

Newbiggin-by-the-Sea Neighbourhood Plan

Proposed Post-Examination Modifications to Policies

Notification to prescribed persons under paragraph 13(1) of Schedule 4B to the Town & Country Planning Act 1990.

Introduction

1. The report of the independent examination into the Newbiggin-by-the-Sea Neighbourhood Plan (the Plan) was received by Northumberland County Council and Newbiggin-by-the-Sea Town Council on 26 June 2023 and was subsequently published on the County Council's website.
2. The County Council is required, under paragraph 12 of Schedule 4B to the Town & Country Planning Act 1990 (the 1990 Act), to consider each of the recommendations made by the examiner and decide what action to take in response to each recommendation. These provisions allow for the County Council as local planning authority to accept or reject the recommendations made by the examiner and to make further modification to the Plan where it considers those changes need to be made to secure that the Plan:
 - meets the basic conditions;
 - is compatible with the Convention rights;
 - complies with other specified requirements set out in the 1990 Act; and
 - contains no errors.
3. Where the County Council proposes not to accept the recommendations made by the examiner it is obliged to set out its reasons for that decision and to notify persons prescribed in Regulations inviting their representations. The persons prescribed in Regulation 17A(2) of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 are:
 - the qualifying body;
 - any person whose representation was submitted to the examiner of the plan; and
 - any consultation body which is referred to in the consultation statement.

Proposed Post-Examination Modifications to Policies

4. This document sets out where the County Council's conclusions on the extent to which the policies meet the basic conditions differ from recommendations made by the independent examiner.
5. The independent examiner concluded that it would be necessary to delete one policy and modify six further policies contained in the submission draft Plan. The County Council accepts the proposed deletion and modifications to five policies for the reasons set out in the examiner's report. There is no requirement to consult on those modifications recommended by the examiner where the County Council agrees with their recommendations.

Policy N1 Design

6. The County Council considers that a modification recommended by the examiner in relation to one policy (Policy N1: Design) is not required in order to meet the basic conditions. This modification relates to criterion (b) and the use of the term 'in keeping' instead of 'that complements'. The examiner's modification reads:

*All development must be of a high quality design which respects and responds to the distinctive character of the area. Development must ...
(b) use materials **in keeping** with local character.*

7. Criterion (b) in the submission version of the plan reads: '*uses materials which **complement** those of adjoining and surrounding buildings*'.
complement those of adjoining and surrounding buildings'.
8. The County Council proposes that while retaining the rest of the examiner's modifications to the policy, the term 'complement' is reinstated so that criterion (b) reads:

*(b) use materials ~~in keeping~~ **that complement** local character*

9. The reasons for this are:
 - The examiner sets out in Para 67 of his report, that '*as worded, the Policy refers to the conservation of local distinctiveness, whereas the aims of the Policy are to ensure that new development respects, responds to and promotes local distinctiveness*'. The term 'in keeping' is more associated with the conservation of local distinctiveness, whereas 'complement' could welcome new materials as long as they respect, responds to and promotes local distinctiveness as per the policy wording and the argument made by the examiner;

- Using materials that ‘complement’ local character would be preferable to materials ‘in keeping’ with local character if the local character or its materials are not considered good in design terms;
10. The County Council therefore considers that the modification of the term ‘complement’ to ‘in keeping’ in criterion (b) of Policy N1: Design is not required in order for these policies to meet the basic conditions.

Policy N8: Rights of Way

11. The Examiner recommended the addition of text at Para 6.4 to read:
- ‘Rights of way in the Neighbourhood Area include routes used by pedestrians...promote healthy living. The King Charles III Coast Path is a National Trail that runs through the Neighbourhood Area and is identified on the policies map’.*
12. The England Coast Path was renamed in May 2023 as the ‘King Charles III **England** Coast Path’. The addition of the word ‘England’ is required. This is an error that has been corrected. The Policies Map has also been updated to correspond.

Policies Map

11. The Examiner recommended that the Local Green Space was labelled on the Policies Map (see Para 93 of Examiner’s Report). This was labelled on an inset (larger-scale) version of the map showing the Newbiggin settlement.
12. However, the County Council has opted to delete the inset map and instead label the Policies Map with the Local Green Space designations (as per the examiner’s recommendation) and also add labels for the community facilities and housing sites (which were also only labelled on the inset map). This variation has been made for clarity.

Summary

13. In taking this decision to come to a different view (on Policy N1), the County Council has considered the requirements set out in paragraph 13 of Schedule 4B to the 1990 Act and advice provided in the National Planning Practice Guidance. Accordingly, the persons prescribed in Regulations have been notified and invited to provide their representations on or before **4pm on Friday 22 September 2023**.