

# **HEXHAM NEIGHBOURHOOD PLAN 2019-2036**

Hexham Neighbourhood Plan Examination  
A Report to Northumberland County Council

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## **1. Summary**

- 1 Subject to the recommendations within this Report, made in respect of enabling the Hexham Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - 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.
  
- 2 Taking the above into account, I find that the Hexham Neighbourhood Plan meets the basic conditions<sup>1</sup> and I recommend to Northumberland County Council that, subject to modifications, it should proceed to Referendum.

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

## **2. Introduction**

### **The Neighbourhood Plan**

- 3 This Report provides the findings of the examination into the Hexham Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Hexham Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Northumberland County Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Hexham Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.  
  
*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”*  
(Paragraph 29, National Planning Policy Framework)
- 6 As confirmed in paragraph 2.2 on page 5 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Hexham Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 7 Paragraph 2.6 on page 5 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Hexham Neighbourhood Area and that there is no other neighbourhood plan in place in the Hexham Neighbourhood Area.
- 8 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019<sup>2</sup>) and Planning Practice Guidance (2014).

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<sup>2</sup> A replacement National Planning Policy Framework was published in July 2018 and amended in 2019. Paragraph 214 of the replacement document establishes that the policies of the previous National Planning Policy Framework apply for the purpose of examining plans, where those plans are

Role of the Independent Examiner

- 9 I was appointed by Northumberland County Council, with the consent of the Qualifying Body, to conduct the examination of the Hexham Neighbourhood Plan and to provide this Report.
- 10 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 11 I am a chartered town planner and have seven years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 12 As the Independent Examiner, I must make one of the following recommendations:
  - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 13 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Hexham Neighbourhood Area to which the Plan relates.
- 14 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

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submitted on or before the 24<sup>th</sup> January 2019. The Hexham Neighbourhood Plan was submitted to Northumberland County Council after this date and consequently, it is appropriate to examine the policies of the Neighbourhood Plan against the most recent version of the National Planning Policy Framework.

### Neighbourhood Plan Period

- 15 A neighbourhood plan must specify the period during which it is to have effect.
- 16 The title of the Neighbourhood Plan provides a clear reference to the plan period, 2019-2036 and the plan period is also identified in Paragraph 2.4.1 on page 5 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan.
- 17 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

### Public Hearing

- 18 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 19 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 Further to consideration of the information submitted, I determined not hold a public hearing as part of the examination of the Hexham Neighbourhood Plan.
- 21 However, in order to clarify a number of points in respect of the examination, I wrote to the Qualifying Body and to Northumberland County Council and this examination has taken the responses received into account.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions.*” These were *set out in law*<sup>3</sup> following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 23 Regulations 23 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28<sup>th</sup> December 2018, applies to neighbourhood plans:
- 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.<sup>4</sup>

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

<sup>4</sup> *ibid* (same as above).

- 24 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
  - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
  - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
  - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 25 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>5</sup>
- 26 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

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<sup>5</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.



European Convention on Human Rights (ECHR) Obligations

- 27 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 28 In the above regard, I also note that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Various comments have been received in response to active community engagement during the plan-making process. The Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses to comments and to resulting changes to the Neighbourhood Plan.

European Union (EU) Obligations

- 29 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>6</sup>)
- 30 This process is often referred to as “*screening*”<sup>7</sup>. If likely environmental effects are identified, an environmental report must be prepared.

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<sup>6</sup> Planning Guidance, Paragraph 027, Ref: 11-027-20150209,.

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

- 31 Northumberland County Council carried out a screening assessment of the Neighbourhood Plan, which identified that, as well as seeking to allocate land for development, the Neighbourhood Area includes a number of sensitive receptors, including ecological and heritage assets, as well as areas of significant flood risk. Given these factors, the screening assessment concluded that:

*"...Strategic Environmental Assessment of the Hexham Neighbourhood Plan is required and that a Scoping Report and subsequent Environmental Report will need to be produced."*

- 32 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted on the screening assessment. All three of the bodies agreed with its conclusions.

- 33 A Strategic Environmental Assessment, containing a Scoping Report, was submitted alongside the Neighbourhood Plan. An Addendum document was also submitted, presenting relevant updates to the findings in the SEA since Regulation 14 consultation.

- 34 Further to consideration of the submitted documents, Historic England submitted a representation setting out concerns:

*"...about the lack of a clear train of thought to conclude an absence of significant environmental effects on the historic environment, even if this might well be the case."*

- 35 Taking this into account, the Qualifying Body asked the Local Planning Authority to request a pause in the examination to allow further work to be undertaken to supplement the environmental report and to undertake consultation on an addendum to that report.

- 36 Further work was undertaken and a further addendum was thus produced and submitted, following consultation with statutory bodies. None of the statutory bodies dissented from its conclusions and Historic England stated that they are:

*"...satisfied with the revised environmental report...there is a clear train of thought to conclude an absence of significant environmental effects on the historic environment..."*

37 In addition to SEA, a Habitats Regulations assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information<sup>8</sup>. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.

38 Northumberland County Council prepared a detailed "*Hexham Neighbourhood Plan Submission Plan Habitats Regulations Assessment*" and this was submitted alongside the Neighbourhood Plan. In conclusion, Paragraph 6.2 stated:

*"Northumberland County Council provides the following screening opinion for the purposes of Habitats Regulations: Hexham Neighbourhood Plan...is not likely to have a significant effect on any European Sites..."*

39 None of the statutory bodies disagreed with this conclusion and Natural England stated that it:

*"...concurs with the conclusion...that Hexham Neighbourhood Plan...is not likely to have a significant effect on European sites alone or in combination with other plans and projects."*

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

*"It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)" (Planning Practice Guidance<sup>9</sup>).*

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<sup>8</sup> Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

<sup>9</sup> *ibid*, Paragraph 031 Reference ID: 11-031-20150209.

- 41 In carrying out the work that it has and in reaching the conclusions that it has, Northumberland County Council has not raised any concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 42 Further to this, I note that, in April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind")*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an *Appropriate Assessment* of those effects must be undertaken.
- 43 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
- 44 The changes to regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application. These changes came into force on 28<sup>th</sup> December 2018.
- 45 I am mindful that Northumberland County Council has taken all of the above into account and has stated that:
- "As the Local Planning Authority we are satisfied that the Hexham Neighbourhood Plan does not breach and is otherwise compatible with European Union obligations, and specifically Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment."*
- 46 Taking all of the above and the evidence before me into consideration, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

#### **4. Background Documents and the Hexham Neighbourhood Area**

##### Background Documents

- 47 In undertaking this examination, I have considered various information in addition to the Hexham Neighbourhood Plan.
- 48 I draw attention to the fact that a replacement version of the National Planning Policy Framework was published in 2018 and revised in 2019 and it is this replacement document that the Neighbourhood Plan must have regard to.
- 49 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2019)
  - Planning Practice Guidance (2014, as updated)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - Tynedale Local Development Framework Core Strategy (2007) (referred to in this Report as the "*Core Strategy*")
  - Saved Policies of the Tynedale District Local Plan (2000. Saved 2007)
  - Basic Conditions Statement
  - Consultation Statement
  - Representations received
  - Habitats Regulations Assessment Screening Opinion
  - Strategic Environmental Assessment and Addendums
- 50 In addition, I spent an unaccompanied day visiting the Hexham Neighbourhood Area.

Hexham Neighbourhood Area

- 51 The boundary of the Hexham Neighbourhood Area is identified on a plan provided on page 7 of the Neighbourhood Plan. However, the title of the plan is given as "*Proposed Neighbourhood Area*." As noted below, the Neighbourhood Area has been formally designated and is not "*proposed*." Also, the print quality of the plan on page 7 results in blurred boundaries and text.
- 52 Taking the above into account, I recommend
- **Page 7, change title of plan to "*Hexham Neighbourhood Area*" and include a key/reference to the coloured shading which shows the Neighbourhood Area. Ensure that the print quality of the plan provided is not blurred.**
- 53 Northumberland Council designated the Hexham Neighbourhood Area on 22<sup>nd</sup> April 2015.
- 54 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 5. Public Consultation

### Introduction

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

### Hexham Neighbourhood Plan Consultation

- 57 A Consultation Statement was submitted to Northumberland County Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>10</sup>.
- 58 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Hexham Neighbourhood Area, having regard to Paragraph 29 of the National Planning Policy Framework ("*the Framework*").
- 59 Further to establishing a Neighbourhood Plan Steering Group, a number of Public Forums were held. These took place between 2015 and 2017. All residents were invited and attendees became Forum Members, who were notified of and invited to subsequent events. Nine Public Forums were held, covering a wide range of issues and helping to evolve plan production. A housing needs survey was also carried out during 2016.
- 60 The pre-submission draft plan was consulted upon during March and April 2018. This was supported by the delivery of a consultation response form to all households and a drop-in event. More than 500 responses were received. These were duly considered and helped to inform changes to the plan.

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<sup>10</sup> Neighbourhood Planning (General) Regulations 2012.

- 61 A second pre-submission consultation took place during October and November 2018. Again, responses were duly considered and informed the plan-making process.
- 62 As well as a dedicated website, public consultation was supported by publicity via the town's newsletter, "*The HexPress*," and by the local weekly newspaper, the Hexham Courant.
- 63 The Consultation Statement provides ample evidence to demonstrate that public consultation formed a fundamental part of the plan-making process. Consultation was comprehensive, very well-publicised and matters raised were duly considered.
- 64 Taking all of the above into account, I am satisfied that the consultation process was robust and that it complied with the neighbourhood planning regulations referred to above.



## **6. The Neighbourhood Plan – Introductory Section**

- 65 The basic conditions are referred to earlier in this Report and for precision, I recommend:
- **Introduction, Page 6, change from line six, “...It should also *be in general conformity with strategic...and the Tynedale District Local Plan 2000 (Tynedale Local Plan). The Neighbourhood Plan has also taken into account relevant information relating to the emerging Northumberland Local Plan.*”**
  - **Page 9, delete the “What happens next?” section, which has been overtaken by events**
  - **Para 1.1.3 change reference to NPPF to reflect the most up to date version, “The National Planning Policy Framework (2019) (NPPF)...”**
- 66 The development plan as it affects Hexham is set out earlier in the Neighbourhood Plan and need not be repeated in Paragraph 3.1.2, which, along with Paragraph 3.1.3 appears confusing.
- 67 I recommend:
- **Delete Para 3.1.2**
  - **Change Para 3.1.3 to “*Once made, the policies of the Hexham Neighbourhood Plan form part of the development plan for the area. Any planning application must...*”**
- 68 The reference in Paragraph 3.1.7 in respect of the policies being read in conjunction with one another is to be welcomed, as it highlights the fact that cross-referencing, which can appear cumbersome and detract from the clarity of policies, is unnecessary.

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### Sustainable Development

#### **Policy HNP1: Sustainable Development in the Neighbourhood Area**

- 69 Policy HNP1 refers to the “green belt inset area” defined on the Policies Map. There is no such designation, either on the Policies Map (Policy Map 1), or the Policies Map Inset (Policies Map 2), submitted alongside the Neighbourhood Plan.
- 70 Consequently, the first line of the first Policy in the Neighbourhood Plan is unclear, contrary to national planning guidance, which requires planning policies to be clear and unambiguous<sup>11</sup>:
- “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 Further to consideration of submitted information, it is apparent that Policy HNP1 seeks to provide for development in Hexham, outside of the Green Belt. This is clarified in the recommendations below.
- 72 Generally, the Policy seeks to set out a positive policy framework to support a variety of development within Hexham’s built-up area outside the Green Belt. This has regard to the national policy aim of providing for sustainable development.
- 73 As set out, it is not clear whether the Policy requires development to provide all of the things listed – which, without evidence to the contrary, would be an unduly onerous requirement and this is a matter addressed below.

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<sup>11</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

74 Taking the above into account, I recommend:

- **Change the first sentence of Policy HNP1 to “*Within the settlement of Hexham, outside of the Green Belt (as indicated on the plan below), the development of any of the following will be supported:...*”**
- **Provide a new plan showing the area within and outside the Green Belt in the Neighbourhood Area.**
- **For clarity, change the last sentence of Policy HNP1 to “*Within the Green Belt, development proposals will be determined in accordance with national Green Belt policy.*”**

**Policy HNP2: High Quality Sustainable Design in the Neighbourhood Area**

75 National planning policy recognises that:

*“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”*

(Paragraph 124, the National Planning Policy Framework, referred to in this Report as “the Framework”)

76 Further, Paragraph 127 of the Framework states that developments should ensure that they are:

*“...sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...”*

77 Generally, Policy HNP2 aims to ensure that all development in the Neighbourhood Area comprises high quality design and contributes to the achievement of sustainable development, and in this way, the Policy meets the basic conditions.

78 However, as presented, Policy HNP2 seeks to impose a long series of significant requirements upon all forms of development, regardless of scale, type or location.

79 Much new development in Hexham will be small scale – including householder development and applications for minor proposals – and there is no evidence to demonstrate that all new development will be capable of achieving the requirements set out. Consequently, the Policy does not have regard to Paragraph 56 of the Framework, which requires planning obligations to be necessary, directly related to development, and fairly and reasonably related in scale and kind to development.

80 Further, the Policy appears to mix up apparently onerous aspirations for development with general requirements for good design and goes on to set out a very generalised approach to heritage assets, which fails to reflect the important nuances of national policy, or to take account of the fact that the Neighbourhood Plan provides a series of detailed heritage policies elsewhere.

- 81 In the absence of any substantive evidence in justification of the approach set out, Policy HNP2 does not demonstrate how its requirements in respect of, for example, BREEAM standards, achieving Quality Marks, brownfield site run-off rates, the provision of various facilities and embedding renewables, are necessary and deliverable, having regard to Paragraphs 56 of the Framework and also the requirement set out in Paragraph 16 of the Framework, for plans to:

*“...be prepared positively, in a way that is aspirational but deliverable.”*

- 82 Taking all of the above into account, I recommend:

- **Policy HNP2, delete Policy and replace with “All new development in the Neighbourhood Area should achieve high quality design by responding positively to local character through attention to scale, massing, height, density, access and landscaping. Development must respect residential amenity and not detract from highway safety.**

*Development proposals should, where possible seek net biodiversity gains and where loss is unavoidable and mitigation not possible, provide compensation by the creation of enhanced habitats at or near the site.*

*The conservation of water and reduction of run off through the provision of Sustainable Urban Drainage systems (SUDs) will be supported, as will the incorporation of embedded renewables and low carbon building technologies to reduce the carbon footprint of development.”*

- Delete Para 4.1.4
- Change Para 4.1.5 to *“The Town Council would like to see opportunities being taken wherever...”*
- Change Para 4.1.10 to *“...new housing development, the Town Council would like to see new housing development meet the equivalent of a four-star rating. More information about the Home Quality...”*
- Change Para 4.1.13, *“In considering design matters, it is noted that the provision of adequate...Cycle storage should be...”*

## Built Environment

### **Policy HNP3: Design in the Hexham Conservation Area**

- 83 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment,*" recognises that the nation's heritage assets comprise an irreplaceable resource. Paragraph 184 of the Framework requires all heritage assets to:

*"...be conserved in a manner appropriate to their significance..."*

- 84 Whilst in general terms, Policy HNP3 seeks to conserve Hexham Conservation Area and its setting, the Policy is presented in a way that appears vague, through the use of terms including "*where relevant*" and the highly subjective "*anytown architecture,*" and in a manner which seeks to introduce new requirements, such as "*preservation,*" that fail to have regard to national heritage policy.

- 85 I recommend:

- **Policy HNP3, delete Policy and replace with "*Development must conserve the Hexham Conservation Area and its setting. Development that enhances the Hexham Conservation Area or its setting will be supported. Development proposals impacting on the Hexham Conservation Area or its setting should consider their impact on important views into and out of Hexham, including of historic roofscapes and the historic buildings of the Abbey, Moothall and Old Gaol; and on the historical layout of the town's streets, including the narrow chares.*"**
- **Delete Para 5.1.9, which is unclear and delete Para 5.1.10 which appears as a Policy requirement, but is not**
- **Change Para 5.1.11, which refers to character areas rather than to the Conservation Area, the subject of Policy HNP3, to "*...vernacular*) is important in Hexham and is characterised by the town's Conservation Area and its setting. Particularly important to..."**

- Delete last sentence of Para 5.1.12 which reads as a Policy, but is not
- Change Para 5.1.14 to “...of the town *and the Policy seeks to ensure that this is* incorporated positively...”
- Delete para 5.1.16, which is unsupported by substantive information
- Change Para 5.1.17 to “...consent. *Enforcement-related issues* mean that the problem...”

**Policy HNP4: Non-Designated Heritage Assets**

- 86 Policy HNP4 seeks to afford protection to Non-Designated heritage assets. National policy requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in the determination of any application (Paragraph 197, the Framework).
- 87 Given this, the first part of Policy HNP4, which, subject to the recommendations below requires proposals affecting such assets to be designed having appropriate regard to their significance, meets the basic conditions.
- 88 However, the Policy goes on to require the provision of information, without any evidence to demonstrate that such information would be relevant, necessary and material to all applications affecting non-designated heritage assets and their settings, having regard to Paragraph 44 of the Framework. For example, there is nothing of substance to justify a requirement for every such application to include an archaeological assessment.
- 89 The Policy goes on to require any loss of significance of a non-designated heritage asset to be recorded and for the results of this work to be made publicly accessible. However, national policy only requires such provision to be in a manner proportionate to the assets importance and the impact and this is reflected in the recommendations below.
- 90 No substantive information has been provided to demonstrate which non-designated heritage assets in Hexham are of equivalent significance to Scheduled Ancient Monuments and consequently, the first sentence of the second paragraph of Policy HNP4 appears ambiguous. In any case, this is a national policy requirement (as per footnote 63, to Paragraph 194 of the Framework) and cross-reference to Policy HNP7 is unnecessary.
- 91 I recommend:
- **Policy HNP4, change third line to “...should be designed having regard to the significance of the asset.”**



- Policy HNP4, line 4, delete sentence "This should include...its setting."
- Policy HNP4, line 7, add "...loss *in a manner proportionate to the assets importance and the impact* and make the results..."
- Delete lines 8-10 of Policy HNP4 "Hexham has...HNP7"

**Policy HNP5: Shop Front Design in the Conservation Area**

- 92 Policy HNP5 seeks to protect historic shop fronts in Hexham Conservation Area, having regard to national policy's requirements for plans to:
- "...set out a positive strategy for the conservation and enjoyment of the historic environment..."*  
(Paragraph 185, the Framework)
- 93 However, design guidance is precisely that. It does not comprise policy, but provides helpful information to guide planning proposals.
- 94 Taking this into account, it is not appropriate for Policy HNP5 to require "*conformity*" with Northumberland's Shop Front Design Guide, as this would effectively afford policy status to the guidance.
- 95 No indication is given as to when it would be appropriate to restore, retain or replicate a shop front, or as to why these very different approaches are inter-changeable in all circumstances.
- 96 In the absence of a definition, it is not clear what an "*inappropriate frontage*" comprises, who would be the judge of this and on what basis. Notwithstanding this, it is not clear why Policy HNP5 requires, in all cases, older elements of inappropriate shopfronts to be restored, how this might occur, or why it would, in all cases, be possible and appropriate. This part of the Policy is not clear, is not supported by evidence of deliverability and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 97 No indication is provided of how a shop front might be replicated on the basis of "*evidence of an earlier design.*" Such evidence could take a variety of forms and may not provide sufficient information to provide for "*replication.*" Further, there is no substantive information to demonstrate that it would be possible in all circumstances to deliver restoration on this basis, or that replicating evidence of an earlier design would necessarily conserve or enhance the Conservation Area.
- 98 The final category of the Policy would prevent the provision of a new, high quality, contemporary shop front that respects the host building and the street scene, whilst using traditional scale, proportions and materials, wherever there is some evidence of a previous shop front. Such an approach could serve to place a barrier in the way of investment into new, appropriate high quality shop fronts and fail to contribute to the achievement of sustainable development.

99 Taking all of the above into account, the wording of Policy HNP5 fails to achieve the aim of helping to conserve and enhance shop fronts, but rather, presents an ambiguous Policy that lacks clarity.

100 I recommend:

- **Policy HNP5, delete and replace with “*Historic shop fronts in Hexham Conservation Area should be retained and their restoration will be supported. Changes to shop fronts in the Conservation Area should demonstrate how they have taken into account the most recently adopted shopfront design guidance for Hexham and must be of high quality, using traditional scale, proportions and materials, and they must respect the host building and the street scene.*”**
- **Para 5.1.27, change to “...photograph, *the Town Council would like to see the earlier design be replicated. Sometimes...*”**

**Policy HNP6: Hexham Market Place**

101 The Framework requires planning policies to:

*"...support the role that town centres play at the heart of local communities..."*

(Paragraph 85)

102 Policy HNP6 presents policy support for the sensitive regeneration of Hexham Market Place and has regard to national policy.

103 The Policy uses the term "*preserve*" which fails to reflect the national policy requirement, referred to earlier in this Report, for development affecting heritage assets to "*conserve*" them in a manner appropriate to their significance. Preservation and conservation are two different things.

104 Part of the Policy seeks to impose obligations on all forms of development, without evidence to demonstrate that the approach set out has regard to Paragraph 56 of the Framework, which requires planning obligations to be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

105 Taking this into account, I recommend:

- **Policy HNP6, change second line to: "*...where the scheme conserves or enhances...*"**
- **Policy HNP6, change second paragraph to "*Development in the Market Place must not harm highway safety and should pay particular regard to pedestrians, cyclists and the needs of visitors with a disability.*"**

**Policy HNP7: Designated Heritage Assets**

106 With the exception of the inclusion of the final sentence, Policy HNP7 is fully reflective of national policy as set out in Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*" and meets the basic conditions.

107 Heritage policy applies to heritage assets and consequently, it is inappropriate for Policy HNP7 to apply to non-heritage assets, just as it is inappropriate for the Policy to apply to something that is not known.

108 I recommend:

- **Policy HNP7, delete "*This policy applies to buildings which may be designated in the future.*"**
- **Change Para 5.1.30 to "...of the town. *The Town Council will seek to encourage stone and brickwork maintenance repairs to be carried out...*"**

## Housing

### **Policy HNP8: Housing Site Allocations**

109 There is no requirement for a neighbourhood plan to allocate land for housing. However, neighbourhood planning provides communities with powers to shape, direct and help to deliver sustainable development, including through the allocation of land for new homes.

110 Policy HNP8 of the Neighbourhood Plan seeks to allocate ten sites for residential development and together, these sites would contribute towards the national policy of objective of:

*"...significantly boosting the supply of homes..."*

(Para 59, the Framework)

111 Whilst there is no Northumberland-wide adopted policy setting out housing numbers for Neighbourhood Areas, Northumberland County Council has provided Hexham Town Council with its considered view that Hexham Neighbourhood Area's housing requirement comprises a minimum of 530 dwellings over the plan period. This has regard to Paragraph 66 of the National Planning Policy Framework and to national guidance, which states that:

*"...the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request."*<sup>12</sup>

112 Whilst the detailed Policy wording does not quite reflect national policy, as set out in Chapter 5 of the Framework, *"Delivering a sufficient supply of homes"* (and this is a matter addressed in the recommendations below), the first paragraph of Policy HNP8 is reflective of the Local Planning Authority's considered view. It establishes that allocations in the Neighbourhood Plan, to be delivered along with windfall sites, will provide for 530 dwellings in the Neighbourhood Area.

113 However, the Neighbourhood Plan does not allocate land for at least 530 dwellings. Rather, the ten allocated sites as set out provide for only around 157 dwellings.

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<sup>12</sup> Planning Guidance, Paragraph: 105 Reference ID: 41-105-20190509

- 114 What is not made clear in the Neighbourhood Plan is that Hexham's housing requirement has emerged from significant work by plan-makers. The housing requirement and housing allocations are considered in detail in the evidence base and the background Housing Report contained within this evidence base identifies provision for at least 587 dwellings over the plan period, taking into account, for example, dwellings already built and anticipated windfall figures.
- 115 Further to the above, whilst representations have been received in respect of the deliverability of allocations named in Policy HNP8, I am mindful that, whilst the assessment of sites within a neighbourhood plan, by its very nature, may involve a degree of subjectivity, the evidence submitted demonstrates that proposed site allocations have emerged through a significant process, appropriate to the Neighbourhood Plan and proportionate to neighbourhood planning. Further, the site assessment process itself formed a major part of the Neighbourhood Plan's consultation process and an earlier part of this Report found the consultation process to have been robust.
- 116 I also note that the emerging Northumberland Local Plan is at an advanced stage and that the Neighbourhood Plan has been informed by relevant information relating to this emerging plan. Consequently, plan-makers have had regard to Planning Guidance,<sup>13</sup> which states that:
- "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."*
- 117 A number of representations to the Neighbourhood Plan consider that the document should release other sites, not allocated in Policy HNP8, including land within the Green Belt, in order to provide for housing development. However, there is no requirement for the Neighbourhood Plan to allocate other sites, or for it to seek to revise the Green Belt.
- 118 Further, whilst representations have been made questioning the Neighbourhood Plan's approach to housing, including the deliverability of allocated sites, I note above that Northumberland County Council is generally satisfied with Policy HNP8's approach to the Neighbourhood Area's housing requirement.

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<sup>13</sup> Planning Guidance, Paragraph: 009 Reference ID: 41-009-20190509

119 The recommendations below take account of all of the above, including the fact that the Neighbourhood Plan has emerged through a robust consultation process and the submission of evidence to demonstrate that its approach to housing contributes to the achievement of sustainable development.

120 I recommend:

- **Policy HNP8, delete text and replace with “*The following sites, also shown on the Policies Map, are allocated for housing development in Hexham: (LIST SITES HERE). Housing development will also be supported on windfall sites within Hexham, outside the Green Belt.*”**
- **Para 6.1.10, change to “...of Hexham. *The Neighbourhood Plan does not seek to alter green belt boundaries and the emerging Northumberland Local Plan does not propose...deliver housing. Given this, the Neighbourhood Plan seeks to provide for the delivery of the Neighbourhood Area’s housing requirement within Hexham, outside the Green Belt. The Neighbourhood Area’s identified housing requirement over the plan period, agreed with Northumberland County Council, is a minimum of 530 dwellings.*”**
- **Add new Para below Para 6.1.10 “*Hexham’s housing requirement is considered in detail in the evidence base supporting the Neighbourhood Plan and the background Housing Report contained within the evidence base identifies provision for at least 587 dwellings over the plan period, taking into account, for example, dwellings already built and anticipated windfall figures.*”**
- **As no evidence is provided to support its current content, change Para 6.1.13 to “...School. *If these schools merge, the number of new homes on suitable sites in Hexham could increase significantly, well over and above the minimum housing requirement. These sites are not designated...*”**



**Policy HNP8.1: The Workhouse Site (Old Hospital) Dean Street and Corbridge Road**

121 Northumberland County Council supports the allocation of this site, but provides evidence to demonstrate that it is capable of providing for at least 80 dwellings.

122 The Policy requires the preservation, rather than the conservation of the Conservation Area.

123 I recommend:

- **Policy HNP8.1, change to "...b) How the development will *conserve* or..."**
- **For consistency, change d) to "...cyclists." (delete last three words)**
- **Change last line of Policy to "*The site can accommodate at least 80 dwellings.*"**
- **Delete Para 6.1.14 which reads as though it is a Policy, but is not**
- **Para 6.1.16, delete everything after "The *site area* is 1.3ha." (unnecessary repetition)**

**Policy HNP8.2: The Telephone Exchange**

124 Northumberland County Council supports the allocation of this site.

125 For clarity, I recommend:

- **Policy HNP8.2, change to “...iii)...how the scheme conserves the setting of the Conservation Area.” (reference to the setting of the roofscape is unnecessary and unclear)**
- **For consistency, change ii) to “...cyclists.” (delete last three words)**
- **Para 6.1.19, delete everything after “The *site area* is 0.6ha.”**

**Policy HNP8.3: Land at Edgewood**

126 Northumberland County Council questions whether the site can provide 5 dwellings due to the need to retain mature trees.

127 I recommend:

- **Policy HNP8.3, change last line of Policy to *“The site can accommodate no more than 5 dwellings.”***
- **For consistency, change iii) to *“...cyclists.”* (delete last three words)**
- **Para 6.1.21, change to *“Due to the need to retain mature trees, this site may deliver less than, and no more than, 5 dwellings.”***

**Policy HNP8.4: Land West of Station Road**

128 Northumberland County Council supports the allocation of this site.

129 For clarity, I recommend:

- **Policy HNP8.4, change to “...ii) How the development will *conserve or enhance* the character...”**
- **For consistency, change iii) to “...cyclists.” (delete last five words)**

**Policy HNP8.5: Bog Acre Cottage and Haulage Site**

130 This allocation is made up of two adjacent areas of land. Northumberland County Council supports the allocation, but does not consider it capable of providing 11 dwellings.

131 I recommend:

- **Policy HNP8.5, change iii) to "...cyclists." (delete last five words)**
- **Change last line of Policy to "*The site can accommodate around 6 dwellings.*"**

**Policy HNP8.6: Priestpople County Buildings**

132 Northumberland County Council supports the allocation of this site.

133 The Policy requires the preservation, rather than the conservation of the Conservation Area.

134 For clarity, I recommend:

- **Policy HNP8.6, change ii) to “...scheme *conserves or enhances* the character...”**
- **For consistency, change iv) to “...cyclists.” (delete last three words) and last line to “The site *can* accommodate...”**
- **Para 6.1.26, delete everything after “The *site area* is 0.2ha.” (unnecessary repetition)**

**Policy HNP8.7: Housing Allocation at Graves Yard**

135 Northumberland County Council supports the allocation of this site.

136 For clarity, I recommend:

- **Policy HNP8.7, change iii) to "...cyclists." (delete last three words)**
- **Para 6.1.28, delete everything after "The *site area* is 0.2ha." (unnecessary repetition)**

**Policy HNP8.8: Housing Allocation at Broadgates**

137 Northumberland County Council notes that this site is not allocated in the emerging Local Plan.

138 For clarity, I recommend:

- **Policy HNP8.8, change iii) to “...cyclists.” (delete last three words)  
Also, remove bold enhancement of text from start of this line**
- **Change last line of Policy to “*The site can accommodate at least 4 dwellings.*” (delete rest of sentence)**
- **Para 6.1.30, change to “*The site area is 0.1ha and is...*”**



**Policy HNP8.9: Police Houses Land Adjacent to the Police Station**

139 Northumberland County Council supports the allocation of this site.

140 For clarity and consistency, I recommend:

- **Policy HNP8.9, change to “...iii) How the development will *conserve or enhance* the character...”**
- **For consistency, add “iv) *Safe access for vehicles, pedestrians and cyclists.*”**
- **Change last line of Policy to “The site *can* accommodate at least 20 dwellings.”**

**Policy HNP8.10: Bus Depot and Land at Chareway Lane**

141 Northumberland County Council supports the allocation of this site.

142 For clarity I recommend:

- **Policy HNP8.10, change to "...ii) *Conservation or enhancement of...*"**
- **For consistency, change iii) to "...cyclists." (delete last three words)**
- **Change line 9 of Policy to "The site *can* accommodate at least 30 dwellings."**
- **Para 6.1.33, change penultimate line to "...maintenance *and that any* development on this..." (This is the point that the EA have *made clear*)**
- **Para 6.1.34 reads as a Policy, which it is not. Change to "...Correction). *The Town Council would like to see development take opportunities to enhance...its setting. The Town Council would also like to see the retention...the site and their incorporation into any proposal.*"**
- **Change Para 6.1.35 to "*The site area is 1.2ha.*"**

**Policy HNP9: New Housing Development**

- 143 As noted earlier, national policy requires heritage assets to be conserved in a manner appropriate to their significance. It does not simply afford blanket protection to historic features for their own sake. Given this and in the absence of any substantive justification, Policy HNP9's requirement for all residential development to retain and incorporate any historic feature does not meet the basic conditions.
- 144 Further, requiring all residential development to provide or make financial contributions towards access, cycle and pedestrian links fails to have regard to Paragraph 56 of the Framework, which requires all planning obligations to be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.
- 145 In respect of the above, I note that the phrase "*where required*" is ambiguous and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 146 I note that whilst Building for Life provides helpful guidance to inform good design, it does not comprise a Policy requirement. Also, Policy HNP9's reference to parking standards possibly being reduced is vague and imprecise.
- 147 The Framework recognises that early engagement:
- "...has significant potential to improve the efficiency and effectiveness of the planning application system for all parties."*  
(Para 39, the Framework)
- 148 However, neither national policy nor statute provides any scope whatsoever for the Town Council to require that the Local Planning Authority (Northumberland County Council) "*looks more favourably*" on planning applications that have been the subject of early, proactive and effective community engagement.

149 Taking all of the above into account, I recommend:

- **Policy HNP9, change to: “Residential development proposals should demonstrate how they have taken account of: a) existing trees, hedgerows, wildlife corridors and heritage assets; b) patterns of cycle, pedestrian and vehicular movement and highway safety; c) high quality design, having regard to Building for Life 12 Third Edition (2015); d) contribution towards a mix of housing types, including the local need for more two and three bedroom houses and bungalows. Sites in Flood Zones 2 or 3 on the Environment Agency Flood Maps must be accompanied by a Flood Risk Assessment.” Delete rest of Policy**
- **Para 6.1.38, delete second sentence**
- **Delete Para 6.1.39**
- **Change Para 6.1.41 to “Hexham Town Council will encourage applicants to engage on all major housing...”**
- **Change Para 6.1.42 to “...cater for demand, the Town Council would like to see proposals for housing development ensure that they...”**

**Policy HNP10: Affordable Housing Provision**

150 National policy requires that:

*"...the needs of groups with specific housing requirements are addressed..."*  
(Paragraph 59, the Framework)

151 Policy HNP10 seeks to provide for Hexham's affordable housing requirements and in this way, it has regard to the basic conditions.

152 During the plan-making process, Northumberland County Council's approach to affordable housing has changed. The emerging Local Plan seeks to adopt a "value area" - based approach to the provision of affordable housing, which differs considerably to that set out in Policy HNP10.

153 With this in mind and taking account of the potential for the adopted Local Plan to introduce an approach that supersedes that of the Neighbourhood Plan, plan-makers have suggested a change to Policy HNP10 that would integrate well with the emerging Local Plan.

154 Taking this and the evidence base supporting the Neighbourhood Plan into account, I recommend:

- **Delete Policy HNP10 and replace with "All housing developments of 10 units or more must provide affordable housing in accordance with the Development Plan. At least 10% of any affordable housing should be for purchase."**
- **Delete Paragraph 6.1.46, 6.1.48 and 6.1.49**

**Policy HNP11: Housing for Older People**

155 In general terms, Policy HNP11 supports the provision of housing for older people, having regard to Paragraph 61 of the Framework, which requires the needs of different groups of people to be reflected in planning policies:

*“...including, but not limited to, those who require affordable housing...older people...”*

156 As worded, the Policy suggests that support, which could take many forms, for example financial support, will be given to provide housing for older people, when the aim of the policy is for development proposals to be supported.

157 I recommend:

- **Change wording of Policy HNP11 to *“The provision of housing for older people, including extra-care housing, later-living schemes and sheltered housing, in the town centre and in areas within Hexham outside the Green Belt well served by public transport will be supported.”***
- **Paragraph 6.1.51, change to *“...within the town centre, then it is important that sites are well served by public transport, enabling occupiers to easily access services...”***

**Policy HNP12: Rural Exception Sites for Affordable Housing**

158 Policy 77 of the Framework promotes the provision of rural exception sites:

*"...that will provide affordable housing to meet identified local needs."*

159 Rural exception sites are defined as:

*"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing."*

(Glossary, the Framework)

160 In general terms, Policy HNP12 supports the provision of rural exception sites and has regard to the Framework. As presented, however, the Policy fails to reflect the *"exceptional"* nature of these sites, such that the intention is for them to provide for housing in areas that would not normally be used.

161 Rather, the Policy sets out requirements in respect of proximity to the town centre and/or proximity to public transport links. Further, the Policy does not have regard to the need for rural exception sites to be small.

162 I recommend:

- **Policy HNP12, change to *"The development of small sites on the edge of the built-up area for rural exceptions housing will be supported."***
- **Delete Paragraphs 6.1.53 and 6.1.54**

Natural Environment, Health and Well-being

**Policy HNP13: Local Green Spaces in Hexham**

163 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

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

164 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

165 Given the importance of the designation, it is appropriate that areas of Local Green Space are clearly identified in the Neighbourhood Plan itself. The Figures identifying each Local Green Space are small and provided on a poor quality map base. This makes the detailed identification of boundaries difficult and I make a recommendation in this regard, below.

166 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.

167 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

168 The Neighbourhood Plan seeks to designate ten areas of land as Local Green Space. Supporting evidence is provided to demonstrate that each proposed Local Green Space meets the relevant national policy tests and is therefore appropriate for designation. I also note earlier in this Report that the Neighbourhood Plan has emerged through robust public consultation.



- 169 The Policies Map shows the location of each Local Green Space, but at a difficult scale for the naked eye to make out the precise boundaries of each Local Green Space provided in the Neighbourhood Plan. Consequently, the Policies Map alone is insufficient for such an important land use policy designation and this is a matter addressed in the recommendations below.
- 170 National Policy requires that policies for managing development within a Local Green Space be consistent with those for Green Belts. Whilst the latter part of the Policy reflects this, the opening sentence does not.
- 171 Taking all of the above into account, I recommend:
- **Policy HNP13, delete first sentence and change second sentence to “...Policies Map *and the supporting plans below are designated...*”**
  - **Provide new plans below the Policy to clearly show the precise boundaries of each Local Green Space**

**Policy HNP14: Tyne Green Country Park and Tyne Green**

172 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" promotes healthy lifestyles and requires planning policies to:

*"...plan positively for the provision and use of shared spaces, community facilities...and other local services to enhance the sustainability of communities and residential environments."*

(Paragraph 92, the Framework)

173 Policy HNP14 promotes development related to the enjoyment of Tyne Green Country Park and contributes to the achievement of sustainable development.

174 No changes recommended.

**Policy HNP15: Wildlife Corridors**

175 Policy HNP15 seeks to protect valued areas of biodiversity, having regard to Paragraph 170 of the Framework, which requires planning policies to contribute to and enhance the natural and local environment by:

*"...minimising impacts on and providing net gains for biodiversity."*

176 However, as worded, the Policy requires enhancement of wildlife corridors, along with the creation and improvement of links between them, without justification, for example in the form of evidence of deliverability, or evidence that the requirements have regard to Paragraph 56 of the Framework, referred to earlier in this Report.

177 The Policy goes on to set out a requirement in respect of exterior lighting without evidence that this is deliverable, having regard to Paragraph 16 of the Framework. Many forms of exterior lighting do not require planning permission and there is no information to demonstrate how this requirement of the Policy might be implemented and controlled.

178 Planning decisions are the responsibility of the Local Planning Authority, Northumberland County Council and consequently, it is not the role of the Neighbourhood Plan to state that development will not be permitted. Further, such an approach runs the risk of pre-determining the planning application process, not allowing for a balanced consideration of harm and benefits and thus failing to contribute to the achievement of sustainable development.

179 I recommend:

- **Policy HNP15, change to *"Development proposals must respect the wildlife corridors identified on the Policies Map. Proposals for development must ensure...value. External lighting requiring planning permission must not impact negatively in areas along wildlife corridors where darkness is characteristic. Development should not result in the further fragmentation of wildlife corridors shown on the Policies Map."***
- **Whilst not a requirement, I note that the wildlife corridors on the Policies Map are relatively small scale and that additional plans, either within the Neighbourhood Plan or in addition to the Policies Map, would aid identification.**

**Policy HNP16: Allotments**

180 Chapter 8 of the Framework, "*Promoting healthy and safe communities,*" promotes healthy and inclusive places which enable and support healthy lifestyles:

*"...for example through the provision of...allotments."* (Paragraph 91, the Framework)

181 Policy HNP16 seeks to protect existing and support the provision of new allotments. The Policy meets the basic conditions.

182 I recommend:

- **Paragraph 7.1.32, change to "*The Town Council is keen to see that allotments, wherever possible, are provided...*"**

**Policy HNP17: Hedgerows, Trees and Verges in Hexham**

183 Having regard to Paragraph 170 of the Framework, which seeks to protect and enhance biodiversity, the aims of Policy HNP17, which protects and supports the planting of new trees, meets the basic conditions.

184 It is not clear, in the absence of information, how the Policy will “*resist*” loss and the recommendations below propose an alternative wording. Further, not all trees will necessarily be worthy of retention and again, this is a matter addressed below.

185 I recommend:

- **Change wording of the first sentence of HNP17 to “*The loss of healthy trees and hedgerows in the Neighbourhood Area will not be supported.*”**

**Policy HNP18: Dark Skies**

186 Whilst dark skies are important and it is recognised that Northumberland National Park's dark skies are of international significance, Hexham sits outside the National Park and in the absence of substantive information, it is not clear how a Masterplan relating to the National Park can be used to judge planning applications in the Neighbourhood Area, outside the National Park.

187 Further to the above, Policy HNP18 requires all external lighting proposals to demonstrate compatibility with the National Park's Exterior Lighting Masterplan. All external lighting in the Neighbourhood Area will not require planning permission and no substantive information has been provided to demonstrate how the Policy requirement can be implemented or controlled.

188 I recommend:

- **Change wording of Policy HNP18 to *"Development should respect the dark sky environment of Northumberland National Park."***
- **Delete Paragraph 7.1.40 and 7.1.41**

**Policy HNP19: Community Facilities**

189 Paragraph 92 of the Framework states that:

*“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of...community facilities...guard against the unnecessary loss of valued facilities...”*

190 Policy HNP19 seeks to protect community facilities and provides a positive policy framework for the creation of new such facilities. The Policy meets the basic conditions. No changes recommended.

**Policy HNP20: Community Renewables Schemes**

191 Paragraph 151 of the Framework requires plans to:

*"...provide a positive strategy for energy from (renewable and low carbon energy)...that maximises the potential for suitable development whilst ensuring that adverse impacts are addressed satisfactorily..."*

192 In supporting the renewable energy developments, Policy HNP20 has regard to national policy.

193 As set out, the Policy simply requires there to be no harm, whatsoever, to residential amenity. This fails to provide for a balanced consideration of harm against benefits.

194 As worded, the Policy would, for example, prevent a renewable scheme that brings about significant benefits should there even be the slightest degree of harm to any aspect of heritage, nature conservation or residential amenity. This places a barrier in the way of the Neighbourhood Plan contributing to the achievement of sustainable development.

195 I recommend:

- **Change Policy HNP20 to "*...will be supported subject to their demonstrating that they respect and respond positively to heritage assets...value, or to residential amenity.*"**
- **Paragraph 7.1.44, line 5, add "*...unduly harmed by...*" and line 6, add "*...do not unduly harm local residential...*"**



**Policy HNP21: Improvements for Walking and Cycling in Hexham**

196 Generally, Policy HNP21 has regard to the Framework's requirement for planning policies to:

*"...provide for high quality walking and cycling networks..."*  
(Paragraph 104, the Framework)

197 The second paragraph of the Policy attempts to relate its provisions to Paragraph 56 of the Framework in respect of planning obligations, but is not supported by any evidence of developments where this will be delivered. Further, the Neighbourhood Plan has no control over the granting of planning permission and associated legal requirements.

198 The third paragraph includes the phrase "*will be permitted.*" The Neighbourhood Plan cannot permit development and the approach set out fails to provide for the balanced consideration of development proposals. Also, the reference in the second sentence of this paragraph to "*They*" is unclear.

199 I recommend:

- **Delete second para of Policy HNP21**
- **Change third paragraph of Policy HNP21 to "*...routes will not be supported unless...users. New alternative links must also be well...*"**
- **Paragraph 7.1.45, change line three to "*...building). The Town Council will seek to ensure that these important links are either incorporated...*"**

Local Economy

**Policy HNP22: Primary Shopping Area in Hexham**

- 200 Chapter 7 of the Framework, "*Ensuring the vitality of town centres*," seeks to support the role that town centres play at the heart of local communities.
- 201 Policy HNP22 seeks to promote retail use in Hexham's Primary Shopping Area, as well as support other uses that contribute to vitality and viability. The Policy has regard to the Framework.
- 202 The first sentence of Policy HNP22 includes a reference to improving "*the range of shops*." In the absence of detailed information, this appears as a subjective phrase and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 203 I recommend:
- **Policy HNP22, delete "which improve the range of shops" from first sentence**

**Policy HNP23: Hotel and Tourism Accommodation**

204 Chapter 6 of the Framework, "*Building a strong, competitive economy,*" promotes economic growth and requires planning policies to support this

205 Whilst the phrase "*overnight accommodation*" appears vague, Policy HNP23 promotes Hexham's tourist economy and has regard to the Framework.

206 I recommend:

- **Policy HNP23, second sentence, change to "*Provision of visitor accommodation within the...*"**

**Policy HNP24: New Business Units**

207 Policy HNP24 supports the provision of new employment accommodation and has regard to the Framework's aims of building a strong, competitive economy.

208 No changes proposed.

**Policy HNP25: New Car Parking Facilities**

209 The Qualifying Body has confirmed that Policy HNP25 supports the provision of public car parking areas in the town centre, alongside provision for cyclists and pedestrians. In so doing, the Policy has regard to Paragraph 106 of the Framework, which states that:

*“In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.”*

210 No changes recommended.

## **8. The Neighbourhood Plan: Other Matters**

211 For clarity, I recommend:

- **Para 9.1.4, change second line to “...part of the *development plan* with its...”**

212 The recommendations made in this Report will also have a subsequent impact on Contents, including Policy, paragraph and page numbering.

213 I recommend:

- **Update the Contents and where necessary, Policy, paragraph and page numbering, to take into account the recommendations contained in this Report**

## 9. Referendum

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

### Referendum Area

- 215 I am required to consider whether the Referendum Area should be extended beyond the Hexham Neighbourhood Area.
- 216 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 217 Consequently, I recommend that the Plan should proceed to a Referendum based on the Hexham Neighbourhood Area approved by Northumberland County Council on the 22<sup>nd</sup> April 2015.

**Nigel McGurk, January 2020**  
**Erimax – Land, Planning and Communities**

