

SEATON VALLEY NEIGHBOURHOOD PLAN 2021 - 2036

(Submission Draft)

Report of the Examination into the
Seaton Valley Neighbourhood Plan 2021 - 2036

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To Northumberland County Council
And to Seaton Valley Community Council

5th May 2021.

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Report of the Examination into the **Seaton Valley Neighbourhood Plan 2021 - 2036**

1. Introduction

Neighbourhood planning

1. The Localism Act 2011 Part 6 Chapter 3 introduced neighbourhood planning, including provision for neighbourhood development plans. A neighbourhood development plan should reflect the needs and priorities of the community concerned and should set out a positive vision for the future, setting planning policies to determine decisions on planning applications. If approved by a referendum and made by the local planning authority, such plans form part of the Development Plan for the neighbourhood concerned. Applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

2. This report concerns the Submission (Regulation 16) Version of the Seaton Valley Neighbourhood Plan 2021 - 2036 (“the Draft NDP”).

Appointment and role

3. Northumberland County Council (“NCC”), with the agreement of Seaton Valley Community Council (“SVCC”), has appointed me to examine the Draft NDP. I am a member of the planning bar and am independent of NCC, SVCC, and of those who have made representations in respect of the Draft NDP. I have been trained and approved by the Neighbourhood Planning Independent Examiner Referral Service and have extensive experience both as a planning barrister and as a neighbourhood plan examiner. I do not have an interest in any land that is, or may be, affected by the Draft NDP.

4. My examination has involved considering written submissions and an unaccompanied detailed site visit on Friday 9th and Saturday 10th April 2021. I have considered all the documents with which I have been provided.

5. My role may be summarised briefly as to consider whether certain statutory requirements have been met, to consider whether the Draft NDP meets the basic conditions, to consider human rights issues, to recommend which of the three options specified in paragraph 12 below applies and, if appropriate, to consider the referendum area. I must act proportionately, recognising that Parliament has intended the neighbourhood plan process to be relatively inexpensive with costs being proportionate.

2. Preliminary Matters

Public consultation

6. Consultation and community involvement are important parts of the process of producing a neighbourhood plan. I have no hesitation in being satisfied that SVCC took public consultation seriously. I do not consider there has been any failure in consultation, let alone one that would have caused substantial prejudice. The consultation was sufficient and met the requirements of the Neighbourhood Planning (General) Regulations 2012 (“the General Regulations”).

Other statutory requirements

7. I am also satisfied of the following matters:

- (1) The Draft NDP area is the parish of Seaton Valley. On 15th October 2015 this was designated as a neighbourhood area for the purposes of neighbourhood planning. SVCC, a parish council, is authorised to act in respect of this area (Town and Country Planning Act 1990 (“TCPA”) s61F (1) as read with the Planning and Compulsory Purchase Act 2004 (“PCPA”) s38C (2)(a));
- (2) The Draft NDP does not include provision about development that is excluded development (as defined in TCPA s61K), and does not relate to more than one neighbourhood area (PCPA s38B (1));
- (3) No other neighbourhood development plan has been made for the neighbourhood area (PCPA s38B (2));
- (4) There is no conflict with PCPA s38A and s38B (TCPA Sch 4B para 8(1)(b) and PCPA s38C (5)(b)); and
- (5) The Draft NDP specifies the period for which it is to have effect (namely to 2036 to align with the emerging Northumberland Local Plan¹), as required by PCPA s38B(1)(a).

3. The Extent and Limits of an Examiner’s Role

8. I am required to consider whether the Draft NDP meets the basic conditions specified in TCPA Sch 4B para 8(2) as varied for neighbourhood development plans, namely:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Plan;
- (d)² The making of the Plan contributes to the achievement of sustainable development;
- (e) The making of the 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);

¹ Draft NDP, paragraph 1.14.

² The omission of (b) and (c) results from these clauses of para 8(2) not applying to neighbourhood development plans (PCPA s38C (5)(d)).

(f) The making of the Plan does not breach, and is otherwise compatible with, EU obligations; and

(g) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Plan.

9. There is one prescribed basic condition:³ *“The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.”* Chapter 8 comprises regulations 105 to 111.

10. The combined effect of TCPA Sch 4B para 8(6) and para 10(3)(b) and of the Human Rights Act 1998 means that I must consider whether the Draft NDP is compatible with Convention rights. ‘*Convention rights*’ are defined in the Human Rights Act 1998 as (a) Articles 2 to 12 and 14 of the European Convention on Human Rights (“the Convention”), (b) Articles 1 to 3 of its First Protocol, and (c) Article 1 of its Thirteenth Protocol, as read with Articles 16 to 18 of the Convention. The Convention rights that are most likely to be relevant to town and country planning are those under the Convention’s Article 6(1), 8 and 14 and under its First Protocol Article 1.

11. In my examination of the substantial merits of the Draft NDP, I may not consider matters other than those specified in the last three paragraphs. In particular I may not consider whether any other test, such as the soundness test provided for in respect of examinations under PCPA s20, is met.⁴ Rather, it is clear that Parliament has decided not to use the soundness test, but to use the, to some extent, less demanding tests in the basic conditions. It is important to avoid unduly onerous demands on qualifying bodies. It is not my role to rewrite a neighbourhood development plan to create the plan that I would have written for the area. It is not my role to impose a different vision on the community.

12. Having considered the basic conditions and human rights, I have three options, which I must exercise in the light of my findings. These are: (1) that the Draft NDP proceeds to a referendum as submitted; (2) that the Draft NDP is modified to meet basic conditions and then the modified version proceeds to a referendum; or (3) that the Draft NDP does not proceed to referendum. If I determine that either of the first two options is appropriate, I must also consider whether the referendum area should be extended. My power to recommend modifications is limited by statute in the following terms:

The only modifications that may be recommended are—

(a) modifications that the examiner considers need to be made to secure that the draft [NDP] meets the basic conditions mentioned in paragraph 8(2),

³ Sch 2 of the General Regulations prescribes this.

⁴ Woodcock Holdings Ltd v Secretary of State for Communities and Local Government [2015] EWHC 1173 (Admin), Holgate J, para 57; PPG Reference ID: 41-055-2018022.

(b) modifications that the examiner considers need to be made to secure that the draft [NDP] is compatible with the Convention rights,

(c) modifications that the examiner considers need to be made to secure that the draft [NDP] complies with the provision made by or under sections 61E(2), 61J and 61L,

(d) modifications specifying a period under section 61L(2)(b) or (5), and

(e) modifications for the purpose of correcting errors.⁵

13. The word “only” prevents me recommending any other modifications. The fact that a modification would be of benefit is not a sufficient ground in itself to recommend it. So, for example, the fact that a policy could be strengthened or added to does not justify a modification unless this is necessary for the reasons given above. I must not take an excessively restrictive view of the power to recommend modifications, but must bear in mind Lindblom LJ’s explanation of its extent in his judgment in Keibell Developments Ltd v. Leeds City Council.⁶ I may not recommend a modification that would put the draft NDP in breach of a basic condition or of human rights. When I conclude that a modification is necessary, I must, in deciding its wording, bear in mind material considerations including government advice. This includes the importance of localism. Where I properly can, my suggested modifications seek to limit the extent to which the substance of the draft NDP is changed.

14. It is not my role to consider matters that are solely for the determination of other bodies such Northumberland County Council. Nor is it my role to consider matters that an NDP could consider, but which are not considered in the Draft NDP, unless this is necessary for my role as explained above. It is not my role to consider aspirations that do not purport to be policies.

4. Consideration of Representations

15. I have given all representations careful consideration, but have not felt it necessary to comment on most of them. Rather in accordance with the statutory requirement and bearing in mind the judgment of Lang J in R (Bewley Homes Plc) v. Waverley District Council,⁷ I have mainly concentrated on giving reasons for my recommendations.⁸ Where I am required to consider the effect of the whole Draft NDP, I have borne it all in mind.

5. Public Hearing and Site Visit

16. The general rule is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However an examiner must cause a hearing to be held for the purpose of receiving oral representations about a particular issue in any case

⁵ TCPA Sch 4B, para 10(3). The provisions in (a), (c) and (d) are in the TCPA.

⁶ [2018] EWCA Civ 450, 14th March 2018, paras 34 and 35.

⁷ [2017] EWHC 1776 (Admin), Lang J, 18th July 2017.

⁸ TCPA Sch 4B, para 10(6).

where the examiner considers that the consideration of oral representations is necessary to ensure (1) adequate examination of the issue or (2) a person has a fair chance to put a case. Since neither applied in this case, I did not hold a public hearing.

17. After particularly careful consideration in the light of current circumstances, I concluded that an unaccompanied site visit was necessary and held an extensive one on Friday 9th and Saturday 10th April 2021. The site visit helped me to gain a sufficient impression of the nature of the area for the purpose of my role.

6. Basic conditions and human rights

Regard to national policies and advice

18. The first basic condition requires that I consider whether it is appropriate that the NDP should be made “*having regard to national policies and advice contained in guidance issued by the Secretary of State*”. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but they should only be departed from them only if there are clear reasons, which should be explained, for doing so.⁹

19. The principal document in which national planning policy is contained is the National Planning Policy Framework (February 2019) (“the NPPF”) and I have borne that in mind. Other policy and advice that I have borne in mind includes national Planning Practice Guidance (“PPG”).

20. The NPPF provides that neighbourhood plans should support the delivery of strategic policies contained in local plans and should shape and direct development that is outside of these strategic policies.¹⁰ Its paragraphs 28 and 29 state:

28. Non-strategic policies should be used by... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

⁹ R. (Lochailort Investments Limited) v. Mendip District Council [2020] EWCA Civ 1259, Lewison LJ, paras 6, 31 and 33, 2nd October 2020.

¹⁰ NPPF para 13.

Contributing to the achievement of sustainable development

21. The second basic condition means that I must consider whether the making of the Plan contributes to the achievement of sustainable development. Unless the Draft NDP, or the Draft NDP as modified, contributes to sustainable development, it cannot proceed to a referendum. This condition relates to the making of the Plan as a whole. It does not require that each policy in it must contribute to sustainable development. It does require me to consider whether constraints might prevent sustainable development and, if they might, whether the evidence justifies them. That involves consideration of site-specific constraints, both existing and those proposed in the Draft NDP. The total effect of the constraints introduced by the Draft NDP when read with existing constraints should not prevent the achievement of sustainable development.

General conformity with the development plan's strategic policies

22. The third basic condition means that I must consider whether the Draft NDP is in general conformity with the strategic policies contained in the development plan for the area of the authority.

23. The adjective '*general*' allows a degree of (but by no means unlimited) flexibility and requires the exercise of planning judgement. The draft NDP "*need not slavishly adopt every detail*".¹¹ This condition only applies to strategic policies - there is no conformity requirement in respect of non-strategic policies in the development plan or in respect of other local authority documents that do not form part of the development plan, although such documents may be relevant to other matters. In assessing general conformity and whether a policy is strategic, I have borne in mind helpful PPG advice.¹² I have also borne in mind the relevant part of the judgment in *R (Swan Quay LLP) v Swale District Council*.¹³

24. The development plan's relevant strategic policies are contained in the Blyth Valley Core Strategy (2007), Blyth Valley Development Control Policies (2007) and the saved policies of the Blyth Valley District Local Plan (1999).

EU obligations

25. The fourth basic condition requires me to consider whether the Draft NDP breaches, or is otherwise incompatible with, EU obligations. I have in particular considered the following, together with the UK statutory instruments implementing them: the Strategic Environmental Assessment Directive (2001/42/EC); the Environmental Impact Assessment Directive

¹¹ *Wiltshire Council v Cooper Estates Strategic Land Ltd* [2019] EWCA Civ 840, para 3.

¹² Paras 074 to 077 of the section on neighbourhood planning.

¹³ [2017] EWHC 420 (Admin), para 29, Dove J, 27th January 2017.

(2011/92/EU); the Habitats Directive (92/43/EEC); the Wild Birds Directive (2009/147/EC); the Waste Framework Directive (2008/98/EC); the Air Quality Directive (2008/50/EC); the Water Framework Directive (2000/60/EC); and the General Data Protection Regulation (2016/679/EU). I have also considered the judgment of the European Court of Justice in People Over Wind v Coillte Teoranta.¹⁴ I have born in mind that proportionality is a concept of and underlies EU law and must avoid requirements that are disproportionate for a plan as relatively small of the Draft NDP.

26. I have paid particular attention to the fact that the coast from Seaton Burn southwards is part of the Northumbria Coast Special Protection Area and Ramsar site and therefore a European site. I have also considered the proximity of another European site, the Northumberland Marine Special Protection Area.

27. I am satisfied that no issue arises in respect of equality under general principles of EU law or any EU equality directive.

Conservation of Habitats and Species Regulations

28. I am satisfied that the making of the NDP would not be incompatible with the prescribed basic condition and that it is not necessary to consider the matter further in this report.

Human Rights

29. English planning law in general complies with the Convention. This matter can be dealt with briefly in advance of further consideration of the contents of the Draft NDP. I have considered whether anything in the Draft NDP would cause a breach of any Convention right. In particular I have considered the Convention's Articles 6(1), 8 and 14 and its First Protocol Article 1. Nothing in my examination of the Draft NDP indicates any breach of a Convention right, so that no modifications need to be made to secure that the Draft NDP is compatible with these rights. It is therefore not necessary to consider human rights in the parts of this report that deal with specific parts of the Draft NDP.

7. The nature of the area

30. In considering the contents of the Draft NDP I must consider the nature of Seaton Valley. It is mainly composed of villages and Green Belt and has a coastline of importance as mentioned above and of concern as mentioned below. It is accurately described in the Draft NDP's paragraphs 2.1 to 2.6.

¹⁴ Case C-323/17, 12th April 2018.

8. The scope of the draft NDP

31. The draft NDP is limited in nature focussing on the protection of important open spaces within the villages and containing just two policies: policy SV1 local Green Space and policy SV2. It does not allocate land for housing or other development and does not contain policies in respect of housing or other development.

32. This approach is challenged by the regulation 16 representation of the Pegasus Group on behalf of Dysart Development Limited. This representation relates to land between Cramlington and Seghill. If the land were fully developed, it would come close to removing the substantial gap that at present exists between Cramlington and Seghill. The representation does not specify the area of land or the number of houses that it is anticipated could be built on it. It is described as being largely excluded from the Green Belt under both the Blyth Valley Local Plan (1999) and the emerging Northumberland Local Plan. While the extent of Green Belt is not shown in the representation, I could have identified this if I had considered that this might alter anything of significance in my report.

33. I have no doubt whatsoever that it would not be appropriate to modify the draft NDP to include this land or any part of it as an allocation for housing or other development. NDPs are not required to cover all areas of policy and can leave housing and other matters to local plans. In this case housing provision is being considered in the emerging Northumberland Local Plan. The inspector examining this has the considerable advantage of being able to consider provision across Northumberland as a whole (including any provision arising from the duty to co-operate) and to hear the views of those interested in potential sites, not only within Seaton Valley but elsewhere in the county. I have no doubt that the local plan process is involving a full and comprehensive consideration of national policy including policy to boost significantly housing supply. In itself that is a sufficient reason not to recommend any modification in response to this representation. I am also concerned about the following matters. If draft NDP had contained housing policies rather than expressly excluding them, other potential developers might have made representations and there might be unfairness to others in allocating this site. Nothing in the representation provides any justification for development on that part of the site that is Green Belt. The near removal of the gap between two settlements that are now wholly distinct would require more detailed consideration than is possible on the documents before me. If Cramlington is to expand substantially this should be considered as part of a process that considers all sides to it, not just the area that is in Seaton Valley (*i.e.* its eastern side). The allocation of a site of this size, unsupported by a local plan determination, would be strategic.

9. The coast

34. On the part of my site that covered the coast south of Seaton Burn, I saw substantial coastal defences, signs warning of crumbling cliffs and paths closed because of crumbling cliffs. This is clearly an area at risk of coastal change, including coast landslip.

35. In respect of that part of the coast that is undeveloped I particularly bear in mind NPPF paragraph 170 guidance that, *“Planning policies and decisions should contribute to and enhance the natural and local environment by... (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate...”* I also note that paragraph 167 begins *“Plans should reduce risk from coastal change”* although it continues with specific matters not relevant to this report

36. NCC are not aware of any forthcoming potential coastal schemes in Seaton Valley. Nonetheless, given the extent of erosion and the predicted increase in sea levels and in the frequency and extent of extreme weather events, I cannot be confident that no scheme will emerge before 2036. It is my firm view that nothing in the Draft NDP should add to the cost of any coastal defence scheme and therefore risk affecting its viability. This would be contrary to NPPF para 170 and the spirit of its para 167 and could impede sustainable development. It might hinder protection of the European sites.

10. Local Green Spaces

37. The NPPF provides for Local Green Spaces (LGSs) in its chapter 8, which is headed *“Promoting healthy and safe communities”*. Under the sub-heading *“Open Spaces and Recreation”*, paragraphs 99, 100 and 101 state:

99. The designation of land as Local Green Space through... neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

100. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

38. These paragraphs are central to any consideration of whether land should be designated as an LGS. They should be followed unless there is a good reason not to do so and none has been given or is otherwise apparent to me. In considering the proposed LGS designations, I have born in mind and found helpful the judgment Court of Appeal in R. (Lochailort Investments Ltd) v Mendip District Council.¹⁵ The phrase in para 99 “*capable of enduring beyond the end of the plan period*” was given specific consideration. It is less demanding policy than applies to Green Belt designation where the stronger word “*permanently*” is used.

39. I have considered each proposed LGS and the reason for their designation in the papers that I have seen. I am satisfied that each satisfies the requirements for inclusion in an NDP. I have also considered the totality of LGS designations and found no breach of basic conditions in that.

40. I am also satisfied with policy SV1 and with its supporting text.¹⁶

11. Protected Open Spaces

41. Among other things the NPPF states:

“Planning policies and decisions should enable... the retention and development of accessible local services and community facilities, such as ... open space...” [para 83]

“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should... plan positively for the provision and use of shared spaces, community facilities (such as ... sports venues, open space, ...) ... to enhance the sustainability of communities and residential environments.” [para 92]

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.” [para 97]

42. The largest proposed protected open space is the Brickworks Reclamation Site, Seghill (POS66). From its name I was concerned that further reclamation might be required and that this might need enabling development. However NCC (which owns the site) has explained that it is one of many former colliery/industrial sites in the south east of Northumberland that were

¹⁵ [2020] EWCA Civ 1259, 2nd October 2020.

¹⁶ Draft NDP, paras 4.1 to 4.2.

reclaimed a number of decades ago. The project was led by NCC and largely involved greening these sites to enhance the environment. This included works to reprofile former spoil heaps and deal with contamination issues as well as tree planting and creating other areas of green space. No further reclamation works are planned that would be inconsistent with the proposed protected open space designation.

43. The Old Hartley Caravan and Motorhome site (POS32) is proposed for designation as a ‘protected open space’ site in the emerging Local Plan under its policy INF5. This site (numbered 3051 and called Crag Point) was identified in the PPG17 Openspace, Sport and Recreation Assessment, May 2011 and is coloured green in the appendix to this document indicating that the site should be protected. Some caravan sites would not be appropriate for protected open space designation (including those with permanent homes, those with static caravans and those intended to facilitate the traditional lifestyle of ethnic minorities protected by the Equality Act 2010). I therefore paid detailed attention to this site on my site visit. It was empty at the time of my site visit and clearly does not include permanent homes or static caravan. Its signage made it clear that it is a tourist site rather than a Gypsy or Traveller site. The Local Plan inspector has not indicated any concern about this or about any other proposed protected open space in the Draft NDP.

44. I have considered all the proposed Protected Open Spaces. On the basis of the reasons for their designation in the papers that I have seen, my site visits and the preceding two paragraphs of this report. I am satisfied that each proposed Protected Open Spaces satisfies the requirements for inclusion in an ND. I have also considered both the totality of Protected Open Space designations and the combined effect of these and the LGS designations and found no breach of basic conditions in these.

45. Subject to my concern¹⁷ that the Draft NDP should not increase the cost any sea defences that may be necessary and to a small matter in the supporting text, I am also satisfied with the rest of policy SV2 and its supporting text.

12. The contents of the Draft NDP

The foreword

46. The first sentence and the last two sentences will need to be updated.

Recommended modification 1

Page 2

Update first sentence and the last two sentences.

¹⁷ Paragraphs 34 to 36 above.

Pages 5 and 6

47. Paragraphs 1.15 and 1.17 will need to be updated

Recommended modification 2

Page 5 and 6

Update paragraph 1.15 and 1.17.

Page 11, paragraph 4.6

48. In order to correspond with the policy the third sentence should be modified

Recommended modification 3

Page 11, paragraph 4.6

Replace the third sentence with: *“Subject to exceptions, policy SV2 requires that any loss of protected open space resulting from new development should be replaced by at least equivalent or better provision in terms of quantity and quality, including amenity value”*.

Page 13, policy SV2

49. For the reasons given in paragraphs 34 to 36 and 45 above, it is of great importance not to add to the cost of coastal defence works should these be needed. I therefore recommend allowing for this in the policy. While at first sight this might seem at departure from NPPF para 97, policy documents must be read as a whole. Other parts of the NPPF deal with coastal change; no other part of the draft NDP does.

Recommended modification 4

Page 13 policy SV2

Add between ‘loss’ at the end of the policy and the final full stop:

“; or if the land is needed for sea defence or related works”.

13. The contents of the Background Paper

50. This will be read with the NDP and should therefore be accurate. The left-hand photograph on page 56 does not show proposed LGS 5, but instead is mainly of open grassed land that has no designation on the draft plan policies map. It should be deleted.

Recommended modification 5

Background Paper, Page 56

Remove the left-hand photo.

14. Updating

51. It may be that certain passages need updating. Nothing in this report should deter appropriate updating prior to the referendum in respect of incontrovertible issues of primary fact.

15. The Referendum Area

52. I have considered whether the referendum area should be extended beyond the designated plan area. However, I can see no sufficient reason to extend the area and therefore recommend that the referendum area be limited to the parish.

16. Summary of Main Findings

53. I commend the Draft NDP for being clear, intelligible and well written and for the considerable effort that has gone into its creation.

54. I recommend that the Draft NDP be modified in the terms specified in Appendix A to this report in order to meet basic conditions and to correct errors. I am satisfied with all parts of the Draft NDP to which I am not recommending modifications.

55. With those modifications the Draft NDP will meet all the basic conditions and human rights obligations. Specifically:

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

- The modified Draft NDP is in all respects fully compatible with Convention rights contained in the Human Rights Act 1998.

58. I recommend that the modified NDP proceed to a referendum, the referendum area being the area of the Draft NDP, namely Seaton Valley .

Timothy Jones, Barrister, FCI Arb,
Independent Examiner,
No 5 Chambers
5th May 2021.

Appendix A: Recommended Modifications

Recommended modification 1

Page 1

Update first sentence and the last two sentences..

Recommended modification 2

Page 5 and 6

Update paragraph 1.15 and 1.17.

Recommended modification 3

Page 11, paragraph 4.6

Replace the third sentence with “*Subject to exceptions, policy SV2 requires that any loss of protected open space resulting from new development should be replaced by at least equivalent or better provision in terms of quantity and quality, including amenity value*”.

Recommended modification 4

Page 13 policy SV2

Add between ‘loss’ at the end of the policy and the final full stop:

“; or d the land is needed for sea defence or related works”.

Recommended modification 5

Background Paper, Page 56

Remove the left-hand photo.

Appendix B: Abbreviations

The following abbreviations are used in this report:

Convention	European Convention on Human Rights
Draft NDP	Submission (Regulation 16) Version of the Seaton Valley Neighbourhood Plan 2021 - 2036
EU	European Union
General Regulations	Neighbourhood Planning (General) Regulations 2012 (as amended)
LGS	Local Green Space
NCC	Northumberland County Council
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework (2019)
para	paragraph
PCPA	Planning and Compulsory Purchase Act 2004 (as amended)
PPG	national Planning Practice Guidance
s	section
Sch	Schedule
SVCC	Seaton Valley Community Council
TCPA	Town and Country Planning Act 1990 (as amended)

Where I use the verb *'include'*, I am not using it to mean *'comprise'*. The words that follow are not necessarily exclusive.