

Hauxley Neighbourhood Development Plan

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

Copy to Hauxley Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Hauxley Neighbourhood Development Plan. The plan has been prepared by Hauxley Parish Council. The plan relates to the whole parish of Hauxley which was designated as a Neighbourhood Area on 12 October 2021 following an earlier designation prior to a formal boundary review of the parish. The plan area lies within the Northumberland County Council area. The plan period runs until 2036. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

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

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Hauxley Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Hauxley Parish Council (the Parish Council). The whole parish of Hauxley was designated by Northumberland County Council (the County Council) as a Neighbourhood Area in 2019. As a result of a formal boundary review of the parish, the boundary of the parish was amended on 1 April 2021. The modified parish was designated as a Neighbourhood Area on 12 October 2021. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Hauxley Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Steering Group comprised of Parish Councillors and other community volunteers who are residents of the Neighbourhood Area.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the County Council. The County Council arranged a period of publicity between 5 February 2024 and 18 March 2024 and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 8 April 2024.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the County Council including a recommendation as to whether the Neighbourhood Plan should

proceed to a local referendum. The County Council will decide what action to take in response to the recommendations in this report.

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

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”

13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Parish Council; and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; and the written comments and representations.

14. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

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

18. The Neighbourhood Plan relates to the Neighbourhood Area that was designated by the County Council on 12 October 2021. A map of the Neighbourhood Area is included on page 6 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the Neighbourhood Area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated

neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs from 2023 until 2036. The plan period end date is confirmed in paragraph 1.11 of the Neighbourhood Plan.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because 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.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. 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:

- Hauxley Neighbourhood Plan 2023 - 2036 Submission Draft November 2023 and Policies Map
- Hauxley Neighbourhood Plan Basic Conditions Statement October 2023 [In this report referred to as the Basic Conditions Statement]
- Hauxley Neighbourhood Plan Consultation Statement September 2023 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment (SEA) February 2023 and Update Note January 2024
- Habitats Regulations Assessment Report October 2023 of the Hauxley Neighbourhood Plan Submission Draft October 2023
- Information available on the Parish Council and the County Council websites including the Hauxley Design Code October 2022; the Local Green Space background paper; the Green Gaps background paper; and the Settlement Boundary background paper.
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the County Council and the Parish Council including the initial letter of the Independent Examiner dated 8 April 2024; and the comments of the Parish Council on the Regulation 16 representations made on 25 April 2024
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Northumberland Local Plan 2016 - 2036 adopted 31 March 2022
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019)
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018

- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Following early issues consultation in January 2019 a Steering Group comprising Parish Councillors and other volunteers was established in August 2020 to oversee the development of the Neighbourhood Plan. The Steering Group has met regularly, online during the Covid 19 pandemic, throughout the plan preparation period. Comprehensive and inclusive engagement with the local community and other stakeholders has been achieved.
28. In September and October 2020 consultation was undertaken on a draft vision, objectives, policy areas and themes for community actions. A six-page document was distributed to all households and businesses in the Neighbourhood Area and available on line. The consultation which was promoted through the Parish Council website, local newspapers, and social media resulted in responses from 26 people. In 2022 there was engagement in respect of local green space designations, a draft design code, and an SEA scoping report.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 20 March 2023 and 4 May 2023. The consultation on the pre-submission draft Plan was publicised on the Parish Council website; hard copy documents were made available on request; and statutory and non-statutory consultees were contacted directly. A

drop-in event was held on 29 April 2023 at the Village Hall. Other publicity was achieved through social media, posters across the parish, and a leaflet sent to all households. The Consultation Statement includes in Appendix 13 details of the comments received from 7 consultation bodies, 6 other organisations, and from 19 residents. Suggestions have, where considered appropriate, been reflected in changes to the Plan that were approved by the Parish Council at its meeting in July 2023. The Plan was subsequently submitted by the Parish Council to the County Council.

30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 5 February 2024 and 18 March 2024. Publicity was achieved through the County Council website and by making hard copies of the submission documents available for inspection. Representations were submitted during the Regulation 16 period of publication from a total of 8 different parties.
31. The County Council has submitted supportive comments and suggestions to help in ensuring the Neighbourhood Plan meets the Basic Conditions and so that it provides clarity to assist decision-makers in applying policies consistently. I have recommended modifications, where I consider them necessary, either in respect of individual policies or in the Annex to my report.
32. Sport England and Natural England have confirmed no specific comments on the Neighbourhood plan but have submitted general advice. The Coal Authority stated “Our records indicate that within the identified Neighbourhood Plan area there are recorded coal mining features present at surface and shallow depth including: mine entries, coal workings and coal extraction by surface mining methods. These recorded features may pose a potential risk to surface stability and public safety. It is noted however that the Neighbourhood Plan does not propose to allocate any new sites for future development. On this basis the Planning team at the Coal Authority have no specific comments to make on this document.” Historic England has provided a response prepared at the time of the Regulation 14 consultation and has confirmed no further comments. National Highways stated it is deemed there is no negative consequence to the Strategic Road Network associated with the Neighbourhood Plan. Northumberland Wildlife Trust commend the commitment of the Hauxley community to the natural environment within the Neighbourhood Plan and specifically support the approach to Local Green Space designation, retention of wildlife corridors and coastal habitats. The Trust also recommend text for a community action. The representation of an individual supports the Neighbourhood Plan.
33. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they

are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley Borough Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations. Alternative policy approaches and additional policy content were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These matters are only relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified.

34. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council submitted comments on the Regulation 16 representations on 25 April 2024. I have taken those comments into consideration in preparing my report.
35. 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.
36. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the Neighbourhood Plan Steering Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

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

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

38. Page 5 of the Basic Conditions Statement states “Throughout the preparation of the HNP emphasis has been placed to ensure that no sections of the community have been isolated or excluded. The HNP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied, nor any threat to the fundamental rights guaranteed under the convention.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst an Equality Screening Assessment has not been prepared, from my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

39. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
40. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the County Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
41. Page 5 of the Basic Conditions Statement confirms SEA and HRA Screening Opinions were undertaken alongside the preparation of the Neighbourhood Plan and that these have informed the policies contained within it.
42. I have examined the Strategic Environmental Assessment (SEA) Environmental Report dated February 2023 and have no reason to disagree with its conclusion that there will be moderately positive or neutral environmental effects. The SEA screening opinion includes those consultation responses received from the statutory consultees in respect of scoping consultations. An SEA Addendum Note dated 22 January 2024 provides an update post Regulation 14 identifying broadly positive changes with effects limited to the biodiversity and landscape objectives. These changes are found to be relatively minor and are unlikely to lead to significant effects on any of the SEA Objectives and do not alter the overall findings set out in the Environmental Report. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
43. I have also examined the Habitat Regulation Assessment Report prepared by the County Council dated October 2023 and have no reason to disagree with its conclusion. The report found “Policies H5 and H6 are likely to have a significant effect on the Northumbria Coast SPA/Ramsar Site and the 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 Hauxley Neighbourhood Plan Pre-Submission Draft (October 2023) will have

an adverse effect on the integrity of European sites without mitigation. Policy H1 provides mitigation for recreational disturbance impacts on the Northumbria Coast SPA/Ramsar Site. As such, it can be concluded that the Hauxley Neighbourhood Plan Pre-Submission Draft (October 2023) will not have adverse impacts on the site integrity of the Northumbria Coast SPA and Ramsar Site.” Natural England have confirmed their agreement with the conclusion of this assessment in their letter dated 12th December 2023. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.

44. There are several other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
45. 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.
46. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The County Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

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

47. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make

the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”

48. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
49. The most recent National Planning Policy Framework published on 20 December 2023 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 14 February 2024. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance.
50. Table 1 of the Basic Conditions Statement sets out an explanation how each of the policies of the Neighbourhood Plan has regard to the Framework and the Guidance. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
51. The Neighbourhood Plan includes in Section 3 a positive vision statement for Hauxley in 2036. Three objectives addressing specific themes relating to the rich natural environment; distinctive built and historic environment; and sustainable and cohesive community are also set out. It is intended the policies of the Neighbourhood Plan should deliver those objectives which in turn will support delivery of the vision. Northumberland Wildlife Trust has suggested an addition to objective 3 referring to “protecting local ecosystem services”. Whilst the Parish Council welcome and support the suggestion they query whether it is too late in the process to be amending an objective of the plan. I am unable to recommend a modification as suggested as it would not be necessary to meet the basic conditions or other requirements I have identified.
52. Annex 1 of the Neighbourhood Plan sets out 15 community actions relating to matters grouped under the headings of the objectives of the plan, namely, rich natural environment; distinctive built and historic environment; and sustainable and cohesive community. Paragraph 1.10 of the Neighbourhood Plan states the community actions are measures which are intended to encourage action and

influence decisions taken by relevant bodies. It is explained in Annex 1 that as part of the process of developing the plan several matters have been identified by the local community that are outside the remit of planning policy in a neighbourhood plan. It is stated the Parish Council support these community actions and want these projects to be taken forward although it is recognised many of them will be delivered by, or in conjunction with, other bodies and community groups.

53. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, "Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan." The approach adopted to take the community actions forward is entirely satisfactory. I am satisfied the inclusion of the community actions in an annex of the plan document and without the background shading of the policies sufficiently differentiates the community actions from the policies of the Neighbourhood Plan. I confirm the community actions have not been subject to Independent Examination.

54. Northumberland Wildlife Trust state "There may be opportunities for the local community, including the local land managers to enhance the corridors and provide connectivity for wildlife through the neighbourhood area. Any maintenance or enhancement of Local Green Spaces should also ensure there is no negative impact on the nature conservation interest of an area e.g. using appropriate non-invasive species, retention of dead wood, appropriate management regimes to retain the interest, avoidance of hedgerow and tree management within the bird-breeding season and planting trees away from areas of species-rich grassland etc. Although national policies and guidance will cover many aspects of protecting the natural environment positive local impacts can make a very important contribution to enhancements. Proposed enhancements may include hedgerow or roadside verge management. Locally native, species-rich hedgerows can be planted or added to, to increase species diversity and by adding standard locally native trees. Hedgerow cutting can be reduced or halted, where possible, to encourage flowering and fruiting. Retention of native scrub and planting of further shrubs and trees. We would reiterate that tree and shrub

planting (in appropriate places) use only locally native species, not just UK native. Areas of grassland, including road verges, bridleways, margins of playing fields that can be left uncut or managed, with sections hay cut in late summer, and made more diverse with that management and/or additional locally native seed mixes. Nectar-rich planting schemes and locally native species could also be used in formal flowerbeds. A definitive list of locally native species can be found in *The Flora of Northumberland* (Swan, 1993). Recording and control of Invasive Non-native Species (INNS) is also something that could be included.” The Parish Council welcome these comments of the Northumberland Wildlife Trust and would support the inclusion of this within the community actions. Whilst I would have no objection to the inclusion of these comments, I am unable to recommend a modification of that nature as it is beyond my remit. (Part 10 Schedule 4B Town and Country Planning Act 1990).

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

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

57. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is

that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

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

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

- Establish a mechanism to ensure residential and tourist accommodation development contributes to mitigation of recreational disturbance to sensitive coastal areas;
- Designate Local Green Spaces;
- Establish criteria for support of development in identified Green Gaps;
- Ensure development is of high-quality design that conserves local distinctiveness in the part of the Neighbourhood Area in which it is to be located;
- Establish design codes for residential development; and
- Establish criteria for support of development within the defined High and Low Hauxley settlement boundaries.

60. 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)

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

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

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

65. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 4 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

66. The Neighbourhood Plan includes six policies as follows:

Policy H1: Coastal mitigation

Policy H2: Local green space

Policy H3: Green gaps

Policy H4: Local distinctiveness

Policy H5: Residential design codes

Policy H6: Sustainable location of new development

67. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 18 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

68. 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.”
69. 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).”
70. 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.”
71. “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.”
72. 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).”

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

Policy H1: Coastal mitigation

75. This policy seeks to establish a basis to address impacts on coastal Sites of Special Scientific Interest and European Sites resulting from increasing levels of recreational activity arising from new residential units or new tourist accommodation.
76. The County Council has expressed support for this policy. Paragraph 185b) of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Policy H1 has sufficient regard for the approach to habitat protection set out in paragraphs 185 to 188 of the Framework. Whilst the Framework refers to “Habitats sites” I am content that the more widely understood term “European sites” is used in Policy H1. The second paragraph of Policy H1 refers to section 106 planning obligations in a way that has sufficient regard for national policy, in particular paragraph 57 of the Framework.
77. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
78. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard

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

Policy H2: Local green space

79. This policy seeks to designate 16 Local Green Spaces and establish that they should be protected from development in a manner consistent with the protection of Green Belt.
80. The County Council considers that the Local Green Spaces identified in this policy have been sufficiently assessed and evidenced in the Local Green Space Background Paper which accompanies the Plan. Northumberland Wildlife Trust support the definition of Local Green Spaces and state that they do not need to be accessible. The Trust also support the retention of valuable wildlife corridors and coastal habitats.
81. 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 of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the green spaces in question. Even in the absence of such expansion, the scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. I agree with the representation of the County Council that the Local Green Spaces should be numbered individually on the Policies Map to assist identification for users of the Neighbourhood Plan. I have recommended a modification in this respect so that the policy is clearly written and unambiguous so that it is evident how a decision maker should react to development proposals as required by paragraph 16d) of the Framework.
82. The evidence base supporting the Neighbourhood Plan includes a Local Green Space Background Paper (June 2023). Maps included on pages 45 to 57 in Appendix 3 of the Local Green Space Background Paper identify the boundaries of each individual area proposed to be designated. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
83. The policy states the designated areas will be protected from development in a manner consistent with the protection of land within the Green Belt. Decision makers must rely on paragraph 103 of the Framework that states "Policies for managing development within a Local Green Space should be consistent with those for Green Belts" and the part of the Framework that relates to 'Protecting

Green Belt land' in paragraphs 147 to 151. That latter part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I am satisfied the policy has sufficient regard for national policy in this respect.

84. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”
85. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
86. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably ‘close proximity’ to the community it serves, is local in character, and is not an extensive tract of land.
87. The Local Green Space Background Paper sets out an explanation of the method used to identify and select sites for designation as Local Green Space. The Background Paper provides in Appendix 1 a Local Green Space summary assessment which provides a justification for each proposed designation. Appendix 2 of the Local Green Spaces Background Paper provides additional detail. I am satisfied relevant reasons for designation are indicated as applying in respect of all 16 proposed sites including attributes referred to in the Framework.

As a matter of planning judgement, I consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and the Background Paper provide sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

88. I find that the 16 areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
89. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
90. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

On the Policies Map referred to in Policy H2 number each Local Green Space to correspond with the numbering in the policy

Policy H3: Green gaps

91. This policy seeks to establish criteria for support of development proposals within identified green gaps.
92. The County Council state "As previously commented by the County Council at the Regulation 14 stage, the wording of this policy is very restrictive and there does not seem to be the evidence to justify this approach. The approach to include 'green gaps' in the Neighbourhood Plan seems to be informed by section 2.3 (landscape and views) and Figure 14 of the accompanying Hauxley Design Code (October 2022); however, the green gaps which appear in the Design Code appear to be descriptive in nature, simply describing the gaps between settlements, rather than providing justification for the approach set out in Policy H2. The Design Code does not seem to consider the rationale behind the inclusion of important views, and does not offer any comment or assessment of the significance of these views and how they contribute towards the character of

the Parish. The intention to prevent the coalescence of Amble and High Hauxley is noted, as are references to the wildlife corridor and coastal habitats. However, it is not considered that sufficient evidence has been made available to justify the inclusion of green gaps.”

93. The Parish Council has commented on the County Council representation as follows “Following comments from NCC at regulation 14 stage, a green gaps background paper was prepared to provide a summary of the information that informed the policy approach. HPC concluded, particularly from the information contained within the design code, that the plan should seek to protect green gaps. The design code refers in many places to the importance of the green gaps between the settlements e.g. it refers to the importance of views within the design vision. The Northumberland Landscape Character work refers to the importance of protecting key views along the coast and seaward. HPC does not consider the approach to be restrictive (see explanation provided within the submitted consultation statement – pages 103 to 104).”
94. The text in the Consultation Statement referred to states “Noted, no amendments required. It is considered that the policy is not very restrictive: • Criterion ‘a’ which seeks to ensure that new development would protect and enhance the rural character of the parish would accord with local plan policies: STP1i (sensitivity of the open countryside), ENV3 (protecting the character of the landscape), ENV4 (referring to protecting rurality); • Criterion ‘b’ preventing the coalescence of Amble and High Hauxley would accord primarily with local plan policy STP1; • Criterion ‘c’, to protect the important landscape character and visual amenity would accord primarily with local plan policy ENV3; • Criterion ‘d’ to retain a valuable wildlife corridor and habitat would accord with local plan policies STP6 (protecting/ improving green infrastructure) and ENV2 (biodiversity and geodiversity). The evidence for the approach is clearly set out within the design code (elements regarding the important character and views) and wildlife corridor and habitat (given the relationship with the internationally designated sites on the coast and habitats – see Defra Magic Map). In addition, the issue of potential coalescence is very relevant given the significant expansion of Amble. The intention of the policy is to ensure an important part of the local landscape character of the area is protected. There are other examples of such approaches in the north east, for example in Darlington and Stockton.”
95. Section 4 of the Green Gaps Background Paper titled ‘Identification of an appropriate policy approach’ states “Whilst the proposed settlement boundaries for Low and High Hauxley will protect the open countryside from certain development, the purpose of the designation of the green gaps is more comprehensive given their role in protecting the character and green

infrastructure of the parish. Draft policy H5 (sustainable location of new development) would require development outside the settlement boundaries to be assessed against the requirements of NLP policy STP1. Whilst this restricts market housing development, criterion 'g' identifies development that may be supported, including the sustainable growth and expansion of existing business or the formation of new businesses, agricultural diversification and other land-based rural businesses, sustainable rural tourism and leisure developments, affordable housing, and infrastructure proposals. The approach to green gaps would ensure that development would be supported where it would not conflict with the purpose of the designation. It would provide a locally specific approach which accords with the provisions of the strategic policies of the development plan:

- Criterion 'a' which seeks to ensure that new development would protect and enhance the rural character of the parish would accord with local plan policies: STP1i (sensitivity of the open countryside), ENV3 (protecting the character of the landscape), ENV4 (referring to protecting rurality);
- Criterion 'b' preventing the coalescence of Amble and High Hauxley would accord primarily with local plan policy STP1;
- Criterion 'c' to protect the important landscape character and visual amenity would accord primarily with local plan policy ENV3;
- Criterion 'd' to retain a valuable wildlife corridor and habitat would accord with local plan policies STP6 (protecting/ improving green infrastructure) and ENV2 (biodiversity and geodiversity).

This paper has described the evidence for the approach is clearly set out within the design code (elements regarding the important character and views) and wildlife corridor and habitat (given the relationship with the internationally designated sites on the coast and habitats). In addition, the issue of potential coalescence is very relevant given the significant expansion of Amble.”

96. Paragraph 4.9 of the Neighbourhood Plan states Figure 3 shows the Green Gaps identified within the Design Code which highlights that the landscape surrounding Low and High Hauxley is sensitive to change and should be protected wherever possible. Paragraph 4.9 also states the physical and visual separation of High and Low Hauxley with Amble are considered vital to the character of the local area. Part b of Policy H3 seeks to prevent the coalescence of Amble and High Hauxley.

97. The separation of settlements is an important element of the wider character of the Neighbourhood Area. Preventing two settlements from coalescing is not the same as preventing any development between them. Sustainable development could occur in the green gaps that does not undermine the visual separation of High Hauxley, Low Hauxley and Amble. A policy defining an area where no

development is to be permitted would seek to establish a regime that is more restrictive than even that applying in designated Green Belt. Such an approach would not have sufficient regard for national policy for it to be appropriate. Whilst the resistance of all forms of development in a defined area of open countryside would not have sufficient regard for national policy the resistance of coalescence of settlements can be a legitimate objective of land use policy. The Hauxley Design Code (October 2022) states “Any development that is proposed in the ‘green gaps’ separating the settlements should clearly form part of the existing settlement that it will be associated with.” Section 6 of the Neighbourhood Plan also confirms the Neighbourhood Plan is not seeking to preclude development that accords with the strategic policies of the Local Plan insofar as it supports types of development outside settlement boundaries.

98. Policy H3 is not seeking to prevent all development within the identified Green Gaps but is seeking to prevent coalescence of settlements and to avoid adverse effect on identified important views, which in turn will contribute to the wider character of the Neighbourhood Area. Policy H3 is in this respect in general conformity with the strategic policies and is seeking to direct development in accordance with paragraph 29 of the Framework. When viewed from various publicly accessible locations it is evident the proposed Green Gaps fulfil the role of contributing to the separation of settlements. The Hauxley Design Code (October 2022) states “The areas of landscape or ‘green gaps’ between Amble, High Hauxley and Low Hauxley should be preserved to maintain a degree of separation between each settlement.” I have recommended part b of the policy should refer to the prevention of coalescence of High Hauxley and Low Hauxley in addition to the prevention of coalescence of Amble and High Hauxley to provide greater clarity and to reflect the supporting evidence base.

99. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. Paragraph 180 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with residents in the locality but must demonstrate physical attributes beyond “ordinary” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC2429 (Admin)). Section 2.3 of the Hauxley Design Code (October 2022) contains sufficient evidence why the identified views are beyond ordinary. I have recommended a modification so the description of identified key views matches those identified in the evidence base and identified on figure 3 of the Neighbourhood Plan to correct an error. The modification I have recommended also removes any confusion arising from the

fact that it was difficult to imagine that development in the green gaps could adversely affect views out to sea from the coastline.

100. Parts a and d of Policy H3 are imprecise. It is not evident how development will be judged to protect and enhance the rural and coastal character of the area, nor how it will be judged to retain a valuable wildlife corridor and coastal habitats. Parts a and d of the policy do not provide decision makers with a basis to determine development proposals as required by paragraph 16d of the Framework. Part a of the Policy does not introduce an additional level of detail or distinct local approach to that set out in strategic policies STP1, ENV3, and ENV4. Part d of the Policy does not introduce an additional level of detail or distinct local approach to that set out in strategic policies STP6 and ENV2. Parts a and d of Policy H3 do not serve a clear purpose in that they unnecessarily duplicate policies that apply to the Neighbourhood Area. For these reasons I have recommended parts a and d of the policy are deleted.

101. I have recommended the green gap boundaries identified on figure 3 of the Neighbourhood Plan should be limited to only include land within the Neighbourhood Area to correct an error. I have also recommended the policy title is modified to reflect the content of the policy so that the Neighbourhood Plan is clearly written in accordance with paragraph 16 of the Framework.

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

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

Recommended modification 2:

Replace Policy H3 with “Development within the green gaps identified on figure 3 of the Neighbourhood Plan will be supported where it is demonstrated it will not result in the coalescence of Amble and High Hauxley, nor result in the coalescence of High Hauxley and Low Hauxley. Development proposals throughout the Neighbourhood Area must be sensitive to the importance of maintaining key views: 1. between High Hauxley and Amble; 2. out to sea from the coastline including views of

Coquet Island; 3. from Low Hauxley south along the coastline; and 4. across Hauxley Nature Reserve.”

On figure 3 of the Neighbourhood Plan delete those parts of the green gaps that are outside the Neighbourhood Area, and add key view reference numbers to reflect those used in Policy H3

Re-title Policy H3 and figure 3 as “Green Gaps and Key Views” and adjust the Neighbourhood Plan Contents Page accordingly

Policy H4: Local distinctiveness

104. This policy seeks to establish that development should conserve and enhance local distinctiveness by demonstrating high quality design in respect of stated matters within each of four identified parts of the Neighbourhood Area namely the Low Hauxley Beach Houses area; the Low Hauxley area; the Kirkwell Cottages area; and the High Hauxley area.
105. The County Council state “The County Council made comments on the Pre-Submission Draft Plan regarding the part of the policy which deals with Kirkwell Cottages. It is noted and welcomed that the County Council’s comments have been considered and that the policy now seeks to support development which better reflects the local vernacular. Final sentence of H4(d)(ii) should read “...hedgerow or timber fence boundary treatments.” The Parish Council has commented on the County Council representation as follows “support welcomed and comments noted. HPC agree with the suggested amendment to policy H4(d)(ii).” I have recommended a modification in this respect to correct an error.
106. The County Council also considers that Policy H4 is more like a design code and that Policy H5 is more a set of general residential design principles rather than design codes. The County Council state there is a degree of conflict between Policies H4 and H5, for example, there are inconsistencies regarding building height. The Parish Council agree that there could appear to be some conflict regarding the height of properties. I agree that the relationship between Policies H4 and H5 is unclear and includes conflict. I have addressed the matter of conflict between Policies H4 and H5 when considering Policy H5 later in my report.
107. Paragraph 132 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local

aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Policies should be clear about design expectations and how these will be tested. The requirement to respond to the distinctive character of each part of the plan area requires correction. I am satisfied Policy H4 is seeking to ensure development respects identified elements of the distinctive character of the part of the Neighbourhood Area in which it is located.

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

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

**Recommended modification 3:
In Policy H4**

- **in the opening statement replace “each part of the plan area” with “the part of the plan area in which it is located”**
- **in part d ii replace “of timber” with “or timber**

Policy H5: Residential design codes

110. This policy seeks to establish design principles for residential development.

111. The County Council state “The County Council considers that Policy H4 is more like a design code and that Policy H5 is more a set of general residential design principles rather than “design codes”. There is a degree of conflict between Policies H4 and H5, for example, there are inconsistencies regarding building height: H4 makes specific reference to single storey buildings, yet H5 states that “any new buildings should adhere to a maximum height of 2 storeys, with 1 and 1.5 storey buildings also appropriate heights.” The County Council does not consider that this sets out a clear policy approach to aid decision making. If determining an application for residential development in one of the four-character areas against H4(b)(i), how would an officer overcome the conflict with Policy H5(a) in terms of building height? Should the wording make it clear that Policy H5 should be subject to the requirements of H4? The final sentence of

the first paragraph of Policy H5 should read: “Where appropriate and relevant to the development it should accord with the following design codes...” The County Council previously made representations on this policy regarding parking and renewable energy. The County Council welcomes the reference in Policy H5(e) to parking being provided “on-plot”. However, the second sentence repeats the requirement set out in Northumberland Local Plan Policy WAT 3 and it is suggested that this could be removed (Text to remove: “Where hard surfaced driveways are provided these should be balanced with areas of soft landscaping to reduce the level of rainwater runoff.”) Policy H4(g) is supportive of the installation of solar panels or other renewable energy and energy efficiency measures in accordance with Policies QOP 5 and REN 1 of the Northumberland Local Plan. However, the County Council would question whether H4(g) simply repeats Local Plan policy.”

112. The Parish Council has commented on the representation of the County Council as follows “It is noted that NCC did not raise these concerns through the consultation on the pre-submission draft neighbourhood plan. HPC would not be concerned in the title of the policy was amended to ‘residential design principles.’ With regard to conflict identified, Policy H4 HPC agree that there could appear to be some conflict regarding the height of properties, to remove this conflict criterion ‘a’ of policy H5 could be deleted. HPC agree that the suggested amendment to the first paragraph of Policy H5 to remove the typo”. I have recommended a modification with respect to these matters to correct an error, and to avoid conflict between Policies H4 and H5 so that the policy has sufficient regard for national policy.

113. The Parish Council also state “With regard to the second sentence of criterion ‘e’ of policy H5, this was included within the pre-submission draft policy and no issue was identified. The text in italics is the third sentence. It has been included as it was identified within the design code. HPC considers the reference should be retained for clarity. With regard to H4(g) (it is assumed this should refer to policy H5(g)?) As with the previous point, this is something that is included within the design code, so it was considered important to highlight.” Paragraph 16f of the Framework states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant). I have recommended the third sentence of part e of the policy and part g of the policy should be deleted for this reason. I have noted the desire of the Parish Council to highlight the matters that I am recommending should be deleted. The general text in paragraph 5.8 introducing the policy should be supplemented to refer to the matters in question.

114. Paragraph 135 of the Framework states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” I am satisfied Policy H5 has sufficient regard for these aspects of national policy.

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

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

Recommended modification 4:

In Policy H5

- **amend the title of the policy to “Residential design principles”**
- **in the opening statement replace “in terms of: building heights, roof forms” with “including in terms of: roof types” and replace “accords” with “accord”**
- **delete part a; the third sentence of part e; and part g of the policy**

Supplement the general text in paragraph 5.8 of the Neighbourhood Plan to highlight those matters deleted from the policy.

Policy H6: Sustainable location of new development

117. This policy seeks to establish conditional support for development within the Low and High Hauxley Settlement Boundaries and seeks to establish criteria for support of development outside the settlement boundaries.
118. The County Council state “The County Council considers that the second sentence is superfluous. All relevant policies in the development plan would be used to determine a planning application and therefore there is no need to refer to other policies.” The Parish Council has stated agreement with the suggested amendment. I have recommended a modification in this respect so that the policy avoids unnecessary duplication of policies applying in the area concerned to have sufficient regard for paragraph 16 of the Framework. The first sentence of the policy directs development to sustainable locations.
119. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
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 Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:
In Policy H6 delete the second sentence**

Conclusion and Referendum

I have recommended 5 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

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

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

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the County Council as a Neighbourhood Area on 12 October 2021.

Annex: Minor Corrections to the Neighbourhood Plan

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

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

Recommended modification 6:

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

The County Council has queried whether Tables 1-4 of the Neighbourhood Plan have been amended to reflect 2021 census data. The Parish Council has confirmed “the title for each of the tables illustrates that the figures are from the 2011 census. When the plan was being prepared/ updated only initial 2021 census figures were available, not the level of detail contained within tables 1-4.” I am unable to recommend any modification in this respect as it is not necessary to meet the Basic Conditions.

Chris Collison
Planning and Management Ltd

14 May 2024
REPORT END