

**Embleton Parish Council**

# **Embleton Parish Neighbourhood Development Plan**

A report to Northumberland County Council of the Independent  
Examination of the Embleton Parish Neighbourhood  
Development Plan

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18 March 2020

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## Overall Finding

This is the report of the Independent Examination of the Embleton Parish Neighbourhood Development Plan. The plan area comprises the entire administrative area of Embleton Parish Council within the Northumberland County Council area. The plan period runs to 2036. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

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

## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that *“neighbourhood planning gives communities the power to develop a shared vision for their area”*<sup>1</sup>
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Embleton Parish Neighbourhood Development Plan (the Neighbourhood Plan) has been produced by the Neighbourhood Plan Steering Group, made up of Parish Councillors and other volunteers from the local community, for Embleton Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Embleton Parish Neighbourhood Area which was formally designated by Northumberland County Council (the County Council) on 24 July 2017.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the County Council. The County Council arranged a period of publication between 18 November 2019 and 31 January 2020 and subsequently submitted the Neighbourhood Plan to me for independent examination.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.<sup>2</sup> The report makes recommendations to the County Council including a recommendation that the Neighbourhood Plan should proceed to a local referendum. The County Council will

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<sup>1</sup> Paragraph 29 National Planning Policy Framework (2019)

<sup>2</sup> Paragraph 10 Schedule 4B Town and Country Planning Act 1990

decide what action to take in response to the recommendations in this report.

6. The County Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application<sup>3</sup>.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area<sup>4</sup>, unless the County Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan<sup>5</sup>. The Framework is very clear that where a planning application conflicts with an up to date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted<sup>6</sup>.
8. I have been appointed by the County Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan, and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of neighbourhood plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

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<sup>3</sup> Paragraph 48 of the National Planning Policy Framework 2019 explains full weight is not given at this stage

<sup>4</sup> Section 3 Neighbourhood Planning Act 2017

<sup>5</sup> Section 156 Housing and Planning Act 2016

<sup>6</sup> Paragraph 12 National Planning Policy Framework 2019

9. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.
10. I make my recommendation in this respect and in respect to any extension to the referendum area,<sup>7</sup> in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.<sup>8</sup>
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>9</sup> The Planning Practice Guidance (the Guidance) states *“it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”*
12. The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary, I proceeded on the basis of written representations and an unaccompanied visit to the Neighbourhood Plan area.

## Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.<sup>10</sup> A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

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<sup>7</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>8</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>9</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>10</sup> Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>11</sup>

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.<sup>12</sup> All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'.

15. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.<sup>13</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

16. The Neighbourhood Plan relates to the area that was designated by the County Council as a neighbourhood area on 24 July 2017. A map of the Neighbourhood Plan area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Embleton Parish Council boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,<sup>14</sup> and no other neighbourhood development plan has been made

<sup>11</sup> This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition "the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects".

<sup>12</sup> The Convention Rights has the same meaning as in the Human Rights Act 1998

<sup>13</sup> In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

<sup>14</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004



for the neighbourhood area.<sup>15</sup> All requirements relating to the plan area have been met.

17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;<sup>16</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>17</sup> I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.<sup>18</sup> The front cover of the Submission Version Plan clearly states the Plan period is 2019 - 2036.
19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.<sup>19</sup> It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the

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<sup>15</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

<sup>16</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

<sup>17</sup> Principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

<sup>18</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>19</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

local community. They should be a local product and have particular meaning and significance to people living and working in the area.

22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.<sup>20</sup>

## Documents

23. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Embleton Parish Neighbourhood Plan 2019-2036 Submission Version October 2019
- Embleton Parish Neighbourhood Plan Submission Plan Policies Map: Neighbourhood Area October 2019 including Insets 1-3
- Consultation Statement for Embleton Parish Neighbourhood Plan Submission Version 2019-2036, including Appendices A-D [*In this report referred to as the Consultation Statement*]
- Basic Conditions Statement for the Embleton Parish Neighbourhood Plan Submission Version 2019-2036, including Appendix A, October 2019 [*In this report referred to as the Basic Conditions Statement*]
- Embleton Parish Neighbourhood Plan Strategic Environmental Assessment (SEA) Environmental Report, including Appendices A-G, 16 September 2019
- Habitats Regulations Assessment Report of Embleton Neighbourhood Plan 2016-2036 Submission Version October 2019 Regulation 16 Consultation (final version 8 prepared 13 December 2019)
- Information and background documents available on the Embleton Parish Council and Northumberland County Council websites
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the County and Parish Councils, including the initial letter of the Independent Examiner dated 3 February 2020; the Parish Council response to the representations of other parties which I received on 14 February 2020; and correspondence relating to clarification of various matters raised by the Examiner
- Alnwick District Core Strategy Adopted October 2007
- Saved Policies from the Alnwick District Wide Local Plan 1997

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<sup>20</sup> See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- National Planning Policy Framework (February 2019) updated 19 June 2019 [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated - most recently on 1 November 2019) [*In this report referred to as the Guidance*]
- Historic England Advice Note 7 Local Heritage Listing (most recently updated May 2016)
- Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018)
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

25. An initial consultation stand at the Embleton Church Fete on 2 August 2017 was followed by a drop-in session held in the Parish Rooms on 9 October 2017 which 127 people attended. The Steering Group also engaged with children at the Embleton Primary School. These events informed the preparation of a Consultation Event Report. Focus groups were established which led to a range of consultation activities being undertaken including a survey of local businesses; a sport and leisure consultation; work with the local school; and consultation with local landowners.
26. In March 2018 a Housing Needs Survey was undertaken. In May/June 2018 a consultation document including a questionnaire was posted on the Parish Council website, and distributed to every household in the Parish via the Whinstone Times community magazine. This resulted in 43 responses. A number of residents and landowners attended Steering Group meetings in May and June 2018 to present views on settlement boundaries and land allocations, and the matter of settlement boundaries was further discussed at an advertised open day.
27. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 7 January 2019 and 27 February 2019. Publicity included use of the Parish Council website; posters on noticeboards; direct communication to statutory consultees; and deposit of the Plan document at three locations. The consultation included a drop-in location that was staffed by Steering Group members part-time. It was found there were minor mapping errors included in the Regulation 14 consultation documentation and so a further Regulation 14 consultation was held between 19 June 2019 and 31 July 2019 with comments invited with respect to the identified mapping errors. The representations arising from the responses to the two Regulation 14 consultations are presented in Appendix C (Parts C1 to C4) of the Consultation Statement where responses and changes made to the Neighbourhood Plan are set out. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the County Council.
28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 18 November 2019 and 31 January 2020. The period of publication was extended from that originally intended so that the final version 8 of the Habitats

Regulations Assessment Report (dated 16 December 2019 referred to later in my report) was publicised for a six-week period. A total of nine representations were submitted during the period of publication. I have been provided with copies of each of those representations. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part. Where representations suggest additional matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations relate to specific policies, I refer to these later in my report when considering the policy in question.

29. Historic England welcomes the Neighbourhood Plan. The Coal Authority has confirmed it has no specific comments. Highways England has stated no objection to the Neighbourhood Plan and following modification of the Habitats Regulations Assessment has again confirmed that position. These representations and the representations of National Grid do not necessitate any modification of the Neighbourhood Plan to meet the Basic Conditions.
30. A substantial representation submitted by the County Council raises issues of ambiguity and clarity, and conciseness and precision. A number of comments are set out in a schedule attached as Appendix A to the representation. The representation also includes points regarding the treatment of development proposals within and beyond settlement boundaries, and the relationship between Policies and Objectives of the Plan. Specific reference is made to the relationship between Policies 1 and 5 and suggested modifications have implications for other Policies, in particular Policy 9. I have taken all of these matters into consideration when considering the Neighbourhood Plan as a whole and refer to certain matters raised when considering the relevant policies later in my report. I have referred to other matters where appropriate in the Annex to my report where I recommend corrections to the Neighbourhood Plan.
31. Natural England has stated *“The neighbourhood plan supports residential development within the coastal buffer zone, which is likely to cause an increase in recreational disturbance within Northumbria Coast Special Protection Area (SPA) and Ramsar site and increased spread of pirri-pirri bur within the North Northumberland Dunes Special Area of Conservation (SAC). Mitigation for such impacts can be*

secured through developer contributions to the Northumberland Coastal Mitigation Service (CMS). Policies 1, 5, (9) 12 and 13 in the plan require that such contributions are secured. Please see our specific comments on the aforementioned policies, as follows:

- We consider that policies 1, 5, 9 and 12 support development for which CMS contributions would be appropriate to mitigate recreational disturbance impacts on the above European Sites;
- Whilst mitigation for increased units of accommodation is not stated within policy 9, the required mitigation for this policy is explicitly included in policy 1, which we understand is to be considered as an overarching policy for the entire plan;
- Developer contributions to the CMS are only required where development would result in a net increase in the number of units of residential and/or tourist accommodation. Whilst a requirement for mitigation has been stated in policy 13, for the purposes of the CMS 1 holiday let unit is considered to be equivalent to 1 residential unit; as presented, proposals supported by policy 13 would not constitute a net increase in accommodation, hence contributions to the CMS would not be required.

Accordingly, with mitigation in place for the relevant policies, it can be concluded that the Embleton Neighbourhood Plan will not have an adverse effect on the integrity of any European Sites.” I refer to the matters raised when considering the relevant policies later in my report. Natural England have also confirmed it concurs with the Habitats Regulations Assessment (HRA) (Final version 8 dated 13 December 2019), which accompanies the plan.

32. A representation by Lichfields on behalf of an individual client refers to Policy 5; housing needs including Objective 4; and sets out a case for sustainable new housing development on identified land north of Sea Lane. I refer to this representation when considering the issue of meeting housing needs in respect of Policy 1, and when considering Policy 5 later in my report.

33. A representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance includes comment on the evidence base supporting the Neighbourhood Plan and also includes specific reference to Policies 6; 7; 8; and 10. The representation proposes the Glebe Field should be allocated for housing development, and not designated as Local Green Space, and not identified as a non-designated heritage asset. The representation includes information prepared by Peter J Derham ARB Historic



Buildings Consultant; an ecological assessment prepared by DENDRA Consulting Ltd; and a copy of published work by C Hillier of the London School of Economics. I have taken all of these representations into account when considering the Neighbourhood Plan as a whole and the relevant policies of the Plan.

34. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance refers to concerns relating to Neighbourhood Plan preparation consultation matters and the form of the plan that has been consulted on. The representation includes *“Our concern in relation to consultation on the plan is that the plan as now submitted at Regulation 16 stage is substantially different in respect to the content to some of its policies and the evidence base for this, when compared to the pre-submission Regulation 14 version. We consider that these changes are so substantive particularly in relation to the justification for local green space designation, that it should have necessitated a further consultation at Regulation 14 stage on an amended version of the pre-submission plan. As will be demonstrated, the plan as submitted at regulation 16 stage, is premised on an evidence base which in respect of non-designated heritage assets and local green spaces has only recently been published and which has never been the subject of any consultation. The policies which flow from this and the justifications for these now within the submission version of the plan, have therefore equally never been the subject of consultation at pre-submission stage. We consider that this is a significant issue in relation to the validity of the plan and whether or not it should even have been accepted by the LPA or be considered by the independent examiner.”* I have taken into consideration the expansion of these points set out in paragraphs 3.3 to 3.23 of the representation.
35. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. On 14 February 2020 the Parish Council responded to the opportunity to comment by setting out a statement in respect of the Regulation 16 representations. I have taken the Parish Council response into account in preparing my report. I advised the County Council that the Regulation 16 representations and the Parish Council response should be published on their website.

36. The Parish Council comments include a response to the representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance with respect to consultation as follows *"We note comments with regard to consultation, and the fact that additional evidence has been provided post Reg.14 stage. This is an interesting approach to take when the Diocese have themselves now provided supporting evidence at Regulation 16 stage which was not available to us (or any other consultees) previously. Notwithstanding this we consider it entirely reasonable that, in response to comments made (by the Diocese at Regulation 14 stage) in relation to lack of evidence, we undertook to provide more detailed evidence in relation to our identified Local Green Spaces in order to improve the evidence base and ensure that there was robust evidence to support our community's aspirations for Local Green Space designations. We consider this to be good consultative practice, and not a flaw in the process. If it were correct to reconsult at Regulation 14 stage every time an evidence-based document was updated or improved, it would make for a very lengthy process, something that we do not believe the government intends. There has never been any doubt within the community that The Glebe Field is an important green space within the village of Embleton. We do not agree with the assertion that the Submission Plan is 'substantially different' in respect of the content of its policies from the Regulation 14 Plan. We accept that some of the evidence base was updated and made more robust on the advice of NCC, but this made no difference to the policy content of the Plan"* and *"Paragraph 3.18 in the letter from Diocese states: 'For the avoidance of doubt, we can confirm that at no point were the Diocese consulted or notified of the proposed local green space designation'. Regardless of this text it is demonstrably the case that the Diocese should have observed from the notes of the meetings it attended that the community wished it to be designated as LGS. At no stage has the Diocese disputed or challenged the records of the meetings nor has itself submitted any records of the meetings to the Parish Council. The attached Appendix A contains notes of three meetings held between the Diocese and members of the Parish Council plus the official minutes of an Embleton Parish Council meeting attended by the Diocese's representative where the goal of Local Green Space designation for the Glebe Field is made clear. With regard to non-designated Heritage Assets: it is also true that this evidence base was improved following Regulation 14 stage consultation. This was largely carried out due to specific comments made by Historic England, whereby they requested a more comprehensive evidence base to support the proposed list of non-*



*designated heritage assets. This piece of work was carried out by members of the Steering Group and the revised and improved evidence on non-designated heritage assets has been supported by Historic England in their response to the Regulation 16 consultation which states: 'We are particularly pleased to see the additional evidence on non-designated heritage assets to support Policy 6. Consequently, we welcome the content of the publication draft plan so far as it affects our interests, and have no further comment to make.'"*

37. I have noted several references to Background Evidence Papers, and the listing of seven Background Evidence Papers in Appendix D, in the Submission Version Neighbourhood Plan which has been subject to the Regulation 16 publicity.
38. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a Consultation Statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.<sup>21</sup>
39. The submitted Consultation Statement contains information in respect of each of the requirements set out in the Regulations, including description how issues and concerns raised by other parties have been considered, and where relevant, addressed in the proposed Neighbourhood Plan. I am satisfied the requirements have been met. I am also satisfied the process followed in plan preparation, including adjustment of the emerging plan in response to consultation submissions, meets the requirements of the Regulations. It is evident the Neighbourhood Plan Steering Group, acting on behalf of the Parish Council, has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

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<sup>21</sup> Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

## The Neighbourhood Plan taken as a whole

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

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

41. The Basic Conditions Statement states, at paragraph 4.33 the Neighbourhood Plan *“is fully compliant with the European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention.”* I have considered the European Convention on Human Rights and in particular Article 8 (right to respect for private and family life, home, and correspondence); Article 14 (discrimination); and Article 1 of the first Protocol (property).<sup>22</sup> Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. My consideration in respect of Article 8 and Policy 10 (Principal Residence Housing) has been informed by the Approved Judgement R (RLT Built Environment Ltd) v Cornwall Council.<sup>23</sup> I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty

<sup>22</sup> The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

<sup>23</sup> R (RLT Built Environment Ltd) and Cornwall Council and St Ives town Council [2016] EWHC 2817 (Admin) Case Number CO/2241/2016

(PSED) in the Equality Act 2010. Whilst no Equality Impact Assessment has been undertaken in respect of the Neighbourhood Plan, from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

42. The objective of EU Directive 2001/42<sup>24</sup> is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of ‘plans and programmes’<sup>25</sup> as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.<sup>26</sup>

43. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Northumberland County Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

44. A Strategic Environmental Assessment (SEA) Environmental Report dated 16 September 2019 has been prepared by the County Council for the Parish Council. The Environmental Report includes copies of statutory consultation responses on the Scoping Report from the Environment Agency, Historic England, and Natural England. The Environmental Report states, on page 7, *“The appraisal demonstrates that individually and collectively the policies and objectives of the Embleton Parish Neighbourhood Plan serve to mitigate any potential negative environmental effects and enhance positive effects. The Plan overall therefore has positive or neutral effects on the environment. There are no significant adverse impacts as a result of the Plan. The ‘reasonable alternatives’ considered in the plan making process related to: alternative settlement boundaries; potential site allocations for housing; and a no policy approach to second / holiday homes. The SEA demonstrates the alternatives do not represent more favourable outcomes in respect of environmental impacts. In conclusion there are*

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<sup>24</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>25</sup> Defined in Article 2(a) of Directive 2001/42

<sup>26</sup> Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

*no changes required to the Neighbourhood Plan as a result of the SEA”, and at paragraph 7.1 on page 63 “The assessment has demonstrated that the Embleton Parish Neighbourhood Plan is likely to lead to positive or neutral environmental effects. Whilst the area hosts a number of environmental designations reflecting its environmental value and sensitivity, the Plan’s vision, objectives and policies have avoided significant environmental impacts and / or will serve to mitigate potential adverse effects.” I am satisfied the requirements regarding Strategic Environmental Assessment have been met.*

45. The County Council has prepared a Habitats Regulations Assessment Report (final version 8, on 13 December 2019) of the submission version Neighbourhood Plan which in Section 8 concludes *“This is a record of the determination as to whether the Embleton Neighbourhood Plan Submission Version (October 2019) is likely to have a significant effect on any European sites, as required under Regulation 106 of the Conservation of Habitats and Species Regulations 2017 as amended. Policies 1, 5, 9, and 12 are likely to have a significant effect on the Northumbria Coast SPA and Ramsar Site and North Northumberland Dunes SAC for the reasons identified in Section 5 of this Report. Accordingly, an appropriate assessment has been undertaken of this objective and these policies. In accordance with Regulation 106 of the Conservation of Habitats and Species Regulations 2017 as amended, Northumberland County Council concludes that the Embleton Neighbourhood Plan Submission Version (October 2019) will have an adverse effect on the integrity of European sites without mitigation. In order to ensure that effective mitigation can be provided to address the impacts of recreational activity within coastal European sites, Northumberland County Council is introducing the Northumberland Coastal Mitigation Service. This is a developer-funded wardening service that will provide a presence within the designated sites to educate and advise recreational users such as dog walkers, joggers, horse riders and sea anglers as to how they can enjoy the coast without causing excessive disturbance to important bird populations or spread invasive species. Where necessary they will also be able to use regulatory mechanisms such as the Council’s Public Space Protection Order requiring dogs to be kept on lead in certain circumstances, including when disturbance is being caused to wildlife. Mitigation for these impacts on coastal designated sites is required for development that will cause a net increase in housing numbers or tourism accommodation within 10km of the coast. This zone of influence was identified by gathering evidence concerning the point of origin of dog-walkers on the coast, and is explained in more*

*detail in the Coastal Mitigation Service Strategy Document. It is shown on the Local Plan Policies Map. A steering group comprising representatives of NCC, Natural England, RSPB and the Northumberland Coast AONB Partnership is being established to oversee the work of the Service and to monitor its effectiveness. Currently contributions to the Coastal Mitigation Service for major developments are £600 per unit for sites within 7km of the coast and £300 per unit for sites 7-10km from the coast, while minor developments contribute £600 per unit within 7km of the coast and are exempt beyond that. These bands have been established to ensure that a proportionate approach is taken, with about 75% of visits originating within 7km and a further 15% from 7-10km. Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. The requirement for mitigation is embedded in the Neighbourhood Plan at policies 1, 5, and 12, requiring that developers will need to contribute to the Coastal Mitigation Service for all developments resulting in a net increase in residential units or tourism accommodation in the Neighbourhood Plan area. The requirement for mitigation for increased units of accommodation supported by policy 9 is explicitly included in Policy 1 which is considered to be an overarching policy for the entire plan. This has enabled Northumberland County Council to ascertain that the Neighbourhood Plan, in-combination with other plans and projects, will not have an adverse effect on the Northumbria Coast SPA and Ramsar Site or the North Northumberland Dunes SAC.” The Habitats Regulations Assessment Report includes, at Section 10, consultation responses from Natural England dated 18 October 2019 (relating to the version of the Neighbourhood Plan dated April 2019), and 13 December 2019 (relating to the version of the Neighbourhood Plan dated October 2019 and final version 8 of the Appropriate Assessment prepared on 13 December 2019) which advise Natural England concur with the findings of the Appropriate Assessment.*

46. I have earlier in my report, in Footnote 11, referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout much of the period of preparation of the Neighbourhood Plan. The Habitats Regulations Assessment Report is dated October 2019. I am satisfied that the Neighbourhood Plan meets the revised Basic Condition. I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.



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

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

49. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The County Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU obligations:

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).<sup>27</sup>

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

50. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans<sup>28</sup> which requires plans to be “*consistent with national policy*”.

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<sup>27</sup> Planning Practice Guidance paragraph 031 Reference ID: 11-031-20150209 revision 09 02 2015

<sup>28</sup> Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

51. Lord Goldsmith has provided guidance<sup>29</sup> that *‘have regard to’* means *“such matters should be considered.”* The Guidance assists in understanding *“appropriate”*. In answer to the question *“What does having regard to national policy mean?”* the Guidance states a neighbourhood plan *“must not constrain the delivery of important national policy objectives.”*
52. The most recent National Planning Policy Framework published on 19 February 2019 (updated 19 June 2019) sets out the government’s planning policies for England and how these are expected to be applied. In my initial letter published by the County Council I confirmed that I would undertake this Independent Examination of the Neighbourhood Plan in the context of the Framework published in February 2019 (as updated) and the most recent Planning Practice Guidance. As parts of the Guidance have been updated after the Neighbourhood Plan was submitted to the County Council I provided an opportunity for any interested party, including the Parish Council and County Council, to submit comments relating to changes to the Planning Practice Guidance in so far as they are relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. No representations have been submitted in this respect.
53. The Basic Conditions Statement includes Table 1 which in the first column sets out a summary of how policies of the Neighbourhood Plan have regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
54. The Neighbourhood Plan includes a positive vision for Embleton Parish that includes an economic dimension (*“thriving and sustainable place”, “supporting high quality and locally distinctive development”*), and social components (*“long-term sustainability of our communities”, “responds to the needs of our parish”*), whilst also referring to environmental considerations (*“Northumberland Coast AONB, the Northumberland Heritage Coast and other special and natural places in our Parish”*). The vision is supported by five objectives relating to:

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<sup>29</sup> The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

sustainable development; sense of place; local economy; housing; and tourism and community facilities.

55. The County Council states *“We object to the intention set out in Objective 3 which seeks to ‘protect’ the school. Para 20(c) of NPPF requires that strategic policies should make sufficient provision for community facilities (including education); and para 83(d) allows for the retention of facilities through planning policy. However, this does not include offering protection to schools. This is a matter for the County Council as Local Education Authority and it is not appropriate to create land use planning policies that interfere with the planning and delivery of education through schools. This fails to meet the basic conditions. Reference to the school should be deleted from Objective 3.”* Objective 3, when referring to the school, does not have sufficient regard for national policy set out in paragraph 94 of the Framework. I have recommended a modification in this respect.
56. The County Council considers the approach adopted in Section 4, and repeated in Section 6, of the Neighbourhood Plan associating policies only with specific objectives leads to omissions in the correct relationship between the objectives and policies which has potential to present some problems on interpretation. The Parish Council comment includes *“we established a set of objectives (with a significant amount of local consultation), and then sought to develop policies to meet these objectives. Inevitably there is some cross-over between objectives – this will always be the case, but we do not feel that the plan is fundamentally flawed, or that it fails to meet the basic conditions”*.
57. In the context of the specific wording of the objectives and policies of the Embleton Neighbourhood Plan the approach adopted in Sections 4 and 6 of the Neighbourhood Plan, linking each policy to one specific objective only, is misleading, and could result in important linkages being overlooked when schemes are being prepared or when proposals are being determined. Paragraphs 4.3 to 4.7 and paragraph 6.59 attempt to describe policies by summarising the principal purpose. These summary descriptions are by their nature only partial and omit important elements of policy. I have recommended a modification of Section 4 and Section 6 in these respects so that the Neighbourhood Plan *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.



**Recommended modification 1:**

- **present objectives 1 to 5 in paragraph 4.2**
- **in objective 3 replace “, the school and other” with “and”**
- **replace paragraphs 4.3 to 4.7 with “4.3 The policies of the Neighbourhood Plan seek to ensure development occurring in the Neighbourhood Area will contribute to the achievement of these objectives. A number of the policies are relevant to more than one objective.”**
- **in Section 6 delete the statements of objectives, and reference to polices, before paragraphs 6.1; 6.20; 6.39; 6.44; and 6.60.**

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

59. At the heart of the Framework is a presumption in favour of sustainable development<sup>30</sup> which should be applied in both plan-making and decision-taking.<sup>31</sup> The Guidance states, “*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*”<sup>32</sup>.

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<sup>30</sup> Paragraph 10 National Planning Policy Framework 2019

<sup>31</sup> Paragraph 11 National Planning Policy Framework 2019

<sup>32</sup> Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

60. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

61. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The second column of Table 1 within the Basic Conditions Statement demonstrates how the policies of the Neighbourhood Plan together simultaneously contribute to the economic, social and environmental dimensions of sustainable development. The appraisal shows that every policy has a positive impact on at least one dimension. The appraisal does not highlight any negative impacts.

62. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Establish support for defined forms of sustainable development;
- Ensure development respects defined features of the landscape and seascape;
- Establish principles for assessment of development proposals affecting internationally important wildlife sites;
- Establish support for proposals that promote the preservation and restoration of priority habitats and which support the biodiversity and community value of Embleton Village Quarry Local Wildlife and Geological site;
- Establish design principles;
- Establish conditional support for development within defined settlement boundaries;
- Establish development principles for proposals affecting Embleton Village Conservation Area;
- Designate Local Green Spaces;

- Establish principles for assessment of proposals affecting non-designated heritage assets;
- Establish conditional support for new business premises and extension and expansion of existing business premises;
- Establish criteria for support of home working, employment development in rural areas, and for small-scale tourism development;
- Limit support for new housing to that occupied as a principal residence;
- Establish required affordable housing contributions;
- Establish conditional support for defined small-scale affordable housing schemes;
- Establish support for proposals for change of use or removal of occupancy restrictions from holiday let to principal residence housing;
- Establish conditional support for new community facilities, and support for proposals that will enhance the viability and/or the community value of community facilities and community assets;
- Establish criteria for support of loss of community facilities;
- Establish criteria for support of proposals for new or improved active travel routes; and
- Establish conditional support for proposals which secure the expansion of electronic communication networks and high-speed broadband; and
- Require new development proposals to provide for fibre communication connections.

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

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

64. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development*”

*that is outside of these strategic policies”.*<sup>33</sup> Plans should make explicit which policies are strategic policies.<sup>34</sup> *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area”*<sup>35</sup>. *“Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.*<sup>36</sup>

65. The Guidance states, *“A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”*<sup>37</sup>

66. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The County Council has informed me that the Development Plan applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan is the Alnwick District Core Strategy (2007) and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997). The County Council state the strategic policies for the Neighbourhood Plan are:

Alnwick District Local Development Framework, Core Strategy  
Development Plan Document, Adopted October 2007.

Policy S1: Location and scale of new development

Policy S2: The sequential approach to development

Policy S3: Sustainability criteria

Policy S4: The phased release of housing land

Policy S6: Provision of affordable housing

Policy S8: Economic Regeneration

Policy S9: Employment land allocation

Policy S10: Tourism development

Policy S11: Locating development to maximise accessibility and minimise impact from travel

Policy S12: Protecting and enhancing biodiversity and geodiversity

Policy S13: Landscape character

Policy S14: Development in the open countryside

Policy S15: Protecting the built and historic environment

Policy S17: Town centres

Policy S18: Provision of social and community facilities

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<sup>33</sup> Paragraph 13 National Planning Policy Framework 2019

<sup>34</sup> Paragraph 21 National Planning Policy Framework 2019

<sup>35</sup> Footnote 16 National Planning Policy Framework 2019

<sup>36</sup> Paragraph 29 National Planning Policy Framework 2019

<sup>37</sup> Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

Policy S20: Providing for open space, sport and recreation  
Policy S21: Renewable energy  
Policy S22: Energy efficiency  
Policy S23: Planning obligations

Alnwick District Wide Local Plan, 1997

Policy RE6: Protection of Sites of Nature Conserve Importance  
Policy RE7: Protection of Local Nature Reserves  
Policy RE16: Protection of the AONB  
Policy RE20: Rural diversification proposals  
Policy RE21: Control of new agricultural buildings  
Policy BE2: Regional and local archaeological significance  
Policy H1: Housing in the minor settlements to meet exceptional local needs  
Policy TT1: Controlling the redevelopment of public transport facilities  
Policy TT2: Protection of route of A1 dualling from development  
Policy ED4: Providing a broader base of job opportunities on designated commercial site  
Policy CD32: Controlling development that is detrimental to the environment and residential amenity

67.A Local Plan document is currently being prepared by the County Council. It will include the planning policies that will be used to guide and determine future planning applications in Northumberland, detail the scale and distribution of new development and include land allocations and designations. The Northumberland Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 29 May 2019 and is currently undergoing examination. Phase 1 of the hearing sessions began on 8 October 2019 and this phase of the examination is currently ongoing.

68.I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the future Northumberland Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan unless the latter plan states otherwise.

69.In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*<sup>38</sup>. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester*

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<sup>38</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

BC [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

70. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility.”<sup>39</sup> The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

71. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”<sup>40</sup>

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

72. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. This consideration has been informed by Table 3 of the Basic Conditions Statement which includes a comment on the conformity of the Neighbourhood Plan policies with relevant saved strategic policies. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general

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<sup>39</sup> Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31

<sup>40</sup> Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014



conformity with the strategic policies contained in the Development Plan.

## The Neighbourhood Plan Policies

73. The Neighbourhood Plan includes 16 policies as follows:

- Policy 1 Sustainable development
- Policy 2 Landscapes and Seascapes
- Policy 3 Habitats and Species
- Policy 4 High quality and sustainable design
- Policy 5 Settlement Boundaries for Embleton Village and Christon Bank
- Policy 6 Development affecting Embleton Village Conservation Area
- Policy 7 Local Green Spaces in Embleton Village and Christon Bank
- Policy 8 Non-designated Heritage Assets in the Neighbourhood Area
- Policy 9 Business, Employment and Tourism
- Policy 10 Principal Residence Housing
- Policy 11 Affordable Housing Contributions
- Policy 12 Rural Exception Sites and Community Led Housing
- Policy 13 Change of Use from Holiday Accommodation to Principal Residence Housing
- Policy 14 Assets of Community Value and Community Facilities
- Policy 15 Provision and Improvement of Pedestrian and Cycle Routes
- Policy 16 Telecommunications and Broadband

74. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*

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

76. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*
77. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*<sup>41</sup>
78. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*<sup>42</sup>
79. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).*<sup>43</sup>

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<sup>41</sup> Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

<sup>42</sup> Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

<sup>43</sup> Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20190509 Revision 09 05 2019



80. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.”<sup>44</sup> “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”<sup>45</sup>*

81. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn.

82. I have considered a number of cross-cutting issues that are relevant to more than one policy; and the inter-relationships between policies where these are relevant to my remit. In this respect I have in particular considered:

- the relationship of Policies 1, 5, and 9;
- the repetition of the same paragraph relating to contributions to the Northumberland Coastal Mitigation Service in Policies 1, 5, 12, and 13; and
- the issue of meeting housing needs which is relevant to Policies 1, 5, 10, 12, and 13.

I have presented my consideration of these cross-cutting issues when considering Policy 1. Whilst I have not repeated that consideration in full when considering other policies, I have taken it into account when considering those other policies. In this respect, in particular, my report should be read as a whole.

83. The County Council has commented the size of maps presented on pages 36 to 39 of the Neighbourhood Plan are too small to aid interpretation of policies. I agree that the maps presented do not allow boundaries to be checked with confidence. The Maps presented do, however, provide an overview that assists understanding of the general spatial applicability of policies and of the overall nature of policies in the Neighbourhood Plan. I recommend a modification so

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<sup>44</sup> Planning Practice Guidance Paragraph 040 Reference ID 41-040-20160211 Revision 11 02 2016

<sup>45</sup> Planning Practice Guidance Paragraph 042 Reference ID 41-042-20170728 Revision 28 07 2017

that a note is added to each map that explains larger scale maps are available, and how they can be viewed.

#### **Recommended modification 2**

**Add a note to each of the maps presented between pages 36 and 39 explaining the maps should only be used to determine general locations, and that larger scale maps should be referred to, in order to confirm precise boundaries. The note should explain how those larger scale maps can be viewed.**

### **Policy 1 Sustainable development**

84. This policy seeks to establish support for specified types of development, in some cases when in defined locations. Major development in the Northumberland Coast AONB is not supported except in exceptional circumstances and where it can be demonstrated to be in the public interest. The policy also includes provision relating to contributions to the Northumberland Coastal Mitigation Service, or alternative mitigation, in respect of proposals that increase the number of residential or tourism units.

#### Meeting Housing Needs

85. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance includes *“It is noted in paragraph 3.5 that reference is made to a housing requirement during the plan period, having been calculated as 30 dwellings. Paragraph 3.6 identifies that based on the recent rate of building in the Parish and existing housing commitments the 30 dwellings over the plan period is likely to be exceeded. We consider it is important to highlight that any housing figures in relation to housing provision must always be considered as a minimum and not a maximum.” “The fact that the required housing provision has already been met should not and cannot be prejudicial to the potential for other new sustainable housing to come forward. We have a concern that the plan, as prepared, which flows from this stated position, reflects what appears to be a policy structure which proactively restricts any further new residential development, other than affordable housing on exception sites”*. The representation sets out a case for, and requests, a modification of the Neighbourhood Plan to include the allocation of identified land for housing purposes stating *“This site is centrally located within the village and has an area of approximately 0.4 hectares. Significantly, it represents one of the few opportunities for the delivery of development*

*on a genuine infill site within the village, being bounded on all four sides by existing built development. We consider therefore the site provides a significant opportunity, no longer available elsewhere in the village, for the development of new housing in a location which is both sustainable, accessible and deliverable without resulting in encroachment beyond any proposed settlement boundaries or areas of clearly defined open countryside. The site has the ability to deliver a scheme of high-quality design which is environmentally sensitive and sympathetic to its surroundings in complete compliance with objective 4 of the plan. We further consider that the site has the ability to bring forward a different form of smaller scale housing within the village which has the ability to meet a known demand for smaller high-quality housing capable of being occupied by either first time buyers or people downsizing from larger properties within the village. This form of housing has an important role in not just meeting this demand but also allowing existing larger housing stock to be brought to the market of a form which may potentially be suitable for expanding local families. In this context we consider that this site should actually be allocated within the Neighbourhood Plan for housing in order to proactively facilitate its delivery. We would therefore request that in reviewing our consultation submission on the submission plan that consideration be given to modification of the plan to a) not define this land as local green space or a non-designated heritage asset and b) to include the allocation of our clients land for housing purposes.”* Commenting on the representation the Parish Council statement includes *“Furthermore, the figures presented in the table on page 28 misunderstand the concept of the ‘plan period’. NCC have stated that they have (at present) in excess of an 11-year housing land supply. Embleton has met and significantly exceeded the housing requirement set out by NCC in Policy HOU3 in the emerging Northumberland Local Plan. Although we accept that this figure is a ‘minimum’ and not a ‘maximum’, we are of the view that this is a sensitive area where future development should be carefully planned and we have already significantly exceeded the ‘minimum’ housing requirement before the Plan is even in place”.*

86. A representation by Lichfields on behalf of an individual client includes *“The current draft of the settlement boundaries fails to include enough land to deliver the objectively assessed need, which means they are therefore not robust or sound”* and *“The affordable housing needs have been identified from the Housing Needs Survey, undertaken in June 2018 by Community Action Northumberland. The Neighbourhood Plan considered that the results did not reveal a significant local*

*housing need but acknowledged that there was a need for approximately five properties. This identified need was calculated through the results of the survey, however, the survey received a response rate of only 38%. The low response rate was not factored into the identified need. On a pro rata basis this indicates if there was a full response rate the affordable housing requirement could be around 15 dwellings. This figure would be broadly in line with the Homefinder data which shows an average of 18 bids per property advertised in the Embleton area between May 2017 to May 2018. The plan acknowledges this need and provides a 'Rural Exception Site' policy to address it. However, this is a reactionary process which would be at odds with the positive approach with which the plan should be prepared, in accordance with Paragraph 16 of the NPPF. The Neighbourhood Plan also acknowledges the housing needs of the retired and elderly members of the community. It is considered that a policy should be incorporated into the Plan to set out how the housing needs of this group will be accommodated in Embleton."* Commenting on the representations of other parties the Parish Council states the comments in this representation are similar to those submitted at Regulation 14 stage, so it has no further responses to make.

87. Referring to paragraph Para 6.3 of the Neighbourhood Plan, the County Council states *"Since June 2018 other permissions have been granted that contribute to the provision of affordable housing (at Land adjacent to Creighton Place, Embleton). It is probable that any previously unmet need has now been met, or could be met on sites within settlement boundaries"*.
88. The Guidance most relevant to meeting housing needs was significantly updated in May 2019 when the Neighbourhood Plan was at an advanced stage of preparation. The Guidance states *"The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies. While there is no set method for doing this, the general policy making process already undertaken by local authorities can continue to be used to direct development requirements and balance needs and protections by taking into consideration relevant policies such as the spatial strategy, evidence such as the Housing and economic land availability assessment, and the characteristics of the neighbourhood area, including its population and role in providing services. In setting requirements for housing in designated neighbourhood areas, plan-making authorities should consider the areas or assets of particular*

importance (as set out in paragraph 11, footnote 6), which may restrict the scale, type or distribution of development in a neighbourhood plan area.”<sup>46</sup>

89. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”<sup>47</sup>
90. “Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.”<sup>48</sup>
91. “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing. However, there is an expectation that housing requirement figures will be set in strategic policies, or an indicative figure provided on request. Where the figure is set in strategic policies, this figure will not need retesting at examination of the neighbourhood plan. Where it is set as an indicative figure, it will need to be tested at examination.”<sup>49</sup>
92. “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a

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<sup>46</sup>Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

<sup>47</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

<sup>48</sup> Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

<sup>49</sup> Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019



*neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- the emerging neighbourhood plan*
- the emerging local plan (or spatial development strategy)*
- the adopted development plan*

*with appropriate regard to national policy and guidance”.*

93. *“The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”<sup>50</sup>*

94. *“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”<sup>51</sup> and “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development*

<sup>50</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

<sup>51</sup> Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

*strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy. Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”<sup>52</sup>*

95. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance.
96. Policies NPP 1, NPP 5, NPP 10, NPP12, and NPP 13 of the Neighbourhood Plan, are relevant to housing supply. The Embleton Parish Housing Needs Survey Final Report (June 2018) states 11 households expressed some form of housing need. Paragraph 3.5 of the Neighbourhood Plan states: *“The emerging Local Plan for Northumberland has carried out an assessment of the indicative housing requirements for all designated Neighbourhood Plan areas. The requirement provided by NCC for Embleton Parish is for 30 dwellings over the 20-year plan period (2016 - 2036). This figure is contained in Policy HOU 3 of the emerging Northumberland Local Plan.”* Policy HOU 3 of the Publication Draft Plan (Regulation 16) Northumberland Local Plan states a *“minimum housing requirement 2016 to 2036”* in respect of the Embleton designated neighbourhood plan area. Section 3 of the Neighbourhood Plan Background Evidence Paper No 4 Housing includes Table 1 which demonstrates 80 housing

<sup>52</sup> Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20190509 Revision date: 09 05 2019

units have been approved or completed in the Neighbourhood Area since 1 April 2016.

97. Neighbourhood Plan Background Evidence Paper 1 sets out the Settlement Boundary methodology. Neighbourhood Plan Background Evidence Papers 2 and 3, which state they should be read alongside the methodology paper, jointly present the detail and reasoning behind the decision to define settlement boundaries for Christon Bank and Embleton. I have considered the representation proposing an additional site should be included within the settlement boundary for Embleton when examining Policy 5 later in my report, and found inclusion of the site within the settlement boundary is not necessary to meet the Basic Conditions or other requirements of a neighbourhood plan that I have identified. I am satisfied the settlement boundaries proposed in the Neighbourhood Plan have been sufficiently justified. The Neighbourhood Plan places no cap or limit on the total number of homes that can be provided within settlement boundaries of Christon Bank and Embleton nor beyond those boundaries where the proposal is supported by other policies, namely Policies 12 or 13, of the Neighbourhood Plan. In this policy context it is reasonable to assume there will be some windfall supply during the Plan period up to 2036, which will boost the supply of homes in the Neighbourhood Area beyond that already approved or completed since 1 April 2016. I am satisfied the approach adopted to address housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Neighbourhood Area and provides the necessary justification that those policies that are relevant to housing supply will result in local housing needs being met. There is no requirement for the Neighbourhood Plan to include housing allocations. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

Repetition of reference to contributions to the Northumberland Coastal Mitigation Service

98. In a representation Natural England states Policy 1 (and *Policies 5, (9) 12 and 13*) supports “*development for which CMS<sup>53</sup> contributions would be appropriate to mitigate recreational disturbance impacts on the above European Sites*” and require that such contributions are secured. The County Council state “*Reference to the Coastal Mitigation Service in Policy 5 and elsewhere in other policies should be*

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<sup>53</sup> Coastal mitigation service



*deleted and a stand-alone policy should be created with appropriate supporting text. This is recommended by the County Ecologist, who is the competent authority for the purposes of appropriate assessment through The Conservation of Habitats and Species Regulations 2017. The requirement for this Policy arises from the appropriate assessment. Creating a stand-alone policy on the matter is consistent with the outcome of the recent Cramlington Neighbourhood Plan independent examination where that examiner recommended such a modification be made to that Plan to meet the basic conditions. This change would also address the omission in Policy 9 to address the impact of recreational disturbance to European designated sites associated with tourist accommodation which that policy supports.”* There is repetition of the paragraph relating to contributions to the Northumberland Coastal Mitigation Service in Policies 1, 5, 12, and 13. I have recommended a modification so that a single policy is created in this respect so that the Neighbourhood Plan “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

#### The relationship of Policies 1, 5 and 9

99. The County Council have stated concerns how Policy 1 and Policy 5 would be interpreted together, and refer to the relationship of both to those policies to Policy 9. The County Council has recommended modifications as follows:

- *Delete Policy 5 and the supporting text. Currently this simply repeats what Policy 1 is attempting to explain and it would make more sense to introduce the concept of settlement boundaries and their purpose through Policy 1 which looks to set a general framework for decision making. The creation of settlement boundaries and what that means for the consideration of development proposals is a key part of the Plan. The County Council has agreed with parish councils involved in preparing neighbourhood plans that we would not create settlement boundaries through the emerging Northumberland Local Plan if the parish council proposes to do that through a neighbourhood plan. We would therefore expect clear and unambiguous policy to be created to ensure the appropriate and consistent application of such policies through the development management process. It is unclear in Policy 5 what is meant where it refers to ‘open countryside’. This is not a term that appears in national policy.*

*Furthermore, the Policy does not clearly describe what it is claimed it intends to achieve in para 6.27 of the supporting text.*

- Replace Policy 1 and the supporting text with the suggested text and Policy provided at Appendix B to this letter. This is substantially the same as the recommendation we made previously to the Steering Group. This approach fully addresses the need to have regard to national policy and guidance and sets out more clearly and precisely how development would be managed within and beyond settlement boundaries.*
- Reconsider the purpose of Policy 9, having regard to the suggested modification to Policy 1. The first paragraph supports development within settlements which is the purpose of Policy 1. The second paragraph is addressed in Policy 1. The third paragraph is addressed in Policy 1 and Policy 2. The final paragraph should be considered in the light of the majority of homeworking being unlikely to be a material change of use. This would leave only the matter of tourist accommodation and related development to be covered in this policy.”*

100. I consider Policies 1, 5 and 9 together do not provide clear guidance for the preparation of development schemes, nor do they together provide a clear basis for the determination of proposals. The County Council has raised objections to Policy 1 also on the following grounds: *“The term ‘Within the Neighbourhood Area’ is superfluous – the Plan relates only to the Neighbourhood Area. The policy introduces the term ‘Principal Residence’ without any explanation. Part b is poorly expressed and seems to allow ‘rural exception sites’ within settlement boundaries, which would be inconsistent with the definition of such sites and the purpose of settlement boundaries. Part c would allow the re-use of buildings for dwellings without any control over occupation as currently drafted, since the use could ‘include’ for use as principal Residence housing which clearly implies that other forms of occupation would be acceptable. This is inconsistent with the subsequent controls created through Policy 10. Part d seeks to support rural business etc, but fails either in Policy 1 or Policy 9 (which is cross referenced) to have regard to para 84 of NPPF. Para e seems to allow unrestricted development for the facilities described which fails to have regard to para 84 of NPPF. For these reasons and for the reasons given in our covering letter, this policy is unclear and ambiguous and therefore fails to meet the basic conditions.”* I agree with these points.

101. I have recommended a modification of Policy 1 and supporting text as put forward by the County Council with the exception of avoiding the term “unacceptable” which does not provide a basis for the determination of planning applications and which does not adequately reflect national policy set out in paragraph 109 of the Framework. I have later in my report recommended related modifications of Policies 5 and 9. I have recommended a modification in all these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

102. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, building a strong competitive economy, and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:**

**Replace Policy 1 with “Settlement boundaries for Embleton Village and Christon Bank are defined on the Policies Maps. Development within the settlement boundaries will be supported provided no significant adverse impact arises to residential amenity and highway safety; and subject to compliance with relevant policies elsewhere in the Neighbourhood Plan and other relevant policies in the development plan.**

**Land outside the defined settlement boundaries will be treated as countryside whose intrinsic character and beauty must be**

recognised in all decision making on development proposals in those areas. The following forms of development will be supported outside defined settlement boundaries subject to compliance with any relevant limitations described in this policy, the requirements created by relevant policies elsewhere in the Neighbourhood Plan and other relevant policies in the development plan:

- a) affordable housing, including community-led schemes, delivered on small sites as 'rural exception sites' in accordance with the definition set out in national planning policy;
- b) housing where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- c) housing that represents the optimal viable use of a heritage asset or that which would be appropriate enabling development to secure the future of heritage assets;
- d) additional housing created through the sub-division of an existing residential dwelling;
- e) housing whose design is of exceptional quality in that it: ☐ is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and ☐ would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;
- f) the re-use of redundant and disused buildings to provide new housing where this would enhance their immediate setting;
- g) the sustainable growth and expansion of all types of business both through conversion of existing buildings and well-designed new buildings;
- h) the development and diversification of agricultural and other land-based rural business;
- i) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- j) development of accessible local services and community facilities.

Any development proposed in the countryside to meet local business and community needs must be sensitive to its surroundings, must not have a severe adverse impact on local roads and must demonstrate how all opportunities have been taken to make the location of the development more sustainable including through improving the scope for access on foot, by cycling or by public transport.

**Major development within the Heritage Coast will not be supported unless it is compatible with its special character.**

**Planning permission for major development in the Northumberland Coast AONB will be refused other than in exceptional circumstances and where it can be demonstrated to be in the public interest. Consideration of any such applications must include an assessment of: i. the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; ii. the cost of, and scope for, developing outside the designated area, or meeting the need for the development in some other way; and iii. any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”**

**Modify the supporting text as set out in the Annex to my report**

## **Policy 2 Landscapes and Seascapes**

104. This policy seeks to establish that development proposals within defined areas should respect identified landscape features.

105. In a representation the County Council states *“This Policy is poorly drafted in that all proposals will be within a landscape character area. The Policy fails to give proper reference to the documents to which it refers and is therefore imprecise. We suggested modification to improve clarity and would once again suggest that this Policy be modified to read as follows in order to accurately reflect the evidence that justifies inclusion of the policy: Development proposals must demonstrate how they are sympathetic to local character and history, including the surrounding built environment and landscape setting. Particular regard should be had to the need to recognise and protect important and valuable features in the landscapes identified in the Northumberland Landscape Character Assessment (2010), the National Character Area Profile: North Northumberland Coastal Plain (2015) and the Northumberland Historic Landscape Characterisation (2015) including:*

*a) The dynamic seascape including landscapes with views of the coast or seas and the adjacent marine environment;*

- b) Farmsteads of traditional vernacular architecture at Dunstan Steads, Embleton Mill, North Farm and Christon Bank Farm;*
- c) Low-lying exposed coastline and broad sandy beaches;*
- d) Dune systems and the need for potential 'rollback' of Dunes;*
- e) Views into and out of Embleton village conservation area.*

*Great weight will be given to the conservation of these local landscapes, the Heritage Coast and the scenic beauty of the coast including views across the AONB to the coast from Embleton village and inland from the coast towards Embleton village”.*

106. The Parish Council has confirmed no objection to the policy being modified as suggested if part b) is adjusted to match the Submission Version Plan. I have recommended a modification in this respect so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

107. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 4:**

**Replace Policy 2 with “Development proposals must demonstrate how they are sympathetic to local character and history, including the surrounding built environment and landscape**



setting. Particular regard should be had to the need to recognise and protect important and valuable features in the landscapes identified in the Northumberland Landscape Character Assessment (2010), the National Character Area Profile: North Northumberland Coastal Plain (2015) and the Northumberland Historic Landscape Characterisation (2015) including:

- a) The dynamic seascape including landscapes with views of the coast or seas and the adjacent marine environment;
- b) Farmsteads of traditional vernacular architecture;
- c) Low-lying exposed coastline and broad sandy beaches;
- d) Dune systems and the need for potential 'rollback' of Dunes;
- e) Views into and out of Embleton village conservation area.

Great weight will be given to the conservation of these local landscapes, the Heritage Coast and the scenic beauty of the coast including views across the AONB to the coast from Embleton village and inland from the coast towards Embleton village”.

### Policy 3 Habitats and Species

109. This policy seeks to establish the basis for determination of proposals affecting European Sites. The policy seeks to establish support for proposals which promote the preservation and restoration of priority habitats and support for proposals that support the biodiversity and community value of Embleton Village Quarry Local Wildlife and Geological Site.

110. In a representation the County Council states “*Advice from the County Ecologist, as the competent authority for the purposes of The Conservation of Habitats and Species Regulations 2017, is that, because appropriate assessment has been completed through plan-making processes, the first two paragraphs of Policy 3 are not required and should be deleted and replaced with an overarching policy that recognises the need for contributions to the Coastal Mitigation Service from development that may adversely impact European designated, and other protected sites. The revised Policy should read:*

*To ensure that the impacts arising from increasing levels of recreational disturbance on coastal Sites of Special Scientific Interest and European Sites can be addressed, all development that will result in a net increase in the number of residential units or tourist accommodation will be required to contribute to the Coastal Mitigation*

*Service, or provide alternative mitigation of demonstrable effectiveness.*

*All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation.*

*The remaining two paragraphs encourage preservation and enhancement of biodiversity and are supported.”*

111. The Parish Council has stated *“We would support whatever approach best ensures the protection of habitats and species. We have been advised by Natural England, and the County Ecologist; we note Natural England’s response which appears to support the policy as drafted.”* It is unnecessary and confusing to state *“in the Neighbourhood Area”* as all of the policies apply in the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

112. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 5: In Policy 3**

- replace the first two paragraphs with “To ensure that the impacts arising from increasing levels of recreational disturbance on coastal Sites of Special Scientific Interest and European Sites can be addressed, all development that will result in a net increase in the number of residential units or tourist accommodation will be required to contribute to the Coastal Mitigation Service, or provide alternative mitigation of demonstrable effectiveness.

All financial contributions required in accordance with this policy will be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990, or any subsequent amending legislation.”

- in the third paragraph delete “in the Neighbourhood Area”

#### **Policy 4 High quality and sustainable design**

114. This policy seeks to establish design criteria for all new development schemes, and states development of poor design that fails to take opportunities for improving the character and quality of the area will not be supported. The policy seeks to establish that the Northumberland Coast AONB Design Guide principles will apply within the Northumberland Coast AONB.

115. In a representation the County Council states:

- *“Reference to ‘in the Neighbourhood Area’ is not required because the Plan can only create policy in that Area;*
- *Part a) it is not clear how ‘...safe access.’ is related to local context and character in terms of design.*
- *Part d) the Council’s Flood and Coastal Erosion Management Team recommend that the word ‘Urban’ is removed, so it reads ‘...sustainable drainage system’. This is the latest up-to-date term and reflects that SuDS can be used in urban and rural environments.*
- *Part f) Development management requires a balanced judgement to be made and any development may have some adverse amenity impact. This should be qualified by adding ‘significant’ before ‘adverse’.*

The Parish Council does not object to these changes and I have recommended a modification in these respects so that the Policy has sufficient regard for national policy and “*is clearly written and*

*unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.*

116. *The County Council also states “It is recommended that Policy 4 should be modified to address coastal erosion. This should fully consider coastal erosion and comply with any policy within the Northumberland - North Tyneside Shoreline Management Plan. In addition, limiting development within a coastal change management area (see para 168 of NPPF and para 73 of PPG Flood Risk and Coastal Change) can be used to help control development.” The Parish Council states “this is a Neighbourhood Plan, not a Local Plan. A Neighbourhood Plan does not need to cover all areas of policy – it only needs to cover those areas that are seen as important to the local community through local consultation. No-one in the local community raised coastal erosion as an issue. These matters can be covered by strategic planning policies in the existing Local Plan and (in time) the Northumberland Local Plan.” The Policy does not have sufficient regard for coastal change matters as required by Paragraphs 166 to 169 of the Framework. I have recommended a modification in this respect.*

117. *The County Ecologist recommends that opportunities should be taken to add ecological enhancement to Policy 4, by including a requirement for new properties to include in-built bat or bird provisions, for example swift bricks, at a ratio of 1 per dwelling. The Parish Council states “We note that County Ecologist comments; we consider this is covered in part i) of the policy; and note that paragraph 6.19 already refers specifically to measures such as providing nesting habitats for birds and bats could provide measurable net gains for biodiversity. It is not necessary to add specific examples of ecological enhancement to meet the Basic Conditions.*

118. *It is unnecessary and confusing for the Policy to state “in the Neighbourhood Area” as all policies apply throughout the Neighbourhood Area unless a smaller area is specified. Safe access is not a matter of local context and character, and is in any case dealt with by part j) of the Policy. Sustainable drainage systems can be utilised in urban or rural areas. The term “adverse” is imprecise. The term “unacceptable” does not provide a basis for the determination of proposals. Part g) of the Policy seeks to require opportunities have been taken for various technical features. Local planning authorities may use nationally recognised optional technical standards where*

there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.<sup>54</sup> The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. I have recommended a modification in these respects so that the policy has regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

119. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well designed places, conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy 4**

- **delete “in the Neighbourhood Area”**
- **replace “means of enclosure and safe access” with “and means of enclosure”**

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<sup>54</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards>

- replace part d) with “a sustainable drainage system with multifunctional benefits has been incorporated or demonstrate why such a system would not be practicable;”
- in part f) replace “unacceptable” with “significant” and insert “significant” before “adverse”
- replace part g) with “coastal change is relevant to the proposals and how this has been taken into account;”
- in part j) replace “Safe” with “safe”

## **Policy 5 Settlement Boundaries for Embleton Village and Christon Bank**

121. This policy seeks to establish support for development proposals within the defined settlement boundaries for Embleton village and Christon Bank. The policy also seeks to establish all land outside these settlement boundaries is considered to be ‘open countryside’ for planning purposes. The policy also seeks to establish a requirement for mitigation of recreational disturbance on European sites and SSSIs arising from developments that will result in a net increase in residential or tourism units.

122. In a representation Natural England states the Policy supports “*development for which CMS<sup>55</sup> contributions would be appropriate to mitigate recreational disturbance impacts on the above European Sites.*” I have referred to the issue of duplication of policy content earlier in my report and recommended a single policy approach to coastal mitigation service contributions.

123. A representation by Lichfields on behalf of an individual client includes “*The entire housing need for the Embleton Parish Neighbourhood Plan is reliant on existing permissions, hence the severely restrictive settlement boundaries, yet it has also been acknowledged that a proportion of these permissions are holiday/ second homes. As a response to this threat the Neighbourhood Plan, through Policy 10, seeks to ensure that all new dwellings are occupied as the principal residence. This Policy cannot be retrospectively applied to existing permissions. Many of the existing permissions could therefore be used as holiday/ secondary homes, thus the local housing need of the area would be unmet over the plan period*” and “*Should a Settlement Boundary remain, our client has considerable concerns*

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<sup>55</sup> Coastal mitigation service



*with the proposed extent of the boundary for Embleton, which has been tightly drawn around the existing built form of the village, excluding some existing built form. The inclusion of (our client's) site to the north of Sea Lane and west of The Villas within the settlement boundary would ensure the Plan is flexible enough to provide sustainable development over the Plan period" and "(our client's land) land to the west of The Villas could provide an excellent opportunity to meet the Parish's housing need during the Plan period, should it be brought forward for development in the future. Embleton requires its settlement boundary to be removed or amended to include a site on its periphery to ensure the Plan is flexible enough to provide sustainable development over the Plan period. (Our client's) site to the north of Sea Lane represents the most logical location to be developed for residential use during the Plan period. An allocation for residential development would ensure that market housing is provided as a principal residence, affordable housing is delivered to meet local needs, accommodation suitable for the elderly is provided and significant on and off-site biodiversity net gains are secured."*

124. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance includes comment regarding the Glebe Field *"This site is centrally located within the village and has an area of approximately 0.4 hectares. Significantly, it represents one of the few opportunities for the delivery of development on a genuine infill site within the village, being bounded on all four sides by existing built development. We consider therefore the site provides a significant opportunity, no longer available elsewhere in the village, for the development of new housing in a location which is both sustainable, accessible and deliverable without resulting in encroachment beyond any proposed settlement boundaries or areas of clearly defined open countryside. The site has the ability to deliver a scheme of high-quality design which is environmentally sensitive and sympathetic to its surroundings in complete compliance with objective 4 of the plan. We further consider that the site has the ability to bring forward a different form of smaller scale housing within the village which has the ability to meet a known demand for smaller high-quality housing capable of being occupied by either first time buyers or people downsizing from larger properties within the village. This form of housing has an important role in not just meeting this demand but also allowing existing larger housing stock to be brought to the market of a form which may potentially be suitable for expanding local families. In this context we consider that this site should actually be allocated*

*within the Neighbourhood Plan for housing in order to proactively facilitate its delivery.”*

125. Earlier in my report when considering Policy 1 I found that the settlement boundaries proposed in the Neighbourhood Plan have been adequately justified. The inclusion of an additional site within the settlement boundary as proposed in a representation is not necessary to meet the Basic Conditions or other requirements of a neighbourhood plan that I have identified. When considering Policy 1 I also found the Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies. The merits or otherwise of housing development on additional or alternative land is not a matter for my consideration. I have earlier in my report explained my role is to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and other requirements I have identified. It is not within my role to examine any alternative Neighbourhood Plan that might include housing allocations.

126. In a representation the County Council states *“Commentary in para 6.27 relating to national policy on recognising the intrinsic character and beauty of the countryside is not fully reflected in Policy 5. Para 6.28 seems more connected to the intention set out in Policy 1 and Policy 10 rather than Policy 5. p. 22. For reasons set out in our covering letter we consider that Policy 5 should be deleted and modification should be made to Policy 1 and the relevant supporting text. Policy 5 does no more than Policy 1 sets out to do. Reference to ‘open countryside’ is undefined and therefore imprecise and fails to meet the basic conditions. The second paragraph should be deleted since it is superfluous having regard to the recommendations for change to policy 3 from the County Ecologist”*. Commenting on this representation the Parish Council state *“Noted. Commentary may apply to different parts of the Plan; this doesn’t affect whether the Plan meets the basic conditions. We have commented on this in more detail on the section above ‘covering letter’. We do not agree that Policy 5 should be deleted. Reference to ‘open countryside’ is intended to define the difference in planning terms between the settlement and the countryside, where different planning policies will apply. The word ‘open’ could be removed for clarity; however, we note that when refusing a recent planning application (18/01014) and the subsequent appeal both NCC and the Planning Inspectorate used the term ‘open countryside’.”* I have recommended a modification to delete Policy 5 in the light of my recommended modification in respect of Policy 1 so that

the Neighbourhood Plan *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

**Recommended modification 7:  
Delete Policy 5**

**Policy 6 Development affecting Embleton Village Conservation Area**

127. This policy seeks to establish criteria for support of development proposals affecting Embleton Village Conservation Area. The policy also seeks to establish support for proposals that would lead to the enhancement of named heritage assets. The policy also seeks to establish that development of poor design that fails to take opportunities available for improving the character and quality of the Conservation Area will be refused.
128. In a representation the County Council *“recommend the correct name ‘Embleton Conservation Area Character Appraisal and Management Matters (February 2008)’ should be modified throughout and, in the references, given in Appendix C”*. The Parish Council has confirmed agreement with this representation. I have recommended a modification in this respect so that the Policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework. I have referred to this matter in the Annex to my report.
129. In their response to the Regulation 16 consultation Historic England state *“We are particularly pleased to see the additional evidence on non-designated heritage assets to support Policy 6. Consequently, we welcome the content of the publication draft plan so far as it affects our interests, and have no further comment to make.”*
130. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance includes *“On the basis of the content of the plan we can find no detailed analysis or evidence which validates the conclusions reached. On this point we would again refer to the work that has been undertaken on behalf of the landowner by Mr Peter Derham as Historic Building Consultant as included in Appendix C. We would also refer the examiner to our commentary on heritage issues in relation to Policy 7 above. Included within his reports is an analysis of the conservation area, the characteristics of this and*

*the contribution which the Glebe Field make to this. As can be seen, it is identified that the contribution that the glebe field makes to the conservation area is extremely limited and that development of this would not materially impact upon the character of the conservation area or its maintenance."*

131. The Guidance states *"Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors ... and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each."*<sup>56</sup> When examining setting it is necessary to consider social/economic/historical relationships as well as visual/physical relationships. The Embleton Conservation Area Character Appraisal and Management Matters (February 2008) includes *"modern Dovecote Close divides up the attractive open field north of the parish church, reducing its spatial value to the rest of the village and isolating the buildings of the close in a sea of green"* and *"Although there may not be great pressures that currently threaten any extensive loss of this character, developments which substantially infilled fields would begin to erode character and setting. Presently, the field north of the church has been allocated for housing which would damage the setting of three listed buildings, and could have the effect of extending the modern north suburb into the heart of the village. This allocation should be reviewed if conservation area designation goes ahead, even though the new development of Dovecote Close has already taken place."* The Guidance allows for a cumulative effect of development to be taken into account.<sup>57</sup> A site that is adjacent to recent development may be found to be at a tipping-point in safeguarding a setting. The fact that the Dovecote Close development has occurred may be regarded as a precedent, but it might in fact hinder further development as the cumulative effect can be taken into account. The Development Plan and all matters that are material considerations should be taken into account at the time of any future development proposal. My role is to assess whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements I have identified.

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<sup>56</sup> Planning Practice Guidance Paragraph: 013 Reference ID: 18a-013-20190723 Revision date: 23 07 2019

<sup>57</sup> Planning Practice Guidance Paragraph: 013 Reference ID: 18a-013-20190723 Revision date: 23 07 2019

132. Policy 6 includes reference to “*The Glebe land*”. Other parts of the Neighbourhood Plan, including other policies, refer to “*Glebe Field*”. In response to my request for clarification the Parish Council has stated “*We can confirm that all references to the Glebe Land or Glebe Field in our Neighbourhood Plan and supporting evidence documents are for same site, and this is shown as LGS5 on the Policies Maps. For consistency in any future reiterations of our plan this site will be known as the Glebe Land.*” I refer to this matter in the Annex to my report.
133. The reference to “*The Glebe land*” in Policy 6 is to one of a number of areas of informal open space which contribute positively to local character. The character of the Embleton Conservation Area is formed not only by buildings but also the spaces between them. The Glebe land, due to its open nature, size and location, is a significant element of the character of the Conservation Area. Policy 6 requires the assessment of proposals to take into account their impact on (inter alia) the informal open spaces identified in the Embleton Conservation Area Character Appraisal and Management Matters (February 2008). The Policy has sufficient regard for the balanced approach set out in Section 16 of the Framework. I have earlier in my report recommended use of the correct title for the character appraisal and management document. No modification other than that is necessary to meet the Basic Conditions.
134. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
135. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well-designed places, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject



to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In Policy 6 replace “Embleton Village Conservation Area Character Appraisals” with “Embleton Conservation Area Character Appraisal and Management Matters (February 2008)”**

**Policy 7 Local Green Spaces in Embleton Village and Christon Bank**

136. This policy seeks to designate seven Local Green Spaces.
137. Background Evidence Paper 7 sets out information to support each of the proposed designations as Local Green Space including: a description of the space and main characteristics; reference to relevant designations; a photograph; confirmation of any extant planning permissions; land ownership; as well as statements relevant to the criteria set out in the Framework.
138. Designation of a Local Green Space must relate to a defined site. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policies Map presented on page 36 of the Neighbourhood Plan and on Inset Maps presented on pages 38 and 39. I have earlier in my report recommended a modification so that a note is added to each of the maps presented between pages 36 and 39 explaining the maps should only be used to determine general locations and that larger scale maps, available from the County Council, should be used to confirm precise boundaries. I have been provided with larger scale maps, which have been published on the County Council website, that are sufficient to identify the precise boundaries of each Local Green Space proposed for designation. On this basis I consider the areas of land concerned have been adequately identified.
139. The Guidance states “*A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make*



*representations in respect of proposals in a draft plan*".<sup>58</sup> Background Evidence Paper 7 confirms in respect of each proposed area for designation that the landowner has been informed. The Parish Council has provided additional confirmation of consultation with landowners of the Glebe Field. I am satisfied the proposed designations have been subject to satisfactory consultation.

140. The Guidance states "*Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space*"<sup>59</sup>. Whilst there is no specific analysis of the case for additional benefit, the Background Evidence Paper 7 includes reference to the Embleton Parish Conservation Area in respect of proposed Local Green Space designations LGS1, LGS2, LGS3, LGS4, and LGS5. A Conservation Area designation provides a different approach to that arising from designation as Local Green Space which is seeking to protect green areas of particular importance to a community where inappropriate development should not be approved except in very special circumstances. The Background Evidence Paper 7 also refers to Listed Building designations in connection with proposed LGS2 and LGS5; proposed non-designated heritage asset status in respect of proposed LGS1 and LGS5; and Local Wildlife and Geological Site and the AONB, Northumberland Heritage Coast in respect of proposed LGS3. These designations have different intentions to a Local Green Space designation. I am satisfied designation of all of the proposed Local Green Spaces would be appropriate under these circumstances.

141. The final paragraph of the policy seeks to describe how development will be managed within the Local Green Spaces. I have given consideration to the possibility of the policy including a full explanation of "*very special circumstances*". Such circumstances may include development being proposed that would clearly enhance the Local Green Space for the purposes for which it was designated, or proposals are made for essential infrastructure that cannot be located elsewhere. I have concluded such explanation would necessarily be incomplete and that decision makers must rely on paragraph 101 of the Framework that states "*Policies for managing development within a Local Green Space should be consistent with those for Green Belts*" and the part of the Framework that relates to 'Protecting Green Belt land', in particular paragraphs 143 to 147 inclusive. The wording of

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<sup>58</sup> Planning Practice Guidance Paragraph: 019 Reference ID: 37-019-20140306 Revision 06 03 2014

<sup>59</sup> Planning Practice Guidance Paragraph: 011 Reference ID:37-011-20140306 Revision 06 03 2014

Policy 7 has adequate regard for the terms of the designation of Local Green Spaces set out in paragraph 99 of the Framework where it is stated communities will be able to protect green areas of particular importance to them.

142. Paragraph 99 of the Framework also states *“Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”*

143. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations, which are being made in the context of the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), have regard to the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The designations will contribute to the promotion of healthy communities, and are consistent with the aim of conserving and enhancing the natural environment, as set out in the Framework.

144. Paragraph 100 of the Framework states that Local Green Space designation should only be used where the green space is:

- *“in reasonably close proximity to the community it serves;*
- *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*
- *local in character and is not an extensive tract of land.”*

The second bullet point refers to examples only.

145. I have visited each of the areas proposed for designation as Local Green Spaces. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, and is local in character. I also find each of the areas are discrete, identifiable, contained areas of open land that are not extensive tracts of land and that are appropriate in scale for designation as Local Green Space.

146. In a representation the County Council states *“The County Council objects to the inclusion of LGS4 (school fields). The evidence provided does not justify designation as Local Green Space. This objection was made to the Pre-Submission Draft Plan. The Council’s Strategic Estates Team who manage the school estate comment that while the School agrees use by others, our view is that it is an operational part of the school and as such any use is at the school’s discretion and as it is held by the County Council, the Council also has the opportunity to exercise control over the use of its land, without there being any presumption of village use being acceptable. On that basis we would dispute that there is recreational value to the local community that supports allocation as Local Green Space.”* Commenting on this representation the Parish Council state *“We disagree. The school field meets the tests set out in paragraph 100 of the NPPF and this is covered in more detail in the supporting evidence. We understand why the Strategic Estates Team would not like the school field designated as a Local Green Space. However, the tests in policy are to do with value to the community, not the aspirations of landowners for the future use of the site.”*

147. Although the County Council oppose the designation of Local Green Space 4 - Embleton Village School Playing Field on the basis that use for recreational purposes is at the discretion of the School this does not currently prevent a local community regarding the land as demonstrably special and holding a particular local significance for its recreational value. I have not seen any confirmation that the recreational use is not capable of enduring beyond the end of the plan period. The representations of the County Council do not change my judgement that the green area is demonstrably special to a local community and holds a particular local significance because of its recreational value. Notwithstanding this consideration, it is clear from paragraph 5.4 of the Background Evidence Paper 7 that the land is also regarded as demonstrably special to a local community due to its visual and historical setting for the school building, and as a visually important space forming a buffer between housing on the scenic coastal road through the village and Conservation Area, although these latter considerations relate to location rather than a particular characteristic held by the land in question.

148. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance refers to LGS5 The Glebe Field adjacent to Embleton Village Church. I have earlier in my report referred to the issue of consultation raised in the representation and

the request for a housing allocation on the Glebe Field. The representation also requests the Glebe Field should not be designated as a Local Green Space. Paragraphs 4.2 to 4.15 of the representation set out a case why the land proposed for designation as Local Green Space is neither demonstrably special nor holds a particular significance with respect to the three elements of justification stated, namely, historic significance, tranquillity, and richness of wildlife. In seeking to demonstrate the proposed designation “*is not sound*” the representation includes work of Mr Peter Derham a qualified Architect and Historic Building Consultant which finds the heritage significance being attributed to this parcel of land is not of the level which is claimed in the Local Green Space Evidence Base Document. The representation states the assessments supporting the Neighbourhood Plan have not been undertaken by a qualified person with appropriate heritage experience or in compliance with Historic England assessment criteria. The representation states there is no evidence to demonstrate tranquillity. The representation includes an ecological assessment undertaken by Dendra Consulting Ltd which finds the overall site is of very limited ecological value and is certainly not of any local or national significance. It is stated “*It is the case therefore that a survey by a qualified ecologist of the site has demonstrated that the site does not hold any particular local significance in terms of the richness of its wildlife. There is no evidence within the Neighbourhood Plan or its evidence base to demonstrate this..*” and “*In this context, the plan and the evidence base currently presented is also not consistent with the objectives of achieving sustainable development as expressed within the NPPF as it does not comply with the economic, social or environmental objectives of sustainability. The effect of a local green space designation would remove the ability for a parcel of land within a sustainable village to potentially be brought forward for development in a manner which would have economic and social benefits in respect of the form of housing that would be brought forward. In relation to the environmental objectives there exists a need to utilise sustainable infill sites such as this for the purpose of development, thereby making the most appropriate use of the natural resources available. Planning guidance on neighbourhood plans are clear that in order for a plan to contribute to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions (paragraph 072 ref ID:41/072/20190509). The plan does not comply with this requirement. The proposal therefore also fails to comply with the sustainable objectives as required as one of the basic conditions.*”

149. In commenting on the representation made on behalf of the Diocese of Newcastle the Parish Council state *“We also note the ecology report that has been submitted, which maintains that there is little or no ecological value on the site. We do not have the resources to provide equivalent reports, but we do have local knowledge and the background reports submitted by the Plan qualify sightings of wildlife locally at that site, including bats and barn owls. Although there is no public access to the site, this does not mean that it is not appreciated by the local community.”* and *“There has never been any doubt within the community that The Glebe Field is an important green space within the village of Embleton. We do not agree with the assertion that the Submission Plan is ‘substantially different’ in respect of the content of its policies from the Regulation 14 Plan. We accept that some of the evidence base was updated and made more robust on the advice of NCC, but this made no difference to the policy content of the Plan. Although the community do have aspirations for the use of the Local Green Space referred; it was not designated on that basis, and this has been made clear in the supporting documents. We agree that aspirations for a site are not sufficient to comply with paragraph 100 in the NPPF. However, we have made it clear in our supporting information, that the Local Green Space is valued for its historic significance, beauty and ecological value. The residents of Embleton village have noted the presence of a number of different species on the site. With the greatest respect to the ecological survey team, we think that people who live in the area and see the site every day, probably have a good idea of the biodiversity the site supports.”*

150. I have considered the detailed submissions that have been put forward in respect of proposed Local Green Space 5 - Glebe Field adjacent to Embleton Village Church. I have considered the case that a local community regard the Glebe Field as demonstrably special: as it is considered to be the last tranquil green space within the proposed settlement boundary for Embleton village; and the field is regarded as an integral part of the valued historic setting adjacent to the Grade 1 listed Holy Trinity Church and other Listed Buildings; and the field has ecological value.

151. I have earlier in my report referenced the Guidance where it refers to *“proportionate, robust evidence”* for policies and *“appropriate evidence”* for neighbourhood plans. Paragraph 100 of the Framework refers to *“tranquillity”*. Where formal tranquillity assessments have been produced elsewhere, they include evidence, for example of background noise levels, measured on site. Whilst no formal



tranquillity assessment has been undertaken in respect of the Glebe Field, I am satisfied a local community could imagine the Glebe Field is *“the last remaining tranquil location within the proposed settlement boundary”* in response to the unique characteristics of the neighbourhood area. The Guidance is clear that land could be considered for designation of Local Green Space *“even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”*<sup>60</sup> Whilst tranquillity can be imagined or anticipated, it is a location specific experience. Tranquillity, cannot be demonstrated to exist, and importantly cannot be experienced, without access. No public right of access to the Glebe Field has been confirmed. I conclude tranquillity should not be a basis for designation of the land as Local Green Space.

152. When considering whether historic setting justifies designation as Local Green Space, I find the *“site of medieval Embleton”* has not been evidenced. Background Evidence Paper 7 – Local Green Spaces in response to the question *“is the space demonstrably special or hold particular significance for the local community?”* with respect to the Glebe Field includes the statement *“Yes – it enhances the historic character of Embleton. Provides the only view of the oldest part of the church”*. The Glebe Field forms part of the historic character of Embleton. Policy 6 requires assessment of proposals that impact on that character. That approach has regard for the balanced approach of national policy. Being part of, or even enhancing, the character of an area does not justify designation as Local Green Space on the basis of being demonstrably special or holding a particular local significance. Paragraph 5.5 of the Background Evidence Paper 7 states *“The Embleton Conservation Area Assessment describes the church tower, as viewed from the Glebe field as the ‘visual and cultural focal point’ of the village. Views from Station Road across the Glebe field afford the only views of the original 12th Century church, the building was extended to the East in the 18th Century.”* The reference is to a view of the Church. Whilst a view in itself is not a heritage asset, buildings and structures or other elements in a view may be heritage assets and the view is an experience of the heritage asset. The openness of the Glebe Field allows a locally important view of the Church to be

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<sup>60</sup> National Planning Policy Guidance Paragraph: 017 Reference ID: 37-017-20140306



experienced from Station Road. Designation of land as a Local Green Space means it should be managed in a way consistent with Green Belts the essential characteristics of which are their openness and permanence. Inappropriate development is, by definition, harmful to the Green Belt (Local Green Space in the present context) and should not be approved except in very special circumstances. The openness of the entire Glebe Field is not necessary to maintain valued views of the Church, or parts of the Church, from Station Road. Whilst the Glebe Field allows a valued view of the Church looking southward from the adjacent part of Station Road the view is experienced from, and an attribute of, a highway location, and not a characteristic held by the land. Being able to look across the entire Glebe Field does not justify designation of the Glebe Field as Local Green Space. Whilst the Background Paper 7 states “*populations of barn owls, bats and hares are known to visit the site*” this has not been sufficiently evidenced. I have recommended LGS5 (The Glebe Field) is deleted from the list of proposed Local Green Space designations.

153. With the exception of LGS5 (The Glebe Field), background Evidence Paper 7 provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
154. With the exception of LGS5 (The Glebe Field), I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 99 and 100 of the Framework concerned with the identification and designation of Local Green Space.
155. The policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
156. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, conserving and enhancing

the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:**

**In Policy 7 delete “LGS5: The Glebe Field adjacent to Embleton Village Church” and adjust Policies Map 1 and Inset Policies Map 2 accordingly**

**Policy 8 Non-designated Heritage Assets in the Neighbourhood Area**

157. This policy seeks to identify Non-Designated Heritage Assets. The policy also seeks to establish submission requirements and criteria for assessment of proposals affecting Non-Designated Heritage Assets or their setting.
158. The Guidance states *“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”*<sup>61</sup>
159. The Guidance states *“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.”*<sup>62</sup> It is appropriate for Policy 8 to identify non-designated heritage assets so long as the decision to identify them as non-designated heritage assets is based on sufficient evidence in respect of stated criteria. Details of the buildings, structures and sites identified are set out in Background Evidence Paper 6 – Non-Designated Heritage Assets in the Parish of Embleton.

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<sup>61</sup> Planning Practice Guidance Paragraph: 039 Reference ID: 18a-039-20190723 Revision date: 23 07 2019

<sup>62</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

Background Evidence Paper 6 states it “*provides the background evidence used to qualify and explain the list of non-designated heritage assets*” identified in Appendix A. The method which is stated to be informed by Historic England Guidance (Advice Note 7 Local Heritage Listing) identifies types of heritage interest and criteria to assess significance. I am satisfied the criteria are appropriate for the purpose of identifying potential non-designated heritage assets in the Neighbourhood Area.

160. In a representation the County Council states “*The Council’s Strategic Estates Team who manage the school estate raise objection to the inclusion of the School on a list of non-designated heritage assets since this creates further burdens on the Council should the school be no longer viable.*” The issue of future burden on owners is not a matter for my consideration when assessing whether or not Policy 8 meets the Basic Conditions and other requirements I have identified.

161. I am satisfied all of the buildings and structures listed in Appendix A are appropriate to be nominated as non-designated heritage assets. Appendix A also includes one nomination that is not a building or structure but is an area of land, the Glebe Field, which I now consider separately.

#### The Glebe Field

162. When considering Policy 5 earlier in my report I have referred to the part of the representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance that sets out a case for the development of the Glebe Field for housing development and which states “*we consider that this site should actually be allocated within the Neighbourhood Plan for housing in order to proactively facilitate its delivery. We would therefore request that in reviewing our consultation submission on the submission plan that consideration be given to modification of the plan to a) not define this land as local green space or a non-designated heritage asset and b) to include the allocation of our clients land for housing purposes*”; and in respect of the proposed designation as a non-designated heritage asset states “*The significance of the Glebe Field and therefore its justification for inclusion within this list is stated to be within the analysis on the basis of its integrity and rarity. This integrity and rarity, it is contended, is based on a claimed role as part of providing living for the vicars of Embleton and also the sub-terranean importance of its archaeology. It is also contended that it represents the historic centre of the village*

*around which development has taken place. It is also noted as located within the Embleton Conservation Area.” “In summary however, it can be noted that Mr Derham, as a qualified consultant, does not agree with the findings of the Non-designated Heritage Evidence Base Paper. In particular, he confirms that he does not recognise that this land does represent the historic centre of the village or that it is the centre of the village around which development has taken place. Nor, as highlighted, is there any evidence of direct linkage between this land and the church. It can also be noted that the Glebe Field itself, as would have been, has been completely severed from the original wider Glebe Field by virtue of the more recent development of Dovecote Close. This has severed any linkage between this parcel of land and the listed Dovecote to the west. It is therefore the case that the historic significance of this site is not as claimed within the evidence base document and the evidence does not support the conclusions reached. There is a significant lack of evidence within the evidence base document and there is also no information to confirm that the assessment of the heritage significance of the land has been undertaken by a qualified Historic Consultant.”*

163. In commenting on the representation made on behalf of the Diocese of Newcastle the Parish Council state *“We note the further comments submitted by the Diocese of Newcastle. In particular, we note the submissions made by Peter Derham, Registered Architect with regard to the Glebe Field site. We do not agree with the findings of that report. We have followed the guidance published by Historic England on non-designated heritage assets as far as we have been able, and also followed guidance published by Historic England on Neighbourhood Planning. Whilst recognising that we are not experts in the historic environment, we have employed, as far as we have been able, the methodology that is set out as good practice. We maintain that the Glebe Field is an important open space in the village, and that it does contribute to the significance of the character and appearance of the Embleton Conservation Area. Historic England have been supportive of the approach we have taken, and we stand by our position on this matter.”*

164. The Guidance states *“There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it*

*is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*<sup>63</sup>

165. When considering Policy 6 I have found the Glebe land, due to its open nature, size and location, is a significant element of the character of the Conservation Area. When considering Policy 7 I have found the Glebe Field<sup>64</sup> through its openness allows a locally important view of the Church to be experienced from Station Road. Whilst buildings, structures and other elements within a view might be heritage assets, and a view can be an experience of heritage assets, a view is, in itself, not a heritage asset. The Glebe Field is listed in Background Evidence Paper 6 as *“Integrity & Rarity. The field has historic significance both as providing part of the living for the Vicars of Embleton for centuries and subterranean importance from an archaeological viewpoint. It is the historic centre of the village around which development has taken place over hundreds of years. Situated within the Embleton Conservation Area.”* Apart from the fact that the site is situated within the Embleton Conservation Area this statement is not sufficiently evidenced to support the proposed inclusion of the site as a non-designated heritage asset. I recommend the Glebe Field is deleted from the list of non-designated heritage assets considered suitable for local listing within Appendix 1. This modification would not prevent the Glebe Field being identified as a non-designated heritage asset at a future date on the basis of evidence presented at that time.

#### Status of nominations

166. Policy 8 states *“The Neighbourhood Plan list of Non-Designated Heritage Assets are defined in Appendix A.”* Appendix A states *“The list below comprises the Non-Designated Heritage Assets in the Plan area which are considered suitable for local listing.”*

167. The Guidance states *“It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on Historic England’s website).”*<sup>65</sup>

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<sup>63</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

<sup>64</sup> The Parish Council has explained the terms “Glebe Field” and “Glebe land” both refer to the land identified as proposed Local Green Space 5

<sup>65</sup> Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019

168. Historic England has published Advice Note 7 Local Heritage Listing (most recently updated May 2016). The Advice Note states *“work in preparing a Neighbourhood Plan may indicate buildings and sites which merit inclusion on the local list.”* The Advice Note states *“Heritage assets are not only those designated under statutory regimes, but those that may be recognised by the planning authority as having heritage significance”*. The Glossary to the Framework defines heritage assets as including *“designated heritage assets and assets identified by the local planning authority (including local listing).”* The Advice Note includes ‘the Local Heritage List Cycle’ which includes the stage of “ratification” stating *“Once the assets on the shortlist for nomination have passed all the necessary checks, final ratification can be sought at the appropriate level within the local planning authority, which might include Committee or Cabinet Member signoff. Formal ratification ensures public confidence and maximises the influence of the local heritage list as a material consideration.”*
169. Historic England Advice Note 11 Neighbourhood Planning and the Historic Environment (Published 16 October 2018) states *“Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of locally-valued heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria helps to provide the processes and procedures against which assets can be nominated and their suitability for addition to the local planning authority’s heritage list assessed. A list of locally-valued heritage assets can inform or be integrated within a local list maintained by the local authority, subject to discussion with them.”*
170. In the context of this Guidance and Advice I consider the Neighbourhood Plan indicates locally-valued Heritage Assets that are considered suitable for local listing and are nominated for ratification by the County Council that may include them on a local list it may decide to prepare. In response to my request for clarification the County Council has stated it *“does not have a local list of non-designated heritage assets covering Northumberland County. Creating a local list is something the County Council intend to do as time and resources permit. We would have no objection to your suggested modification to Policy 8.”* The Parish Council has agreed my recommended modification also.



171. The policy framework for submission and determination of proposals affecting non-designated heritage assets set out in Policy 8 has sufficient regard for national policy.

172. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

173. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 10:**

##### **In Policy 8:**

- **replace the first sentence with “The locally-valued heritage assets identified in Appendix A are nominated for assessment by Northumberland County Council as Non-Designated Heritage Assets to be added to a local list of heritage assets that may be compiled and curated by the County Council:”**
- **delete “whether locally listed, or identified in the Neighbourhood Plan list in Appendix A” from the second sentence**

##### **In Appendix A**

- **adjust the first sentence to reflect Policy 8**
- **delete “Glebe Field”**

## Policy 9 Business, Employment and Tourism

174. This policy seeks to establish conditional support for proposals for new business premises, and extension or expansion of existing businesses, within the settlement boundaries for Embleton village and Christon Bank. The policy also seeks to establish conditional support for specified employment proposals in rural areas; for camping, chalets and other small-scale tourism development; and for home working.
175. In a representation Natural England states the Policy supports *“development for which CMS<sup>66</sup> contributions would be appropriate to mitigate recreational disturbance impacts on the above European Sites” and “Whilst mitigation for increased units of accommodation is not stated within policy 9, the required mitigation for this policy is explicitly included in policy 1, which we understand is to be considered as an overarching policy for the entire plan.”* I have referred to the issue of duplication of policy content earlier in my report and recommended a single policy approach to coastal mitigation service contributions.
176. In a representation the County Council states *“We have recommended modification or removal of policy 9 in our covering letter. Policy 9 generally covers matters that can be dealt with in Policy 1 which, as we have proposed should be redrafted, would include all necessary controls for development within settlements and in the countryside beyond. Proposals for chalets would require mitigation in accordance with the appropriate assessment conclusions referred to elsewhere. As drafted the Policy would fail to have regard to the need for mitigation. That matter is dealt with subject to our recommendations for modification to Policy 3 being accepted. The need for a policy covering home working would generally add little to normal planning considerations and any relevant considerations would be covered in our recommended modification to Policy 1. As drafted the final sentence of Policy 9 fails to distinguish between positive or adverse effects. To have proper effect it would need to be modified to indicate that decision makers should consider any significant adverse effects. We suggest that the policy should be modified to address only those controls over tourist accommodation and related development, and, if necessary, a separate policy is created regarding home working, although, for the reasons given, we would not recommend that such a policy is necessary.”* Commenting on this representation the Parish Council state *“We disagree. This is set out in our response*

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<sup>66</sup> Coastal mitigation service

*to the covering letter. However, if it is decided that it is necessary to delete Policy 9 and use the suggested revised Policy 1, we will accept that decision.”*

177. The modification I have recommended in respect of Policy 1 makes Policy 9 unnecessary. I have recommended a modification to delete Policy 9 so that the Neighbourhood Plan *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

### **Recommended modification 11 Delete Policy 9**

## **Policy 10 Principal Residence Housing**

178. This policy seeks to establish that new housing (excluding replacement dwellings) will only be supported where first and future occupation is restricted in perpetuity to occupation only as a principal residence. The policy includes a definition of principal residence and policy implementation details.

179. In a representation the County Council states *“The discrepancy between Policy 1 (part c) and this Policy is noted above. In the last paragraph use of the phrase ‘...if/when...’ introduces a degree of unnecessary uncertainty around whether the Local Planning Authority would enforce the provisions set out in a planning obligation. For clarity we recommend modification to replace that phrase with the word ‘...whenever...’.* Commenting on this representation the Parish Council state *“We are unclear as to how this policy conflicts with part c) of Policy 1. We have no objection to ‘whenever’ being incorporated into the policy instead of ‘if/when’.”* I have recommended a modification to use the term “whenever” so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

180. The representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance draws attention to material published by researchers at the London School of Economics. The representation includes *“A restriction policy of the type proposed is over simplistic and leads to results contrary to the outcome sought. The only people it benefits are existing users of unfettered housing*

*whose house prices increase. In relation to the basic conditions test, it can be seen that the effects of this policy are wholly inconsistent with the national objectives of sustainability as expressed in paragraph 8 of the NPPF. The principle resident's policy, as proposed, would have a negative economic effect upon the local economy, it would have a negative social effect in terms of reducing the levels of new build development and also in not rebalancing the local housing environment. It would also lead to higher house prices and therefore less affordable. It would also not meet the environmental objectives of sustainability in ensuring that the effective use of land and resources comes forward. Policy 10, it is considered, does not therefore comply with the basic conditions test for adherence with national policy."*

181. Comments of the Parish Council on the representation by R & K Wood Planning LLP on behalf of the Newcastle Diocesan Board of Finance includes *"With regard to comments made by the Diocese in relation to our proposed Principal Residence policy; we have no further points to make. The points raised are similar to those raised at Regulation 14 stage and we do not share the view of the Newcastle Diocese on this matter. We understand that they wish to develop their own site and do not wish to have a future principal occupancy restriction on the site as they consider that this will reduce the future value of the site and will also reduce options to sell off the units as holiday homes. It is hardly surprising that they take the stance they do. The information presented in the table on page 28 seeks to demonstrate that the North Northumberland Coast Neighbourhood Plan (NNCNP) policy on Principal Residence housing has failed, because the demand for new development has reduced dramatically in that area. The Northumberland Coast is a sensitive area in terms of landscape and nature conservation. It is the view of our community, that areas such as this should only accommodate development that will meet local needs by serving to stimulate local communities by providing more principal residence housing. The approach being taken by the Diocese, is to argue that the policy in the NNCNP has failed, because significantly fewer proposals for development have come forward since the Plan has been in force. We consider this to be a good thing; proposals for unnecessary, and potentially damaging development have not come forward and this is exactly what we want to ensure. This is our community plan, to meet the needs of our community. We are also aware that within the North Northumberland Coast area, the significant pressure that there was for development is now significantly reduced, resulting in less pressure on our most sensitive landscapes. Only proposals that actually benefit the area are*

*coming forward. This is exactly the reason why we need such a policy; to ensure that new development, where it does happen, benefits local people; indeed, this is a key part of our vision and our objectives. Furthermore, the figures presented in the table on page 28 misunderstand the concept of the 'plan period'. NCC have stated that they have (at present) in excess of an 11-year housing land supply. Embleton has met and significantly exceeded the housing requirement set out by NCC in Policy HOU3 in the emerging Northumberland Local Plan. Although we accept that this figure is a 'minimum' and not a 'maximum', we are of the view that this is a sensitive area where future development should be carefully planned and we have already significantly exceeded the 'minimum' housing requirement before the Plan is even in place. We do not agree that the Principal Residence policy will impact on the delivery of affordable housing. The emerging NCC plan regulates for the building of permanent resident only homes for the county where the number of second homes exceeds 20%. There has been a large (16 unit) affordable housing scheme delivered recently in Embleton. The implication that affordable housing can only be delivered through larger schemes is, in our view, flawed. We disagree with a number of other statements in the letter from the Diocese but believe we have covered the key points in this response."*

182. Paragraph 61 of the Framework states that within the context of Paragraph 60 of the Framework *"the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies..."* Paragraph 6.44 of the Neighbourhood Plan provides a justification for Policy 10. Reference is made to Census information, council tax records and local monitoring. Paragraph 6.46 refers to the Second and Holiday Homes Technical Paper that supported the Northumberland Local Plan Draft Plan for Regulation 18 Consultation produced in July 2018 by the County Council. This Technical Paper shows:

- in Table 2 that the percentage of household spaces with no residents in the Neighbourhood Area grew by 7.6% between 2001 and 2011 to a level of 26.7%;
- in Table 3 the number of second homes identified in Council Tax records (April 2016) in the Neighbourhood Area was 145 being 30.3% of all homes; and
- in Table 5 that identified second homes and holiday lets in the Neighbourhood Area in 2011 was approximately 50% of all household spaces.

Policy HOU 10 of the emerging Local Plan seeks to introduce a policy approach whereby new market homes will only be supported where they will be occupied as principal residence homes in areas identified in the most recent census as having 20% or more household spaces with no usual (ie permanent) residents. I have earlier in my report referred to the part of the guidance which states *“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”* As a matter of planning judgement, I am satisfied the policy is justified in that uncontrolled growth of second and holiday homes will damage the Neighbourhood Area. I am satisfied the policy approach to only support new housing where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a principal residence has sufficient regard for national policy, and that the policy will contribute to the achievement of sustainable development.

183. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

184. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, and promoting healthy and safe communities, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:**

**In Policy 10 replace “if/when” with “whenever”**



## Policy 11 Affordable Housing Contributions

185. This policy seeks to establish levels of affordable housing contribution in schemes of 10 homes or more (or 5 homes or more within the AONB). The policy also seeks to specify the tenure type of homes on affordable housing schemes.
186. In a representation the County Council states *“We recognise that the Policy generally reflects the intentions of the emerging Northumberland Local Plan and its supporting evidence. However, we recognise that the Local Plan has not yet completed its examination and the affordable housing policies remain in dispute. We also note that the Neighbourhood Plan makes no provision for major development (i.e. schemes of 10 or more dwellings) and para 6.53 seems to recognise that schemes of 5 or more dwellings in the AONB are unlikely to arise, or be acceptable. We would therefore question the need for this Policy and would suggest that this matter may be left to the emerging Local Plan given the clear intention of the Neighbourhood Plan to limit the scale and location of any future residential development, at least during the plan period.”* Commenting on this representation the Parish Council state *“We used the evidence gathered in relation to the Northumberland Local Plan to produce this policy – an approach which we consider to be acceptable. We do not think it is necessary for the Local Plan to be ‘made’ in order for us to use the evidence available that supports it. We are aware that the Local Plan may not be ‘made’ for some time and we would like this policy to remain as we are unable to predict what developments may come forward and be approved within the Neighbourhood Area over the next year or so. We do not understand how the comments about major development and paragraph 6.53 are relevant.”*
187. The Guidance states *“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”* Paragraph 6.53 of the Neighbourhood Plan refers to Local Plan Affordable Housing Value Mapping Methodology Technical Paper 2018. The Policy has been sufficiently evidenced and justified on this basis. The Policy has sufficient regard for Paragraph 63 of the Framework with respect to size of schemes to which it applies. I have recommended a modification so that the Policy has sufficient regard for Paragraph 62 of the Framework so that the type of homes relates to all affordable home provision, not just those

on affordable housing schemes, and expects on-site delivery. The Policy is without consequence and the terms “*will be expected*” and “*will be sought*” do not provide a basis for the determination of planning proposals. I have recommended a modification in these respects so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

188. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

189. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 13:  
In Policy 11**

- **commence the first paragraph with “To be supported”**
- **replace “will be expected” with “must”**
- **replace the second paragraph with “All affordable housing provision must include 60% affordable homes to rent and 40% homes to buy unless an alternative mix can be robustly demonstrated to be required.”**

**Policy 12 Rural Exception Sites and Community Led Housing**

190. This policy seeks to establish requirements and criteria for support of small-scale affordable housing schemes including community led housing schemes delivered as rural exception sites on the edge of the settlements of Christon Bank and/or Embleton village.

191. In a representation Natural England states the Policy supports *“development for which CMS<sup>67</sup> contributions would be appropriate to mitigate recreational disturbance impacts on the above European Sites.”*
192. In a representation the County Council states *“The Policy refers to ‘small-scale’ schemes. This term is not defined and is therefore imprecise. The final paragraph is not necessary provided changes recommended to Policy 3 are implemented. Whilst we recognise the desire of the Parish Council to support rural exception sites and community-led housing this matter can adequately be addressed in Policy 1, even as currently drafted in the Plan. Repetition provides no greater strength to a policy. The matters and controls identified are covered elsewhere in the Plan and we recommend deletion of this Policy.* Commenting on this representation the Parish Council state *“We do not agree that this policy should be deleted. Policy 1 provides an overarching ‘setting’ to what development will be supported in the Neighbourhood Area. Other policies in the Plan are specifically devoted to specific types of development, giving a specific set of criteria and considerations that are particularly relevant to that type of development. We accept that the last paragraph can be removed if this is covered by a standalone policy elsewhere in the Plan.”*
193. The Policy does serve a purpose by providing an additional level of detail not found in Policy 1. The term small-scale is imprecise. I have referred to the matter of repetition of matters relating to the Northumberland Coastal Mitigation Service when considering other policies earlier in my report and have recommended a single policy addresses this matter. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.
194. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

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<sup>67</sup> Coastal mitigation service

195. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, achieving well-designed places, and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:  
In Policy 12**

- delete "small-scale"
- delete the final paragraph

**Policy 13 Change of Use from Holiday Accommodation to Principal Residence Housing**

196. This policy seeks to establish support for change of use, or removal of occupancy conditions, from holiday let use (with exclusions) to principal residence housing. The policy also sets out mitigation requirements in respect of impacts on European sites and SSSIs.

197. In a representation Natural England states "*Developer contributions to the CMS are only required where development would result in a net increase in the number of units of residential and/or tourist accommodation. Whilst a requirement for mitigation has been stated in policy 13, for the purposes of the CMS 1 holiday let unit is considered to be equivalent to 1 residential unit; as presented, proposals supported by policy 13 would not constitute a net increase in accommodation, hence contributions to the CMS would not be required.*" In a representation the County Council state "*The final paragraph is not necessary provided changes recommended to Policy 3 are implemented.*" I have referred to this matter when considering other policies earlier in my report and have recommended a single policy addresses this matter.

198. 'Principal' is incorrectly spelt in the Policy title. The term "*within the Neighbourhood Area*" is unnecessary and confusing as all of the

Policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

199. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

200. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 15:**

##### **In Policy 13**

- delete “within the Neighbourhood Area”
- delete the second paragraph
- replace “principle” with “principal” in the policy title

#### **Policy 14 Assets of Community Value and Community Facilities**

201. This policy seeks to establish support for proposals that will enhance the community value of community facilities and community assets; and support for new community facilities within the defined settlement boundaries for Embleton village and Christon Bank. The policy also seeks to resist loss of identified community facilities or the loss of the last public house, shop or community hall in Embleton village or Christon Bank unless specified circumstances exist.

202. In a representation the County Council states *“The County Council objects to the inclusion of Vincent Edwards C of E Aided Primary School in the list of community facilities proposed for protection through this Policy. It is not appropriate to create planning policies to prevent the loss of schools since school planning is a matter for the Local Education Authority. Such protections would not have regard to the intentions of national policy set out at para 83(d) of the NPPF which concerns the retention of community facilities. The final paragraph seems to be at odds with the intentions of Policy 1 e) which would allow generally unrestricted development of community facilities, including beyond settlement boundaries. This creates uncertainty about the intention of this Policy when read alongside Policy 1.”*
203. Commenting on this representation the Parish Council state *“Please see comments made previously. The school is considered by the community to be a community facility. It has been in existence for over 300 years, is at the heart of our community and forms a key component of our vision statement. We are not seeking to prevent the loss of the school (although that would be a great loss for our community); but we are identifying the school buildings and the school as an important part of our community. With regard to comments about the last paragraph of the policy, and its consistency or otherwise with Policy 1; we could use the same terminology as Policy 1 (i.e. to ‘serve’ the settlements of Embleton and Christon Bank). This is subject to other policies in the Plan (i.e. landscape etc.) so we do not feel that there is an inconsistency if this approach is adopted.”*
204. The delivery of community facilities is subject to viability considerations and many are also subject to statutory requirements or third-party regulatory considerations. I have recommended a modification so that the policy will provide basis for the determination of development proposals and has sufficient regard for national policy.
205. Reference to Assets of Community Value that are not registered introduces uncertainty. The term *“protection”* does not provide a basis for the determination of planning proposals. The paragraph commencing *“The loss”* is confusing as it refers to valued community facilities **or** the loss of the last public house, shop or community hall ...”. The term *“resisted, and”* does not provide a basis for the determination of planning proposals. The policy is not consistent with Policy 1. I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.



206. As recommended to be modified the policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

207. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 16:**

**Replace Policy 14 with: “Proposals that will enhance the viability and/or the community value of the following community facilities (or any other facilities registered as Assets of Community Value) will be supported:**

**CF1: Vincent Edwards C of E Aided Primary School**

**CF2: Doctor’s Surgery**

**CF3: Greys Inn Public House**

**CF4: Blue Bell Public House**

**CF5: Dunstanburgh Castle Hotel**

**CF6: Dunstanburgh Castle Golf Course Club House**

**CF7: Embleton Village Shop and Post Office**

**CF8: Creighton Memorial Hall**

**CF9: Church of Holy Trinity and the Parish Church Rooms**

**CF10: Filling Station (including shop and garage)**

**CF11: Blink Bonny Public House**

**CF12: Christon Bank Church and Hall**

**CF13: Christon Bank Shop and Post Office**

**Proposals for redevelopment or change of use that would result in loss of premises of the above named community facilities (or any other premises of facilities registered as Assets of Community Value) will be resisted unless they will be replaced by an equivalent facility in no less convenient location for users, or**

**robust justification demonstrates there is no longer a need for the facility or the facility is no longer viable.**

**The provision of new community facilities, including recreational facilities will be supported subject to compliance with other policies in the Neighbourhood Plan and the Local Plan.”**

### **Policy 15 Provision and Improvement of Pedestrian and Cycle Routes**

208. This policy seeks to establish conditional support for the creation and improvement of footpaths and cycleways. The policy specifically supports improved pedestrian and cycle links between Christon Bank, Spitalford and Embleton village.
209. The policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
210. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting sustainable transport and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

### **Policy 16 Telecommunications and Broadband**

211. This policy seeks to establish conditional support for proposals which secure the expansion of electronic communication networks and high-speed broadband along with improvements to connectivity. The policy also seeks to ensure new development provides for ducting of fibre connections.

212. The policy is in general conformity with the strategic policies included in the Alnwick District Core Strategy (2007), and the “saved” strategic policies from the Alnwick District Wide Local Plan (1997), applying in the Embleton Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

213. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with supporting high quality communications and conserving and enhancing the natural environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

## Summary and Referendum

214. I have recommended 16 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

215. I am satisfied that the Neighbourhood Plan<sup>68</sup>:

- is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

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<sup>68</sup> The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>69</sup>

**I recommend to Northumberland County Council that the Embleton Parish Neighbourhood Development Plan for the plan period up to 2036 should, subject to the modifications I have put forward, be submitted to referendum.**

216. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.<sup>70</sup> I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”<sup>71</sup>. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Northumberland County Council as a Neighbourhood Area on 24 July 2017.**

<sup>69</sup> This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

<sup>70</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>71</sup> Planning Practice Guidance Paragraph 059 Reference ID: 41-059-20140306 Revision 06 03 2014

## **Annex: Minor Corrections to the Neighbourhood Plan**

217. A number of consequential modifications to the general text, and in particular the 'reasoned justification' of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. A number of corrections of errors, including those arising from updates, are also necessary:

- All references to the "*the Glebe Field*" should be changed to "*the Glebe Land*" in accordance with the Parish Council response to my request for clarification referred to in paragraph 131 of my report
- References in Policy 6, Appendix C, and elsewhere should be corrected to use the title '*Embleton Conservation Area Character Appraisal and Management Matters (February 2008)*'
- Paragraph 1.1 Replace Plan Area with 'Neighbourhood Area'
- Paragraph 2.5 Update to "The Northumberland Local Plan is currently at examination. It is unlikely to complete that process before summer 2020."
- Paragraph 3.17 replace 'reflect' with 'respect'
- Paragraph 6.1 replace "secure" with "support"
- Adjust Paragraph 6.20 to match the Policy titles for Policies 7 and 8.
- In paragraph 6.58 change "Principle" to "Principal" in the Policy title
- Replace paragraphs 6.1 to 6.6 inclusive with:

"6.1 Policy 1 provides the framework for all development management decisions and outlines what kind of development will be supported in Embleton Neighbourhood Area. In recognising the very special nature of the built and natural environment in the Neighbourhood Area, and the value these provide to the local community, the local economy and to visitors to the area, Policy 1 seeks to provide a strong degree of protection to the built and natural environment whilst encouraging sustainable development that:

  - Meets local housing needs;

- Allows for new housing development for people who wish to live in the Parish;
- Allows for investment by local businesses and the creation of new businesses;
- Supports rural tourism and leisure developments which respect the character of the area; and
- Provides and supports the retention of accessible local services and community facilities.

6.2 The Plan seeks to ensure that the intrinsic character and beauty of the countryside within Embleton Parish is recognised in decision making on land-use planning matters. To assist in this process Policy 1 defines settlement boundaries around the built-up areas of Embleton Village and Christon Bank.

6.3 These boundaries define those areas which comprise the settlements where there will be a general presumption in favour of allowing sustainable development, subject to normal environmental, highway safety and amenity impact considerations. The areas beyond the settlement boundaries will be regarded as countryside and, for planning policy purposes, development would be supported generally only by exception. Policy 1 defines those exceptions where development may be supported having regard to national planning policy and guidance.

6.4 The County Council has informed the Parish Council that, in accordance with national guidance, and based on an understanding of housing requirements throughout Northumberland, the Parish would be expected to accommodate an additional 30 dwellings in the period between 2016 and 2036. It is recognised that extant planning permissions in the Parish significantly exceed this expectation: current commitments and completions amount to some 80 additional dwellings.

6.5 The Parish Council recognise that the County Council's current requirement to deliver 30 additional dwellings should not be seen as a ceiling on housing delivery. However, given the current housing supply position, it is evident that there is no requirement at the current time to plan for significant additional housing. Policy 1 therefore defines relatively tight settlement boundaries around both Embleton Village and Christon Bank, both of which



include land on which planning permission for housing development has been recently granted. This serves to recognise the value of the countryside surrounding both settlements, much of which is in the AONB. Policy 1 also allows for additional windfall housing development within both settlements should opportunities arise. The policy therefore supports sustainable development and the definition of settlement boundaries would not stifle development which could still make a positive contribution towards the maintenance of sustainable communities in the Neighbourhood Area.

6.6 The delineation of the settlement boundaries follows a methodology described in the background paper: Settlement Boundary Methodology – Embleton Neighbourhood Plan (March 2018). Separate settlement boundary evidence papers are provided for Embleton Village and Christon Bank. These provide details of the survey information used to help define the boundaries and provide a detailed justification for the boundaries created. In summary, the following approach has been applied to ensure the Plan meets the ‘basic conditions’ in terms of general conformity with strategic policies in the development plan:

**Embleton Village:** Embleton village is identified a ‘sustainable village centre’ in the Alnwick LDF Core Strategy (Policy S1). Sustainable village centres are defined as settlements served by public transport and having a strong service base. Embleton village has a shop, a school, a post office, doctor’s surgery, pub, church, community hall and sports and recreational facilities. The focus of the proposed settlement boundary has been:

- generally to retain the boundaries defined in the Alnwick District Wide Local Plan (1999);
- to include additional land on which permission has been granted for development or where development has taken place;
- to protect the Conservation Area and AONB; and
- allow for windfall sites to come forward within the village.

**Christon Bank:** Christon Bank is identified in the Alnwick District LDF Core Strategy (Policy S1) as a ‘local needs centre’. Local needs centres are settlements with limited

services and limited transport and employment opportunities. The current development plan policies for local needs centres restricts housing development to that satisfying 'local needs' only. This policy is somewhat out of date, and recent developments and approvals in Christon Bank would indicate that this policy of 'local needs only' has not been implemented for some time. The settlement boundary for Christon Bank is drawn tightly around the village, whilst allowing for a recently granted permission for 13 dwellings.

6.7 To support the preparation of the Neighbourhood Plan, a Housing Needs Survey was carried out in the Neighbourhood Area in June 2018 in order to ensure that up-to-date evidence of local housing needs was available to inform the preparation of appropriate planning policies. At that time 11 households were identified as having a housing 'need'. Of these, just over half were already owner occupiers. The survey concluded that this implies limited local affordable housing need from people who are currently unable to meet their needs in the housing market (in the region of 5 households). This need may be met from more recent developments, some of which provide an element of affordable housing. However, opportunities may also arise to deliver affordable housing to meet any defined local needs on sites within the settlement boundaries or as 'rural exception sites'. NPPF provides the definition of 'rural exception sites' as follows:

*'Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.'*

6.8 Policy 1 allows for the provision of housing to meet local needs both within settlement boundaries and as 'rural exception sites'. This will provide opportunities to help boost the supply of housing, particularly where that meets an identified local need.

6.9 The Parish Council recognise the need to make provision for a range of exceptions for housing and other development in the countryside in addition to meeting any need for affordable

housing on 'rural exception sites'. Policy 1 therefore reflects those exceptions identified in national planning policy and guidance regarding appropriate circumstances where rural housing may be allowed. Policy 1 also seeks to ensure that the needs of the business community, and any requirement for additional or expanded community services and facilities, can be met by defining appropriate exceptions in accordance with national policy.

6.10 Some of the Neighbourhood Area is in the Northumberland Coast AONB and Heritage Coast. Policy 1 clarifies that major development will not be supported other than in exceptional circumstances, to reflect national planning policy. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited. This requirement is reflected in Policy 1."

218. The County Council has set out a number of Comments, Observations or Issues (presented below) that I consider do not necessitate modification of the Neighbourhood Plan in order to meet the Basic Conditions and other requirements that I have identified. Whilst I would have no objection to these changes, I am unable to recommend modifications of this nature:

- Page 3. The addition of a list of planning policies to the contents page or as an additional page at the start of the Plan to help in navigating the Plan.
- Pages 9-11. 'Issues and Themes'. With the exception of commentary at para 3.7 regarding issues of the impact of second homes being raised by residents, this section appears to be general information about the characteristics of the area rather than an explanation of 'issues' or of 'themes' to be developed in the Plan. This section doesn't particularly relate to the subsequent objectives or give an indication of how those objectives were developed (other than second home issues).

219. I recommend minor change in these and any other respects only in so far as it is necessary to correct an error or where it is necessary so that the Neighbourhood Plan *"is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals"* as required by paragraph 16d) of the Framework.

**Recommended modification 17:**

**Modify general text to achieve consistency with the modified policies, and to correct identified errors including those arising from updates. Renumber parts of policies arising from deletions.**

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18 March 2020  
REPORT ENDS