

## **EXAMINATION OF THE CRAMLINGTON NEIGHBOURHOOD PLAN**

**Submission Draft - March 2019**

### Examiner's questions for clarification

I have completed my initial appraisal of the submitted Cramlington Neighbourhood Plan ('the CNP') and supporting documents. I have read the written representations made in response to the Regulation 16 consultation. One of those representations, by Homes England, drew attention to the omission from the Consultation Statement, as submitted by the Cramlington Town Council ('the CTC') in accordance with Regulation 15, to the consideration given to the representation made by Homes England in October 2018 during the Regulation 14 consultation. Consequently, I requested the Northumberland County Council ('the NCC') in conjunction with the CTC to send a copy of the Regulation 15 response to Homes England for further comment. That has been done and any issues arising will be subject to a subsequent note.

This note sets out a number of questions which arise from my initial appraisal of the plan against the basic conditions. These are intended to clarify the position of the CTC on aspects of policy implementation and, where necessary, to obtain additional information relevant to those issues which arise.

I set out the background considerations leading to my questions by the use of *italic script*. This may give an indication of my initial thoughts on an issue which may result in a recommendation that the plan be modified in order that it fully satisfies the basic conditions. The CTC, or the NCC if appropriate, may respond as they see fit. I consider it important that any recommendation I make should not come as a surprise to either the CTC as the plan-making body or to the NCC as the local planning authority

The responses received to these questions will assist me in reaching my conclusions and recommendations to be set out in the formal report to the CTC to be delivered at the end of the examination. It is important that the examination is undertaken in an open and fair manner. To that end, any important documents, including this note and copies of any relevant email correspondence, should be made available on the web page for this neighbourhood plan.

The legislation provides that, as a general rule, the examination is to take the form of the consideration of written representations but an examiner must

cause a hearing to be held should it be considered necessary to ensure adequate examination of an issue. I am reserving my position on this matter pending conclusion of the further consultation mentioned above and the responses received to the questions I pose in this paper.

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Examiner

5 August 2019

## **Section 1.0 Introduction**

*I note that the Northumberland County Council have drawn attention to a number of minor errors within the plan text. These will be listed in my report for correction. However, a plan should be as up-to-date as possible at the time it is finally 'made'. The introductory section to the plan provides a useful background but will not all be especially relevant in the final plan. For example, the section headed 'Next steps' will have been overtaken by events and will need to be deleted.*

*Many of the questions which follow are raised against the background of basic condition (a): 'having regard to national policies and advice contained in guidance issued by the Secretary State...'. Of particular relevance in that regard is the guidance in paragraph 41-041 of the Planning Practice Guidance, which states:*

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

### **Policy references to financial contributions to the Coastal Mitigation Service** (Policies CNP1, 3 and 4)

*The NCC make representation questioning the need for the identical policy reference to be made in the three policies and suggest that it be dealt with in a separate policy. The background to this provision is given in Habitats Regulation Appropriate Assessment, section 7 and Conclusion paragraph 8.3. However, there is no explanation or justification for this policy in the NP itself.*

Q1. Why is it considered necessary to repeat the same policy provision three times in the plan? Would greater clarity be achieved by a single policy clearly requiring (*my emphasis*) contributions to be made? Is it considered that a brief explanation and/or justification for the policy should be included in the plan itself?

*The policy is not unique to Cramlington but applies to all areas within 10 km. of the Northumbria Coast SPA and Ramsar site. Emerging NLP Policy ENV2.4d makes similar provision.*

Q2. Given that the emerging NLP has reached examination stage and the policy of requiring contributions in support of the Coastal Mitigation Service has been supported on appeal why is it considered necessary to include duplicating policy provisions within the CNP?

*NLP Paragraph 10.14 refers to two zones of up to 7 km. from the coast and 7-10 km. Those zones are not shown on the submission policies map proper but in a supplementary map which is not easy to interpret under the colouring. It appears to show that the south-western part of the Cramlington NP area is in the 7-10 km. zone, including much of the strategic housing allocation.*

Q3. As the south-western part of the NP area lies more than 7 km. from the coast is it an error that the policy states that ALL development resulting in a net increase in residential units should make a contribution? Within the 7-10 km. zone should it not be limited to developments of 10 units or more?

*As made clear in paragraph 7.4 of the Appropriate Assessment the policy applies not just to 'residential units' but also to 'tourism accommodation'.*

Q4. Does 'tourism accommodation' come within the terms of Policy CNP3 and, if so, should it be referenced in any policy dealing with financial contributions towards the running costs of the Coastal Mitigation Service?

### **Policy CNP1**

Q5. *Policy CNP1 and many other plan policies, are phrased in terms that development 'will be supported' provided that listed criteria are met. Does 'support' mean that there is an expectation that planning permission will be granted if the criteria are met?*

Q6. *Although policy CNP1 is intended to reflect the presumption in favour of sustainable development, as currently phrased it is something of a hybrid which does not provide a clear basis for taking decisions on planning applications. In that context: in what way(s) would provisions a, b and c. be implemented? Are they not matters better considered as objectives of the plan-making process?*

Q7. What is the purpose of including the word 'and' at the end of provision (or criterion) i.? Should it not be 'or'? *The use of the words 'where appropriate' in the introductory section might suggest that each criterion only applies where it is appropriate to the particular development proposal.*

### **Policy CNP2**

Q8. In what circumstances is it envisaged that criterion a. in this policy would not be covered by the considerations applying under criterion b.? *Taken in isolation criterion a. does not appear to have had regard to NPPF para. 127(c).*

### **Policy CNP3**

*Although I have requested a separate response to the representation by Homes England it does draw my attention to the fact that the settlement boundary for Cramlington as shown on the Proposals Map for the Blythe Valley District Local*

*Plan, now incorporated in the 'adopted policies map',<sup>1</sup> includes the employment area at West Hartford Farm (BLP Policy W2.1b.) within the boundary.*

Q9. In view of the fact that land at West Hartford Farm is allocated as a 'prestige employment area' under Policy ECS3 in the emerging Northumberland Local Plan, why has it been excluded from the settlement boundary as shown on the CNP Policies Map? *This appears to be inconsistent with the inclusion within the boundary of the strategic housing allocation in the south-west sector.*

#### **Policy CNP4**

*The first part of this policy is more a statement of fact than policy.*

Q10. Is it considered that the policy intent would be clearer if it was stated within Policy CNP4 that the two sites included in Table 4 (refs. CNP4j. and 4k.) are to be developed for housing and are shown on the policies map?

*The site at the Nelson Recreation Ground is, as the name suggests, open space of recreational value. It is not explained in the plan how development of the site would represent sustainable development nor how national and local policies on the loss of open space would be complied with. However, the assessment included in Appendix 1 of the housing background paper states that development 'will require replacement and improved green space'.*

Q11. For the proposal to represent sustainable development and have proper regard to national policy should there not be a specific policy requirement for the provision of replacement green space of equal or better value?

*I notice that the submission policies map for the Northumberland Local Plan shows the recreation ground to be part of a strip of protected open space on the west side of the A1171 but none of the land is listed under Policy CNP19.*

#### **Policy CNP5**

Q12. Is the intention of the second sentence in this policy to be that all sites should include a housing mix providing all tenure types? Is that reasonable for other than 'major developments' (see Q16)? Alternatively, is it intended to indicate that a wide mix is required to meet need across the whole plan area? If the latter, how is that to be interpreted in making individual development management decisions?

Q13. In view of the fact that starter homes are now included in the NPPF definition of 'affordable housing' along with social rent and other forms of tenure how does this policy relate to the requirements of policy CNP6?

Q14. Does the last paragraph in the policy refer to the need, identified in the HNA 2018, for specialist housing for the elderly? If so, in what way is that an 'exception to these requirements'? Does it not remain a requirement for the need to be identified through either the SHMA or HNA updates?

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<sup>1</sup> Regulation 9 of the Town and Country Planning (Local Planning)(England) Regulations 2012

Q15. In what way is criterion b. relevant to the achievement of a housing mix to meet identified needs? Is that matter not covered adequately by policy CNP2? Should there be a reference to viability considerations?

### **Policy CNP6**

Q16. Is it agreed that the first paragraph of this policy should be amended having regard to national policy as expressed in paragraph 63 of the NPPF 2018 which refers to affordable housing not being required other than for 'major developments' as defined in the glossary? *Note that this is defined as the development of '10 or more dwellings' not 'more than 10'.*

Q17. *The second paragraph refers to the 'level and type' of affordable housing to take account of the latest SHMA and Cramlington Local Housing Need Assessment.* How is it intended that this provision will relate to the detailed requirements of Policy HOU6 in the emerging NLP which indicates (HOU6.1a) that most of Cramlington is a 'low value area' within which the 10% affordable housing provision will be entirely within the category of 'affordable home ownership' (HOU6.2a)?

Q18. What is the justification for the requirement that any off-site provision should be 'within the Neighbourhood Plan area'? Does the qualification 'where opportunities arise' mean that such provision may be outside the area of there are no such 'opportunities'?

*Paragraph 4 relating to the financing of a viability assessment is not a land-use planning matter and is, therefore, not an appropriate matter to include within the policy itself.*

Q19. *The final provision (e. in paragraph 5) appears not to have had regard to the broader definition of affordable housing included in the latest version of the NPPF. Starter homes and affordable home ownership which is not funded by public grant is not subject to restrictions on future affordability.* Would the Town Council wish to suggest and amended wording for this provision?

### **Policy CNP7**

Q20. Does criterion b. in requiring residential development to 'respect the prevailing density ...' pay adequate regard for Government policy as stated in the NPPF paragraph 127 (c).

*In their representation on this policy the NCC have drawn attention to Government policy and guidance<sup>2</sup> that neighbourhood plans should not seek to apply the national technical standards.*

Q21. On that basis, is it accepted that criterion g. should be deleted? Perhaps replace by reference to renewable energy?

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<sup>2</sup> PPG Ref ID 56-001 and Written Ministerial Statement 25.03.15

Q22. What are 'the principles' in the referenced documents to which criterion i. refers? *These are not land-use planning documents. Any such 'principles' of relevance to land-use should be stated in full so that they may be subject to examination against the basic conditions.*

### **Policy CNP8**

Q23. Is it considered that this policy is likely to achieve the aim stated in paragraph 6.36 of the plan text, especially as it relates to both empty and occupied dwellings? Is the use of the word 'adaptation' correct? Should the references be to the change of use of existing buildings to form dwellings and to external (material) alterations? Is there a need for a another policy dealing with extensions to existing dwellings? Are not criteria a. and b. covered adequately by policies CNP2 and/or CNP7?

Q24. In the light of the NCC representation, is it considered that the use of words such as 'creating a high standard of amenity for existing and future users' might more closely reflect national policy?

### **Policy CNP9**

Q25. In the light of the NCC representation on criterion b. would wording similar to that in paragraph 108(c) of the NPPF be considered appropriate in the context provided by this policy?

### **Policy CNP10**

Q26. What kind of uses are envisaged which might come within the terms of the last part of this policy? (Should the lettering in this section be j., k. and l.?)

### **Policy CNP11**

*Size thresholds for impact testing of out-of-centre development. The 2500 m<sup>2</sup> threshold for leisure development is the 'default' threshold as given in paragraph 89 of the NPPF but that does not apply to office development. The 1000 m<sup>2</sup> threshold for retail development is as in Policy TCS4. 1a. of the NLP but that has not yet been tested at examination. The policy is not locally specific.*

Q27. Is there a local justification for the application of a 1000 m<sup>2</sup> threshold for out-of-centre retail development? What is the basis for applying a threshold for office development?

### **Policy CNP13**

Q28. Does not the suggestion in criterion a. seriously undermine and conflict with the purpose of the policy? *Material considerations are always weighed against policy.*

### **Policy CNP14**

Q29. Is there evidence to support the choice of places listed?

### **Policy CNP15**

*If the CTC accept the amendments suggested by the NCC to the east-west link as shown on the policies map, would they please provide a copy of the relevant part of the map showing the revisions so that they may be included in the 'errors' section of my report.*

Q30. Is the last part of the policy necessary? *See comment in Q28 above.*

### **Policy CNP16**

Q31. Wording? (*support twice*). To what area of land does this policy apply? Is there land for additional parking (as the NCC suggest) and/or for a 'transport hub'? What is the status of any such proposals? Are they likely to be delivered during the plan period?

### **Policy CNP18**

Q32. *Although, regard has clearly been had to paragraph 101 of the NPPF, there is no reference to smaller scale development which may not be 'inappropriate'.* Would the CTC wish to suggest wording taking that into account?

### **Policy CNP22**

Q33. How does the policy approach relate to Government policy which requires the effect of any proposal on the significance of the heritage asset to be assessed and weighed?

### **Policy CNP23**

Q34. Is criterion a. considered to be consistent with paragraph 92 of the NPPF?

### **Policy CNP24**

Q35. *The words included in this policy on the first line, before the word 'development' are part of the justification and included in paragraph 11.8.* Are they better deleted?

### **Policy CNP25**

*I have requested a direct response by the CTC to the representation by Kentucky Fried Chicken.*

Q36 Is there local evidence to support part b. of this policy? How are the particular limitations justified?