

**North Sunderland, Bamburgh, and Beadnell Parish
Councils**

North Northumberland Coast Neighbourhood Development Plan

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

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Overall Finding

This is the report of the Independent Examination of the North Northumberland Coast Neighbourhood Development Plan. The plan area comprises the entire civil parishes of North Sunderland, Bamburgh, and Beadnell, within the Northumberland County Council area. The plan period is 2017-2032. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the 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. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
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 North Northumberland Coast Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by North Sunderland, Bamburgh, and Beadnell Parish Councils (the Parish Councils). The draft Plan has been submitted by North Sunderland Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the North Northumberland Coast Neighbourhood Area which was formally designated by Northumberland County Council (the County Council) on 18 February 2014. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group (the Steering Group), made up of members of all three Parish Councils supported by neighbourhood representatives, with input from the County Council and other stakeholders.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Councils for submission of the plan and accompanying documents to the County Council. The County Council arranged a period of publication between 20 December 2017 and 9 February 2018. The County Council has submitted the Neighbourhood Plan to me for independent examination.

¹ Paragraph 183 National Planning Policy Framework (2012)

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the County Council including a recommendation as to whether or not 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 the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the County Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the County Council with the consent of the Parish Councils, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Councils and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

³ Paragraph 198 National Planning Policy Framework 2012

Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

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

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ 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.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The National Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

13. Whilst I have undertaken a substantial and detailed visit to much of the neighbourhood plan area I did not consider it necessary to visit the Farne Islands which are included in the neighbourhood area as I felt able to rely on written material relating to those islands.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ 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 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.⁸

15. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

16. 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 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ 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)).

17. The Neighbourhood Plan relates to the area that was designated by the County Council as a neighbourhood area on 18 February 2014. A map of the Neighbourhood Plan boundary is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the combined area of the North Sunderland, Bamburgh, and Beadnell parish boundaries. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
18. 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;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2017-2032.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

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.

22. 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 are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

24. I have given consideration to 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:

- North Northumberland Coast Neighbourhood Plan 2017-2032 Submission Version November 2017
- North Northumberland Coast Neighbourhood Plan Basic Conditions Statement November 2017 [*In this report referred to as the Basic Conditions Statement*]
- North Northumberland Coast Neighbourhood Plan Consultation Statement November 2017 [*In this report referred to as the Consultation Statement*]
- North Northumberland Coast Neighbourhood Plan Submission Plan Policies Map (Conservation Designations) October 2017
- North Northumberland Coast Neighbourhood Plan Submission Plan Policies Map: Neighbourhood Area October 2017
- North Northumberland Coast Neighbourhood Plan Submission Plan Policies Map Insets: Inset 1: Bamburgh October 2017
- North Northumberland Coast Neighbourhood Plan Submission Plan Policies Map Insets: Inset 2: Seahouses and North Sunderland October 2017

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- North Northumberland Coast Neighbourhood Plan Submission Plan Policies Map Insets: Inset 3: Beadnell October 2017
- Strategic Environmental Assessment for the North Northumberland Coast Neighbourhood Plan. Environmental Report to accompany the Submission Version of the plan [*In this report referred to as the SEA report*]
- Report to inform the Habitats Regulations Assessment of the North Northumberland Coast Neighbourhood Plan Submission Version November 2017 [*In this report referred to as the HRA report*]
- Evidence Base documents listed in Appendix B of the Submission Neighbourhood Plan; and those referred to in the general text of the Submission Neighbourhood Plan; and those available on the Neighbourhood Plan website at <http://www.seahouses.org/neighbourhood-plan/>
- Representations received during the Regulation 16 publicity period
- Berwick-upon-Tweed Borough Local Plan April 1999 – Saved Policies
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders’ technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
26. The plan preparation process began with a facilitated workshop for local Councillors and members of the public held in October 2013. A Steering Group including three Councillors from each of the three Parish Councils first met the same month. There have been regular reports to each Parish Council throughout the plan preparation process.
27. An initial well-publicised launch event and a series of drop-in events were held in January 2014. Approximately 120 residents attended these events. Views were also sought from local businesses and owners and agents of holiday accommodation through a questionnaire issued early in 2014. Other consultation was undertaken with the two local medical practices, and Northumberland Estates, The Lord Crewe Trust, and Bamburgh Castle Estates, who are major land owners in the area. A website and social media accounts were established.
28. An information and housing need survey was delivered to every house in the plan area during August and September 2014. The survey was supplemented with a well-attended event and a drop-in session. 416 responses were received in respect of a detailed consultation on the vision and objectives of the plan in 2015.
29. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 18 July and 1 September 2017 and included a drop-in event; a series of open days; letters or emails sent to consultation bodies; and publicity through the local parish newsletters, parish council websites, neighbourhood plan website, and the Berwick Advertiser and the Northumberland Gazette. Copies of the Plan and supporting documents were available at the drop-in events as well as on the neighbourhood plan website. The Neighbourhood Plan website states more than 450 comments were received during

the pre-submission consultation period. The representations arising from the consultation are comprehensively presented as Appendix C within the Consultation Statement where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Councils, for submission to the County Council.

30. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between Wednesday 20 December 2017 and 4.00pm Friday 9 February 2018. Representations from 16 different parties were submitted during the period of publication. I have been provided with copies of each these representations.
31. The County Council received one other representation after the period of publication had closed. The County Council advised the sender that the representation had been received after the period of publication had ended. No further response has been received from the writer. As part of the Regulation 16 process, the local planning authority must consider whether to accept a late representation. The County Council has not included the late representation in the schedule of representations received. The general rule is that late representations will not be considered other than in exceptional circumstances such as a change in policy, legislation, the handing down of a relevant judgment, or a relevant factual development (such as the grant of a substantial planning permission). The County Council has forwarded the late representation to me and I have noted it does not include any explanation why it was submitted after the period of publication had closed. I have not taken the late representation into consideration.
32. The Coal Authority states *“As you will be aware the Neighbourhood Plan area lies within the current defined coalfield. According to the Coal Authority Development High Risk Area Plans, there are recorded risks from past coal mining activity in the form of approximately 275 mine entries, 12 report hazards and recorded and likely unrecorded coal mine workings at shallow depth. It is noted that the Neighbourhood Plan does not allocate any sites for future development and on this basis the Coal Authority has no specific comments to make”*.
33. The Environment Agency states *“The issue of coastal change is*

discussed within the submission draft plan which is welcomed, particularly, with reference to the Shoreline Management Plan. We also note that the Shoreline Management Plan is included within Appendix B: Evidence Documents”.

34. The Marine Management Organisation states *“the Marine Policy statement has been referred to on page 22, section 4.24 asserting that the NPPF (paragraph 105) states the following: 'In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries'. The MMO commends the mention of the Marine Policy Statement within your local neighbourhood plan”.* Recommendations of the Marine Management Organisation for additional references are presented in respect of individual policies later in my report.
35. A representation on behalf of the Trustees of Lord Armstrong Deceased states the Trustees are generally very supportive of the overall aims, aspirations, objectives and most of the policies contained in the Plan. The Trustees hope to be in a position to soon commence pre-application discussions on development proposals within Bamburgh. The representation includes supportive comment with respect to the defined settlement boundary for Bamburgh which I report when considering Policies 8 and 9 later in my report. The representation also includes comment on the relationship of Policies 1 and 8 which I consider in the introduction to the section of my report that examines each of the Plan policies in turn. Subject to consideration of that point, *“this representation should be taken as supportive of the Plan. The Trustees consider that the Plan provides sound building blocks which should lead to an appropriate growth strategy coupled with protection for recognised heritage interests”.* I have, later in my report, considered the Regulation 16 representations made on behalf of the Trustees of Lord Armstrong Deceased in respect of specific policies.
36. A representation on behalf of Lord Crewe’s Charity states *“The Charity is generally very supportive of the overall aims, aspirations, objectives and most of the policies contained in the Plan”* and *“The Charity has development interests in Seahouses that it is likely to pursue within the lifetime of the Neighbourhood Plan (up to 2032) and is therefore particularly interested in the proposed extent of the Seahouses settlement boundary and associated planning policies.”* The

representation identifies proposed adjustment of Policy 19 in order to avoid a conflict between the designation of Local Green Spaces to the east of Broad Road and the likely requirement for a new vehicular access as part of a future residential development on land east of Broad Road. I consider this matter when examining Policy 19 later in my report. The representation also includes comment on the relationship of Policies 1 and 8 which I consider in the introduction to the section of my report that examines each of the Plan policies in turn. Subject to consideration of those points, *“this representation should be taken as supportive of the Plan. The Charity considers that the Plan provides sound building blocks which should lead to an appropriate growth strategy coupled with protection for recognised heritage interests”*. I have, later in my report, considered the Regulation 16 representations of Lord Crewe’s Charity made in respect of specific policies.

37.A representation by Northumberland Estates welcomes *“the preparation of a Neighbourhood Plan in this area, and supports the Plan’s objectives of increasing the availability of housing in the area, including the provision of affordable housing. It is recognised that new housing development should be located where it will enhance or maintain the vitality of rural communities, and it is agreed that new housing development in the villages of Bamburgh, Beadnell and North Sunderland will contribute substantially to the vitality of these areas (Objective 4). It is welcomed that the Neighbourhood Plan has been positively prepared in the sense that it recognises that new development will and should come to the area in order to support the economy and create sustainable communities. Northumberland Estates welcome the Plan’s objective to provide sites for business, and again recognises the importance of employment and business opportunities to support rural communities such as those covered by the emerging Neighbourhood Plan (Objective 7)”*. Northumberland Estates submitted representations on the Pre-Submission Consultation Draft (July 2017), providing several recommendations be made to the Neighbourhood Plan. Northumberland Estates express disappointment that comments previously made have not been taken into account and the relevant changes made to the document. I have, later in my report, considered the Regulation 16 representations of Northumberland Estates made in respect of specific policies.

38.Historic England states the Neighbourhood Plan area contains an extraordinary number of heritage assets including an estimated 3

Grade I Listed Buildings, 6 Grade II*, 74 Grade II, and 7 Scheduled Ancient Monuments, and at present are not satisfied that the historic environment is properly protected. The representation also states *“As you will see, we have some serious concerns that our earlier response (on the pre-submission draft, and attached again for reference) may have been overlooked, and therefore we still have some outstanding issues with this version of the Plan.”* I have considered the Regulation 16 representations of Historic England and the submissions included in the earlier response to the pre-submission draft plan. Whilst some of the suggestions made for changes would strengthen the Neighbourhood Plan I have only recommended modifications in cases where this is necessary to meet the Basic Conditions as that is the extent of my role.

39. In a Regulation 16 representation the County Council have made observations with respect to 12 of the Plan policies and also state that *“there is a lack of consistency throughout the Plan in terms of referring to the area covered by the Plan. Throughout the document, the terms “Neighbourhood Area”, “Neighbourhood Plan Area” and “Plan Area” are used. It is suggested that common referencing is used in all supporting text and the policies themselves”*. I agree consistent use of a common term is desirable. I have referred to this matter in the Annex to my report. Where appropriate I refer to those representations of the County Council that relate to policies of the Neighbourhood Plan in the later section of my report relating to the Plan policies.

40. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part.

41. 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.¹⁸

42. 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. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

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

44. The Basic Conditions Statement states "*The Northumberland Coast Neighbourhood Plan is fully compliant with European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed in the Convention*". The Basic Conditions Statement also refers to the outcome of a High Court challenge relating to the St Ives Neighbourhood Plan. I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.

45. Whilst no analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010). From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
46. The objective of EU Directive 2001/42²⁰ 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’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²
47. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require North Sunderland 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.
48. The submission documents include an Environmental Report dated November 2017. This report confirms a Scoping Report had been made available to the statutory bodies for consultation in February 2017. Table 3.1 of the Environmental Report sets out the responses of Natural England, Historic England, and the Environment Agency, and states how the responses were considered and addressed. The final Environmental Report was published alongside the Submission Neighbourhood Plan document between 20 December 2017 and 4.00pm on 9 February 2018. In a Regulation 16 representation Natural

¹⁹ 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.

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

England states *“Natural England welcomes this Strategic Environmental Assessment (SEA) and considers it a good framework to assess the impacts resulting from the neighbourhood plan. However, the map with biodiversity designations (Figure 3.1; p 31) does not include Special Protection Areas and Ramsar Sites”*. I have noted the Northumbria Coast Special Protection Area and Ramsar Site is included in the SEA Report Baseline. I have dealt with the point relating to Figure 3.1 in the annex to my report.

49. The Environmental Report sets out the assessment framework used to assess the sustainability performance of the Neighbourhood Plan. The appraisal is structured under seven sustainability themes: biodiversity and geodiversity; climate change; landscape and historic environment; land, soil and water resources; population and community; health and well-being; and transportation. The assessment concluded the submission version of the Neighbourhood Plan *“is likely to lead to significant positive effects in relation to the ‘population and community’ and ‘health and wellbeing’ SEA themes. These benefits largely relate to the carefully targeted approach to housing provision proposed by the current version of the NNCNP, the focus on enhancing community provision in the Neighbourhood Plan area and the NNCNP’s impetus on protecting and enhancing open space and green infrastructure networks. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing landscape character and the setting of the historic environment, leading to significant positive effects in relation to the ‘historic environment and landscape’ theme. In relation to the ‘biodiversity’ sustainability theme, the scope and scale of the proposed policy approaches relating to the natural environment will help ensure that wide ranging benefits in relation to this theme are secured through the Neighbourhood Plan. The Submission version of the NNCNP will initiate a number of beneficial approaches regarding the ‘transportation’, ‘land, soil and water resources’, and ‘climate change’ sustainability themes. However, these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan and the scale of proposals.”*

50. There is a need to consider whether the Environmental Report generates and assesses alternatives for a reasonable range of plan issues, and secondly for any given issue, whether the range of alternatives considered is reasonable. The method adopted includes assessment of reasonable alternatives linked to landscape designations, and of reasonable alternatives for the use of housing in

the plan area. Generation of alternatives for every conceivable issue and option is not a requirement of the EA Regulations and could be detrimental to efficient plan making; insufficiently focussed on the important issues within the specific plan area; and not well suited to community led plan making where processes benefit from being proportionate, transparent and easily understood. The EA Regulations acknowledge SEA is plan context dependent in terms of taking into account the objectives and geographical scope of a neighbourhood plan. In *Gladman Developments Ltd v Aylesbury Vale DC* [2014] EWHC 4323 (Admin) it was confirmed that a report will satisfy the requirements of the Implementing Regulations, and hence the Directive, if the information included in the report is that which is “*reasonably required to evaluate the likely significant effects of the plan or programme and reasonable alternatives taking account the objectives and the geographical scope of the plan or programme.*” The Environmental Report includes identification, description and evaluation of the likely significant effects on the environment of reasonable alternatives.

51. Alternatives have been assessed to the same level of detail against a consistent set of assessment criteria. Paragraph 8 of Schedule 2 to the EA Regulations requires an outline of the reasons for selecting the alternative dealt with. The explanation of why the preferred alternative was selected is presented in Tables 4.1 and 4.2, and in paragraphs 5.2 to 5.9 inclusive, of the SEA report. The requirement for the Environmental Report to include a non-technical summary has also been met.
52. The Guidance states “*The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*”²³ I consider likely significant effects have been assessed. I am satisfied that the level of consideration of alternative strategies in the Environmental Report is appropriate for the content of the plan and meets the requirements of the SEA Directive and the Regulations. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

²³ National Planning Policy Guidance Revision date 09 02 2015 Paragraph 30 Reference ID:11-030-20150209

53. The report to inform the Habitats Regulations Assessment of the Neighbourhood Plan published in November 2017 states the eight European Sites included in the assessment are: Berwickshire and North Northumberland Coast SAC; Lindisfarne SPA; Lindisfarne Ramsar Site; Northumbria Coast SPA; Northumbria Coast Ramsar Site; Farne Islands SPA; Northumberland Marine pSPA; and North Northumberland Dunes SAC. In order to inform the assessment, details of the European Sites are required for all stages of the Habitats Regulations Assessment. Table 1 of the HRA report lists the qualifying features, conservation objectives, key conditions to support site integrity for each European Site.
54. Section 4 of the HRA report identifies two potential impact pathways, namely, disturbance and recreational pressure, and habitat/vegetation damage through trampling. The Screening Assessment of the 'Neighbourhood Plan alone' found: *"The screening assessment 'alone' found no potential for likely significant effects on any European Sites for 21 of the Neighbourhood Plan Policies."* *"Development or interventions covered by Policies 21, 22, 23 and 25 were considered to have potential to lead to likely significant effects on the following European Sites as currently worded: Northumbria Coast SPA/Ramsar and North Northumberland Dunes SAC. This was not due to specific developments proposed (as these policies do not make any allocations) but rather as a result of the lack of specificity in those policies with regard to the location, size and types of development. In undertaking the report to inform a HRA of the Pre-Submission draft of the Neighbourhood Plan it was recommended that these policies should include that they would avoid an adverse effect on the integrity of internationally important sites. In the case of policies 21 and 22 the advice specified that avoidance of effects on the Northumbria Coast SPA/Ramsar through increased visitor pressure would be a primary consideration. The Neighbourhood Plan, in paragraph 3.3, now states that: "Policy 3 is a policy which will apply to almost all other policies in the Neighbourhood Plan. Policy 3 therefore, is referenced in Policy 1, and in the supporting text to other relevant policies. Policy 3 must be considered in relation to all policy areas in the Plan, due to the proximity of national and internationally protected sites in the Plan area." Policy 3 states that: "Development that would result in an adverse effect on internationally important wildlife sites will not be permitted unless it can meet the 'No Alternatives' and 'Imperative Reasons of Overriding Public Interest' tests set out in The Habitats Regulations unless adequate or compensatory provision has been*

agreed. Planning permission for development that would result in an increase in temporary or permanent residents or an increase in recreational pressure on the European sites will require project-level Habitats Regulations Assessment. Planning permission will only be granted if it can be demonstrated that there will be no adverse effect on the integrity of any European site, either alone or in combination with any other relevant plans or projects.”

55. *“Policy 3 (Habitats and Species) makes it clear that planning permission for further development that would result in a net increase in residents will not be supported until Northumberland County Council’s strategic studies and mitigation initiatives have been devised. In addition to protective wording in policy, a pro-active framework for specific interventions on the ground to protect European Sites from recreational pressure is likely to be required along the Northumberland coast as identified in the now withdrawn Local Plan Core Strategy and its HRA. Strategic planning policy has not yet progressed to a stage where the necessary strategic approaches have substantially evolved or been agreed. There is also detailed research being undertaken by the University of Newcastle which is required prior to allocating housing sites to determine current levels of disturbance on specific areas of rocky shore and its impact on purple sandpiper and turnstone. This is required so that the nature and extent of any mitigation required can be determined prior to sites being allocated. These are strategic issues that are being taken forward by Northumberland Council.”*
56. *“The indicative quantum of new housing required in the Neighbourhood Plan area (230 dwellings, of which only c.100 remain to gain planning permission at time of writing) is not set by the Neighbourhood Plan but by the emerging Local Plan Core Strategy. Although the Neighbourhood Plan defines settlement boundaries, it does not allocate development sites. However, as the Neighbourhood Plan is progressing ahead of the wider spatial planning process it is necessary for the Neighbourhood Plan to define what is required for new development in order to ensure no likely significant adverse effects on European Sites and for it to be made clear that development (particularly housing) that would be covered by the Neighbourhood Plan must have regard to and provide general support for the recreation management initiatives being developed strategically by Northumberland County Council”.*

57. I have noted the Habitats Regulations Assessment report states, “*In line with the conclusions of the Core Strategy HRA, there are no Policies considered likely to have a significant effect on the Farne Islands SPA (due to the distance (over 2km from the Northumbria Coast) and accessibility, the Berwickshire and North Northumberland Coast SAC (due to the nature of qualifying features such as submerged or partially sea caves, large shallow inlets and bays, intertidal mudflats and sandflats and the locations of breeding grey seal sites). There are two main breeding populations of grey seals one of which is on the mainland at Fast Castle Head which is approximately 14km north of the Neighbourhood Plan boundary. The other main breeding population (although not within the SAC) is located on the Farne Islands. Also, in line with the conclusions of the Core Strategy HRA, there are no Policies considered to have likely significant effect on the Northumberland Marine pSPA. Therefore, these sites are not included in any further assessment.*” I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

58. A detailed Screening Assessment is found in Table A1 in Appendix A of the HRA report. In-combination effects have been considered and the result presented in paragraph 5.3 of the HRA report. In a Regulation 16 representation Natural England concurs with the conclusions of the assessment that the neighbourhood plan is unlikely to have significant effects on European designated sites. I have later in my report made reference to the updated position regarding Core Strategy preparation. I consider the assumptions on which the HRA report is based in this respect are reasonable and appropriate. I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations.

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

60. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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.

61. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. Northumberland County Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²⁴

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

62. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁵ which requires plans to be “*consistent with national policy*”.

63. Lord Goldsmith has provided guidance²⁶ 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.*”

64. The Basic Conditions Statement includes at Section 3.1 a comprehensive statement assessing how the policies of the

²⁴ National Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁵ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁶ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

Neighbourhood Plan have regard to the 12 core planning principles of the Framework. I am satisfied this assessment and the Table that follows it demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.

65. The Neighbourhood Plan includes a positive vision for the North Northumberland Coast that states a desire “*to re-invigorate this thriving community*”. The vision includes “*an emphasis on ‘People, Place, and Prosperity’ and seeks “to create three vibrant sustainable and attractive villages where people will want to live, work and play for centuries to come.”* These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
66. The vision is supported by eight objectives of the Neighbourhood Plan, (grouped under the headings of objectives for place; objectives for people; and objectives for prosperity), which provide a link between the vision and the policies of the plan. These objectives relate to: landscape; sense of place; historic environment; housing; local green spaces; community facilities; new and expanded business development; and tourism. These objectives are consistent with the Framework. Historic England has stated a preference for the objectives, and in particular the first three objectives, to include greater and broader references to the historic environment however this is not necessary to meet the Basic Conditions.
67. The Neighbourhood Plan includes in Section 7 details of seven Community Actions. Historic England welcomes the proposed community actions of seeking designation of a conservation area in Beadnell and adoption of character appraisals there and in Bamburgh (actions 2 and 3), and also welcomes the proposed community action to seek local list status for the non-designated heritage assets identified whilst making this plan (action 4). Historic England also suggests it may be helpful to therefore consider identifying the ways in which Community Infrastructure Levy could contribute to achieving the wider stated objectives of the Neighbourhood Plan. This is however not necessary to meet the Basic Conditions.
68. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. 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 Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied that the presentation of the community actions in a separate section of the Neighbourhood Plan adequately differentiates the community actions from the policies of the plan and has sufficient regard for national policy.

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

70. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁷ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In*

²⁷ Paragraph 14 National Planning Policy Framework 2012

order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”²⁸.

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

72. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The statement presented in section 3.2 of the Basic Conditions Statement confirms the approach adopted in plan preparation to align the Neighbourhood Plan policies with the aims of the Framework for each dimension of sustainability not least through the presentation of the plan under the three headings of place, people, and prosperity.

73. 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 quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Support small scale development which provides defined types of homes, employment, and local facilities;
- Protect the AONB from major development; and ensure all development respects the landscape and seascape, and preserves or restores priority habitats, and contributes to effective management of the coastal strip;
- Ensure high quality design in general, and establish requirements for shop fronts and outdoor signage in particular;

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

- Establish principles for development within settlements, and restrict development outside settlements;
- Preserve and enhance the North Sunderland, Seahouses, and Bamburgh Conservation Areas and the historic core of Beadnell, and establish an approach to development affecting non-designated heritage assets;
- Limit new housing, including replacement dwellings to principal residence housing, and in defined hamlets to limit development to single dwellings;
- Establish requirements for support of proposals to change residences to holiday lets and for new holiday accommodation;
- Support change of use from holiday use to principal residence housing;
- Establish principals for support of extensions to holiday lets;
- Designate 18 Local Green Spaces;
- Establish support for enhancement of community assets and guard against loss of such facilities;
- Establish criteria for support of proposals for small-scale new or improved community or visitor facilities;
- Establish conditional support for enhancement of the network of active travel routes;
- Establish conditional support for new or expanded business premises within or on the edge of settlements;
- Establish support for proposals for expansion of the electronic communication network; and
- Establish new static caravan sites, or expansion of existing sites, will not be supported, and establish conditional support for small scale proposals for bunkhouses, chalets, touring caravans, and camping accommodation.

74. 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)

75. The Framework states that the ambition of a neighbourhood plan should “*support the strategic development needs set out in Local Plans*”.²⁹ “*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies*”.³⁰

76. The Guidance states, “*A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.*”³¹

77. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The County Council has informed me that the Development Plan applying in the North Northumberland Coast neighbourhood area and relevant to the Neighbourhood Plan comprises the Berwick-on-Tweed Borough Local Plan (1999). Appendix A of the Basic Conditions Statement lists the saved policies from the Local Plan that are considered by the County Council to be relevant to the Neighbourhood Plan and which are considered to be strategic policies of the Development Plan. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict.

²⁹ Paragraph 16 National Planning Policy Framework 2012

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

78. I am aware the Northumberland Core Strategy was submitted to the Secretary of State for Communities and Local Government for independent examination on 7 April 2017. At the Council meeting on 5 July 2017, the County Council agreed to formally withdraw the Core Strategy from the independent examination process. Following a review, the County Council has agreed that a full Local Plan document will be prepared and the Council will no longer be proceeding with the Core Strategy as well as the proposed Delivery Document. The County Council has produced a position statement regarding the general approach that will be taken to planning applications following the withdrawal of the Core Strategy, with particular regard to proposals for housing development. The County Council is preparing a new Local Plan for the County, covering the period 2016 to 2036. The Plan will allocate a range of sites for development to meet the requirements for future growth. To support this work, the County Council is inviting landowners, developers, agents, local residents and other interested parties to, before 12 March 2018, submit for consideration details of sites that they think may have potential for future development. Site(s) that may be appropriate for allocation for any of the following types of land-uses will be considered: housing; employment; minerals extraction; retail, leisure and/or community uses; and, mixed-use schemes (providing a range of different types of development). Land put forward for other purposes will also be considered. The County Council website shows it is currently anticipated the new Local Plan will be adopted in the summer of 2020.

79. I have earlier in my report concluded the Neighbourhood Plan can proceed ahead of preparation of the new Local Plan. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local*

Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”³²

80. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan, however the Guidance is clear in that potential conflicts should be minimised.

81. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.³³ The Guidance states “*Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same*

³² Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance

³³ The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

time as the local planning authority is producing its Local Plan". In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

82. 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.*"³⁴ The use of 'general' allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

83. 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.*"³⁵

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

84. 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. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general

³⁴ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

³⁵ National Planning Practice Guidance (ID ref: 41-074 201 40306)

conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

85. The Neighbourhood Plan includes 25 policies as follows:

Policy 1 Sustainable Development

Policy 2 Landscapes and Seascapes

Policy 3 Habitats and Species

Policy 4 Coastal Management and the Coastal Strip

Policy 5 Design in New Development

Policy 6 Shop Front design

Policy 7 Outdoor Signage

Policy 8 Sustainable Development within the Settlements

Policy 9 Sustainable Development outside the Settlement Boundaries

Policy 10 Seahouses and North Sunderland Conservation Area

Policy 11 Bamburgh Conservation Area

Policy 12 Historic Core of Beadnell

Policy 13 Non-Designated Heritage Assets

Policy 14 Principal Residence Housing

Policy 15 Principal Residence Housing in the Hamlets

Policy 16 Change of Use from Residential (C3) to Holiday Let (Sui Generis) and Provision of New Holiday Accommodation

Policy 17 Change of Use from Holiday Use to Principal Residence Housing

Policy 18 Extensions to Holiday Lets

Policy 19 Local Green Spaces

Policy 20 Assets of Community Value and Community Facilities

Policy 21 New Tourist and Community Facilities

Policy 22 Footpaths and Cycle Ways

Policy 23 Business and Employment

Policy 24 Broadband Infrastructure

Policy 25 Caravans, Camping, Bunkhouses and Chalets

86. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.” “Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁶

87. 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.”*³⁷

88. *“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”.*³⁸

89. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning*

³⁶ Paragraphs 184 and 185 National Planning Policy Framework 2012

³⁷ National Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

³⁸ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

authority. 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).”³⁹

90. A number of the Neighbourhood Plan policies include references to other documents including the Northumberland Landscape Character Assessment (2010); Shoreline Management Plan; Northumberland Coast AONB Design Guide; Northumberland Coast AONB Design Guide (Shop Fronts); and the North Sunderland and Seahouses Conservation Area Character Appraisals. In order to provide a practical framework for decision-making on development proposals, as required by paragraph 17 of the Framework, it is preferable that policies should be self-contained and not include references to policies or content in other documents. Self-contained neighbourhood plan policies may also avoid obsolescence resulting from changes to, or replacement of those other documents. I have, however, not recommended modifications to remove references to other documents in the Neighbourhood Plan policies as they have been utilised as a shorthand method of capturing content without lengthy repetition in the Neighbourhood Plan policies. In this way they do assist clarity. These references are also indicative of a desirable co-ordinated working approach between the Parish Councils and other relevant organisations, including Northumberland County Council.
91. Several policies refer to other policies of the Neighbourhood Plan. This is generally unnecessary and to a degree confusing as all of the policies of the Neighbourhood Plan apply throughout the entire plan area unless a specific area of application of a particular policy is identified. The identification of a particular policy or policies could mislead a reader to think other policies do not apply. The Neighbourhood Plan should in any case be read as a whole. I have, however, not recommended modification of policies in respect of these cross-references where there is advantage in avoiding repetition of criteria, and in order to satisfy requirements arising from the screening in relation to Habitats Regulations Assessment.
92. 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

³⁹ National Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

determination of planning applications and appeals, I have examined each policy individually in turn.

93. I have considered any inter-relationships between policies where these are relevant to my remit. A representation made on behalf of the Trustees of Lord Armstrong Deceased expresses concern regarding the relationship between Policy 1 and Policy 8 in *“that there is a conflict within these two policies that may cause some potential implementation difficulties when used to consider future planning applications.”* *“Policy 1 expressly provides support for ‘small-scale’ development, with ‘small-scale’ defined on page 16 as being seen in ‘general terms as applying to a scheme that is modest and limited in scope or extent’.* However, the same definition then goes on to confirm that for the purposes of housing, *‘small scale.....is schemes of up to 9 dwellings’.* Policy 1 notes that *‘major development’ in the AONB will not be permitted except in exceptional circumstances, where the proposal is in the public interest and where there is no alternative location which could absorb the development without a significant adverse impact on the AONB.* This latter element of Policy 1 is broadly consistent with paragraph 116 of the National Planning Policy Framework. While Policy 1 specifically limits support to defined *‘small scale’ proposals,* Policy 8 which is likely to apply to the vast majority of development proposals does not limit its support to *‘small-scale’ proposals.* This policy simply states that proposals which are located within defined settlement boundaries and satisfy the design principles of Policy 5 *‘will be supported’.* For development proposals within defined settlement boundaries, both policies are therefore very likely to be relevant to the assessment of planning applications. This being the case, how for example would a 10-unit housing development within a settlement boundary be considered? It could be argued that such a proposal fails Policy 1 because the support here is very specifically limited to *‘small scale’ proposals, defined as ‘up to 9 dwellings’.* On the other hand, such a proposal (assuming it satisfied Policy 5 criteria) would be consistent with Policy 8 as there is no upper limit on policy support. The Trustees believe this issue merits further consideration to iron out any policy inconsistencies at this stage in the plan preparation process. One simple option would be to remove any numerical definition to *‘small scale’ on page 16.* This approach would immediately resolve any conflict with Policy 8 and leave the decision maker to consider what is an appropriate scale of development on a case by case basis, noting that the Plan already notes that small scale should be seen in *‘general terms’.* Furthermore, *‘Major Development’*

is already defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 thus providing a nationally recognised definition for major developments, which would be of relevance to any development proposals within defined Areas of Outstanding Natural Beauty. The Trustees are concerned that if this potential discrepancy is not addressed now, it could lead to difficulties in policy interpretation later when considering individual planning applications. Given that the Plan covers the period up to 2032, it would seem sensible to look at and address this potential anomaly now”.

94. A representation made on behalf of Lord Crewe’s charity includes the same concern as that raised in the representation made on behalf of the Trustees of Lord Armstrong Deceased. I do not share the concern expressed in the representations. Policies 1 and 8 are intended to serve different purposes. Policy 1 seeks to establish an approach to the scale of individual development proposals, and Policy 8 seeks to establish a strategy for the spatial distribution of development. The Neighbourhood Plan policies should be read as a whole. There is no need for any policy to repeat content of other policies in order to meet the Basic Conditions. I have, earlier in my report stated a neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements. A Neighbourhood Plan may be silent with regard to any particular development proposal. I conclude no modification is necessary in this respect.

Policy 1 Sustainable Development

95. This policy seeks to establish conditional support for development of four specified types where this is small-scale. The policy also states major development in the AONB will not be permitted except in exceptional circumstances and where two specified criteria also apply. The terms “small-scale” and “major development” are defined in the supporting text to the policy.

96. In a representation the Marine Management Organisation recommend referring to the “*High Level Marine Objective ‘Sustainable marine development’ within this section as an overall consideration of*

sustainable development within marine and coastal areas.” Paragraphs 105 to 108 of the Framework establish the national planning policy approach in coastal areas. It is not necessary for a Neighbourhood Plan to include reference to the High Level Marine Objective ‘Sustainable marine development’. The approach of the policy to major development in the Area of Outstanding Natural Beauty has regard to paragraph 116 of the Framework.

97. A representation by Northumberland Estates states “*Policy 1 seeks to ensure that new development is small-scale and supports the sustainability and viability of existing settlements. The Policy states that small-scale development will be supported which provides new principal residence dwellings (including affordable housing), local employment opportunities, new and expanded business premises, and social, community, leisure and educational facilities. It is welcomed that Policy 1 defines ‘small-scale’ as development of up to 9 dwellings. However, the Plan maintains that small-scale development can still be classed as major development in the AONB. This is not in accordance with Government criteria differentiating between ‘major’ and ‘minor’ development, which defines ‘minor’ development as less than 10 dwellings or a site area of less than 0.5 hectares, regardless of an AONB designation. Policy 1 supports small-scale development but not major development. It should be noted that just because a development is ‘major’, doesn’t mean that it should be immediately refused planning permission. Northumberland Estates would point out that there are viability issues with the expectation that small-scale development is the only means to deliver principal occupancy and affordable housing. Restricting the occupancy of a private market dwelling and providing affordable housing reduces the final value of a development site, and therefore requiring small-scale development to deliver these types of housing could compromise the viability of the whole development and prevent it from coming forward at all. Major development of more than 9 dwellings is the vehicle by which principal occupancy and affordable housing can be delivered. A major development of a sufficient number of private dwellings will be viable to deliver a meaningful percentage of restricted occupancy and affordable dwellings. In order to deliver these types of housing, the Neighbourhood Plan should be more flexible to permit major development of more than 9 dwellings, and recognise that permitting major development is the only realistic way of securing principal occupancy and affordable housing, and thereby achieving the Plan’s objective of supporting the sustainability and viability of its*

communities. The most recent Government guidance requires affordable housing provision for developments of more than 10 dwellings. On 28 November 2014 the Secretary of State for Communities and Local Government announced in a Written Ministerial Statement that there would not be a requirement to provide a contribution to affordable housing for developments of 10 dwellings or less. This announcement was subject to judicial review, and was upheld on 13 May 2016, giving legal justification to the policy of the Written Statement. Furthermore, the Government issued a Housing White Paper on 7 February 2017, which suggests that sites deliver a minimum of 10% affordable homes, but only on sites of 10 units or more. There is a clear precedent and expectation within Government Policy that affordable housing should only be delivered on sites of 10 or more dwellings, which is defined as a 'major' development site. The Neighbourhood Plan's expectation that small-scale development (i.e. 'minor' development of less than 10 dwellings) is the vehicle by which affordable housing (and principal occupancy dwellings) will be delivered is unrealistic. It is not in accordance with Government guidance and will result in a Policy that is ineffective in that it will not deliver these types of housing, and it is not positively prepared in accordance with national planning policy. In order to generate the type of housing required in order to address the social problems facing the Neighbourhood Plan area (shortage of affordable homes and lack of permanent residents), it is considered that a greater level of acceptable and flexibility should be given to larger-scale development, as small-scale development is not required by national policy nor viable to deliver a meaningful number of affordable homes or permanent residents. Northumberland Estates suggests that Policy 1 is revised to support development of more than 10 units, and for it to recognise that this scale of development is the only way to achieve the sustainable and viable communities that the Policy is designed to create."

98. Policy 1 does not state that 'major' development should be immediately refused planning permission. Policy 1 adopts a balanced approach that has regard for national policy set out in the Framework. I have earlier in my report explained I am not testing the soundness of the Neighbourhood Plan but I am seeking to establish that the choices made are adequately explained. I consider the issue of principal residence housing in the context of Policies 14 and 15 later in my report where I have stated "As a matter of planning judgement, I am satisfied the policy (of principal residence housing) has been

adequately explained by demonstrating uncontrolled growth of second and holiday homes is damaging the plan area, and that the policy will contribute to the achievement of sustainable development.”

99. I have earlier in my report considered a representation made on behalf of the Trustees of Lord Armstrong Deceased and a similar representation made on behalf of Lord Crewe’s Charity relating to the relationship between Policy 1 and Policy 8 and concluded no modification is necessary in this respect.

100. The term “*and other relevant policies in the development plan, including those in this Plan*” is imprecise and is also unnecessary and confusing as the Development Plan including the Neighbourhood Plan should be read as a whole. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

101. The second part of the policy includes the word “*permitted*”. It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.⁴⁰ All material considerations will not be known until the time of determination of a planning proposal. I have recommended a modification in this respect.

102. The restriction of employment opportunities to those that are “*local*” is not necessary as all employment opportunities arising in the neighbourhood area will be local in nature. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

103. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1, F31 and S6.

⁴⁰ Paragraph 196 National Planning Policy Framework 2012

104. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; delivering a wide choice of high quality homes; promoting healthy communities; meeting the challenge of climate change, flooding and coastal change; and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy 1

- **delete “and other relevant policies in the development plan, including those in this Plan”**
- **before “employment” delete “local”**
- **delete “permitted” and insert “supported”**

Policy 2 Landscapes and Seascapes

105. This policy seeks to establish that development proposals within or affecting landscape character areas should respect identified features of the landscape and that great weight will be given to landscape considerations in decision making. The policy also requires demonstration that opportunities for landscape enhancement have been taken.

106. In a representation the Marine Management Organisation states the policy *“is entitled Landscape and Seascape. We would recommend that Seascape is further defined within this section. Further information on Seascape can be found within Section 2.6.5 of the Marine Policy Statement.”* Historic England also questions whether the policy fully encompasses seascape as defined in the Marine Policy Statement and *“in particular through only referring to ‘historic landmarks’ in part (b), this policy may not be adequately protecting the full suite of heritage assets.”* I have recommended a modification to part b) so that the policy refers to a broader definition of seascape including all historical and archaeological links.

107. Paragraph 109 of the Framework states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 115 of the

Framework states great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

108. The term *“and any other relevant guidelines extant at the time the application is determined”* is imprecise. The terms *“should demonstrate”* and *“opportunities for landscape enhancement should be taken wherever possible”* do not provide a basis for decision making with respect to development proposals. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
109. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1 and F4.
110. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 2:
In Policy 2**

- **delete “should demonstrate” and insert “must demonstrate”**
- **delete “and any other relevant guidelines extent at the time the application is determined” and insert “and National Character Areas and the Historic Landscape Characterisation”**
- **replace b) with “The dynamic seascape including landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other;”**
- **replace the final sentence with “Development proposals must demonstrate that opportunities for landscape enhancement have been taken wherever possible.”**

Policy 3 Habitats and Species

111. This policy seeks to establish support for proposals that promote the preservation or restoration of priority habitats. The policy also establishes a regime for determination of proposals having implications for European sites and for Sites of Special Scientific Interest.
112. In a representation Natural England states *“Policy 3 (p 21) reads: ‘unless adequate or compensatory provision has been agreed’. It is not clear whether this is an error after deleting the reference to mitigation; all provisions are considered compensatory as the sentence refers to the ‘no alternatives’ and ‘Imperative Reasons of Overriding Public Interest’ tests. In addition, in line with the hierarchy of international, national and locally designated sites (NPPF para 113) the policy might benefit from moving the first sentence on priority habitats to the end of the policy, so that the text refers to international sites first, then national and then to local/priority habitats.”*
113. The Habitats Directive provides an exemption under article 6(4) which allows plans or projects to be approved provided the following three tests are met: there are no feasible alternative solutions to the plan or project which are less damaging; there are *“imperative reasons of overriding public interest”* (IROPI) for the plan or project to proceed; and compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained. I have recommended a modification so that the policy more clearly refers to the third test. I agree with Natural England that re-ordering the policy would assist the distinction to be made between the hierarchy of international, national, and locally designated sites referred to in Paragraph 113 of the Framework. I have recommended a modification to this effect.
114. In a representation the Marine Management Organisation states *“Within Section 4, Policy 3: The Special Protected Area’s (SPA’s) and Special Conservation Areas (SAC’s) which have marine components within the extent of the North Northumberland coast neighbourhood plan area are listed below: Berwickshire & North Northumberland Coast SAC; Farne islands SPA; Northumbria Coast SPA and Ramsar site; North Northumberland Dunes SAC; Northumberland Marine SPA; Lindisfarne SPA and Ramsar site. We would recommend referring to the MPS Section 3.1 and/or 2.6.1 to support consideration of MPA’s and Biodiversity”*. Paragraph 105 of the Framework states *“In coastal*

areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.” Reference in the policy to the MPS Section 3.1 and/or 2.6.1 to support consideration of MPA’s and Biodiversity is not necessary to meet the Basic Conditions.

115. Whilst the terms “*planning permission will only be granted*” and “*will be refused*” are not normally appropriate given the need to take into consideration material considerations at the time of determination of a development proposal, they are appropriate in the context of Policy 3, and in particular the underlying Habitats Regulations Assessment Screening Determination. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1, F2, F6, F7, F9 and F10.

116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy 3

- **delete “adequate or compensatory provision has been agreed” and insert “all necessary compensatory measures have been secured to ensure the overall coherence of the network of sites”**
- **move the first sentence to become the last sentence**

Policy 4 Coastal Management and the Coastal Strip

117. This policy seeks to establish that new development along the defined coastal strip will not be supported unless it falls within one of three types of proposal; and seeks to establish support for creation of new habitats along the coastal strip.

118. In a representation Historic England states *“The North East Marine Plan is currently being prepared, and will share a boundary with the Neighbourhood Plan (between the low and high-water mark). The Marine Plan will consider the wider social and economic impacts of development or activity on coastal landscapes and seascapes, and recognises that the historic environment of coastal and offshore zones is a unique aspect of our cultural heritage, and offers a ‘powerful driver for economic growth, attracting investment and tourism and sustaining enjoyable and successful places in which to live and work’ (section 2.6.6.2 of the UK Marine Policy Statement). The North East Marine Plan is currently in the process of drawing up its evidence base and draft policies, and the links between this and the Neighbourhood Plan should be referenced within Policy 4.”*
119. Paragraphs 105 and 106 of the Framework state *“In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes”* and *“Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and: • be clear as to what development will be appropriate in such areas and in what circumstances; and • make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas”*. Whilst the Framework is silent with respect to the role of Qualifying Bodies I consider the policy should make reference to the North East Marine Plan so as to have sufficient regard for national policy regarding marine plans.
120. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1 and F2.
121. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. As recommended to be modified the policy has regard to the components of the Framework concerned with meeting the challenge of climate change, flooding and coastal change; conserving

and enhancing the natural environment; and conserving and enhancing the historic environment. As recommended to be modified this policy meets the Basic Conditions.

Recommended modification 4:

In Policy 4 continue the first sentence with “and must demonstrate positive alignment with any current North East Marine Plan”

Policy 5 Design in New Development

122. This policy seeks to establish that new development should incorporate high quality design and demonstrate how it satisfies six stated requirements, and that proposals within the Northumberland Coast AONB should demonstrate they incorporate the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.
123. In a representation Historic England states *“At present, there is no requirement within the plan (outside the limited areas identified in policies 10 – 13), to conserve and enhance the significance of heritage assets (as per paragraph 126 of the NPPF). As the main policy against which new development will be assessed, this requirement might be best incorporated here?”* Whist paragraph 126 of the Framework provides policy guidance to local planning authorities in developing Local Plans it is silent with regard to neighbourhood plan preparation. It is not necessary for the policy to specifically refer to a requirement to conserve and enhance heritage assets in order to meet the Basic Conditions.
124. In a representation the County Council states *“the various criteria set out in this policy are largely supported by the County Council. However, there is some concern that this could be overly prescriptive. The Council would be supportive of inclusion of references to supporting innovative design, provided that it does not conflict with other criteria within Policy 5 and accords with those Policies set out in the wider Plan.”*
125. Paragraphs 59 and 60 of the Framework state *“local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout,*

materials and access of new development in relation to neighbouring buildings and the local area more generally and *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*. Whilst I agree with the County Council that national policy is clear that innovative design should not be stifled it is not necessary for a neighbourhood plan policy to re-state this aspect of national policy. I am satisfied the policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription.

126. The policy includes a requirement to demonstrate how *“sustainable design measures have been incorporated including Sustainable Urban Drainage Systems where possible”*. The term *“where possible”* is imprecise. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following: *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. Whilst the policy itself refers to *“all new development”* housing is the most likely form of any development that will be proposed in the plan period. I have recommended a modification in this respect. In reaching this conclusion I have taken into consideration national Guidance relating to optional technical standards⁴¹.

127. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1, F2 and F4.

128. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has

⁴¹ Housing: Optional technical standards MHCLG 27 March 2015 Paragraphs 14 and 15 Reference ID:56-014-20150327

regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy 5 replace d) with “a Sustainable Urban Drainage System has been incorporated or demonstrate why such a system would not be practicable; and”

Policy 6 Shop Front design

129. This policy seeks to establish principles for support of proposals for shop front alterations, or for new shop fronts where no original elements remain, in the four principal settlements of the plan area. The policy also requires proposals for shop front alterations to be in accord with the Northumberland Coast AONB Design Guide (Shop Fronts).

130. In a representation Historic England states “*We welcome the intention of Policy 6 and would recommend minor wording changes to strengthen it: In part (a), we would suggest including ‘proportion’ after ‘scale’; this is a key aspect which, if wrong, can create overpowering shopfronts and signage. In part (c), it might be helpful to add a phrase (in the policy or supporting text) to indicate how ‘where relevant’ would be assessed, for example by considering the relative viability of repairing or replacing the existing shopfront, or by requiring a condition report by an appropriate professional to inform the decision. We suggest you consider adding a fifth bullet to Policy 6 to address the impact of shopfront security measures (rollers, shutters, grilles, etc) which have great potential to harm the appearance of well-designed historic and modern shopfronts. You should consider encouraging incorporation of measures (where relevant) during shopfront design rather than as an afterthought, and discouraging solid externally mounted roller shutters, which have a particularly deadening effect on the street scene. In the final sentence of Policy 6, we suggest changing “original” to “historic” to make it clear that even good quality later shop front features can be significant enough to form the basis of new work; they do not have to be the earliest original fabric to be special (eg. Edwardian fabric in a Georgian building).*” I have recommended modifications so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by

paragraph 17 of the Framework. The inclusion of an entirely new policy area relating to security measures is not necessary to meet the Basic Conditions.

131. Paragraph 58 of the Framework in stating planning policies should aim to ensure that developments establish a strong sense of place makes specific reference to “*streetscapes and buildings to create attractive and comfortable places to live, work and visit.*” I am satisfied the policy seeks to reinforce local distinctiveness whilst avoiding unnecessary prescription.
132. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.
133. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification this policy has regard to the components of the Framework concerned with ensuring the vitality of town centres; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy 6

- **after “scale” insert “proportion”**
- **delete “relevant” and insert “viable”**
- **delete “original” and insert “historic”**

Policy 7 Outdoor Signage

134. This policy seeks to establish criteria for the determination of proposals for outdoor signage. The policy identifies factors to be considered in respect of impact on the special qualities of the Northumberland Coast AONB. The policy also seeks to establish an approach to proposals for free-standing signs.
135. A representation by the County Council states “*Controls over advertisements are a complex area of legislation, policy and guidance. Controls can only be exercised in the interests of amenity and public*

safety (paragraph 67 of NPPF applies); and controls will only apply where the advert will clearly have an appreciable impact on a building or on their surroundings. Reference to high quality design is not appropriate in the context of advertisement control since this would be beyond the meaning of amenity. Reference to suitable size in proportion to the building is unclear and open to interpretation and would therefore be difficult to apply consistently. Whilst the supporting text at paragraph 4.38 refers to a proliferation of advertisements leading to the erosion of local character, there is no clear evidence to justify the introduction of any particular policy control over future outdoor advertising. Having regard to the nationally described controls over advertisements, it is considered that criterion a) be modified by deleting the word ‘...visual...’ since this does not fully cover amenity impacts. NPPG refers in detail to the impact of advertisements on road users and there the County Council would question whether it is necessary to refer specifically to ‘...hazard to traffic...’ in the policy. It is considered that this should be removed from the policy as advice on this matter is given separately in national guidance.”

136. Paragraph 67 of the Framework states “*Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*”. The limitation of amenity to visual considerations does not have sufficient regard for national policy and the reference to “a *hazard to traffic*” is imprecise and does not adequately reflect national guidance. The term “*advertisements*” as used in the final sentence of the policy is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

137. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.

138. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; requiring good design; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 7:

In Policy 7

- **delete “visual” in all three instances**
- **delete “or pose a hazard to traffic”**
- **replace the final paragraph with “Proposals for signs to be positioned not on the site of the business or other use being advertised must demonstrate that the sign is necessary for the premises to be safely located by visitors. Proposals for directional or other signs will not be supported where these relate to a business or other use eligible for ‘white on brown’ tourist destination signs.”**

Policy 8 Sustainable Development within the Settlements

139. This policy seeks to establish support for development proposals within the defined settlement boundaries for Seahouses and North Sunderland, Beadnell and Bamburgh. The policy also seeks to establish principles for assessment of development proposals within the defined settlement boundaries. The policy also seeks to establish support for proposals which provide additional car parking and improved access for pedestrians, and seeks to guard against net loss of parking spaces. The policy also identifies schemes in respect of which planning obligations will be sought where the necessary tests are satisfied.

140. During the course of this Independent Examination I made a request, to the lead Parish Council, as Qualifying Body, and to the County Council, as Local Planning Authority, for clarification of the term “*the settlement boundary methodology and reports*” in paragraph 4.40 of the Neighbourhood Plan. The County Council replied to me as follows: “*I note that you are seeking clarification about the settlement*

boundary methodology and associated settlement boundary reports referenced in the Plan and its Appendices. You will be aware that the settlement boundary methodology report is available on the website used by the Parish Council to host all documents created in support of the Plan. Unfortunately, the associated settlement specific reports explaining how settlement boundaries were defined and subsequently proposed in the Plan were removed from that website following consultation on the Pre-Submission Draft Plan (Regulation 14 stage) to allow modification in response to representations received at that stage of plan preparation. It is evident that those reports were available on the Neighbourhood Plan website from the detailed information set out in the Consultation Statement which describes, amongst other things, a representation made by a resident in Bamburgh raising concerns about the name attributed to their property in the settlement boundary report for Bamburgh. Accordingly, that report was subsequently modified. The reports for Beadnell and Seahouses required no changes. However, an administrative error associated with management of the website on which the Plan has been hosted has meant that the Qualifying Body did not re-post the reports on the website when the Plan and other necessary documents were submitted to the County Council. Whilst this is an unfortunate error it is very clear that reports were presented as evidence to support the intention to define settlement boundaries in the Plan at Regulation 14 stage and comments were received on those reports. Furthermore, it is evident from the submission version of the Plan which is now the subject of the independent examination that reports to support the creation of settlement boundaries are available and are referenced in Appendix B of the Plan, in addition to the reference you point out at paragraph 4.40 of the Plan. These reports are readily available on request. In order to aid completion of the independent examination I have enclosed copies of the original settlement boundary reports posted on the website during the Regulation 14 consultation period. I have also attached the modified version of the Bamburgh settlement report which has a minor modification reflecting the representation. This can be found in the section providing commentary on 'North West Bamburgh' in the settlement boundary report." I am satisfied existence of the Settlement Boundary Methodology paper (August 2016) and the separate reports providing information and the justification for the settlement boundaries for each of the principal settlements has been clear at both Regulation 14 and Regulation 16 stages of the Plan preparation process, and that these documents have been available to

interested parties on request at all times since the commencement of pre-submission consultation on 18 July 2017.

141. A representation on behalf of the Trustees of Lord Armstrong Deceased considers that the defined settlement boundary for Bamburgh “*strikes an appropriate balance between recognising the need for new development, including some limited settlement expansion, over the lifetime of the Plan (up to 2032) while at the same time providing a framework within which the special qualities of Bamburgh and its environs can be protected.*” A representation made on behalf of Lord Crewe’s Charity states the proposed settlement boundary for Seahouses is appropriate given the relative importance of the settlement within the wider Plan area.
142. I have earlier in my report considered a representation made on behalf of the Trustees of Lord Armstrong Deceased and a similar representation made on behalf of Lord Crewe’s Charity relating to the relationship between Policy 1 and Policy 8 and concluded no modification is necessary in this respect. Whilst Historic England has commented “*there is nothing to ensure the significance of any heritage asset affected is sustained and enhanced*” this is not necessary to meet the Basic Conditions.
143. A representation by Northumberland Estates states “*The defined settlement boundary for Beadnell is not considered to be up-to-date, as it does not include permitted development. A planning application for 45 no. dwellings and access road (ref. no. 16/01688/OUT) was approved on 1 March 2017. The approved access road is outside of the Plan’s proposed settlement boundary (‘Proposed Site Plan with Access’, no. SD-10.03 Rev E). Northumberland Estates suggest that the settlement boundary for Beadnell is revised to include the approved development, otherwise the access road will be constructed outside of the settlement area. Furthermore, it is suggested that the settlement boundary for Beadnell is revised to include the wider area of Beadnell Green, as shown on the plan (‘Proposed Settlement Boundary’) included with these representations. This is because the approved access road has been designed to not only serve the approved 45 no. dwellings, but to also serve future development of Beadnell Green. As referenced in the planning application (16/01688/OUT), the access road and development of 45 no. dwellings would enable the delivery of a wider plan for the area, including various facilities such as an enterprise hub (office space), community hall, allotment gardens, multi-use games area, car parking, and*

additional housing (please see the indicative masterplan included with these representations, entitled ‘Masterplan as Proposed’, no. SK-10.06 Rev A). It is suggested that the settlement boundary is extended to include Beadnell Green, so that this area can be developed in the future and land is designated for these facilities. The provision of development such as community facilities, leisure facilities, office space and housing would greatly contribute to the Plan’s stated objectives for the area (for example Objective 6 Community Facilities/Policy 20 and Objective 7 Business Development/Policy 23). This would also support the delivery of development specified in Policy 1, namely local employment opportunities, new and expanded business premises, and social, community, leisure and educational facilities.” The benefits or disbenefits of the suggested adjustment to the settlement boundary is not a matter for my consideration. My role is limited to consideration whether the Submission Neighbourhood Plan meets the Basic Conditions and other requirements I have identified.

144. Two representations highlight the merits of the settlement boundary for Seahouses and North Sunderland, and two representations support specific elements of the alignment in south-west North Sunderland in the general vicinity of Isleworth Close, St Cuthbert’s Close, and Regal Close, on the basis of protection of farmland and wildlife; wonderful scenery including views of Bamburgh Castle; and protection of the AONB from unnecessary housing development. Two other representations state support for the alignment of the southern settlement boundary for Seahouses and North Sunderland.

145. The Neighbourhood Plan states “*The Neighbourhood Plan is not required to establish a level of housing required in the neighbourhood area in the future. This is a strategic matter to be determined through the preparation of a Local Plan. Following withdrawal of the Northumberland Local Plan Core Strategy in July 2017, and having regard to the reasons for that plan being withdrawn, in the absence of any up-to-date strategic development plan policy to address the matter of future housing growth, the three Parish Councils have agreed that the housing figure presented in the withdrawn Core Strategy is a realistic and achievable level of growth given the number of developments already completed or ‘in the pipeline’, and given the aspirations for sustainable growth to deliver community benefit, as set out in this Plan. The withdrawn Core Strategy envisaged the delivery*

of around 230 new dwellings in the Seahouses area in the period 2011 to 2031. Although the Plan defines settlement boundaries, it does not allocate sites for development. The Plan is supportive of sustainable growth. However, the Habitats Regulations Assessment concluded that the Neighbourhood Plan must make it clear that planning permission for further development that would result in a net increase in residents should not be supported unless it can be demonstrated that there will be no adverse effect on the integrity of any European site, either alone or in combination with any other plan or project. In addressing this issue, it will be necessary to consider whether mitigation measures can adequately address any adverse effects of development.” and “Settlement boundaries have been defined for all three settlements and are shown on the Policies Map. The settlement boundary methodology and reports are contained in Appendix B. A separate report was produced for each settlement and provides information and justification for the settlement boundaries. The indicative scale of housing proposed for the Neighbourhood Area in the withdrawn Core Strategy for Northumberland was for 230 dwellings between 2011 and 2031. Of these, 110 have already been built, at the time the Neighbourhood Plan was submitted to the County Council and a number of others have planning permission. This leaves a balance of around 100 houses to be built over the Plan period based on the assumption that the figure of 230 new homes provides a reasonable level of growth. The settlement boundaries have been drawn to allow for at least this amount of housing, as the aim is to inject new life into the settlements, through the provision of new Permanent Residence housing (see Policy 14), to increase the number of permanent resident, and thus the sustainability of the coastal settlements.”

146. The County Council website states “*The Northumberland Local Plan: Core Strategy Pre-Submission Draft Plan has been withdrawn so is no longer material to the decision-making process. Some of its supporting evidence nevertheless remains as available evidence on a topic basis that might be useful to inform the assessment of individual development proposals. This evidence is more recent than that which was prepared to inform the adopted development plan documents (DPD), and as such, is may be considered material to the determination of planning applications.*” I have earlier in my report drawn attention to the Guidance that relates to a situation where a Neighbourhood Plan is proceeding ahead of an emerging Local Plan and in particular the statement “*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”.

147. The Neighbourhood Plan states *“Withdrawal of the Core Strategy included the withdrawal of all evidence base documents produced to support that plan. Some of that evidence has been used to inform policies proposed in this Neighbourhood Plan. In addition, the Core Strategy had provided an indicative housing apportionment for the Seahouses area. This expected the delivery of around 230 new dwellings between 2011 and 2031. The Neighbourhood Plan has had regard to this intention recognising the expectation that emerging neighbourhood plans should seek to demonstrate alignment with emerging strategic planning policy. Whilst the Core Strategy has now been withdrawn and has no weight in the plan-making process, and consideration of the policies contained in that plan have no statutory relevance to the independent examination of the Neighbourhood Plan, it is evident, from an Interim Planning Policy Position Statement published by the County Council in July 2017 that they intend to plan for no more, and probably less, housing across the County than that presented in the withdrawn Core Strategy. For this reason, the three Parish Councils involved in preparing this Neighbourhood Plan are satisfied that continuing to assume housing growth at the level intended through that version of the Core Strategy clearly demonstrates a commitment to boost housing supply in line with national policy and guidance. This matter is addressed further in the Basic Conditions Report.”* I have considered the North Northumberland Coast Neighbourhood Plan – Housing Evidence Paper (2016). I am satisfied the approach adopted to assessment of housing requirements in the preparation of the Neighbourhood Plan is appropriate.

148. The Settlement Boundary Methodology paper (August 2016) sets out in some detail the approach adopted by the Parish Councils in determining the settlement boundaries. Paragraphs 4.42 to 4.49 inclusive of the Neighbourhood Plan provide a summary explanation of the settlement boundaries presented on the Policies Map Insets for each of the principal settlements. Paragraph 4.42 includes the phrase *“and could in some cases be larger in scale in order to deliver on and off site benefits”*. This phrase appears to seek to introduce an aspect of policy that is not included in the policies of the Neighbourhood Plan.

The term “*larger in scale*” is imprecise. The phrase introduces uncertainty. I have recommended this phrase is deleted so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. My recommendation of deletion of this phrase is also based on the absence of adequate explanation of the approach proposed. I am satisfied the decisions made in formulating the policy with respect to the rationale and alignment of the settlement boundaries have been adequately explained. I have recommended a modification so that the Policy makes specific reference to the settlement boundaries shown on the Policies Map Insets.

149. In a representation the County Council states “*the final paragraph above criterion (i) states that “proposals resulting in the loss of existing car parking spaces will normally be refused...” It is unclear whether this is intended to apply to development on public car parks or on-street parking. It is suggested that this section should be reworded to provide clarification of this point.*” I am satisfied the policy would apply in the case of any loss of car parking spaces.

150. The County Council also states with respect to criterion (c) “*even the creation of a new access to provide in-curtilage parking would create an impact on-street. It is therefore suggested that this should be reworded to seek to “limit” or “reduce” the impact of on-street parking*”. I have recommended a modification so that the policy seeks to avoid additional on-street parking.

151. The County Council support the inclusion of SuDS in the policy. The term “*incorporate Sustainable Urban Drainage Systems where necessary*” is imprecise. SUDS are, in any case, dealt with in Policy 5 and it is confusing if a second policy seeks to deal with the same matter. It is also unnecessary and confusing for the policy to state “*provided they accord with policies elsewhere in this Plan*” and “*that incorporates the design principles in Policy 5*” as the Neighbourhood Plan should be read as a whole. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

152. With respect to criterion (h) the County Council suggests that the text should be reworded to read “*...or other nationally or*

internationally important wildlife sites.” I have recommended a modification in this respect as limitation to sites that are both nationally and internationally important is not justified.

153. The policy includes the term “*normally be refused*”. The word normally introduces uncertainty. It is, in any case, not appropriate for a policy to indicate that proposals will be permitted or refused, whether normally or not, as all planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.⁴² All material considerations will not be known until the time of determination of a planning proposal. I have recommended a modification in this respect.

154. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1, F2, F30 and M20.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport; requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 8:
In Policy 8**

- **delete “that incorporates the design principles in Policy 5”**
- **continue the first sentence with “shown on the Policies Map Insets numbered 1,2 and 3”**
- **delete “impact of” and insert “additional”**
- **delete “provided they accord with policies elsewhere in this Plan”**
- **delete part g)**
- **delete “normally be refused unless” and insert “not be supported unless it can be demonstrated the loss will not**

⁴² Paragraph 196 National Planning Policy Framework 2012

result in any additional on-street parking capacity problems or”

Delete from paragraph 4.42 of the general text the phrase “and could in some cases be larger in scale in order to deliver on and off site benefits”

Policy 9 Sustainable Development outside the Settlement Boundaries

156. This policy seeks to establish that development outside the defined settlement boundaries will be restricted to development appropriate in open countryside. Six types of development are particularly supported.
157. Two representations highlight the merits of the settlement boundary for Seahouses and North Sunderland, and two representations support specific elements of the alignment in south-west North Sunderland in the general vicinity of Isleworth Close, St Cuthbert’s Close, and Regal Close, on the basis of protection of farmland and wildlife; wonderful scenery including views of Bamburgh Castle; and protection of the AONB from unnecessary housing development. Two other representations state support for the alignment of the southern settlement boundary for Seahouses and North Sunderland.
158. Historic England state *“there is huge potential for sensitively designed developments to protect and enhance the significance and setting of historic buildings, particularly where they have fallen into disrepair or disuse.”* The Framework does identify the securing of the optimal viable use of a heritage asset as a special circumstance where new isolated homes in the countryside may be appropriate. I have recommended a modification in this respect.
159. A representation on behalf of the Trustees of Lord Armstrong Deceased considers that the defined settlement boundary for Bamburgh *“strikes an appropriate balance between recognising the need for new development, including some limited settlement expansion, over the lifetime of the Plan (up to 2032) while at the same time providing a framework within which the special qualities of Bamburgh and its environs can be protected.”* I have earlier in my report considered a representation made on behalf of the Trustees

relating to the relationship between Policy 1 and Policy 8 and concluded no modification is necessary in this respect.

160. A representation by Northumberland Estates states “*Policy 9 states that outside of the settlement boundaries, development will be restricted to appropriate development within the open countryside. It should be noted that simply by virtue of being outside of a settlement boundary, a site is not automatically open countryside. There are many sites outside of a designated settlement boundary that are not isolated and not open countryside. NPPF (para.55) should not be interpreted with a narrow scope as a policy against development in areas without any facilities or services, as maintaining the vitality of rural communities is not just an economic consideration but also a social one. Development is appropriate in areas outside of a settlement boundary with no facilities or services because it will add to the vitality of the existing social community, for example a small hamlet or nearby residential dwelling. For reference, please see a recent High Court decision (Braintree District Council v SoS for Communities and Local Government 2017 EWHC 2743, 15 November 2017). This High Court decision upholds the principle that proximity to other dwellings is sufficient for a location not to be considered isolated in open countryside. Policy 9 should recognise this and have less of a restriction on development outside of settlement boundaries.*”

161. The use of the term “*particular support*” introduces uncertainty. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

162. Paragraph 54 of the Framework states “*In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs*”. The policy has sufficient regard for national policy relating to exception sites.

163. Paragraph 55 of the Framework states “*Local planning authorities should avoid new isolated homes in the countryside unless*

there are special circumstances such as: • the essential need for a rural worker to live permanently at or near their place of work in the countryside; or • where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or • the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.” I have noted the list of types of development that are expressly supported by the policy is non-exhaustive and therefore has sufficient regard for national policy.

164. The Framework states planning policies should support economic growth in rural areas and in particular “*promote the development and diversification of agricultural and other land-based rural businesses*”. The Framework also states neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. The Framework also states neighbourhood plans should “*support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres*”. I have recommended a modification so that the policy has regard for national policy.

165. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1, F2, S5, S6, W10 and W11.

166. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a

strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high quality homes; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 9:
In Policy 9**

- **delete “Particular”**
- **continue part f) with “or where the proposals secure the optimal viable use of a heritage asset”**

A definition of the term “substantial construction” should be included in the Glossary of Terms, for example to indicate walls should be of brick or stone construction, and roofs formed of tile or slate.

Policy 10 Seahouses and North Sunderland Conservation Area

167. This policy seeks to establish that development proposals within the Seahouses and North Sunderland Conservation Areas should preserve or enhance the character or appearance of the area, and make a positive contribution to local character and distinctiveness. Four specific elements arising from the Conservation Area Character Appraisals are identified to be taken into account in the assessment of proposals. The policy also seeks to establish particular support for proposals which would lead to the enhancement of buildings, spaces or features identified in the Character Appraisal Maps 2 and 3. The policy also states development of defined poor design will be refused.

168. In a representation Historic England recommend the policy should recognise that a Conservation Area’s significance can derive from its setting as well as its contents. The Framework states *“significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.”* I have recommended a modification in this respect.

169. The policy includes the term *“particularly supported”*. In determining a planning application, it is not possible to distinguish between different degrees of support. The policy includes the term *“will be refused”*. It is not appropriate for a policy to indicate that proposals

will be permitted or refused as all planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.⁴³ All material considerations will not be known until the time of determination of a planning proposal. Paragraphs 133, 134 and 137 of the Framework set out the national approach to determination of development proposals affecting a designated heritage asset, and the latter specifically refers to Conservation Areas. The policy does not have sufficient regard for the balanced approach of national policy where harm to the significance of the Conservation Area is weighed against public benefit. I have recommended a modification in these respects.

170. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.

171. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment, and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy 10

- **delete “Within” and insert “Development proposals affecting”**
- **delete “development proposals” and insert “or their respective settings”**
- **delete “particularly”**
- **delete “refused” insert “assessed in terms of the balance between public benefits and the scale of harm to the significance of the Conservation Area.”**

Policy 11 Bamburgh Conservation Area

172. This policy seeks to establish that development proposals within the Bamburgh Conservation Area should preserve or enhance the

⁴³ Paragraph 196 National Planning Policy Framework 2012

character or appearance of the area, and make a positive contribution to local character and distinctiveness. Five specific elements are identified to be taken into account in the assessment of proposals. The policy also states development of defined poor design will be refused.

173. In a representation Historic England recommend the policy should recognise that a Conservation Area's significance can derive from its setting as well as its contents. The Framework states "*significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.*" I have recommended a modification in this respect. Historic England also state that as there is no adopted character appraisal for the Bamburgh Conservation Area "*it would be worth considering adding a requirement for applicants to set out their understanding of the conservation area's character and appearance as relevant to their proposals, and to explain how their proposals preserve or enhance it.*" I have recommended a modification in this respect so that the policy approach reflects national policy set out in paragraph 128 of the Framework.

174. The policy includes the term "*will be refused*". It is not appropriate for a policy to indicate that proposals will be permitted or refused as all planning applications "*must be determined in accordance with the development plan, unless material considerations indicate otherwise*".⁴⁴ All material considerations will not be known until the time of determination of a planning proposal. Paragraphs 133, 134 and 137 of the Framework set out the national approach to determination of development proposals affecting a designated heritage asset, and the latter specifically refers to Conservation Areas. The policy does not have sufficient regard for the balanced approach of national policy where harm to the significance of the Conservation Area is weighed against public benefit. I have recommended a modification in these respects.

175. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.

176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

⁴⁴ Paragraph 196 National Planning Policy Framework 2012

community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment, and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy 11

- delete “Within” and insert “Development proposals affecting”
- delete “development proposals” and insert “or its setting”
- delete “be refused” insert “assessed in terms of the balance between public benefits and the scale of harm to the significance of the Conservation Area.”

Policy 12 Historic Core of Beadnell

177. This policy seeks to establish that development proposals within or affecting the setting of the historic core of Beadnell as defined on the Policies Map must reflect the historic character of this area in terms of scale, height, design, and materials.

178. In a representation the County Council states *“the policy seeks to elevate consideration of development impact on historic character above that normally applied. It is accepted that it may be possible to identify areas that could be considered as non-designated heritage assets. It is also recognised that work has started on defining a Conservation Area for Beadnell. However, the difficulty with Policy 12 may lie in its interpretation and application. In particular, there is no definition of what “...must have special regard to...” would mean in practice which could lead to uncertainty and lack of consistency in decision making. It is therefore considered that the policy does not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of NPPF. Although paragraph 4.58 seeks to provide some justification for this policy, this is very limited in its description of any justification for designating a historic core.”*

179. Paragraph 135 of the Framework states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In*

weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Although the policy approach is innovative in that it relates to an area rather than a building the identification of a non-designated asset considered to be of importance to a local community does appear to me to be an appropriate function of a neighbourhood plan. I have, however, recommended a modification to reflect the balanced approach of national policy and in response to the point made by the County Council regarding certainty and consistency in decision making.

180. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.

181. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design, and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy 12

- **delete “reflect the historic character of this area” and insert “demonstrate they do not harm this area or its setting through inappropriate”**
- **after “materials” insert “In the assessment of development proposals a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the historic core of Beadnell as a heritage asset.”**

Policy 13 Non-Designated Heritage Assets

182. This policy seeks to establish that development proposals affecting any non-designated heritage asset (including those non-designated heritage assets identified in Appendix A of the Submission

Plan) or its setting should be sensitively designed having regard to the significance of the heritage asset.

183. In supporting the policy and welcoming the list of non-designated heritage assets suitable for Local Listing, Historic England state that the Neighbourhood Plan should also include provision relating to designated heritage assets. There is no requirement for the Neighbourhood Plan to include policies relating to designated heritage assets in order to meet the Basic Conditions.

184. In a representation the County Council states the policy “*refers to a list of non-designated heritage assets which are considered suitable for local listing. The policy references these as being set out in Appendix A. However, while Appendix A lists these non-designated heritage assets, it does not provide details; it simply refers to an evidence base document which provides further detail but no link to the document is provided. It would be helpful if further detail could be provided in Appendix A, as this will aid in decision making where development proposals may result in adverse effects on these non-designated assets. This will remove the current degree of uncertainty when applying the policy.*” I have recommended a modification so that the list of assets in Appendix A should be adjusted to include a brief description of the significance of each asset and these should be identified on the Policies Map and Insets, so that the policy and Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

185. Paragraph 135 of the Framework states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*” I have recommended a modification to reflect the balanced approach of national policy.

186. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policy F1.

187. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 13:
In Policy 13**

- **after “Appendix A” insert “and identified on the Policies Map and Insets”**
- **after “Northumberland” insert “Coast”**
- **after “regard to” insert “the scale of any harm or loss and”**
- **the list of assets in Appendix A should be adjusted to include a brief description of the significance of each asset and these should be identified on the Policies Map and Insets.**

Policy 14 Principal Residence Housing

188. This policy seeks to establish that proposals for all new housing, excluding replacement dwellings, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. The policy seeks to define the term Principal Residence and states restrictions will be secured by Section 106 obligations.

189. A representation welcomes the principal residence policy and another representation supports this policy in *“delivering appropriate residential development”*. In a representation Northumberland County Council strongly supports the inclusion of this policy and considers that the policy is sufficiently robust both in its evidence and in its currently-drafted form.

190. In a representation Northumberland Estates *“support the Plan’s ambition of creating sustainable communities, and recognise the high level of second home ownership in the area which impacts upon the vitality and viability of the local communities. Northumberland Estates are proud to have been at the forefront of finding a solution to this problem in Northumberland. Having worked closely with Beadnell Parish Council, Northumberland Estates agreed to restrict all 45no. dwellings of application 16/01688/OUT for permanent occupancy. This*

is a new mechanism to secure permanent occupancy and has not been suggested by any other developer in the County, but Northumberland Estates are proud to be investing in the County's communities and taking a significant step towards redressing the imbalance within Beadnell between second home owners and local people. However, Northumberland Estates suggests that the wording of Policy 14 is too restrictive in that it only allows for new residential development if it provides principal occupancy housing. This is too restrictive and would not be viable for all housing development to be solely for permanent occupancy. Please see the comments above made in regard to Policy 1. Expecting small-scale development of up to 9 dwellings to deliver principal occupancy housing is unrealistic, and this type of housing should only be expected from development where it is financially viable to deliver. It is suggested that Policy 14 is revised in order to specify that principal residence housing should only be expected from development of at least 10 or more dwellings. Northumberland Estates consider that there would be a benefit to Beadnell in allowing additional housing development for second-home owners (holiday homes). As recent trends and the property market has shown (for example the popularity of Beadnell Point), there is clearly a demand for holiday home accommodation in the Beadnell area. It is considered that actually encouraging further holiday home development in Beadnell (with restricted occupancy to holiday purposes only, not as a person's main place of residence) would have a positive impact on the rest of the village. For example, if Beadnell Point was extended to include a further 20-30 holiday homes, it would provide the holiday home accommodation that people desire in the village of Beadnell. This would mean that existing housing stock in the village is not sold at inflated prices to second-home owners, as these houses would no longer be seen as the premium location for a holiday home (compared to a new build home adjacent to the beach) but would rather return these properties to be sold to local people wishing to permanently live in the village. This would have the effect of increasing the vibrancy and vitality of the community living in the existing housing stock in Beadnell, and create a hub of permanent residents in the village core. It is considered that this approach would complement the Plan's policy to restrict occupancy to permanent residency for new development, as it would encourage existing housing stock to be sold to permanent residents, rather than as holiday homes. Please see the plan (ref. no. SK-10.06 Rev A) which shows the suggested location for an extension to Beadnell Point as an area for specifically designated holiday homes."

191. The benefits or disbenefits of the suggested extension to Beadnell Point for specifically designated holiday homes, or of an adjustment to the settlement boundary proposed in Policy 8 to facilitate such a development is not a matter for my consideration. It is not within my role to produce an alternative neighbourhood plan nor to consider whether some alternative neighbourhood plan would result in a more sustainable future for the plan area. My role is limited to consideration whether the Submission Neighbourhood Plan meets the Basic Conditions and other requirements I have identified.

192. As stated earlier in my report it is not within my role to test the soundness of the Neighbourhood Plan however “*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*”.⁴⁵ The explanation for the policy is principally based on the growth between 2001 and 2011 in the number of households with no residents and adverse social impacts, including the loss of local community facilities, on year-round residents. I have noted the supporting evidence contained within the North Northumberland Coast Neighbourhood Plan – Housing Evidence Paper [hereafter referred to as the Housing Evidence Paper (2016)] that states 2011 Census results showed 39.6% of household spaces in the Neighbourhood Area had no residents, and the percentage of Council Tax registered dwellings identified as second homes was 32% in 2016. Analysis of properties subject to business rates shows there are in addition significant numbers of holiday lets in the Neighbourhood Plan area. I am aware the issue of second homes has been considered in other neighbourhood plan areas, in particular in St Ives⁴⁶. I note the proportion of second homes in St Ives is reported to be 23%, compared to 32% for the average across the Neighbourhood Plan area, and that local rates in the neighbourhood area are high compared to other areas within England identified as experiencing similar characteristics. I have noted the evidence presented in the Housing Evidence Paper (2016) relating to the impact of second home ownership and holiday homes, including that relating to businesses, schools, and medical services. As a matter of planning judgement, I am satisfied the policy has been adequately explained by demonstrating uncontrolled growth of second and holiday homes is damaging the plan area, and that the policy will contribute to the

⁴⁵ National Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

⁴⁶ RLT Built Environment Ltd v Cornwall Council [2016] EWHC 2817 (Admin)

achievement of sustainable development. I have noted viability has been considered in the Housing Evidence Paper (2016).

193. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies.

194. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; delivering a wide choice of high quality homes; and promoting healthy communities. This policy meets the Basic Conditions.

Policy 15 Principal Residence Housing in the Hamlets

195. This policy seeks to establish conditional support for new single dwellings in 10 named hamlets. Support is conditional upon the dwelling being well related to existing development, respects/reflects the special character of its setting, and is a Principal Residence secured by Section 106 agreement.

196. A representation by Northumberland Estates states "*Policy 15 states that new dwellings and self-build plots in the hamlets will only be supported as a principal residence, and that this restriction will be retained in perpetuity through a S106 agreement. It is considered that this is an unrealistic expectation to make on a single self-build dwelling. Restricting occupancy would reduce the value of the dwelling, and therefore make the self-build potentially unviable for an individual to build, as it may prevent bank funding being available. It is suggested that this restriction for new dwellings and self-build plots in the hamlet areas is removed from Policy 15. It is an unreasonable restriction to make, and it would deter individuals from building single plot dwellings and adding to the built environment and vitality of the smaller hamlets. It is also worth pointing out that in the majority of cases, a self-build dwelling will likely be retained for permanent occupancy anyway, given that it will be custom-designed and intended for permanent use by the end user anyway. This is a likely scenario and does not need to be specified in planning policy.*"

197. The explanation for restriction to principal residence housing contained in the Housing Evidence Paper (2016) which I have referred to extensively in my consideration of Policy 14 is relevant throughout the entire Plan area. In my consideration of Policy 14 I have stated “*As a matter of planning judgement, I am satisfied the policy has been adequately explained by demonstrating uncontrolled growth of second and holiday homes is damaging the plan area, and that the policy will contribute to the achievement of sustainable development. I have noted viability has been considered in the Housing Evidence Paper (2011).*” I consider this statement applies equally to policy 15. The representation that a principal residence restriction would deter self-build projects is not evidenced.
198. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies.
199. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. This policy meets the Basic Conditions.

Policy 16 Change of Use from Residential (C3) to Holiday Let (Sui Generis) and Provision of New Holiday Accommodation

200. This policy seeks to establish that change of use from residential use to holiday let will only be permitted where specified car parking provision can be achieved, and where there will be no significant impacts on residential amenity. The policy also states new holiday accommodation will only be supported where it is demonstrated there is a need that cannot be met by existing provision.
201. A representation by Northumberland Estates states “*Policies 16 and 18 are excessive in their car parking requirement for holiday accommodation, requiring at least one car parking space per bedroom. It is considered that this should be reduced in accordance with car*

parking requirements for C3 residential dwellings. It is not reasonable to require, for example, a 4-bedroom family holiday let to have 4 car parking spaces, as this type of accommodation appeals to families with children where they would not have 4no. vehicles.”

202. The policy includes the term “*will only be permitted*”. It is not appropriate for a policy to indicate that proposals will be permitted or not permitted as all planning applications “*must be determined in accordance with the development plan, unless material considerations indicate otherwise*”.⁴⁷ All material considerations will not be known until the time of determination of a planning proposal. I have recommended a modification in this respect.

203. In a representation the County Council states “*consideration could be given to the inclusion of an “and/or” option between criteria (a) and (b). There is some concern that criterion (a), when read alone, does not consider the material impacts.*” Paragraph 39 of the Framework states “*If setting local parking standards for residential and non-residential development, local planning authorities should take into account: • the accessibility of the development; • the type, mix and use of development; • the availability of and opportunities for public transport; • local car ownership levels; and • an overall need to reduce the use of high-emission vehicles.*” The policy does seek to establish a parking standard in order to limit the parking impacts of proposals to change the use of residential properties to holiday let use but this is not sufficiently evidenced. I have recommended a modification in this respect.

204. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, and in particular, Policy R12.

205. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; and promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

⁴⁷ Paragraph 196 National Planning Policy Framework 2012

Recommended modification 14:

In Policy 16

- delete “to provide space for at least one vehicle per bedroom” and insert “to ensure no additional on-street car parking will be necessary”
- delete “traffic generation and parking impacts” and insert “and traffic generation”

Policy 17 Change of Use from Holiday Use to Principal Residence Housing

206. This policy seeks to establish support for change of use of suitable holiday let accommodation, or remove occupancy conditions, to Principal Residence housing (and to remain as such) in the main settlements and in named hamlets. Types of accommodation that are not suitable for permanent occupation are specified.
207. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies.
208. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and promoting healthy communities. This policy meets the Basic Conditions.

Policy 18 Extensions to Holiday Lets

209. This policy seeks to establish criteria to apply when extension of a holiday let is proposed.
210. A representation by Northumberland Estates states *“Policies 16 and 18 are excessive in their car parking requirement for holiday accommodation, requiring at least one car parking space per bedroom. It is considered that this should be reduced in accordance with car parking requirements for C3 residential dwellings. It is not reasonable to require, for example, a 4-bedroom family holiday let to have 4 car parking spaces, as this type of accommodation appeals to families*

with children where they would not have 4no. vehicles.” In a representation the County Council states *“extension to holiday lets need to demonstrate that there is enough parking as they may never have had sufficient parking in the first instance. Depending on the site-specific circumstances, an extension may be acceptable”*. Paragraph 39 of the Framework states *“If setting local parking standards for residential and non-residential development, local planning authorities should take into account: • the accessibility of the development; • the type, mix and use of development; • the availability of and opportunities for public transport; • local car ownership levels; and • an overall need to reduce the use of high-emission vehicles.”* I have recommended a modification so that the policy does not seek to establish a parking standard but seeks to limit the impact of proposals on on-street parking.

211. It is unnecessary and confusing for the policy to state *“comply with the principles outlined in Policy 5 in relation to new extensions; and”* as the Neighbourhood Plan should be read as a whole. The term *“all proposals for extensions to holiday lets must”* is a statement without implication. The term *“a reasonable amount”* is imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

212. Paragraph 39 of the Framework states *“If setting local parking standards for residential and non-residential development, local planning authorities should take into account: • the accessibility of the development; • the type, mix and use of development; • the availability of and opportunities for public transport; • local car ownership levels; and • an overall need to reduce the use of high-emission vehicles.”* The policy does seek to establish a parking standard in order to limit the parking impacts of proposals to extend holiday lets but this is not sufficiently evidenced. It is also inappropriate to seek to remedy existing deficiencies in car parking facilities when determining proposals for extensions. I have recommended a modification in this respect.

213. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies.

214. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy 18

- **before “All proposals” insert “To be supported”**
- **delete a)**
- **replace b) with “demonstrate the outdoor amenity space remaining is sufficient for the occupiers of the holiday let; and”**
- **delete “to provide for one space per bedroom including any extension” and insert “to ensure no additional on-street car parking will be necessary”**

Policy 19 Local Green Spaces

215. This policy seeks to designate land in 18 locations as Local Green Spaces.

216. In a representation Historic England states *“Paragraph 4.14 notes that green space may hold local historic significance. The green spaces referenced in Policy 19 may encompass, or be within the setting of, heritage assets, whose significance might not be fully understood. This policy already contains a caveat referring to the need for consideration of important wildlife sites, and we would recommend extending this to include some form of caveat or qualifying statement to ensure that the significance of any heritage asset affected is sustained and enhanced.”* The wording of the policy reflects the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances. I consider it is appropriate for the Policy to include guidance that proposals related to the enhancement or enjoyment of the Local Green Spaces will be treated as a very special circumstance. The basis of designation of Local Green Space is set out clearly in the Framework. It would not be appropriate to introduce a statement relating to heritage assets.

217. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore 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 reviewed, and be capable of enduring beyond the end of the plan period.”*

218. 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 Policy Map insets at a scale that is sufficient to identify the precise boundaries of each Local Green Space proposed for designation.

219. A representation on behalf of Lord Crewe’s Charity states *“it is noted that the Plan states in paragraph 4.43 that there is potential to accommodate some new housing on land to the east of Broad Road, and Policy 8(i) elaborates upon this by noting that improvements to Broad Road may be required as a result of such a housing development to make it safer for vehicles and pedestrians. The Charity recognises that a future residential development to the east of Broad Road may necessitate road improvements but they note that the Seahouses proposals map designates all of the undeveloped land along the eastern side of Broad Road as Local Green Space, under designations S1 and S8. Policy 19 of the Plan states that development on these and other designated green spaces will not be allowed except in very special circumstances. As part of a future residential development on land to the east of Broad Road, it is most likely that a new vehicular access will need to be created from Broad Road across the green space designation. To ensure that such a proposal does not conflict with Policy 19, it is requested that the final paragraph of Policy 19 is amended as follows (suggested amendment underlined) - Proposals for development on these sites will not be allowed except in very special circumstances, unless they are related to the enhancement or enjoyment of the Local Green Space or are otherwise necessary to deliver proposals or developments deemed appropriate in land use terms.”* The Basis of designation of land as Local Green

Space is set out clearly in the Framework. It is anticipated a Local Green Space will be capable of enduring beyond the end of the Plan period. It would not be appropriate for the policy to indicate Local Green Space could be lost if necessary to deliver proposals or developments deemed appropriate in land use terms. The Policy does clearly state development of Local Green Space can occur in very special circumstances.

220. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations 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.

221. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area 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*
- *where the green area concerned is local in character and is not an extensive tract of land.”⁴⁸*

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.

222. I now consider whether there is sufficient evidence for me to conclude that the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Neighbourhood Plan includes in paragraph 5.19 a reference to background evidence. I have examined the three separate reports for Beadnell, Bamburgh, and Seahouses

⁴⁸ Paragraph 77 National Planning Policy Framework 2012

and North Sunderland and have noted references to earlier consultation responses.

223. In a representation the County Council's Strategic Estates Management Team, acting as landowner for the sites referred to below has commented *"It is considered that site S2 (Seahouses Middle School Playing Fields) should be considered for exclusion as allocated Local Green Space as part of this site is leased to Busy Bees Community Interest Company and this, and the remainder of the fields, are fenced and inaccessible to members of the public.* The Local Green Spaces background paper states the site is demonstrably special to the local community on the basis it is *"well used by local residents and school children"* and *"that the land has local significance for recreational value"*. Designation cannot proceed on this basis of the land being inaccessible to the general public at the time of designation. I have recommended a modification to remove the Seahouses Middle School Playing fields from the list of sites to be designated as Local Green Space.

224. The County Council's Strategic Estates Management Team has also commented *"It is also considered that site S5 (Seahouses First School Playing Fields) should be considered for exclusion as allocated Local Green Space as the school is now closed and the vacant site is inaccessible. The future of this site has yet to be determined by the Authority."* The Local Green Spaces background paper states the site is demonstrably special to the local community on the basis it is *"well used by the local community as a recreational facility, and by the primary school as playing fields"*. Designation could not proceed on this basis of the land being inaccessible to the general public at the time of designation. However, the Local Green Spaces background paper states the land has a local significance for biodiversity and *"has a significant landscape value in providing a sense of 'separation' between North Sunderland and Seahouses"*. These factors do not rely on public access. On this basis I have not recommended a modification to remove the Seahouses First School Playing fields from the list of sites to be designated as Local Green Space.

225. I have noted the representation of Beadnell Harbour Fisherman's Society Limited relating to The Haven which states *"Please note we own this land freehold and do not ever intend to make this land for public use. In actual fact we have entered into an option agreement with a local developer on this land. We are in desperate*

needs of funds to maintain the harbour and secure its future and the sale of this land is fundamental in allowing us to ensure the future of the harbour.”

226. The Guidance states “Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”⁴⁹ The Beadnell Local Green Spaces Background paper states the site is “demonstrably special to the local community”, and “the site has important heritage assets (not all publicly accessible) related to the fishing history of the village (some Grade II listed)” and “the site provides access to the beach and coastline, and is important in the historic landscape and seascape” and “Biodiversity is particularly important. It is adjacent to the Northumbria Coast SPA Ramsar site, and Berwickshire and North Northumberland Coast SAC as well as the Northumberland SSSI. Access to the public with 2 well used rights of way, and 3 public seating areas”. I am satisfied this site is demonstrably special to a local community and holds a particular local significance.

227. I conclude that, with the exception of the Seahouses Middle School Playing Fields, each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.

228. I find that, with the exception of the Seahouses Middle School Playing Fields, the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

229. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan

⁴⁹ National Planning Practice Guidance Paragraph: 017 Reference ID: 37-017-20140306

(1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, and in particular Policy F9.

230. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 16:
In Policy 19 delete S2: Seahouses Middle School Playing Fields**

Policy 20 Assets of Community Value and Community Facilities

231. This policy seeks to establish support for proposals that enhance the viability and/or community value of community facilities and assets. The policy also states loss of a registered Asset of Community Value or the last public house, shop, or community hall in any of the three settlements will be strongly resisted.

232. The policy is imprecise in that community facilities are not defined, settlements are not named, and it is unclear how strong resistance and robust justification are to relate to one another. In determining a planning application, it is not possible to distinguish between different degrees of resistance. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

233. Paragraph 70 of the Framework states planning policies should “*guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.*” The policy has regard for this element of national policy. The supporting text refers to local shops, local pubs, village halls, and a recycling depot. In the absence of any other reference the element of the policy that relates to loss of facilities must be limited to these types of community facilities in addition to any facilities that may be registered as Assets of Community Value.

234. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, in particular Policies F1, R2 and C7.

235. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy 20

- **delete “valued community facilities”**
- **delete “any of the three settlements” and insert “Beadnell, Seahouses, North Sunderland, and Bamburgh”**
- **delete “will be strongly resisted and robust justification will be required” and insert “will not be supported unless robust justification is submitted”**

Policy 21 New Tourist and Community Facilities

236. This policy seeks to establish support for small-scale new or improved community and/or visitor facilities, and identifies schemes for specific provision.

237. In a representation Historic England states the policy may require a caveat to ensure that there will be no negative impact upon heritage assets. I have not recommended a modification in this respect as the policy does not have to refer to this aspect of national policy to meet the Basic Conditions. Historic England also states *“We welcome the inclusion of a possible heritage hub at Bamburgh to take advantage of the tourist potential of the historic environment there. If promoted sensitively, capitalising on the potential the historic environment can contribute significantly to job creation, business growth and economic prosperity, particularly through tourism. This is a good way of providing a positive strategy for the historic environment in the plan, not one merely reactive to development proposals. It is also a good example of how heritage issues can successfully cut*

across other topic areas. You might wish to include a sentence or two in the explanatory text to indicate how the hub might be delivered.” The policy does not have to indicate delivery mechanisms in order to meet the Basic Conditions.

238. In a representation the County Council states *“Policy 21 identifies proposals to provide small-scale new or improved community and/or visitor facilities which will be supported, subject to other policy requirements within the Plan. However, the Plan does not provide further details. Most of these proposals are quite specific; however, they are not shown on the Policies Map, with the exception of criterion (f) which is shown on the Seahouses Inset Map.”* Whilst indicative locations could be shown in a diagrammatic fashion on the Policies Maps I do not consider this is necessary to meet the Basic Conditions. Where descriptions of locations for new tourist and community facilities are indicated, for example, *“in Beadnell”*, they are sufficiently precise to provide a policy basis for the determination of proposals made in planning applications.

239. A representation by Northumberland Estates states *“Policies 21 and 23 relate to community facilities and employment land. It is considered that the settlement boundary plans should include an allocation for these facilities. Please see comments relating to Policy 8 above. The area of Beadnell Green should be included within the settlement boundary for Beadnell, given its potential future development for community facilities, office space, allotments, games area, car parking, and housing. Please see the indicative masterplan included with these representations, entitled ‘Masterplan as Proposed’, no. SK-10.06 Rev A. It is suggested that the settlement boundary is extended to include Beadnell Green, so that this area can be developed in the future and land is designated for these facilities, in accordance with Policy 21 and 23.”* I have considered Policy 8 and earlier in my report, and I consider Policy 23 later in my report. With respect to Policy 21 the representation proposes that provision should be made for community facilities at Beadnell Green. Whilst it is not within my role to select precise additional development sites for community facilities on behalf of the North Northumberland Coast community, the representation has promoted a site for development. The benefits or disbenefits of the proposal made in the representation, relative or not to the proposals made in the policy, are not a matter for my consideration. I have, earlier in my report, explained my role is to

assess whether the Neighbourhood Plan meets the Basic Conditions and other requirements.

240. Other representations state *“Policy 21(e) identifies a new car park on the southern edge of the settlement boundary at Seahouses. However, the site is not identified on the Policies Map and no detailed description of its proposed location is included”* and *“This is a very specific proposal at a specific location and so is akin to a site allocation. There are significant landscape and ecological issues with this site which have not been addressed in the Plan”*. I am satisfied the identification of a general location for a new car park *“on the southern edge of the settlement boundary of Seahouses”* that will be supported meets the Basic Conditions.

241. Paragraph 28 of the Framework states *“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and* • *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”*

242. The proposals listed in the policy that will be supported are aspirational and with the possible exception of part a) that refers to *“the car park in Beadnell”* are not site specific. In that a neighbourhood plan can *“seek to ensure that local people get the right type of development for their community”* I consider aspirational policies that relate to land use matters can be appropriate for inclusion in a neighbourhood plan.

243. It is unnecessary and confusing for the policy to state *“where they accord with policies elsewhere in the Plan”* as the Neighbourhood

Plan should be read as a whole. Part b) of the policy relates to provision of bunkhouses and includes the imprecise term “*minimum impact*”. Policy 25 also addresses proposals for bunkhouses but in different terms. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

244. Paragraph 70 of the Framework states planning policies should plan positively for the provision and use of community facilities. It is appropriate for a community to utilise the neighbourhood plan preparation process to identify land-use projects as priorities for the utilisation of any possible locally determined expenditure arising from Community Infrastructure Levy and other receipts.

245. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, and in particular Policies R2, C2 and C17.

246. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 18:

In Policy 21

- **delete “where they accord with policies elsewhere in the Plan”**
- **delete part b)**

Policy 22 Footpaths and Cycle Ways

247. This policy seeks to establish support for the creation and improvement of footpaths and cycleways where there is not a negative impact on designated habitats. Four routes in particular are identified.
248. In a representation Historic England states the policy may require a caveat to ensure that there will be no negative impact upon heritage assets. I have not recommended a modification in this respect as the policy does not have to refer to this aspect of national policy to meet the Basic Conditions. In a representation the County Council states *“The County Council welcomes the inclusion of this policy and supports its intentions. It is important to note that, while paragraph 5.27 of the supporting text states that the location of footpaths and cycle ways referred to in Policy 22 is shown on the Policies Map, this does not appear to be the case”*. Whilst indicative routes could be shown in a diagrammatic fashion on the Policies Maps I do not consider this is necessary to meet the Basic Conditions. The descriptions of places to be connected are sufficiently precise to provide a policy basis for the intention to achieve enhancement of the local footpath and cycleway network.
249. The final sentence of the policy is a statement without implication. It is unnecessary and confusing for the policy to state *“in the Plan area”* as all of the policies of the Neighbourhood Plan apply in the whole of the Plan area unless specific geographic application is stated. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
250. Paragraphs 35 and 75 of the Framework state *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people”* and *“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”* The policy has regard for these aspects of national policy.
251. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan

(1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies.

252. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting sustainable transport, and conserving and enhancing the natural environment. Subject to the proposed modification this policy meets the Basic Conditions.

**Recommended modification 19:
In Policy 22**

- delete “in the Plan area”
- after “following routes” insert “will be supported”

Policy 23 Business and Employment

253. This policy seeks to establish support for proposals for new business premises and the extension and expansion of existing businesses. The policy also seeks to establish support for specific employment schemes in Beadnell, Bamburgh, and Seahouses. The policy also states the existing allocated employment site in North Sunderland will be retained for employment use; conditionally supports farm diversification and rural business enterprises; and conditionally supports home working.

254. A representation states “*With reference to the area marked for the possible extension to the Industrial estate. I do not approve of any development on green field sites but if it is absolutely essential then I would support building in this area. This area is low lying, between two ridges. One of the ridges would help to shield sympathetic development to protect the view mentioned above. The other ridge should prevent careful development being seen by people using the coast road between Bamburgh and Seahouses*”. The open nature of the land proposed for employment use opposite the recycling facility at Seahouses would necessitate careful consideration of landscaping requirements in accordance with Policy 5 of the Neighbourhood Plan.

255. A representation by Northumberland Estates states “*Policies 21 and 23 relate to community facilities and employment land. It is considered that the settlement boundary plans should include an allocation for these facilities. Please see comments relating to Policy 8*”

above. The area of Beadnell Green should be included within the settlement boundary for Beadnell, given its potential future development for community facilities, office space, allotments, games area, car parking, and housing. Please see the indicative masterplan included with these representations, entitled 'Masterplan as Proposed', no. SK-10.06 Rev A. It is suggested that the settlement boundary is extended to include Beadnell Green, so that this area can be developed in the future and land is designated for these facilities, in accordance with Policy 21 and 23". I have considered Policy 8 and Policy 21 earlier in my report. I have explained the benefits or disbenefits of the suggested adjustment to the settlement boundary is not a matter for my consideration. My role is limited to consideration whether the Submission Neighbourhood Plan meets the Basic Conditions and other requirements I have identified.

256. The site "opposite the recycling facility at Seahouses" allocated for employment use is outside the settlement boundary proposed to be established by Policy 8. The proposal relates to a significant area of land, more than 3 hectares in extent, in a visually exposed location within the AONB. The allocation is not adequately justified nor is it explained in the context of a robust process for identification of options and a site selection process. I have noted the Habitats Regulations Assessment Report is very clearly based on an assumption when considering Policies 21, 22, 23 and 25 that "these policies do not make any allocations". This is consistent with paragraph 4.5 of the Neighbourhood Plan which states the Plan "does not allocate sites for development." I have recommended the allocation of land opposite the recycling facility at Seahouses is deleted.

257. The Neighbourhood Plan proposes the use of the "Walled Market Garden, redundant buildings at the Duckett, and Bamburgh Hall Farm for small-scale business use in Bamburgh." These sites are all identified on the Proposals Map Inset 1, with further assistance offered in respect of the redundant buildings at the Duckett by Inset a. Identification of specific areas of land in each case results in them representing allocations of land. The allocations are not adequately justified nor are they explained in the context of a robust process for identification of options and a site selection process. I have noted the Habitats Regulations Assessment Report is very clearly based on an assumption when considering Policies 21, 22, 23 and 25 that "these policies do not make any allocations". This is consistent with paragraph 4.5 of the Neighbourhood Plan which states the Plan "does

not allocate sites for development.” I have recommended part b) of the policy is deleted.

258. So that the proposals that have emerged during Plan preparation referred to in parts b) and c) of the Policy are not lost sight of I have recommended they are transferred to Section 7 of the Plan that identifies community actions to be pursued. Proposals could be made in the context of the support provided by the first part of Policy 23 without the complications and obstacles arising from an allocation in the Neighbourhood Plan.

259. The policy includes the term “*strongly supported*”. In determining a planning application, it is not possible to distinguish between different degrees of support. It is also unnecessary and confusing for the policy to state “*provided they comply with policies elsewhere in the Plan*” and “*where they are located and designed in accordance with policies elsewhere in the Plan*” and “*where they comply with relevant policies elsewhere in the Plan*” as the Neighbourhood Plan should be read as a whole. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

260. Paragraph 28 of the Framework states “*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;* and • *promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.*”

261. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, and in particular Policies W3, W5 and W12.

262. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy and supporting a prosperous rural economy. Subject to the proposed modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy 23

- **delete “strongly”**
- **delete “where they are located and designed in accordance with policies elsewhere in the Plan”**
- **delete “provided they comply with policies elsewhere in the Plan”**
- **delete parts b) and c)**
- **delete “where they comply with relevant policies elsewhere in the Plan”**

Transfer Parts b) and c) of the policy to Section 7.0 Community Actions

Policy 24 Broadband Infrastructure

263. This policy seeks to establish conditional support for defined broadband infrastructure and requires new development to provide for suitable fibre connections.

264. The Framework states “*Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.*” The policy has regard for this element of national policy.

265. The policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved policies, and in particular Policies C14 and C21.

266. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. This policy meets the Basic Conditions.

Policy 25 Caravans, Camping, Bunkhouses and Chalets

267. This policy seeks to establish that expansion of existing static caravan sites, and the creation of new static caravan sites, will not be supported. The policy also seeks to establish conditional support for proposals for small scale bunkhouses, chalets, touring caravans and camping accommodation.

268. In a representation Historic England states the policy may require a caveat to ensure that there will be no negative impact upon heritage assets. I have recommended a modification in this respect so that the policy reflects this aspect of national policy. In a representation the County Council states *“While the policy has been revised to take account of previous comments relating to landscape which were made by the County Council on the Pre-Submission Draft Plan (Regulation 14), the policy does not include any consideration of the potential for adverse impacts of such development on the integrity of nationally or internationally important wildlife sites”*. I have recommended a modification in this respect also.

269. Paragraph 28 of the Framework states *“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:* • *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;* • *promote the development and diversification of agricultural and other land-based rural businesses;* • *support sustainable rural tourism and leisure developments that benefit businesses in rural*

areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and • promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.”

270. The term “touring caravans” is imprecise. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

271. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan, the saved policies of the Berwick-on-Tweed Borough Local Plan (1999), and provides an additional level of detail or distinct local approach to that set out in the saved Policies, and in particular Policy R9.

272. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; requiring good design; conserving and enhancing the historic environment; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 21:

In Policy 25

- **delete “touring caravans” and insert “touring caravan sites”**
- **after “(LVIA)” insert “To be supported proposals must have no negative impact on the significance of heritage assets, and have no negative impact on the integrity of any nationally or internationally important wildlife site.”**

Summary and Referendum

273. I have recommended 21 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

274. I am satisfied that the Neighbourhood Plan⁵⁰:

- 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 would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood 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.⁵¹

I recommend to Northumberland County Council that the North Northumberland Coast Neighbourhood Development Plan for the

⁵⁰ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

⁵¹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

plan period up to 2032 should, subject to the modifications I have put forward, be submitted to referendum.

275. 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.⁵² I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Northumberland County Council as a Neighbourhood Area on 18 February 2014.

Annex: Minor Corrections to the Neighbourhood Plan

276. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

277. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁵³ I recommend the following minor change only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

- Paragraph 4.45 “years” not “hears”
- Northumberland County Council states *“there is a lack of consistency throughout the Plan in terms of referring to the area covered by the Plan. Throughout the document, the terms “Neighbourhood Area”, “Neighbourhood Plan Area” and “Plan Area” are used. It is suggested that common referencing is used in all supporting text and the policies themselves”*. I agree a common term should be used consistently.

⁵² Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵³ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

- The County Council Strategic Estates Management Team has queried whether 'Seahouses Middle School' should now be referred to as 'Seahouses Primary School'
- The reference to Stannington in part 4.0 Conclusion to the Basic Conditions Statement should be deleted;
- Natural England states Figure 1 in Appendix B of the Habitats Regulations Assessment is missing. This should be added;
- Natural England states the map with biodiversity designations in the HRA Report (Figure 3.1; p 31) does not include Special Protection Areas and Ramsar Sites". These should be added.

Recommended modification 22:

Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.

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22 February 2018
REPORT ENDS