

Thirston Parish Council

Thirston Neighbourhood Development Plan

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

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Contents

Page

Summary of Main Findings	3
Neighbourhood Planning	4
Independent Examination	4
Basic Conditions and other Statutory Requirements	6
Documents	9
Consultation	10
The Neighbourhood Plan taken as a whole	13
The Neighbourhood Plan Policies	22
Policy 1 Design and Development Principles	24
Policy 2 New Housing Development	26
Policy 3 Wildlife Corridors and SSSI	37
Policy 4 Coastal Mitigation Service	38
Policy 5 Local Green Spaces	39
Policy 6 Businesses and Community Facilities	42
Policy 7 Caravan and Tourist Accommodation	44
Policy 8 Woodland Burial Site	45
Summary and Referendum	46
Annex: Minor Modifications and Corrections to the Neighbourhood Plan	48

Summary of Main Findings

This is the report of the Independent Examination of the Thirston Neighbourhood Development Plan. The plan area comprises the entire administrative area of Thirston Parish Council within the Northumberland County Council area. The plan period runs to 2036. 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 the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the designated Neighbourhood 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 the power to develop a shared vision for their area*”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 Thirston Neighbourhood Development Plan (the Neighbourhood Plan) has been produced by Thirston Parish Council (the Parish Council). The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Thirston Parish Neighbourhood Area which was formally designated by Northumberland County Council (the County Council) on 2 January 2018. The Neighbourhood Plan has been prepared by a Working Group comprising representatives of the Parish Council and local residents.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the County Council. The County Council arranged a period of publicity between 29 March 2021 and 24 May 2021 and subsequently submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to the County Council including a recommendation that the Neighbourhood Plan should proceed to a local referendum. The County Council will

¹ Paragraph 29 National Planning Policy Framework (2019)

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

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 application³.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area⁴, unless the County Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 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 plan⁵. The Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted⁶.
8. I have been appointed by the County Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan, and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of 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.

³ Paragraph 48 of the National Planning Policy Framework 2019 explains full weight is not given at this stage

⁴ Section 3 Neighbourhood Planning Act 2017

⁵ Section 156 Housing and Planning Act 2016

⁶ Paragraph 12 National Planning Policy Framework 2019

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,⁷ 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.⁸
11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁹ The 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 purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. 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 and an unaccompanied visit to the plan area.

Basic Conditions and other Statutory Requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.¹⁰ 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;

⁷ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁸ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

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

¹⁰ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹¹

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights.¹² 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’.

15. 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 2004.¹³ 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.

16. The Neighbourhood Plan relates to the area that was designated by the County Council as a neighbourhood area on 2 January 2018. A map of the Neighbourhood Plan area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Thirston Parish Council boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹⁴ and no other neighbourhood development plan has been made

¹¹ This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition “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”.

¹² The Convention Rights has the same meaning as in the Human Rights Act 1998

¹³ 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)).

¹⁴ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

for the neighbourhood area.¹⁵ All requirements relating to the plan area have been met.

17. 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;¹⁶ and the Neighbourhood Plan does not include provision about excluded development.¹⁷ The Neighbourhood Plan includes policies relating to the development and use of land and does not include provision about excluded development. I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁸ The front cover of the Submission Version Plan clearly states the Plan period is 2020-2036.
19. 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.¹⁹ 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.
20. 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.
21. 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

¹⁵ Section 38B (2) Planning and Compulsory Purchase Act 2004

¹⁶ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁷ Principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁸ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁹ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.

22. 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.²⁰ I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

23. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Thirston Neighbourhood Plan 2020-2036 Regulation 15 Submission Plan – March 2021 including the Policies Map, Inset Map Eshott, and Inset Map West Thirston
- Consultation Statement Thirston Neighbourhood Plan Submission Version 2020-2036 January 2021 [*In this report referred to as the Consultation Statement*]
- Basic Conditions Statement Thirston Neighbourhood Plan Submission Version 2020-2036 January 2021 [*In this report referred to as the Basic Conditions Statement*]
- Thirston Neighbourhood Plan Strategic Environmental Assessment (SEA) Environmental Report 16 August 2020
- Habitats Regulations Assessment Report January 2021 of Thirston Neighbourhood Plan 2020-2036 Regulation 15 Submission Plan
- Other information and background documents available on the Thirston Parish Council and Northumberland County Council websites
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the County and Parish Councils, including the initial letter of the Independent Examiner dated 25 May 2021; the Parish Council response to the representations of other parties received on 7 June 2021; the request of the Examiner for clarification of matters dated 8 June 2021; and the response of the County and Parish Councils regarding those matters dated 15 June 2021
- Castle Morpeth District Local Plan 2003
- Northumberland County and National Park Joint Structure Plan (2005)

²⁰ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Northumberland Local Plan (draft submitted to Secretary of State on 29 May 2019)
- National Planning Policy Framework (February 2019) updated [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated [*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 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations*]
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

24. 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.

25. Initial consultation on a vision and objectives was undertaken in July 2018 with delivery of a letter to every household; contact with statutory consultees; and the holding of three events where display boards were displayed. 12 of the 14 responses from households agreed with the objectives and advice was received from some statutory consultees. This feedback informed a re-drafting of the vision and objectives and production of planning policies including proposed settlement boundaries which were all the subject of a consultation event in October 2019 attended by 15 residents. Responses made at the event and from a questionnaire delivered to all households agreed with the approach being adopted and raised some non-planning issues. A business survey generated three responses which were also in agreement with the emerging plan.
26. A consultation commenced in February 2020 was abandoned with the introduction of the Covid 19 national lockdown. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 21 September 2020 and 16 November 2020. Publicity included notices on the Parish Council website and written contact with statutory consultees. Responses from a landowner, statutory consultees, and residents are referred to in section 4 of the Consultation Statement and a summary of all responses is presented in Appendix D to that report. The full text of responses that have been summarised in Appendix D is presented in Appendix E of the Consultation Statement. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the County Council.
27. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publicity between 29 March 2021 and 24 May 2021. A total of 8 representations were submitted during the period of publicity. I have been provided with copies of each of those representations.
28. The County Council has submitted a substantial representation in relation to specific policies and general text of the Neighbourhood Plan. Historic England has submitted a detailed representation regarding Policy 2. Highways England confirmed that there are no issues to raise regarding the policies of the Neighbourhood Plan. National Grid provided general advice that does not necessitate any modification of the Neighbourhood Plan. Homes England and the Coal Authority confirmed they do not wish to make any representations.

Northumberland Estates has made representations in relation to settlement boundaries and housing needs. An individual has requested adjustment of the settlement boundary with respect to a specific property. 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. Where representations suggest additional matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where representations relate to a policy, I refer to these later in my report when considering the policy in question.

29. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council responded to the opportunity to comment by setting out a statement in respect of a number of the Regulation 16 representations. I have taken the Parish Council comments into account in preparing my report. I advised the County Council that the Regulation 16 representations and the Parish Council comments should be published on their website.
30. 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.²¹
31. The submitted Consultation Statement contains information in respect of each of the requirements set out in the Regulations, including a

²¹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

description of how issues and concerns raised by other parties have been considered, and where relevant, addressed in the proposed Neighbourhood Plan. I am satisfied the requirements have been met. The Parish Council, 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

32. 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. The plan policies are considered in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

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

33. The Basic Conditions Statement states, at paragraph 4.42 the Neighbourhood Plan “*is fully compliant with the European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention.*” I have considered the European Convention on Human Rights and in particular Article 8 (right to respect for private and family life, home, and correspondence); Article 14 (discrimination); and Article 1 of the first Protocol (property).²² Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the

²² 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.

Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst no Equality Impact Assessment has been undertaken in respect of the Neighbourhood Plan, from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

34. The objective of EU Directive 2001/42²³ 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’²⁴ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²⁵
35. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Northumberland 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.
36. A Strategic Environmental Assessment (SEA) Screening Opinion stated the Neighbourhood Plan was screened in for SEA and an Environmental Report was therefore needed. The Environmental Report (September 2020) prepared for the Parish Council by the County Council states at paragraph 6.92 “*The assessment concludes that overall, the Thirston Neighbourhood Development Plan is likely to lead to slightly positive or neutral environmental effects. Whilst the area hosts a number of environmental designations reflecting its environmental value and sensitivity, the Neighbourhood Plan’s vision, objectives and policies should, on the whole help to avoid significant environmental impacts arising from development in the future, and the policies will, to a limited degree, serve to mitigate some of the potential adverse effects.*” The report includes Appendix B presenting copies of

²³ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁴ Defined in Article 2(a) of Directive 2001/42

²⁵ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

statutory consultation responses to the SEA Scoping document from the Environment Agency, Historic England, and Natural England all of which agree with the conclusion reached. The Environmental Report has been subject to consultation as part of the Regulation 16 period of publication. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.

37. In accordance with the Habitats Regulations, an HRA screening assessment was undertaken to identify the likely impacts of the Pre-Submission Draft Thirston Neighbourhood Plan upon European sites, either alone or 'in combination' with other projects or plans, and to consider whether these effects are likely to be significant. It was concluded that an Appropriate Assessment of the Neighbourhood Plan would be necessary in that Policy 2 (new housing development) and Policy 7 (tourism accommodation) are likely to have a significant effect on the Northumbria Coast SPA and Ramsar Site, and on the North Northumberland Dunes SAC. The Appropriate Assessment Report concludes that as Policy 4 of the Neighbourhood Plan embeds a requirement for mitigation for coastal impacts via a contribution to the Coastal Mitigation Service there will not be adverse effect on the integrity of European sites. The Habitats Regulations Assessment Report on the Submission Neighbourhood Plan (January 2021) includes, at Appendix 1, a consultation response from Natural England dated 17 February 2021 which advises Natural England agree with the conclusions of the report. I have earlier in my report, in Footnote 11, referred to the replacement on 28 December 2018 of the Basic Condition relating to Habitats that had previously been in place throughout much of the period of preparation of the Neighbourhood Plan. I am satisfied that the Neighbourhood Plan meets the revised Basic Condition. I conclude the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
38. 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.
39. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

40. 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. The 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).²⁶

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

41. 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 Plans²⁷ which requires plans to be “*consistent with national policy*”.

42. Lord Goldsmith has provided guidance²⁸ 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.*”

43. The most recent National Planning Policy Framework published on 19 February 2019 (later updated) sets out the government’s planning

²⁶ Planning Practice Guidance paragraph 031 Reference ID: 11-031-20150209 revision 09 02 2015

²⁷ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 35 of the National Planning Policy Framework 2019

²⁸ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the House of Lords 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)

policies for England and how these are expected to be applied. In my initial letter published by the County Council I confirmed that I would undertake this Independent Examination of the Neighbourhood Plan in the context of the Framework published in February 2019 (as updated) and the most recent Planning Practice Guidance.

44. The Basic Conditions Statement includes Table 1 which sets out a summary of how the policies of the Neighbourhood Plan have regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
45. 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 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.*”
46. Section 7 of the Neighbourhood Plan identifies three community projects that have emerged through consultation. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, “*Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan*”.²⁹ The Neighbourhood Plan presents the community projects in a separate section of the document and in plain typeface. This differentiates the community projects from the policies of the Plan which are presented in distinctive background coloured text boxes. Paragraph 6.5 of the Neighbourhood Plan make it clear these community projects are a separate matter to the policies of

²⁹ Planning Practice Guidance *Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019*

the Neighbourhood Plan. I am satisfied the approach adopted has sufficient regard for the Guidance.

47. At the heart of the Framework is a presumption in favour of sustainable development³⁰ which should be applied in both plan-making and decision-taking.³¹ 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 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”*³².

48. 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.

49. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The vision and objectives set out in Section 4 of the Neighbourhood Plan include reference to economic factors (embracing change, new development, retain and support local services and employment generating businesses, support tourism at an appropriate scale); social factors (diverse rural communities, enhancing the lives of all parishioners, retain and support our facilities, build on the strong sense of community, protect the woodland burial site and provide for a new crematorium); and environmental factors (maintain tranquil rural nature, recognising the historic and natural heritage, enhances wildlife, intrinsic character and beauty of the countryside, local green spaces, natural environment preserved).

³⁰ Paragraph 10 National Planning Policy Framework 2019

³¹ Paragraph 11 National Planning Policy Framework 2019

³² Planning Practice Guidance Paragraph 072 Ref ID:41-072-20190509 Revision 09 05 2019

50. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, when modified as I have recommended, will, contribute to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes will protect local distinctiveness; will serve economic needs; will protect and enhance social facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan policies seek to:

- Establish development design principles;
- Support appropriately located residential development;
- Retain and enhance biodiversity;
- Mitigate impacts of development on environmentally sensitive coastal sites;
- Designate two Local Green Spaces;
- Support employment growth including in appropriate tourism businesses; and
- Support development of the woodland burial site and a new crematorium.

51. 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)

52. The Framework states neighbourhood plans should “*support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies*”.³³ Plans should make explicit which policies are strategic policies.³⁴ “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area*”³⁵. “*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies*”.³⁶

³³ Paragraph 13 National Planning Policy Framework 2019

³⁴ Paragraph 21 National Planning Policy Framework 2019

³⁵ Footnote 16 National Planning Policy Framework 2019

³⁶ Paragraph 29 National Planning Policy Framework 2019

53. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³⁷

54. 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 Thirston Parish Neighbourhood Area and relevant to the Neighbourhood Plan consists of ‘saved’ policies in the Castle Morpeth Local Plan (2003), and ‘saved’ Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005). Saved Policy S5 identifies an extension to the Green Belt (in word format only). This extension to the Green Belt is formalised and defined in detail in the emerging Northumberland Local Plan. Part of this extension to the Green Belt is within the Neighbourhood Area and is shown on the policies maps for the Thirston Neighbourhood Plan. Northumberland County Council has provided the qualifying body with a list of policies they consider to be ‘strategic’ for the purposes of meeting this basic condition. Appendix A of the Basic Conditions Statement contains the identified strategic (saved) Policies from the Castle Morpeth Local Plan (2003). Table 1 of the Basic Conditions Statement highlights a conflict between Policy 2 of the Neighbourhood Plan and Policy H16 in the Castle Morpeth Local Plan with respect to the range of housing types appropriate in countryside locations. I agree with the analysis presented in paragraph 4.31 of the Basic Conditions Statement that Policy 2 has regard for national policy whereas the Local Plan policy is out of date.

55. The Northumberland Local Plan is currently being prepared by the County Council. It will include the planning policies that will be used to guide and determine future planning applications in Northumberland, detail the scale and distribution of new development and include land allocations and designations. The Northumberland Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 29 May 2019 and the examining Inspector has issued a letter dated 24 February 2021 expressing the view the local Plan can be made sound by main modifications in addition to those proposed by the County Council. The Guidance states “*Although a*

³⁷ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20190509 Revision 09 05 2019

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.”

56. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the future Northumberland Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan unless the latter plan states otherwise.

57. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. 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 time as the local planning authority is producing its Local Plan”*³⁸. 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.

58. 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.”*³⁹ 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.

59. 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;*

³⁸ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision 09 05 2019

³⁹ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31

- *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.*⁴⁰

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

60. 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 the plan policy below. This consideration has been informed by Table 1 of the Basic Conditions Statement which includes comment on the general conformity of the Neighbourhood Plan policy with relevant strategic policies. I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

61. The Neighbourhood Plan includes eight policies as follows:

Policy 1 Design and Development Principles

Policy 2 New Housing Development

Policy 3 Wildlife Corridors and SSSI

Policy 4 Coastal Mitigation Service

Policy 5 Local Green Spaces

Policy 6 Businesses and Community Facilities

Policy 7 Caravan and Tourist Accommodation

Policy 8 Woodland Burial Site

⁴⁰ Planning Practice Guidance Paragraph 074 ID ref: 41-074 20140306 Revision 06 03 2014

62. Paragraph 29 of the Framework states *“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”*. Footnote 16 of the Framework states *“Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”*
63. Paragraph 15 of the Framework states *“The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”*
64. Paragraph 16 of the Framework states *“Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).*
65. 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.”*⁴¹
66. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for*

⁴¹ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306 Revision 06 03 2014

*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”.*⁴²

67. A neighbourhood plan should contain policies for the development and use of land. *“This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”*⁴³

Policy 1 Design and Development Principles

68. This policy seeks to establish design and development principles that new development proposals must demonstrate.

69. The County Council, in its capacity as Lead Local Flood Authority, welcomes the inclusion of references to ‘opportunity to include sustainable drainage’.

70. In its representation the County Council states *“Criterion h) requires ‘...a minimum of 10% measurable biodiversity net gain...’. There is no evidence to support this specific minimum amount of net gain. Until legislation is put in place, or appropriate evidence is presented that describes why 10% is an acceptable minimum net gain in Thirston Parish, this requirement fails to meet the basic conditions in that it goes beyond requirements currently set out in national policy and guidance, specifically at paragraphs 170, 174 and 175 of National Planning Policy Framework (NPPF) all of which require that net gains only need be ‘measurable’. Policy 1 should be modified to delete reference to ‘...10%...’.”*

71. Paragraph 125 of the Framework states *“neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”.*

⁴² Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211 Revision 11 02 2016

⁴³ Planning Practice Guidance Paragraph: 004 Reference ID: 41-004-20190509 Revision 09 05 2019

72. The term “*minimised*” is imprecise and does not provide a basis for the determination of proposals. The County and Parish Councils have confirmed my recommended modification in this respect better covers the measures intended. The requirement for 10% measurable biodiversity net gain has not been sufficiently justified. The requirement to take opportunities to reduce energy efficiency is an error. Local planning authorities may use nationally recognised optional technical standards where there is evidence to show these are required. However, Neighbourhood Plans may not be used to apply these.⁴⁴ 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”*. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

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

74. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with achieving well-designed places; conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

⁴⁴ <https://www.gov.uk/guidance/housing-optional-technical-standards>

In Policy 1

- replace part e) with “external lighting is limited to that which is essential and includes measures to avoid light spillage beyond the application site.”
- delete part g)
- in part h) replace “how a minimum of 10%” with “a”

Policy 2 New Housing Development

75. This policy seeks to establish conditional support for residential development within defined settlement boundaries for West Thirston and Eshott and establish the basis for consideration of proposals for residential development outside settlement boundaries.

76. There is conflict between Policy 2 of the Neighbourhood Plan and Policy H16 in the Castle Morpeth Local Plan with respect to the range of housing types appropriate in countryside locations. I agree with the analysis presented in paragraph 4.31 of the Basic Conditions Statement that Policy 2 has regard for national policy whereas the Local Plan policy is out of date. However, the approach to residential development in the second paragraph of the policy is inconsistent with the reference to isolated homes in the third paragraph of the policy.

77. The County Council representation states “*Policy 2 limits housing development beyond the settlement boundaries to ‘rural exception sites’.* This fails to meet the basic conditions in that it introduces greater limitations than those allowed for through NPPF, specifically at paragraph 71 which allows for ‘entry-level exception sites’ which are expressly to provide affordable housing, and they must be adjacent to existing settlements amongst other things in order to comply with the requirements and limitations set out in NPPF.” Policy 2 does not have sufficient regard for paragraph 71 of the Framework with respect to entry-level exception sites. I have recommended a modification in this respect and also with respect to paragraph 16 of the Framework which states plans should “*serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*” so that the policy has sufficient regard for national policy. The County and Parish Councils have agreed the recommended modification as achieving a more consistent approach. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan applying

in the Thirston Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies. Whilst the Guidance has been updated on 24 May 2021 with respect to First Homes, transitional arrangements apply in the case of the Neighbourhood Plan which was submitted for independent examination before 28 June 2021.

78. Historic England has stated *“Whilst we understand that policy 2, New Housing Development, partially replicates paragraph 79 of the NPPF, we consider in this instance that this adds confusion within the policy. We believe there are other means of addressing the issue raised in paragraph 5.17 of the reasoned justification on the reuse of historic farmsteads that will better ensure long term conservation and sustainability. Enabling development must not be used as a means of simply bypassing planning rules or promoting housing development. The aim to avoid repeating national policy in neighbourhood plans is raised within Neighbourhood Plans Road map, A Step-by-Step Guide (2018 edition) by Locality which states that “A neighbourhood plan should not repeat national or local plan policies, as such policies already apply and repeating them causes confusion,” (see page 19 Part C). The fact that such a policy exists at national level should mean that there is no need for its replication at local authority or neighbourhood level within adopted policy. Our comments at the pre-submission stage were as follows: Paragraph 202 of the NPPF defines enabling development as development that “would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset.” By providing a supportive policy approach in the neighbourhood plan, we consider that proposals for enabling development for new residential development outside settlement boundaries would not conflict with the plan but would instead be in alignment with its provisions, which is contrary to its meaning and purpose. As our Historic Environment Good Practice Advice in Planning Note 4 Enabling Development and Heritage Assets states, enabling development should be a last resort (paragraph 13). Whilst it may be legitimate for enabling development to be used as a tool in the planning process to secure the future of an asset, other alternative means of securing the long-term future of heritage assets should be considered in detail as a first priority. This includes finding the optimum viable use (the viable use which results in the least harm to the heritage asset, not to be confused with the most financially viable use), transfer to different owners, or setting up a charitable trust. Historic England recognises the need to find appropriate uses for traditional*

farmsteads to fund their long-term maintenance and repair in order that they do not disappear from the landscape. In recognising this, Historic England has published The Adaptive Reuse of Traditional Farm Buildings Historic England Advice Note 9 (2017) alongside other guidance. However, there is no guarantee that new housing will be the optimum viable use; nor may there be a need for any enabling development in order to secure the future conservation of a farm building. Enabling development is a tool used where there is no other means of securing the long-term conservation of an asset and there is a conservation deficit, i.e. the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development cos. It is likely to apply only in a minority of circumstances. As per our response to the pre-submission consultation, we suggest removal of this criteria from the policy. Should the neighbourhood plan group want to provide a specific policy on the adaptive reuse of farm buildings we would be happy to assist in providing a suitable form of wording.” Paragraph 16 of the Framework states plans should “serve a clear purpose avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).” The inclusion of a policy relating to adaptive reuse of farm buildings is not necessary to meet the basic conditions. The modification I have recommended in respect of the County Council representation will also resolve the issue raised by Historic England in respect of enabling development and will ensure the policy has sufficient regard for paragraph 16 of the Framework which states plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

79.A representation states the map of Eshott Village defining the settlement boundary is incorrect. The representation attaches a Land Registry entry and states this “*defines the actual boundary of my land and therefore the village boundary.*” Commenting on this representation the Parish Council state the representator “*raised the issue of changing the settlement boundary after the Eshott Residents consultation had taken place on the settlement boundary not as part of the consultation. This was discussed with our planning consultant and NCC and it was felt that as there was a restrictive covenant on this land stating no building to take place and for it to be retained as woodland it was decided that this should be excluded as opposed to going through the whole consultation process again. This is not the only property that has subsequently acquired woodland at the bottom*

of their gardens and these are not included in the settlement boundary.” The Parish Council has commented on another representation as follows “The Property owner of the land that had been excluded from the settlement boundary contacted the PC in April 2020 stating “On the proposed plans in particular the Pre-Submission Draft Policies Map the settlement boundary does not following the boundary line to my property which I believe is incorrect. I believe the boundary should run along the edge of my property and be a continuation of the boundary of the neighbouring property i.e. a straight line. I have marked a red line on the attached draft map (Inset 1) illustrating what I believe to be the correct line for the settlement boundary i.e. the boundary line to my property.” The settlement boundary was changed to reflect this but perhaps it should have remained as it was as it has an impact on the Northumberland Local Plan, but unlike the Eshott situation I believe this land does not have a restrictive covenant attached.”

80. In a representation the County Council states “*Paragraph 5.13 explains that the settlement boundary proposed in the Neighbourhood Plan ‘...is the same...’ as that shown in the current development plan and in the emerging Northumberland Local Plan. This is also explained in the settlement boundary methodology background paper available on the Parish Council’s website. However, there is a minor variation to the boundary shown on the Policies Map when compared to the existing Castle Morpeth District Local Plan and the emerging Northumberland Local Plan. This variation shows a small additional rectangular area of land being inside the settlement boundary. This land is immediately to the south of five dwellings on the south side of the B6345 road (the dwellings are identified as including ‘Woodfield’ and ‘Braemar’ on the Neighbourhood Plan Policies Map). This may be a cartographic error. This should be rectified to ensure that the settlement boundary on the Policies Map is as described in the supporting text and evidence since there is no specific explanation or justification for this variance within the methodology used or in the Plan itself. This presents conflict currently with the basic conditions in that it demonstrates a lack of clarity and, without specific justification, would not be in general conformity with the strategic policies in the current development plan.”* I have recommended a modification in this respect so that the policy is sufficiently justified.

81. In a representation Northumberland Estates state “*Paragraphs 5.11 – 5.17, along with Policy 2, outline the settlement boundaries of West Thirston and Eshott to restrict development within the proposed*

boundaries. The settlement boundary for West Thirston in particular has been taken from existing development plan documents and previously identified boundaries. As identified within a recent granted appeal (Ref: APP/P2935/W/20/3254874) the inspector found the settlement boundaries to be out of date in meeting housing needs. Northumberland Estates further notes that the granted appeal site has been excluded from the settlement boundary and suggests that this should be included and allocated on the policies map. 2 Paragraph 5.12 states that the settlement boundaries have been drawn relatively tightly as the housing requirement for the neighbourhood area has been met and the plan does support small-scale housing within the settlement boundaries. It is questionable where any small-scale housing can occur within the settlement boundaries and identifying such restrictive settlement boundaries will result in only a very limited number of houses being delivered over the plan period to 2036. It is considered that the proposed settlement boundaries are extremely negative to housing delivery and will greatly restrict the sustainability of the Parish over the plan period. Policy 2 is therefore highly restrictive to all residential development outside the settlement boundaries. Furthermore, Northumberland Estates considers the settlement boundary of West Thirston and the parish allocation unjustified due to the direct link of West Thirston with the village of Felton. West Thirston is immediately adjacent to Felton and they function as a single settlement. It is not logical in planning terms to separate Felton and West Thirston as different settlements for the purpose of plan-making, given the joint provision and use of facilities and services. It is purely a historic anomaly of the former district council boundaries, which no longer exist, that in the past led to such an arbitrary 'planning' boundary. This has been highlighted within the modifications to the Northumberland Local Plan as it progresses through examination, where Felton and West Thirston have now been listed as one settlement within Policy STP 1. The requirement in the NPPF for Neighbourhood Plans to be in general conformity with the strategic policies of the development plan that covers the area would be undermined by such an approach, which would ultimately make the Neighbourhood Plan unsound."

82. The representation of Northumberland Estates also states "The Thirston Neighbourhood plan and resulting settlement boundaries have been justified using the Northumberland County Wide Housing Needs Survey updated in 2015. This Housing Needs Survey is now 6 years out of date and was completed on a county wide level, therefore not showing the up-to-date local Housing Needs specifically within the

Parish. There is therefore no specific Housing Needs Survey used to identify the housing requirement, including any affordable housing need, of the Parish over the plan period until 2036. In order to be sound the NPPF requires that the Neighbourhood Plan should be positively prepared to meet the area’s objectively assessed needs, and that clearly requires an up to date evidence base in terms of understanding housing needs. Northumberland Estates therefore suggests a robust Housing Needs Survey is prepared to accurately inform the housing delivery requirements of Thirston Parish for the duration of the Neighbourhood plan period. As previously mentioned, due to the relation of West Thirston and Felton functioning as a single settlement, the housing needs of Felton should also be addressed within this, along with the other adjoining parishes of Acklington, Brinkburn, Longhorsley and Tritlington and West Chevington. Furthermore Policy 2 restricts development outside of the settlement boundaries to limited affordable housing through rural exception sites. To only allocate new affordable housing through rural exception sites is a negative approach to planning. Rural exception sites by definition are beyond the built-up settlement and as exception sites will be determined against different planning policies to assess their merits, which are supported by national planning policy. It is considered that the Neighbourhood Plan’s reliance on rural exception sites to deliver affordable housing is a negative approach, and instead should seek to allocate new housing sites to provide a mix of private and affordable housing in a well-planned and co-ordinated manner, including the opportunity to secure planning obligations for the local community. Reliance on rural exception sites for purely affordable housing will inevitably face viability issues and ultimately lack of delivery. To plan for a meaningful number of affordable housing this should be planned for alongside private market housing to ensure deliverability. This approach is supported in the NPPF where it specifies that a proportion of market homes are allowed on rural exception sites to enable the delivery of affordable units.”

83. The Parish Council has commented as follows “*The Settlement Boundary for West Thirston was agreed to be kept the same with NCC before the Neighbourhood Plan was even started. Northumberland Estates sought planning for 81 houses outside the settlement area in August 2017 which was reduced to 30 due to the strength of objection from the residents as this would double the size of West Thirston. The 30 properties were then refused by NCC and at Planning Inspectorate Level in 2017. An application for 9 properties has now been approved outside the Settlement Boundary following appeal to Planning*

Inspectorate. Northumberland Estates puts a lot of emphasis on Felton and Thirston as one in relation to housing needs however they are two separate villages, serviced by different areas of NCC and most importantly this neighbourhood plan covers the whole parish of Thirston, not just West Thirston. There are currently planning applications for elsewhere in Thirston Parish awaiting decision which includes 8 holiday lets seeking change of use to residential and also an application for 56 houses to be built at Burgham Park. More than enough housing for this small parish.”

84. *The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.”⁴⁵*
85. *“Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.”⁴⁶*
86. *“Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it.”⁴⁷*

⁴⁵ Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision date: 09 05 2019

⁴⁶ Planning Practice Guidance Paragraph: 040 Reference ID: 41-040-20160211 Revision date: 11 02 2016

⁴⁷ Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision date: 09 05 2019

87. *“The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”*⁴⁸
88. *“Where strategic policies do not already set out a requirement figure, the National Planning Policy Framework expects an indicative figure to be provided to neighbourhood planning bodies on request. However, if a local planning authority is unable to do this, then the neighbourhood planning body may exceptionally need to determine a housing requirement figure themselves, taking account of relevant policies, the existing and emerging spatial strategy, and characteristics of the neighbourhood area. The neighbourhood planning toolkit on housing needs assessment may be used for this purpose. Neighbourhood planning bodies will need to work proactively with the local planning authority through this process, and the figure will need to be tested at examination of the neighbourhood plan, as neighbourhood plans must be in general conformity with strategic policies of the development plan to meet the basic conditions.”*⁴⁹
89. The Guidance states *“If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”*⁵⁰
90. *“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 need 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:*

⁴⁸ Planning Practice Guidance Paragraph: 101 Reference ID: 41-101-20190509 Revision date: 09 05 2019

⁴⁹ Planning Practice Guidance Paragraph: 105 Reference ID: 41-105-20190509 Revision date: 09 05 2019

⁵⁰ Planning Practice Guidance Paragraph: 043 Reference ID: 41-043-20140306 Revision date: 06 03 2014

*the emerging neighbourhood plan
the emerging local plan (or spatial development strategy)
the adopted development plan
with appropriate regard to national policy and guidance.”*

91. *“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 so that complementary neighbourhood and local plan policies are produced. 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 in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. 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.”⁵¹*
92. *“A neighbourhood plan can allocate additional sites to those identified in an adopted plan so long as the neighbourhood plan meets the basic conditions.”⁵² “A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans. A neighbourhood plan can also propose allocating alternative sites to those in a local plan (or spatial development strategy), where alternative proposals for inclusion in the neighbourhood plan are not strategic, but a qualifying body should*

⁵¹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509 Revision date: 09 05 2019

⁵² Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision date: 22 07 2019

discuss with the local planning authority why it considers the allocations set out in the strategic policies are no longer appropriate. The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy. Should there be a conflict between a policy in a neighbourhood plan and a policy in a local plan or spatial development strategy, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

93. Paragraph 29 of the Framework states “*Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*” Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and has regard for the Guidance.
94. Paragraph 5.12 of the Neighbourhood Plan states there are no specific housing allocations proposed within the settlements and settlement boundaries are drawn relatively tightly, acknowledging that the housing requirement identified by Northumberland County Council for the Neighbourhood Area has been met. On this basis Policy 2 is in general conformity with the strategic policies relevant to the Neighbourhood Plan.
95. Given the size and nature of the Neighbourhood Area, as a matter of planning judgement, I consider it is reasonable to assume there will be a windfall supply of dwellings during the Plan period which will boost the supply of homes in the Neighbourhood Area by a modest amount. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for Thirston Parish and provides the necessary justification that those policies (after recommended

modification) that are relevant to housing supply will result in local housing needs being met.

96. A settlement boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the settlement boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A settlement boundary does not have to include the full extent of a settlement, and a settlement boundary does not have to reflect land ownership boundaries or the precise curtilages of properties. Settlement boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include whole properties or parts of large residential gardens. The settlement boundary methodology report presents a justified explanation of the settlement boundaries defined on the Policies Maps. Apart from the amendment of the settlement boundary in response to the County Council representation referred to earlier in my report no other adjustment is necessary to meet the Basic Conditions.
97. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan applying in the Thirston Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
98. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with delivering a sufficient supply of homes, conserving and enhancing the natural environment, and conserving and enhancing the historic environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy 2 replace the text after “will be limited to” with “proposals that are in accordance with national policies, or strategic planning policies or allocations, and which comply with the other policies of the Neighbourhood Plan.”

Modify the settlement boundary shown on the Policies Map to reflect the alignment within the Castle Morpeth District Local Plan immediately to the south of five dwellings on the south side of the B6345 road (the dwellings are identified as including ‘Woodfield’ and ‘Braemar’ on the Neighbourhood Plan Policies Map).

Policy 3 Wildlife Corridors and SSSI

99. This policy seeks to establish support for proposals that promote the conservation, restoration and enhancement of the biodiversity value of the River Coquet Wildlife Corridor and the Longdyke Burn Wildlife Corridor which are identified on the Policies Map.

100. In a representation the County Council states “*Second paragraph of Policy 3 refers to Longdyke Burn Wildlife Corridor. Longdyke Burn joins the Eshott Burn and Thirston Burn towards the eastern side of the Parish. Together these watercourses are shown as a wildlife corridor on the Policies Map. It would be appropriate to modify the text in Policy 3 to make reference to all three watercourses that comprise this wildlife corridor, and to make reference to the wildlife corridor being defined on the Policies Map. These changes would assist in clarity and ensure proper application of the policy where necessary.*” I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

101. The term “*the river*” in the final paragraph is imprecise. The Parish Council has confirmed the reference is intended to be to the River Coquet. The term “*normally be permitted*” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

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

103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy 3

- **in the second paragraph after “Burn” insert “, Eshott Burn, and Thirston Burn” and after “Corridor” insert “identified on the Policies Map”**
- **in the third paragraph replace “normally be permitted” with “be supported”**
- **in the final sentence replace “river” with “River Coquet”**

Policy 4 Coastal Mitigation Service

104. This policy seeks to establish a policy approach to the mitigation of development related impacts arising from increasing levels of recreational disturbance to coastal SSSI and European sites.

105. In a representation the County Council states *“The legend on the Policies Maps refers to “Policy 4: Coastal Mitigation Fund...” in relation to the 7km and 10km buffers from the coast. This should read “Policy 4: Coastal Mitigation Service...” to reflect the title of Policy 4 as it appears in the Plan, and to use the correct terminology for that Service.”* I have recommended a modification in this respect so that the policy *“is clearly written and unambiguous, so it is evident how a*

decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

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

107. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with conserving and enhancing the natural environment the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

On the legend to the Policies Maps replace “Fund” with “Service”

Policy 5 Local Green Spaces

108. This policy seeks to designate two Local Green Spaces.

109. In a representation the County Council states *“Policy 5 protects areas of Local Green Space. This is consistent with paragraph 99 of NPPF which supports such designations to protect some green spaces through neighbourhood plans. However, paragraph 101 of NPPF requires that policies for managing development in Local Green Space should be consistent with policies for Green Belts. National policy and guidance does not simply advocate protection for designated Local Green Space, which is what Policy 5 would do; national policy expects that policies in the development plan will recognise the manner in which development should be managed in such designated areas. In order to meet the basic conditions, Policy 5 should be modified to make appropriate reference to how development will be managed in the Local Green Spaces. We recommend modification as follows (or similar): Add a further paragraph to Policy 5: ‘Management of any development within these Local Green Spaces must be consistent with*

the national policy on Green Belts. Inappropriate development will not be permitted other than where very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Local Green Space by reason of inappropriateness, and other harm, is clearly outweighed by other considerations.”

110. Designation of a Local Green Space must relate to a defined site. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policies Map of the Neighbourhood Plan and on Inset Maps for West Thirston and Eshott. On this basis I consider the areas of land concerned have been adequately identified.
111. The Guidance states *“Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space”*⁵³. The Peth in West Thirston lies within the Conservation Area boundary. A Conservation Area designation provides a different approach to that arising from designation as Local Green Space which is seeking to protect green areas of particular importance to a community where inappropriate development should not be approved except in very special circumstances. I am satisfied designation of The Peth as a Local Green Space would be appropriate under these circumstances.
112. The final paragraph of the policy seeks to describe how development will be managed within the Local Green Spaces. Decision makers must rely on paragraph 101 of the Framework that states *“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”* and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 143 to 147 inclusive. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy must not seek to introduce a more restrictive approach to development proposals than

⁵³ Planning Practice Guidance Paragraph: 011 Reference ID:37-011-20140306 Revision 06 03 2014

apply in Green Belt without sufficient justification.⁵⁴ The wording of Policy 5 has adequate regard for the terms of the designation of Local Green Spaces set out in paragraph 99 of the Framework where it is stated communities will be able to protect green areas of particular importance to them.

113. Paragraph 99 of the Framework also states “*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.*” 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, which are being made in the context of the strategic policies of the Development Plan have regard to the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The designations will contribute to the promotion of healthy communities, and are consistent with the aim of conserving and enhancing the natural environment, as set out in the Framework.

114. Paragraph 100 of the Framework states that Local Green Space designation should only be used where the green space is:

- *“in reasonably close proximity to the community it serves;*
- *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*
- *local in character and is not an extensive tract of land.”*

The second bullet point refers to examples only.

115. I have visited both of the areas proposed for designation as Local Green Spaces. I find that in respect of both of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, and is local in character. I also find each of the areas are discrete, identifiable,

⁵⁴ *R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812*

contained areas of open land that are not extensive tracts of land and that are appropriate in scale for designation as Local Green Space.

116. Paragraphs 5.35 and 5.36 provide sufficient evidence for me to conclude that both of the areas proposed for designation as Local Green Space are demonstrably special to a local community and holds a particular local significance.

117. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 99 and 100 of the Framework concerned with the identification and designation of Local Green Space.

118. The policy is in general conformity with the strategic policies applying in the Thirston Parish Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

119. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Policy 6 Businesses and Community Facilities

120. This policy seeks to establish conditional support for the sustainable growth and expansion of specified types of businesses and community facilities. The policy also seeks to establish criteria for the assessment of proposals for new and/or expansion of existing businesses. The policy also seeks to establish that proposals that have a significant adverse effect on the peaceful nature of the Woodland Burial Site and Crematorium will not be supported.

121. Paragraph 92 of the Framework states planning policies should plan positively for the provision of community facilities and other local

services. Paragraph 83 of the Framework states planning policies should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings. Whilst Policy 6 seeks to identify types of business that will be supported the policy does not seek to prevent any types of business. The policy seeks to establish criteria for the assessment of proposals. Policy 6 has sufficient regard for Paragraph 84 of the Framework which requires recognition that local business and community needs may have to be located adjacent to or beyond settlement boundaries without having an unacceptable impact on local roads. The Framework also refers to exploiting opportunities for sustainable access.

122. It is confusing and unnecessary for the policy to state “*where planning permission is required.*” All of the policies of the Neighbourhood Plan relate to circumstances where planning permission is required. I have recommended a modification in this respect so that the policy “*is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals*” as required by paragraph 16d) of the Framework.

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

124. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy, promoting sustainable transport, and conserving and enhancing the natural environment the policy is appropriate to be included in a ‘made’ neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5

In Policy 6 delete “where planning permission is required”

Policy 7 Caravan and Tourist Accommodation

125. This policy seeks to establish that expansion of existing large-scale holiday parks and the creation of new large-scale holiday parks will not be supported. The policy also seeks to establish conditional support for proposals for bunkhouses, chalets, touring caravans and camping accommodation as well as visitor accommodation associated with farm diversification.
126. In a representation the County Council states *“The middle paragraph of the policy appears to allow for the construction of buildings for tourist accommodation purposes which, given the absence of an exact definition of ‘bunkhouse’ or ‘chalet’, could lend themselves to permanent residential occupation. If in an isolated location, which the policy would allow for, this could potentially depart from paragraph 79 of the NPPF. Therefore, it is suggested that a limitation is introduced within Policy 7 that seeks to ensure occupation is restricted to holiday accommodation. We would suggest the following (or similar) be added to the policy: ‘The occupation of any buildings or other structures will be limited by condition or planning obligation to prevent their use other than as holiday accommodation.’ It would also be helpful to include appropriate definitions of ‘bunkhouse’ and ‘chalet’ in the supporting text or in the Glossary of terms.”* I have recommended a modification in these respects so that the policy has sufficient regard for national policy and *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.
127. The final sentence of the policy seeks to establish support for visitor accommodation associated with farm diversification. Paragraph 83 of the Framework states planning policies should enable the diversification of agricultural and other land based rural businesses, and sustainable rural tourism and leisure developments which respect the character of the countryside. I am satisfied Policy 7 has sufficient regard for national policy in these respects. The term *“existing large-scale holiday parks”* is imprecise. I have recommended the policy should include the names of the Bockenfield Holiday Park, Felmoor Park, and the permitted holiday chalets at Burgham Golf Course which are referred to in paragraph 5.43 of the Neighbourhood Plan. The County and Parish Councils agree the policy should specify these locations. Whilst the term *“new large-scale holiday parks”* is imprecise I recognise the difficulties of definition and consider the first two

paragraphs of the policy together provide adequate guidance to parties preparing proposals for tourism accommodation and to decision makers in determining those proposals.

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

129. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with building a strong, competitive economy, and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 6:

In Policy 7

- **replace the first paragraph with “Expansion of existing large-scale holiday parks at Brockenfield Holiday Park, and Felmoor Park, and permitted holiday chalets at Burgham Golf Course will not be supported. Creation of new large-scale holiday parks will not be supported.”**
- **continue the second paragraph with “The occupation of any buildings or other structures will be limited by condition or planning obligation to prevent their use other than as holiday accommodation.”**

Include definitions of ‘bunkhouse’ and ‘chalet’ in the Glossary of Terms.”

Policy 8 Woodland Burial Site

130. This policy seeks to allocate a site as a woodland burial site and crematorium within which development proposals directly related to

those uses will be supported subject to groundwater protection in accordance with the guidance of the Environment Agency.

131. Paragraph 83 of the Framework states planning policies should enable the sustainable growth of all types of business in rural areas. Paragraph 92 states planning policies should plan positively for community facilities and other local services.
132. The policy is in general conformity with the strategic policies of the Development Plan applying in the Thirston Neighbourhood Area and relevant to the Neighbourhood Plan, and serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
133. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the introduction; achieving sustainable development; plan-making; and decision-making sections of the Framework, and the components of the Framework concerned with promoting healthy and safe communities, and conserving and enhancing the natural environment, the policy is appropriate to be included in a 'made' neighbourhood plan. Having regard to the Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

Summary and Referendum

80. I have recommended 6 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

81. I am satisfied that the Neighbourhood Plan⁵⁵:

- is compatible with the Convention Rights; and
- meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

⁵⁵ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁵⁶

I recommend to Northumberland County Council that the Thirston Neighbourhood Development Plan for the plan period up to 2036 should be submitted to referendum.

82. 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.⁵⁷ I have seen nothing to suggest that the policies of the Plan will have “*a substantial, direct and demonstrable impact beyond the neighbourhood area*”⁵⁸. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Northumberland County Council as a Neighbourhood Area on 2 January 2018.

⁵⁶ This basic condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 (5) are amended

⁵⁷ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵⁸ Planning Practice Guidance Paragraph: 059 Reference ID: 41-059-20140306 Revision 06 03 2014

Annex: Minor Modifications and Corrections to the Neighbourhood Plan

83. The County Council has proposed the following:

- Update the footer on each page
- Page 7 paragraph 2.5 update statement regarding Local Plan adoption
- Page 10 Section 3 and paragraph 3.1 delete “West”
- Page 22 paragraph 5.14 replace principle with principal
- Page 29 paragraph 5.38 replace given with granted
- Paragraph 5.41 remove the final sentence

I have recommended a modification in these respects so that the policy *“is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”* as required by paragraph 16d) of the Framework.

Recommended modification 7:

Modify general text, figures or images to achieve consistency with the modified policies; to correct identified errors; to achieve necessary updates; and so, it is evident how a decision maker should react to development proposals

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REPORT ENDS