8 to read:-**
A high standard of amenity can be provided for existing and future residents.

Policy CNP9.

4.55 The NCC have made representation on the wording of criterion b. in this policy on the basis that it does not have regard to the circumstances under which permission might be refused on highways grounds, as stated in paragraph 109 of the NPPF. I also drew attention in my question 25 to the wording of NPPF paragraph 108(c). As a result, the CTC suggest a revised wording which I recommend on the basis that it more closely reflects national policy.

Recommendation 11.

Replace criterion b. in Policy CNP9 by the following revised criterion:-

Any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree;

Policy CNP10

4.56 The CTC have clarified in response to my question 26 what is meant by the term 'non B-class employment generating uses'. Whether the criteria j., k., and l. are renumbered (or lettered) is a matter for the CTC. It is not an error as such.

Policy CNP11

4.57 Both the BVDLP and BVCS envisage Cramlington as one of the main retail centres in the then district and the focus of further development. That strategy is being carried forward in the NLP for what is the largest retail centre in Northumberland. The CNP is in line with that and is closely modelled on the emerging local plan. It transpires that the neighbourhood plan draws entirely on the local plan evidence base. Both the primary shopping area and the wider town centre boundary have been extended to include the core of 'old' Cramlington village, which is a conservation area. That might be described as a 'traditional' town centre environment with limited potential for future growth. In practice, policy CNP11 does not draw a clear distinction between the policy to be applied within the primary retail area and the wide centre but that approach is supported by the NCC in that it provides flexibility development to the south of the primary area.

4.58 The second part of the policy sets out floorspace thresholds above which impact testing is required for out-of-centre developments. For retail and leisure-related development they are the same (1000 m² gross for retail and 2500 m² gross for leisure) as proposed in NLP policy TCS 4.1. The threshold for leisure development is the 'default' set by paragraph 89 in the NPPF in the absence of a locally set threshold but the 1000 m² threshold for retail development outside the primary shopping areas is roughly the equivalent of a 929 m² threshold applied historically under BVDLP Policy C15. Otherwise it is supported by the local plan base countywide evidence base⁴¹. The appropriateness of the figure may be tested as part of the Local Plan examination and, in that light, I consider it may be accepted for inclusion in the CNP, effectively as an interim measure pending adoption of the NLP.

4.59 Offices are a town centre use but there is nothing in NPPF paragraph 89 or other guidance to suggest that impact testing would be appropriate for out-of-centre office development of whatever size. Only a sequential test would apply, in accordance with paragraph 86 of the NPPF. Contrary to the CTC response to my question on the matter there is nothing in the emerging NLP to justify applying an impact test for office development. Consequently, I find that criterion f. in Policy CNP11 is not supported by either proportionate or robust evidence and does not reflect Government policy. Its inclusion does not meet the basic conditions and it should be deleted.

Recommendation 12.

Delete criterion f. in Policy CNP11.

Policy CNP13

4.60 The purpose of this policy is to improve and protect the walking and cycling network in the town. It is especially noticeable how well planned the walking and cycling network provides safe off-road routes between neighbourhoods. It is an

⁴¹ A study of Retail, Leisure and Other Town Centres Uses in Northumberland, Final Report, February 2011 (WYG Planning and Design)

asset for the town well worth protection. I am in no doubt that it assists in maintaining the sustainability credentials of the town.

4.61 I have noted the CTC's response to my question 28 but it is not necessary to suggest that there may be circumstances when 'significant and/or social benefits' might outweigh the importance of protecting the network. Such a provision potentially undermines the purpose of the policy and also runs somewhat counter to Policy CNP14. It is not necessary because should there be social and/or economic benefits arising from a development proposal which would affect the walking and cycling network those will be 'material considerations' under the terms of s38(6) of the 2004 Act. Consequently, I consider that the wording of criterion a. in Policy CNP13 introduces ambiguity contrary to planning practice guidance and which would not assist a decision-maker in implementing the policy. It should be deleted for clarity.

Recommendation 13.

Delete criterion a. in Policy CNP13.

Policy CNP14

4.62 I accept that the list of places under this policy towards which improvements in connectivity with walking and cycling networks are sought has been derived primarily from local knowledge and community involvement. It would have been helpful had there been an indication in the supporting text as to how the list had been derived.

Policy CNP15

4.63 Comments have been made by the NCC in respect of the accuracy of the depiction of the east-west link road on the CNP policies map suggesting that it should be as on the 'Local Plan Policy Map' (which I assume to mean the 'submission policies map'). That is in the nature of an error.

4.64 As stated in paragraph 9.10 the purpose of this policy is to safeguard the routes of the proposed east-west link roads from development which would prevent their construction. There is no indication that these are not firm proposals. That is necessary because a policy of this kind has the effect of blighting the land in question and may give rise to claims for compensation. Nevertheless, the comments I have made about the wording of criterion a. in Policy CNP13 also apply

to this policy. Should it be the case that a developer is able to demonstrate as part of a proposal that the land affected need no longer be safeguarded, perhaps on the basis that there is an alternative solution for dealing with traffic flows or that there has been some other material change of circumstances, then such an argument would undoubtedly be advanced and would be an important material consideration. To include wording of this kind is not necessary in policy and results in a lack of clarity in implementation. I recommend a re-wording of the whole policy.

Recommendation 14.

A. Correct the alignment of the east-west link road as shown on the policies map.

B. Replace Policy CNP 15 by the following revised policy:-

Land is shown on the policies map as safeguarded for the construction of the east-west link roads. Development will not be permitted which would prejudice the construction of those roads.

Policy CNP16

4.65 The purpose of this policy is far from clear. It appears to be mainly of an aspirational nature with no firm proposals having been made either for the provision of a 'transport hub' or for additional car parking. Such proposals would normally be brought forward through a Local Transport Plan produced by the Local Highway Authority. The structure of the rail industry is such that the only way that development could 'support' or 'result in' either an improvement in rail services or 'rail infrastructure', which term conventionally applies to track and signalling, would be through a planning obligation and that would have to meet the statutory tests, as set out in paragraph 56 of the NPPF.

4.66 I agree with the NCC that if there is to be an improvement in local rail services it might well increase the demand for parking in and around the station, which may also be something of a 'chicken and egg' situation (which comes first?). But there is no evidence that a suitable site for a car park has been identified or could realistically be brought forward during the plan period.

4.67 In the circumstances, I consider that there is an insufficiently clear link with land use for this 'policy' to be treated in the same way as others in the plan. In

accordance with planning practice guidance⁴² it should be identified as a community aspiration and included as such within the plan text.

Recommendation 15.

Delete policy CNP16 to include it as a community aspiration within the plan text.

Policy CNP18

4.68 When I visited Cramlington I looked at many of the open space areas identified on the policies map, including the three identified as Local Green Space in this policy. The justification for them is clearly set out in a background paper and I am satisfied that they meet the requirements of paragraphs 99 and 100 in the NPPF. Paragraph 101 states that the policy for managing development within areas Local Green Space should be 'consistent' with national green belt policy.

4.69 Policy CNP18 states that development is not to be permitted other than where 'very special circumstances' can be demonstrated. However, the national policy only applies that test of the development is deemed to be 'inappropriate'. It is not necessary for the plan to include a list of minor developments (where they need permission) which would be 'not inappropriate'. All that it needed to ensure consistency with national policy and hence to have full regard to it is to insert the word 'inappropriate' before 'development' in the second paragraph of the policy.

Recommendation 16.

Insert the word 'Inappropriate' before 'development' at the start of the second paragraph in Policy CNP18.

Policy CNP22

4.70 It is perfectly reasonable that the policy should reflect an approach to the consideration of development proposals affecting in the Conservation Area derived from the statutory wording in the Planning (Listed Buildings and Conservation Areas) Act 1990. However, Government policy and guidance has evolved away from the 'preserve or enhance' approach. As submitted, the wording of the policy does not show that regard has been had to the current policy, particularly paragraphs 195 and 196 of the NPPF. I am satisfied that the additional paragraph of policy suggested by the CTC in response to my question on the matter would ensure that the basic condition is fully met. I recommend accordingly.

⁴² NPPG Reference ID: 41-004-20190509

Recommendation 17.

Add a paragraph to Policy CNP22 to read as follows:-

Development that would lead to substantial harm to, or total loss of significance or any aspect of the Cramlington Village Conservation Area that contributes to its significance will not be supported unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to less than substantial harm to the significance of the Cramlington Village Conservation Area, this harm should be weighed against the public benefits of the proposal.

Policy CNP23

4.71 The wording of criterion a. in this policy is identical to criterion a. in policy CNP13 which I have recommended for deletion. The same considerations apply to its use and function in this policy. The 'social and/or economic benefits' is potentially wide in scope and it is unspecific. In contrast, those factors identified under criteria b. and c. are directly relevant and do provide useful flexibility in the policy approach even though they would also represent 'material considerations'.

Recommendation 18.

Delete criterion a. in Policy CNP23.

Policy CNP24

4.72 I have drawn attention in my questions to that fact that the first few words in this policy are a repeat of those in paragraph 11.8 of the text. Indeed, they properly form part of the justification for the policy and need not be included. They should be deleted for clarity.

Recommendation 19.

Delete all words on the first line of Policy CNP24 up to, and including, '... from the proposal'. Commence with 'Development that requires the provision ...'.

Other matters raised in representations

4.73 The Pegasus Consultancy, on behalf of Dysart Developments, made representations on a number of draft policies which I have considered in the preceding analysis. Their main concern, however, is the lack of any consideration having been given in the neighbourhood plan to the possibility of the development of land which abuts the southern part of the parish (town) boundary at East Cramlington and east of Northumbria Specialist Emergency Care Hospital, east of the A189. The land lies entirely outside the Cramlington neighbourhood plan area within the parish of Seaton Valley, designated a neighbourhood area in 2015.

4.74 It is not a matter for me to question whether the neighbourhood area has been properly defined. There are separate statutory provisions⁴³ relating to the designation process, including consultation requirements. For this plan area that consultation took place in late 2013. That is the time when issues of the appropriateness of the proposed neighbourhood area boundary will have been considered by the local planning authority. Furthermore, although there is a requirement for consultation on neighbourhood plan proposals with neighbouring parish councils there is no obligation to take cross-boundary issues into account, no 'duty to co-operate' applies as for local plans.

4.75 As stated at the start of this report (paragraph 1.03) the basic condition relating to general conformity with the strategic policies of the development plan applies to the existing statutory plan not to any proposals which might come forward through the emerging NLP which will replace the existing statutory plans. In bringing forward proposals which look to the completion of the town over the plan period in accordance with both the existing statutory framework and the emerging NLP it is sufficiently flexible to meet development needs to the foreseeable future. Wider cross-boundary issues are most appropriately considered at local plan level. Should the strategic context change upon adoption of the NLP it will be for the qualifying body to consider whether a review of the neighbourhood plan would be desirable.

4.76 The representation by Highways England provides detail on proposed improvements to the strategic road network and possible pressures which might

⁴³ Town and Country Planning Act 1990, section 61G and Regulation 6 in the 2012 Regulations

arise as the result of the developments taking place in Cramlington. I understand from the submission that many of the matters raised are for resolution through the local plan process. They do not suggest that the neighbourhood plan fails to meet the basic conditions.

4.77 Northumbrian Water seek the inclusion of a policy requiring the provision of Sustainable urban Drainage Systems (SuDS). However, the suggested policy would not be locally specific to Cramlington and, in due course, a more detailed policy is likely to apply countywide through the application of emerging NLP Policy WAT4. I consider that, along with national policy as set out under paragraph 163 of the NPPF, there would be no additional benefit in the inclusion of a policy for SuDS in this neighbourhood plan.

The correction of errors

4.78 The representation made by the NCC on 17th July draws attention to a number of minor errors within the plan, mainly in the nature of 'typos'. Rather than repeating these in this report I make a general recommendation that those corrections be made. I also noticed a 'typo' in the second line of Policy CNP14 which reads 'should will'.

Recommendation 20.

Make the corrections identified in the NCC representation of 17th July 2019 and any other minor corrections which may be required.

4.79 Finally, there is a general requirement for plans to be up-to-date at the time of adoption. It is understandable that the submission plan sets out the position with regard to certain procedural arrangements as at the time it was submitted, but which have been overtaken by events should the plan be 'made'. In particular this applies to paragraphs 1.17 to 1.21 including the section headed 'next steps'. For completeness, I make a general recommendation to update that section.

Recommendation 21.

Update Chapter 1, Introduction, to represent the correct position should the plan be 'made'.

Section 5 - Formal conclusion and overall recommendations including consideration of the referendum area

Formal Conclusion

5.01 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended). It does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

Overall Recommendation A.

I recommend that the modifications listed in this report be made to the draft Cramlington Neighbourhood Plan and that the draft plan as modified be submitted to a referendum.

The referendum area

5.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend whether the area for the referendum should extend beyond the neighbourhood area.

5.03 There have been no representations seeking an extension of the referendum area. The main part of the town is very well defined and what might be described as the 'outliers' of East Hartford and East Cramlington are clearly contained within easily identifiable limits. Other parts of the parish are rural. I find no basis for any extension of the referendum beyond the parish (town) boundary.

Overall Recommendation B.

The area for the referendum should not extend beyond the neighbourhood area to which the plan relates.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

16th September 2019

APPENDIX A – ABBREVIATIONS USED IN THIS REPORT

'the 1990 Act'	The Town and Country Planning Act 1990, as amended
'the 2004 Act'	The Planning and Compulsory Purchase Act 2004
CTC	Cramlington Town Council
CNP	Cramlington Neighbourhood Plan
EU	European Union
HRA	Habitats Regulations Assessment
LPA	Local Planning Authority (NCC)
NCC	Northumberland County Council
NLP	Northumberland Local Plan
NP	Neighbourhood Plan
NPPF	The National Planning Policy Framework
(N)PPG	(National) Planning Practice Guidance
s106	Section 106 of the 1990 Act (Planning Obligations)
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area
SEA	Strategic Environmental Assessment
SuDS	Sustainable urban Drainage Systems
'the 2012 Regulations'	The Neighbourhood Plans (General) Regulations 2012 (any reference to a Regulation number is to these Regulations)

APPENDIX B – ADDITIONAL DOCUMENTS REFERENCED DURING EXAMINATION
(In addition to those submitted with plan as part of evidence base)

Northumberland County Council evidence documents

Public Health Technical Background Paper on Planning for Hot Food Takeaways, July 2018

Northumberland Coastal Mitigation Service Strategy Document, December 2018

A study of Retail, Leisure and Other Town Centres Uses in Northumberland,
Final Report, February 2011 (WYG Planning and Design)

Development Plans and associated documents

Blyth Valley District Local Plan and Proposals Map

Blyth Valley Core Strategy

Blyth Valley Development Control Policies DPD

Secretary of State's 'saving direction' September 2007

Northumberland Local Plan, Publication Draft January 2019 (with minor modifications)

Northumberland Consolidated Policy Framework

Northumberland Local Plan Regulation 19 Policies Map

Other documents

Cramlington Housing Needs Assessment 2016