

CRESSWELL NEIGHBOURHOOD PLAN 2024 - 2036

Cresswell Neighbourhood Plan Examination
A Report to Northumberland County Council

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October 2024

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1. Summary of Main Findings

- 1 This is the Report of the Independent Examination of the Cresswell Neighbourhood Development Plan, prepared by Cresswell Parish Council.
- 2 The Cresswell Neighbourhood Plan includes policies relating to the development and use of land. It does not seek to allocate land for development.
- 3 Subject to the detailed recommendations set out within this Report and made in respect of enabling the Cresswell Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 4 Taking the above and the detailed content of this Report into account, I find that the Cresswell Neighbourhood Plan meets the basic conditions¹.
- 5 I recommend to Northumberland County Council that, subject to modifications, the Cresswell Neighbourhood Plan should proceed to Referendum.

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

2. Introduction and the Role of the Examiner

- 6 This Report provides the findings of the examination into the Cresswell Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Cresswell Parish Council.

- 7 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan.”

(Paragraph 29, National Planning Policy Framework)

- 8 As above, this Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Northumberland County Council.
- 9 The made Neighbourhood Plan would then form part of the relevant development plan and as such, it would carry statutory weight and be used to help determine planning applications and guide planning decisions in the Cresswell Neighbourhood Area.
- 10 The Cresswell Neighbourhood Area corresponds to Cresswell Parish within the County of Northumberland. Northumberland County Council is the Local Planning Authority.

Role of the Independent Examiner

- 11 I was appointed by Northumberland County Council to conduct the examination of the Cresswell Neighbourhood Plan and to provide this Report of the independent examination.

- 12 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 13 As a Member of the Royal Town Planning Institute, I am a chartered town planner. I have twelve years' direct experience of the independent examination of neighbourhood plans and orders. I have completed the independent examination of neighbourhood plans across all regions of England and across a full range of rural and urban areas.
- 14 I have over thirty years' land, planning and development experience, gained in local, regional and national roles across the public, private and community/partnership sectors.
- 15 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum; or
 - that modifications are made and the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the necessary legal requirements.
- 16 It is also a requirement that my Report must contain a summary of its main findings and give reasons for each of its recommendations.
- 17 My recommendation in respect of the Cresswell Neighbourhood Plan is set out in the introductory and concluding Chapters of this Report.
- 18 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. The Planning Practice Guidance states that:

*"...it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing..."*²

² Planning Practice Guidance, Paragraph 056, Ref: ID 41-056-20180222.

- 19 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing can be called for. This is a matter for the judgement of an Examiner.
- 20 Further to consideration of the information submitted, I decided not to hold a public hearing as part of the examination of the Cresswell Neighbourhood Plan. I am satisfied that all parties have had the opportunity to state their case and I am mindful that no party has indicated that they have been disadvantaged by the written procedure, or that they consider a public hearing to be necessary.
- 21 I also note that, following my consideration of the submission documents, I wrote a letter to the Qualifying Body in respect of matters where I sought further clarification or information. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.
- 22 All submitted information, including responses to questions set out in my letter of clarification, has been taken into account as part of the examination of the Cresswell Neighbourhood Plan.

3. Basic Conditions and Statutory Requirements

- 23 This section of the Report considers the submitted information and the extent to which the Neighbourhood Plan as a whole meets the basic conditions and other statutory requirements. The Report goes on to consider the Neighbourhood Plan's introductory chapters and land use planning policies against the basic conditions.

Basic Conditions

- 24 As part of this process, the Independent Examiner must consider whether a neighbourhood plan meets the "*basic conditions*." These were *set out in law*³ following the Localism Act 2011.
- 25 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.⁴
- 26 In respect of the above, I note that the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for the continuation of primary and subordinate legislation, and other enactments in domestic law.

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 27 Also, for information, Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation. Of these, the basic condition referred to in the last bullet point above was brought into effect on 28th December 2018.

Statutory Requirements

- 28 In recommending that the Neighbourhood Plan should go forward to Referendum, I must consider whether the Referendum Area should extend beyond the Cresswell Neighbourhood Area to which the Neighbourhood Plan relates and I set out my consideration in this regard in the concluding Chapter of this Report.
- 29 In examining the Neighbourhood Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) and Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a Qualifying Body;
 - has been prepared for an area that has been properly designated for such plan preparation;
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 30 I note that, in line with legislative requirements, a Basic Conditions Statement should be submitted alongside the Neighbourhood Plan. A Basic Conditions Statement should identify the Qualifying Body and should provide evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.
- 31 I confirm that Cresswell Parish Council submitted a Basic Conditions Statement alongside the Neighbourhood Plan and that this sets out how the Neighbourhood Plan meets the Basic Conditions.

- 32 The Introduction to the Basic Conditions Statement, in Paragraph 1.2. confirms that Cresswell Parish Council is the appropriate *Qualifying Body* responsible for the Neighbourhood Plan.
- 33 The boundary of Cresswell Neighbourhood Area is identified by Figure 1 on page 5 of the Neighbourhood Plan.
- 34 The Neighbourhood Plan relates to the designated Cresswell Neighbourhood Area and there is no other neighbourhood plan in place in the Cresswell Neighbourhood Area.
- 35 The Neighbourhood Area was designated by Northumberland County Council on 9th June 2022. The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).
- 36 The title page of the Neighbourhood Plan refers to the plan period as “2024 – 2036.” In this way, the Neighbourhood Plan meets the requirement of specifying the period during which it is to have effect.
- 37 It is also a requirement for examination to consider whether or not a neighbourhood plan is compatible with the Convention rights.⁵
- 38 I am satisfied, noting the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 39 In the above regard, I am mindful that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

⁵ The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law.

Strategic Environmental Assessment and the Habitats Directive

- 40 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”
(Planning Practice Guidance⁶)

- 41 This process is often referred to as “screening”⁷. If likely environmental effects are identified, then an environmental report must be prepared.
- 42 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. Assessment must determine whether significant effects on a European (Natura 2000) site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment⁹ of the implications of the plan for the site must be undertaken.
- 43 A Strategic Environmental Assessment (SEA) Screening Opinion and a Habitats Regulations Assessment (HRA) Report were produced by Northumberland County Council and submitted alongside the Neighbourhood Plan.

⁶ Planning Practice Guidance, Paragraph 027, Ref: 11-027-20150209.

⁷ The requirements for a screening assessment are set out in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

⁹ In the case *People Over Wind & Sweetman v Coillte Teoranta* (“*People over Wind*” April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an appropriate assessment of those effects must be undertaken. In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an appropriate assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

- 44 The SEA Screening Opinion concluded that:

"...having regard to the criteria set out in Schedule 1 of the SEA Regulations, the Cresswell Neighbourhood Plan is unlikely to have any significant positive or negative effects on the environment. Therefore, Strategic Environmental Assessment is NOT required."

- 45 The statutory bodies, Historic England, Natural England and the Environment Agency, were consulted and none demurred from the conclusions above.

- 46 Historic England stated:

"...the need for SEA of the draft plan can be screened out as it is unlikely to result in significant environmental effects."

- 47 The Environment Agency stated that it was satisfied:

"...that the Cresswell Neighbourhood Plan is unlikely to have any significant effects on the environment. Therefore, a SEA is not required."

- 48 The HRA Report recognises that the Neighbourhood Area falls within three European sites - the Northumbria Coast Special Protection Area (SPA), the Northumberland Marine SPA and the Northumbrian Coast Ramsar Site.

- 49 Further to considering the possible effects of the Neighbourhood Plan on the nature conservation interests of European sites, the Report concludes that:

"There is no support for new units of accommodation (tourism or dwellings) and there are no likely significant effects on European sites from the plan, either alone or in combination."

No policies have a credible risk of a likely significant effect on European sites and Appropriate Assessment is not required. There is no requirement for SEA because of ecological concerns."

- 50 The statutory bodies, Historic England, Natural England and the Environment Agency have all been consulted on the Neighbourhood Plan and its supporting documents and none have demurred from the conclusion set out in the HRA Report.

- 51 Further to the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan is compatible with EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan submitted to it have been met. The local planning authority must decide whether the neighbourhood plan is compatible with relevant legal obligations including Strategic Environmental Assessment Directive)” (Planning Practice Guidance¹⁰).

- 52 In completing all of the work that it has, Northumberland County Council has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with relevant legal obligations.
- 53 Noting this and the clear conclusions of the SEA Screening Opinion and the HRA Report, along with all of the above, together with the recommendations set out in this Report, I am satisfied that the Neighbourhood Plan meets its statutory requirements and obligations and that it meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2023) and Planning Practice Guidance (as updated).

¹⁰ *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

Background Documents

- 54 In completing this examination, I have considered various information in addition to the Cresswell Neighbourhood Plan. I also spent an unaccompanied day visiting the Cresswell Neighbourhood Area.
- 55 Information considered as part of this examination has included the following main documents and information:
- The Neighbourhood Plan
 - The Neighbourhood Plan Policies Map
 - National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2023)
 - Planning Practice Guidance (as updated)
 - Relevant Ministerial Statements
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Northumberland Local Plan (2022)
 - Basic Conditions Statement
 - Consultation Statement
 - Strategic Environmental Assessment Screening Opinion
 - Habitat Regulations Assessment Report
 - Representations received

4. Public Consultation

Introduction

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

Cresswell Neighbourhood Plan Consultation

- 58 A Consultation Statement was submitted alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹¹.
- 59 The Consultation Statement addresses these matters in a clear manner.
- 60 A Parish-wide survey was carried out during September and October 2021. This sought feedback on a wide range of issues and resulted in 39 responses. The results of the survey helped to inform the draft plan.
- 61 A draft plan drop-in event, with draft copies available to view, was held in January 2023. This was attended by six people.
- 62 A six week draft plan consultation period was held during August and September 2023. The plan and supported documents were made available online. Responses received were duly recorded and informed the submission version of the plan.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 63 The progress of the plan was duly recorded at Parish Council meetings and information made available on the Parish website.
- 64 Taking the submitted information into account, I find that plan-making was supported by public consultation. There were opportunities for people to have a say and engage with plan-making, and responses and matters raised were duly considered.
- 65 Having regard to all of the above, the consultation process for the Cresswell Neighbourhood Plan was proportionate to neighbourhood planning and to the nature of the plan. I am satisfied that that it complied with the neighbourhood planning regulations.

5. The Neighbourhood Plan – Introductory Section

66 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

67 For clarity and accuracy, I recommend the following changes to the introductory (pre-Policy) section of the Neighbourhood Plan:

1. Page 3, Foreword, first para, change to:

“The Cresswell Neighbourhood Plan forms part of the development plan for Cresswell Village and the rural and coastal setting in which it sits. The Neighbourhood Plan will influence the spatial development of Cresswell’s unique and special environment over the plan period, 2024-2036, as all planning applications are considered against the development plan.”

68 This recommended change is intended to clarify the purpose of the Neighbourhood Plan within the context of the development plan, taking account of Cresswell’s qualities, as identified by the Parish Council.

2. Page 3, Foreword, replace remaining three paras with:

“The Neighbourhood Plan has emerged through community consultation. Members of the parish were canvassed for views via a questionnaire within our regular newsletter and the results of this were published on-line and presented at a Parish Council meeting in Autumn 2021.

Early drafts of the Plan were made available on the Parish Council website and an open consultation meeting was held with members of the parish in January 2023. The Plan was then consulted on in August and September 2023, before being submitted to Northumberland County Council for further consultation and examination.

69 This recommended change is intended to clarify the full extent of the consultation process that the Neighbourhood Plan has emerged through.

3. Para 1.1, line 4, change to: ***“...Council has prepared this...”***
 4. Para 1.3, change to: ***“Further to examination and approval via Referendum, a made (or adopted) neighbourhood plan becomes part of the development plan. Once made, the Cresswell Neighbourhood Plan will therefore be adopted by Northumberland County Council and will stand alongside the Northumberland Local Plan 2016-2036, which was adopted in March 2022.”***
- 70 This recommended change is intended to clarify set out information specific to the Cresswell Neighbourhood Plan
5. Para 1.5, end para at line 8: ***“...council meetings.”***
 6. Create a new Para 1.6 from lines 8-13 of Para 1.5 (***“This CNP...where required.”***)
- 71 This recommended change reflects the two separate matters (consultation and purpose/plan-period) within the existing Para 1.5.
7. Para 1.6, line 1, delete ***“We understand that”*** so the para begins ***“The plan...”***
 8. Para 1.6, line 4, change to: ***“...not matters that can be addressed by planning policies...”***
 9. Page 6, delete all text (information overtaken by events)
 10. Para 2.9, first line and last line, two typos, change to: ***“of”*** and ***“has”***
 11. Para 2.10, delete ***“Types not yet available.”***
 12. Para 2.11, change to: ***“Around 25%...”***
 13. Para 2.12, delete last sentence (***“There are...status.”***) which appears unnecessary/confusing in stating what does not exist.

14. Para 3.1, second sentence, for clarity, change to: *"It informs the plan's objectives, policies and community actions."*

15. Page 12, Vision, change second sentence to: *"Development will respect and value the historic..."*

- 72 Development embraces a wide range of things, not just housing. As worded, the Vision Statement could be read as suggesting that there will be no development between now and 2036 other than housing for identified local needs (for which the Neighbourhood Plan does not identify any need). Such an approach would result in the Neighbourhood Plan failing to contribute to the achievement of sustainable development and thus not meet the basic conditions.

16. Para 3.2, delete last sentence ("The draft...objectives.").

- 73 The Neighbourhood Plan does not include policies and community actions to deliver the objectives set out.

17. Page 12, Objectives, change second Objective to: *"Distinctive Historic Environment. Helping protect the local distinctiveness of the parish's historic environment."*

- 74 The Neighbourhood Plan does not set out any Policies or Community Actions to ensure that new development maintains and enhances local distinctiveness and contributes positively to the built and historic character of the parish. The Local Green Space Policy protects green spaces. Some of these may add additional protection to the setting of some of the Neighbourhood Area's heritage assets.

18. Page 12, Objectives, delete third Objective

- 75 The Neighbourhood Plan does not ensure that the location, quality and type of new development meets locally identified needs. There are no Policies in the Neighbourhood Plan that address any of these matters.

19. Para 5.11, line 2, change to: *"...distinctive. One of the plan's objectives is to help protect the local distinctiveness of the parish's historic environment. The designation of areas of Local Green Space (see previous Chapter) adds a further layer of protection to the setting to heritage assets in the Neighbourhood Area. (NEW PARAGRAPH) Heritage assets can..."*

- 76 This recommended change is for clarity, having regard to earlier recommendations in this Report.

20. Para 5.11, last sentence, delete last four words (“which are not designated”) and replace with: “...Environment Record. *Whilst inclusion on the Historic Environment Record does not mean that a site is a non-designated heritage asset, the large number of entries is indicative of the area’s rich heritage.*”

- 77 This recommended change is for clarity, taking account of representations by Historic England.

21. Para 5.12, line 5, change to: “...policy ENV7 provides protection”

- 78 This recommended change is for clarity, noting Northumberland County Council’s comment that Policy ENV9 relates to Conservation Areas, of which there are none in the Neighbourhood Area.

22. Para 6.1, line 1, typo – reduce gap between “policy identifies”

23. Page 26, Change the numbering of the Tourism Chapter to “7.”

24. Page 26, add paragraph numbers

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Local Green Space

Policy 1 – Local Green Space

- 79 Local communities can identify areas of green space that are of particular importance to them for special protection. Paragraph 105 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 80 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 81 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable within the Neighbourhood Plan.
- 82 Policy 1 seeks to designate 6 areas of Local Green Space. The Policies Map shows the location of these designations in a clearly identifiable manner. However, as presented, the Policies Map is an entirely separate document to the Neighbourhood Plan and there is no plan showing Local Green Space designations in the Neighbourhood Plan itself.

- 83 This detracts from the clarity of Policy 1. National guidance requires planning policies to be clear, concise and precise¹²:

“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.”

- 84 Noting this and the importance of the Local Green Space designations, I recommend below that the Policies Map – which only shows areas of Local Green Space and not any other Policy designations and therefore is, in effect, a “Local Green Space Map” rather than a “Policies Map” – is incorporated into the Neighbourhood Plan document itself, immediately following Policy 1, rather than comprising a separate document.
- 85 Alternatively, noting the complexity of the Local Green Space boundaries, the Qualifying Body might work together with Northumberland County Council to produce a series of individual plans, separately defining each Local Green Space. The important thing is that the precise boundaries of each Local Green Space are clearly discernible within the Neighbourhood Plan.
- 86 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 87 The designation of the proposed areas of Local Green Space is supported by a site-by-site analysis which precedes Policy 1 in the Neighbourhood Plan. Taking this and my own observations into account, I am satisfied that each proposed Local Green Space designation meets the appropriate national policy tests referred to above.

¹² Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 88 Evidence shows that the proposed areas of local green space comprise sites that are demonstrably special to the local community. No representations to the contrary have been received and nor is there any indication that at any time during the plan-making process and up to and including all stages of consultation, any party disagreed with the proposed designations.
- 89 In this regard, I am mindful that the Neighbourhood Plan has emerged through consultation and has met statutory requirements in doing so.
- 90 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. In representations made, Northumberland County Council rightly challenges the validity of including additional wording in a Local Green Space policy, having regard to a relevant Court of Appeal decision¹³.
- 91 However, in that particular Court of Appeal case, the Qualifying Body sought to include policy requirements which clearly strayed from the succinct and precise requirements set out in Paragraph 107 of the Framework:
- “Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”*
- 92 Noting all of the above, I confirm that I am satisfied that, subject to the changes set out in the recommendations, the Policy wording provided in Policy 1 has regard to national policy. I note that it does so in a manner whereby it effectively repeats the provisions of the Framework whilst, at the same time, meeting the Qualifying Body's intention of providing clarity in respect of Policy 1's implementation.
- 93 In respect of the supporting text to Policy 1, the start of the Local Green Space Chapter appears confusing, as it sets out an adopted policy not part of the Neighbourhood Plan. Whilst I am mindful that, together with the plan showing protected open space, the reference to Northumberland Local Plan Policy INF 5 provides useful background information, I set out a recommendation below in the interests of clarity and the avoidance of presenting unnecessary information.

¹³ Lochailort Investments Ltd, R (On the Application Of) Mendip District Council [2020] EWCA Civ 1259. Lord Justice Lewison considered that the Local Green Space policy (Policy 5) in the Norton St Philip Neighbourhood Plan was more restrictive than national policies for managing development within the Green Belt. *“In my judgement that means that it is not consistent with national Green Belt policy. It does not, therefore, comply with...the NPPF...if a neighbourhood plan departs from the NPPF it must be a reasoned departure. No reasons for the departure were given in this case.”*

- 94 Paragraphs 5.2 and 5.4 of the supporting text appear confusing, contain imprecise information and appear repetitive. These are matters addressed in the recommendations below.
- 95 The title information set out in the descriptions of each area of Local Green Space differs from that in Policy 1. This is addressed in the recommendations below.
- 96 I recommend:
- 1 **Policy 1, for clarity, change opening sentence to: *“The following sites, as defined on the Local Green Space Map, are designated as areas of local green space:”***
 - 2 **Policy 1, for clarity, change last sentence to: *“The managing of development in Local Green Space will be consistent with that for Green Belts.”***
 - 3 **There are enlarged gaps between words, an erroneous full stop and misplaced colons within the Policy text. Correct the formatting of the Policy text.**
 - 4 **Re-title the Policies Map as *“Local Green Space Map”* and include this within the Neighbourhood Plan itself, on a new page immediately following Policy 1. Alternatively, if it will result in clearer presentation, provide a series of individual plans following Policy 1, separately defining each Local Green Space. As above, the purpose of this recommendation is to ensure that the precise boundaries of each Local Green Space are clearly presented.**
 - 5 **Remove the references to latitude and longitude from the supporting text (at the start of the description of each local green space). The plans clearly identify the sites. The inclusion of the mapping reference points do not correspond to site boundaries and appear unnecessarily confusing, to the detriment of the Neighbourhood Plan's clarity.**

- 6 Delete references to “Local Green Space 1” etc and ensure that the description of each local green space is headed by the same reference as that set out in Policy 1. For example, Para 5.5 should be headed” *“LGS 1: The Village Green”* and that name/title should be consistent throughout the text that follows.
 - 7 Para 5.1, line 2, change to: “...place. *The Northumberland Local Plan designates six areas in the parish as protected open space and these are shown on Figure 3, below.*” Delete rest of para (“Local plan...former use.”)
 - 8 Para 5.2, line 2, for clarity and precision, change to: “...circumstances. *Consequently, the protection afforded by local green space policy is different to that offered by the protected open space policy in the Northumberland Local Plan.* Local green spaces do not need to be publicly...”
 - 9 Para 5.2, delete last sentence, which is a general statement not specific to local green space policy (“Uncontrolled...value.”)
 - 10 Delete Para 5.4 (and bullet points) and replace with: “*5.4 The areas of local green space designated in Policy 1 are considered in detail below.*”
 - 11 Para 5.5, line 4, change to “hectares”
 - 12 Para 5.5, line 6, delete “an important space which is”
 - 13 Para 5.6, delete last sentence, which is unnecessary (“The land...development”)
 - 14 Para 5.7, line 3, delete “Planning permission...lodge sites.”
- 97 This appears as an unnecessary and confusing sentence, which suggests that there is permission for lodges within the local green space itself (which conflicts with the plans and cannot be the case, as the LGS would have failed to be consistent with the local planning of sustainable development, as required by Paragraph 105 of the Framework).

- 15 Para 5.7, line 4, change to: “...Pele tower *forms part of the local green space.*”
 - 16 Para 5.8, delete last sentence, which is unnecessary (“It is...green space.”)
 - 17 Para 5.9, delete first two sentences and change the wording of the para to: “*Fisheries Field is used agriculturally...skies.*”
 - 18 Para 5.10, delete first two sentences and change the wording of the para to: “*Field to the north of St Bartholomew’s Church is used agriculturally...wildflowers.*”
- 98 The recommendations above delete unnecessary information and are made for clarity and precision.

Tourism

Policy 2: Tourism

99 Chapter 6 of the Framework, *“Building a strong, competitive economy,”* requires planning policies to help create the conditions in which businesses can invest, expand and adapt.

100 The Chapter goes on to set out a sub-section, *“Supporting a prosperous rural economy,”* which requires planning policies to enable:

“...sustainable rural tourism and leisure developments which respect the character of the countryside.”

101 Northumberland Local Plan Policy ECN15 (*“Tourism and visitor development”*) promotes Northumberland as a destination for tourists and visitors and supports new and expanded tourism businesses that respect the need to sustain and conserve the environment and local communities.

102 Whilst worded in a way which results in it relying on existing adopted policy, Policy 2 is intended to reflect the Neighbourhood Plan’s recognition of the importance of both tourism and Cresswell’s distinctive environment, by supporting tourism development that respects its surroundings.

103 In this way and subject to the recommendations below, Policy 2 contributes to the achievement of sustainable development, has regard to national policy and is in general conformity with local strategic policy.

104 I recommend:

- 1 **Policy 2, change wording to: *“Proposals for new and/or expanded or reconfigured caravan sites and for tourism facilities, will be supported, where development can demonstrate that it respects local character, residential amenity and highway safety.”***

- 2 Third line of supporting text, change to “...(Policy ECN15).”
- 3 Delete last para of supporting text and replace with:
“Tourism is important to the local community and the local economy. Policy 2 will work alongside and together with other development plan policies, including Northumberland Local Plan Policy ECN15, by supporting tourism development that respects Cresswell’s distinctive local character and unique historic, coastal and rural heritage.”

7. The Neighbourhood Plan: Other Matters

105 There are various parts of the Neighbourhood Plan where text requires reformatting to delete gaps between words etc. The majority of typos have been identified above, but the formatting of the document as a whole should be re-visited once the recommended changes have been incorporated.

106 The recommendations made in this Report will have a subsequent impact on Contents, including Page, Figure and Paragraph numbering.

107 I recommend:

- 1 Update the Contents, Page, Figure and Paragraph numbering**
- 2 Check formatting of text on incorporation of recommended changes**

8. Referendum

25. I recommend to Northumberland County Council that, subject to the recommended modifications, **the Cresswell Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

26. I am required to consider whether the Referendum Area should be extended beyond the Cresswell Neighbourhood Area.
27. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
28. Consequently, I recommend that the Plan should proceed to a Referendum based on the Cresswell Neighbourhood Area which was approved and designated on the 9 June 2022.

Nigel McGurk, October 2024
Erimax Ltd – Land, Planning and Communities