

WHITTINGTON NEIGHBOURHOOD PLAN 2018-2031

Whittington Neighbourhood Plan Examination,
A Report to Northumberland County Council

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1. Summary

- 1 Subject to the modifications recommended within this Report in order to enable the Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Whittington Neighbourhood Plan meets the basic conditions¹ and I recommend to Northumberland County Council that, subject to modifications, it should proceed to Referendum.

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

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Whittington Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Whittington Neighbourhood Plan Steering Group on behalf of Whittington Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. Were a Referendum to be held and were more than 50% of votes to be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Northumberland County Council. The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Whittington Neighbourhood Area.
- 5 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.” (Paragraph 183, National Planning Policy Framework)
- 6 As confirmed in Paragraph 1.2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Whittington Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan. The Neighbourhood Plan relates only to the designated Whittington Neighbourhood Area and there is no other neighbourhood plan in place in the Whittington Neighbourhood Area.
- 7 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

Role of the Independent Examiner

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

Neighbourhood Plan Period

14 A neighbourhood plan must specify the period during which it is to have effect.

15 The Neighbourhood Plan is confusing in respect of the plan period. The front of the Neighbourhood Plan states that the plan period is from 2018 to 2033. This conflicts with the information submitted in paragraph 1.3 of the Basic Conditions Statement, which states that the Neighbourhood Plan:

"...covers the plan period from adoption to 2031."

16 In addition to the above, the Vision, set out on page 12 of the Neighbourhood Plan refers to:

"Our vision for Whittington Parish to 2032..."

17 The purpose of the Basic Conditions Statement is to provide information in respect of why the Neighbourhood Plan meets statutory requirements. Taking this and the above into account, I recommend:

- **Front cover, delete "Submission Draft February 2018, 2018 to 2033" and replace with "2018 to 2031"**
- **Header, delete "Submission Draft (February 2018) and replace with "2018 to 2031"**
- **Page 12, change references to "2032" to "2031"**

18 Subject to taking the above recommendations into account, the Neighbourhood Plan specifies the plan period during which it is to have effect.

Public Hearing

- 19 According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 20 However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 21 Further to consideration of the information submitted, I confirmed to Northumberland County Council that I would not be holding a public hearing as part of the examination of the Whittington Neighbourhood Plan.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 22 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - 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.³
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 23 In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:
- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

- 24 Subject to the content of this Report, I am satisfied that these three points have been met.
- 25 In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

European Convention on Human Rights (ECHR) Obligations

- 26 I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.
- 27 In the above regard, I note that Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 28 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁵. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment (SEA).
- 29 In this regard, national advice states:
- “Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*
(Planning Practice Guidance⁶)
- 30 National advice then goes on to state⁷ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 31 This process is often referred to as a screening opinion, report or determination. If the screening opinion identifies likely significant effects, then an environmental report must be prepared.

⁵ Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance.

⁶ Paragraph 027, *ibid.*

⁷ Planning Practice Guidance Reference ID: 11-028-20150209.

- 32 A screening opinion was prepared by Northumberland County Council and published in May 2017. This concluded that:

"...the Whittington Neighbourhood Plan is unlikely to result in significant effects on the environment when considered against the criteria set out in Schedule 1 of the SEA regulations...it is considered that SEA is not required."

- 33 The statutory consultees, Natural England, Historic England and the Environment Agency, were consulted. Whilst Historic England raised initial concerns in respect of the use of evidence, the organisation went on to agree with the conclusion that *"SEA is not needed."* Both Natural England and the Environment Agency also concurred with the conclusion set out in the screening opinion.

- 34 A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely significant effects on European sites.

- 35 A Habitats Regulations Assessment Report was prepared by Northumberland County Council and this recognised the presence of the Tyne and Allen River Gravels Special Area of Conservation (SAC) within 3km of the Neighbourhood Area. It also noted that the North Pennine Moors SAC and the North Pennine Moors Special Protection Area are located some 13km from the Neighbourhood Area, beyond the 6km zone of influence for upland sites. No other internationally designated sites star within 10km of the Neighbourhood Area.

- 36 The Habitats Regulations Assessment Report concluded that the Neighbourhood Plan:

"...is not likely to have a significant effect on any European Sites..."

- 37 Natural England were consulted and concurred with this conclusion and there have been no representations raising concerns with, or objecting to, the contents or conclusion of the Habitats Regulations Assessment Report.

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

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations” (Planning Practice Guidance⁸).

- 39 In undertaking the work that it has, Northumberland County Council has considered the Neighbourhood Plan's compatibility with EU regulations in detail and has raised no concerns in this regard.
- 40 Given all of the above, I am satisfied that the Neighbourhood Plan meets the basic conditions in respect of European obligations.

⁸ Planning Practice Guidance Reference ID: 11-031-20150209.

4. Background Documents and the Whittington Neighbourhood Area

Background Documents

41 In undertaking this examination, I have considered various information in addition to the Whittington Neighbourhood Plan. This has included (but is not limited to) the following main documents and information:

- National Planning Policy Framework (referred to in this Report as “the Framework”) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Tynedale Local Development Framework Core Strategy (2007)
- The saved policies of the Tynedale District Wide Local Plan (2000)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment Scoping Opinion
- Habitats Regulations Assessment Report

Also:

- Representations received

42 In addition, I spent an unaccompanied day visiting the Whittington Neighbourhood Area.

Whittington Neighbourhood Area

43 The boundary of Whittington Neighbourhood Area is shown page 8 of the Neighbourhood Plan. The Neighbourhood Area boundary is the same as that of the Whittington Parish boundary. For clarity and precision, I recommend:

- **Add below title of Figure 1 on page 8 to “*The boundary of the Neighbourhood Area coincides with that of Whittington Parish.*”**

44 Northumberland County Council formally designated the Whittington Neighbourhood Area on 2nd March 2016. This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

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

Whittington Neighbourhood Plan Consultation

- 47 A Consultation Statement was submitted to Northumberland County Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*⁹.
- 48 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Whittington Neighbourhood Area, having regard to Paragraph 183 of the National Planning Policy Framework.
- 49 Whittington Parish Council established a Neighbourhood Plan Steering Group to produce the Whittington Neighbourhood Plan and the Group's first meeting took place in April 2016.
- 50 A community launch event was held in July 2016, in Great Whittington Village Hall. This event was attended by fifty people and sixteen response forms were submitted. A report in respect of the event and feedback was produced and published on the Neighbourhood Plan website.

⁹Neighbourhood Planning (General) Regulations 2012.

- 51 The Steering Group then produced and consulted upon the draft vision and objectives for the Neighbourhood Plan. A leaflet was prepared and sent to all households and businesses in the Neighbourhood Area, as well as to other consultees. Feedback was taken into account and helped to inform the production of the pre-submission draft plan.
- 52 The pre-submission draft plan was consulted upon during May and June 2017. A letter was sent to all households and businesses in the Neighbourhood Area, informing people of the pre-submission consultation and a drop-in event was held in June 2017, to support the process. Response forms captured feedback and a total of 28 completed forms were received.
- 53 The Consultation Report provides evidence to demonstrate that public consultation formed an important part of the overall plan-making process, that matters raised were taken into account and that the reporting process was transparent.
- 54 Public consultation was well-publicised. As well as meetings and the distribution of leaflets, information was readily available on the Parish Council's dedicated Neighbourhood Plan website. Public notices and hard copies of relevant material were also made available across the Neighbourhood Area and press releases appeared in the local newspaper, the Hexham Courant.
- 55 Taking all of the above into account, I am satisfied that the consultation process was robust.

6. The Neighbourhood Plan – Introductory Section

- 56 I note that the Neighbourhood Plan's header and Forewords would need to be updated, were the Neighbourhood Plan to be made. I recommend:
- **Header – delete “: Submission Draft (February 2018)”**
 - **Forewords (pages 2 and 3), delete the “Submission draft” references**
- 57 I refer to the basic conditions above. It is a legal requirement that these are met. Given this, it is important that they are correctly referred to and I recommend:
- **Page 5, para 1.4, change to “...the strategic policies of the *development plan*...Contribute to *the achievement of sustainable*...”**
- 58 For precision, I recommend:
- **Page 5, para 1.7, second line, add “...NCC withdrew *its Core Strategy* from independent...”**
 - **Page 6, para 1. 9, last line, change to “...policies of the *development plan*.”**
 - **Page 6, para 1.10, first line, change to “... EU *obligations. Strategic Environmental*...”**
- 59 Paragraphs 1.16 to 1.21 have been overtaken by events and I recommend:
- **Page 7, para 1.16, change to “The Submission Draft Neighbourhood Plan *comprised* a revised...(May 2017). It *was* supported by a strengthened evidence base and *was* modified to take...”**
 - **Page 7, para 1.17, change to “...the Plan *included* a number...”**
 - **Page 7, para 1.18, change to “...background documents *that informed* the preparation of *the Plan* are available...”**

- **Delete “Next steps” section (paras 1.19 to 1.21 inclusive)**

60 Paragraph 2.17 has been overtaken by events and I recommend:

- **Page 11, para 2.17, last line, delete “...Draft...”**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

A Conserved and Enhanced Natural Environment

Policy WNP1: Landscape

- 61 Paragraph 58 of the National Planning Policy Framework (referred to in this Report as “the Framework”) states that developments should:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...”

- 62 In general terms, Policy WNP1 seeks to ensure that development respects the Neighbourhood Area’s landscape. However, as worded, the Policy seeks to impose a requirement upon development to enhance a wide variety of things, without providing any evidence to demonstrate that such enhancements would be viable and deliverable, having regard to Paragraph 173 of the Framework, which states that:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

- 63 Thus, the requirements of the Policy, which go well beyond those of national or local planning policy, are unjustified.

- 64 The opening sentence of Policy WNP1 includes a vague reference to “*other relevant documents.*” It is not clear which other documents might be relevant and there is no evidence to demonstrate that there are any documents that reflect the requirements of the Policy as set out. In respect of the need for precision within land use planning policies, national guidance¹⁰ is explicit:

“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.”

- 65 As worded, Policy WNP1 does not have regard to this advice.
- 66 The Policy sets out a long list of requirements. In the absence of any clear information, it is not clear why the combined requirements of parts a) to g) of the Policy would, in all cases, be material, necessary, proportionate or even relevant to all development proposals. Consequently, the Policy does not have regard to the requirements of national policy, which states that:

“Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”
(Paragraph 193, the Framework)

- 67 The Framework, in Chapter 12 “*Conserving and enhancing the historic environment,*” establishes a clear planning policy framework for the appropriate conservation of heritage assets. It is a national policy requirement that heritage assets and their settings be conserved in a manner appropriate to their significance. A later Policy in the Neighbourhood Plan, Policy WNP5 “*heritage assets,*” provides for the protection of heritage assets and their settings.

¹⁰ Planning Policy Guidance, Paragraph: 042 Reference ID: 41-042-20140306.

- 68 Given the above, it is not clear why – and no detailed information is provided – Policy WNP1 requires both the Neighbourhood Area's landscape and the landscape setting of heritage assets, be conserved. The Neighbourhood Area's landscape, by definition, includes the landscape setting of heritage assets. In any case, Policy WNP5 affords heritage-specific protection. The inclusion of heritage references in Policy WNP1 appear both confused and confusing, and provide for unnecessary repetition. As such, they detract from the clarity of the Policy.
- 69 It is not clear why, or how, development proposals should consider “*views out of the Conservation Area.*” No information is provided in respect of precisely what these views are – they could, for example, relate to any number of views – and no information is provided in respect of how the “*impacts*” of development on such views might be assessed, who by, or on what basis. This part of the Policy is unclear and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework:

“Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.”

- 70 Taking the above into account, I recommend:
- **Policy WNP1, change to “*Development proposals must respect the positive elements of the landscape character of Whittington Parish, as defined in the Northumberland Character Assessment. Development should respond to site context and local character; and should conserve important landscape features including hedgerows, field walls and ridge and furrow fields. Mature and established trees should be protected and incorporated into development. Development should appear comfortably within the landscape, taking account of the topography and natural features of the development site.*”**
 - **Delete Para 4.10 and the second and last sentences of Para 4.11**

Policy WNP2: Tranquillity

- 71 The Neighbourhood Plan's plan-makers consider that the awesome tranquillity of Northumberland contributes significantly to the qualities of the Neighbourhood Area. However, as noted by Northumberland County Council, little detail is provided, in respect of Whittington as opposed to other parts of the County, to enable development to be assessed in respect of its impacts on tranquillity.
- 72 In this regard, I am mindful that the Neighbourhood Area has relatively busy roads running through and adjacent to it and that it does not, for example, share some of the tranquil characteristics of more remote parts of Northumberland, including parts of the National Park and coast. Further, there is no provision of standards or benchmarks against which a decision maker might consider the impacts of development on tranquillity and consequently, it is difficult to understand how the Local Planning Authority might assess proposals, as per the requirements of the Policy.
- 73 Taking the above into account, Policy WNP2 does not have regard to Paragraph 154 of the Framework, in respect of providing a decision maker with a clear indication of how to react to a development proposal.
- 74 Further to the above, the Policy would simply support any form of development, so long as it preserved "*tranquillity*." Given the absence of any evidence to the contrary, this might result in support for unsustainable forms of development, in conflict with the requirement for the Neighbourhood Plan to contribute to the achievement of sustainable development.
- 75 Taking all of the above into account, Policy WNP2 does not meet the basic conditions. However, in making the recommendations below, I recognise that those tranquil attributes that do exist in the Neighbourhood Area are special to plan-makers. I recommend:
- **Delete Policy WNP2**

- **Move the supporting text to the Policy (Paras 4.12 to 4.17 inclusive), set out on pages 16 and 17 to page 32, to follow Para A1.5 and change Para 4.17 to “...to the local community, *the Parish Council is keen to ensure that development proposals will not affect the tranquillity of the Parish. To encourage this, Community Action 5 seeks to encourage developers to take tranquillity into account at the earliest possible stage.*”**
- **Add “*Community Action 5: Tranquillity. To work with Northumberland County Council, developers and other stakeholders to encourage developers to take account of and where appropriate, preserve tranquillity.*”**

Policy WNP3: Biodiversity

- 76 Paragraph 109 of the Framework requires the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 77 In general terms, Policy WNP3 seeks to minimise impacts on, and provide net gains in, biodiversity. In this regard, the Policy has regard to national policy.
- 78 Preventing the loss of, or harm to, biodiversity is different to enhancing biodiversity. It is not clear how biodiversity can be enhanced "*by seeking to ensure new development does not result in the loss or unacceptable harm to biodiversity sites.*" This part of the Policy does not make sense and is therefore unclear.
- 79 The supporting text to Policy WNP3 refers to various species. Whilst there is evidence that the Neighbourhood Area provides appropriate habitats for the species identified, there is no evidence that each named species exists in the Neighbourhood Area. This is a matter addressed in the recommendations below.
- 80 I recommend:
- **Change the first sentence of Policy WNP3 to: "*...and where possible, enhance biodiversity. Development should not result in the loss of, or unacceptable harm to...*"**
 - **Page 17, Para 4.18, change to "*...grassland and deciduous woodland, providing habitats for important species including...*"**

A Rich Built Environment

Policy WNP4: Design

- 81 Good design is recognised by the Framework as comprising:

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56)

- 82 National policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation...”

- 83 Policy WNP4 seeks to encourage good design and has regard to national policy.

- 84 As set out, the Policy states that all development *“must preserve local distinctiveness.”* In the absence of any evidence, it is not possible to understand how all development might achieve such an onerous requirement, or why it would be material, relevant and necessary to do so. *“Local distinctiveness”* is not defined and it is not clear precisely what it is that each development must *“preserve.”* Consequently, the Policy fails to have regard to Paragraph 193 of the Framework, referred to earlier in this Report. In this regard, I am also mindful that, in respect of heritage assets, *“preservation,”* as distinct from *“conservation,”* is not a relevant requirement.

- 85 The Policy goes on to set out a long list of requirements for development. However, there is no substantive information to demonstrate that all of the requirements set out have regard to Paragraph 193 of the Framework, including that part which states that information requirements for applications should be:

“...proportionate to the nature and scale of development proposals and reviewed on a frequent basis.”

- 86 This results in an unduly onerous Policy. By way of example, it would require an application for an ATM cash machine to demonstrate a commitment to sustainable design to minimise energy use and to take account of topography, amongst many other things.
- 87 It is not clear, in the absence of any justification, why all development should enhance local character where possible. It may be possible, but not viable to enhance local character and in such a case, a requirement for enhancement would fail to have regard to Paragraph 173, in respect of viability. Similarly, it is not clear why materials must “*complement*” those of adjoining and surrounding buildings. There is no evidence to demonstrate that all materials of all buildings in the Neighbourhood Area are appropriate in respect of local character – such as, for example, an audit of all materials used. Consequently, support for development that complements inappropriate materials would be in direct conflict with other parts of the Policy, which seek to protect local character.
- 88 Further to the above, the approach set out in Policy WNP4 would serve to prevent a balanced consideration of the benefits of a development proposal against any harm arising and could, as a consequence fail to contribute to the achievement of sustainable development. For example, the Policy seeks to prevent any development from “*prejudicing*” (which itself is an undefined and unclear term) amenity.
- 89 As worded, a number of the criteria set out in the Policy appear vague and imprecise and do not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. For example, the reference to “*views into and out of the Conservation Area*” is vague, as is the use of the term “*adequate*.” It is not clear how “*adopting principles*” relates directly to the delivery of development or how “*encouraging*” re-use of land “*ensures*” the efficient use of land.
- 90 The final paragraph of the Policy fails to have regard to Paragraph 193 of the Framework in respect of the need for supporting information to be relevant, necessary and material to the application in question.

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

- **Change Policy WNP4 to “All development in Whittington Neighbourhood Area must respect and respond to local character and demonstrate high quality design. Where material and relevant to the application, development should:**
 - a) Respect local character, including the appearance...proposal, and the use of local materials;***
 - b) Conserve the significance...setting of the Great Whittington Conservation Area must have regard to the Great Whittington Conservation Area Appraisal;***
 - c) Take into account the topography and natural features of the site and the impact of the development on its surroundings;***
 - d) Respect established building lines, boundaries and roof lines;***
 - e) Minimise energy use;***
 - f) Minimise the visual impact of recycling and refuse storage;***
 - g) Incorporate sustainable drainage;***
 - h) Respect the amenity of neighbouring occupiers and provide for the amenity of future occupiers;***
 - i) Make the most efficient use of land and buildings;***
 - j) Limit the impact of development on light, noise, air and water pollution;***
 - k) Provide a safe, accessible environment.***

Policy WNP5: Heritage Assets

- 92 Chapter 12 of the Framework, "*Conserving and enhancing the historical environment,*" recognises heritage assets as irreplaceable and requires them to be conserved according to their significance.
- 93 Generally, Policy WNP5 seeks to protect heritage assets. However, as set out, part of the Policy directs the Local Planning Authority in respect of how a planning application must be determined. It is not the role of the Neighbourhood Plan to do direct the Local Planning Authority.
- 94 National planning policy, as set out in Chapter 12 of the Framework, is carefully worded and it is important that this wording is accurately represented, as failing to do so can result in significant departures from its aims and purposes.
- 95 National planning policy is aimed at conserving, rather than preserving, heritage assets. Consequently, development should conserve, rather than preserve, Conservation Areas and their settings in a manner appropriate to their significance – rather than simply preserve their significance. I note that the supporting text to the Policy is very clear in setting out the need for development to conserve heritage assets.
- 96 Taking all of the above into account, I recommend:
- **Policy WNP5, delete the second sentence of the Policy ("In the determination...of the heritage asset.") NB – this deletion will not reduce protection/alter the need for development impacting on heritage assets to be determined in accordance with (more detailed) national heritage policy**
 - **Policy WNP5, last sentence, change to "...new development must *conserve or enhance the Conservation Area in a manner appropriate to its significance, having regard to the Great Whittington Conservation Area Character Appraisal.*"**

Vibrant and Thriving Communities

Policy WNP6: General Location of New Development

- 97 Whittington comprises a rural Neighbourhood Area with a relatively small population. Policy WNP6 seeks to support some new development within Great Whittington, Bingfield, Hallington, Halton and Halton Shields and to largely limit development elsewhere, according to a set of criteria.
- 98 In respect of Great Whittington, part of Policy WNP6 is clear and precise. It establishes a settlement boundary, within which sustainable development will be supported. The settlement boundary differs from that adopted in the Tynedale District Local Plan, it removes land to the east of the settlement, but adds land to the west and is drawn less tightly to the north west.
- 99 The settlement boundary map is not included within the Neighbourhood Plan, but comprises a loose insert entitled "*Policies Map*." This is an awkward approach, as the insert might easily become lost and in the interests of clarity, I recommend below that the map form part of the Neighbourhood Plan document itself.
- 100 Logically, the re-drawn settlement boundary includes two areas of land where planning permission has been granted for residential development and does not appear to be drawn so tightly to the existing built-up area as to preclude scope for future development.
- 101 Paragraph 184 of the Framework requires that:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area...Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies."

- 102 There is no substantive evidence to demonstrate that the Neighbourhood Plan fails to achieve this and I am mindful that, in respect of Policy WNP6, Northumberland County Council states that:

“The policy seeks to direct the majority of development in the Parish to within the settlement of Great Whittington. A settlement boundary is defined on the Policies Map. This is appropriate and the County Council raises no concerns with this matter.”

- 103 As worded, the first sentence of Policy WNP6 seeks to predict the future and this is a matter addressed in the recommendations below.
- 104 However, in respect of the majority of the Neighbourhood Area, which lies outside of Great Whittington, Policy WNP6 is less clear. The Policy serves to restrict development in Bingfield, Hallington, Halton and Halton Shields to *“limited infill development.”* However, no substantive evidence is provided to demonstrate that there is scope for *“building on a small site between buildings”* providing development that is *“particularly small in scale, occupying a small gap”* as defined by the Neighbourhood Plan; or to demonstrate why other forms of development at these settlements would be inappropriate.
- 105 In the absence of evidence to the contrary, the approach set out in Policy WNP6 could be unduly restrictive and serve to prevent sustainable development in these small rural settlements, in conflict with Paragraph 28 of the Framework, which requires planning policies to support economic growth in rural areas by taking a positive approach to sustainable new development.
- 106 In addition to the above, the Policy goes on to support a variety of development in the open countryside such as, for example, any development that provides local services. It is not clear why such provision might be appropriate anywhere in the countryside but not in say Bingfield, Hallington, Halton or Halton Shields. In the absence of evidence to the contrary, Policy WNP6 may serve to prevent sustainable development from coming forward in one place, whilst supporting unsustainable forms of development elsewhere.

107 In order to meet the basic conditions, parts of Policy WNP6 require significant re-thinking and re-writing. This goes beyond the scope of examination and I recommend:

- **Policy WNP6, change the first sentence to read *“To promote sustainable development, development will be supported within the settlement boundary of Great Whittington, where it is anticipated that the majority of development in the Neighbourhood Area will be focused. The settlement boundary is defined on the Map below.”***
- **Delete the rest of the Policy.**
- **Change the title of the “Submission Policies Map” to *“Great Whittington Settlement Boundary.”* Remove the yellow block and reference to Policy WNP7 in the key. Provide the Map below the Policy**
- **Para 4.38, change to *“...and where the majority of development is anticipated to take place...”***
- **Para 4.40, change to *“...shown on the Map below the Policy...”***
- **Para 4.41, change to *“...not been defined. The Parish Council will be supportive of appropriate development in these villages and hamlets, in accordance with the provisions of the NPPF.”***
- **Delete Para 4.43**

Policy WNP7: Housing

- 108 The opening sentence of Policy WNP7 states that the Neighbourhood Plan makes provision for new housing development by defining sites on the Policies Map. However, planning permission for housing development at the two sites referred to had already been granted before the Neighbourhood Plan was submitted. In effect, the Neighbourhood Plan was overtaken by events.
- 109 It is not the role of the Neighbourhood Plan to seek to allocate land for development where planning permission for that development already exists.
- 110 The second part of Policy WNP7 does not make sense. It begins by seeking to establish land use planning policy for open market housing, but refers to the need for the delivery of housing types, sizes and tenures in accordance with identified needs.
- 111 Other Policies of the Neighbourhood Plan already require high quality development that respects local character and as all of the Policies of the Neighbourhood Plan need to be considered together, it is unnecessary for Policy WNP7 to repeat this requirement (twice).
- 112 No indication of what "*proportionate*" garden space or "*adequate*" off-street parking comprise. The Policy is vague in this regard and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.
- 113 I recommend:
- **Delete Policy WNP7**
 - **Delete Paras 4.44 to 4.49**

Policy WNP8: Rural Exception Sites

- 114 Paragraph 54 of the Framework requires the provision of housing to reflect local needs in rural areas:

"...particularly for affordable housing, including through rural exception sites, where appropriate..."

- 115 In general, Policy WNP8 provides a positive Policy framework for the appropriate provision of rural exception housing, having regard to national policy.

- 116 As set out, Policy WNP8 seeks to limit the provision of housing delivered through rural exception sites to *"the local community"* and the supporting text to the Policy, in Paragraph 4.53, refers to *"local people."* These terms do not necessarily relate directly to the Northumberland Common Allocation Policy, parts of which are referred to in the supporting text and I make recommendations below aimed at providing for appropriate precision in this regard.

- 117 Policy WNP8 goes on to effectively direct the Local Planning Authority to remove permitted development rights. Notwithstanding that it is unclear, in the absence of any detailed information, upon what statutory or policy basis the Neighbourhood Plan might achieve this, there is no substantive evidence to support the suggestion that removing permitted development rights will necessarily *"ensure"* that dwellings remain affordable in the long term.

- 118 I also note that the Policy refers to the provision of *"an up to date and robust housing needs study"* but provides no indication of who might determine robustness or whether or not a study is up to date, and on what basis. The Policy is ambiguous in this regard. Similarly, the term *"significant adverse impact"* is subjective and open to wide interpretation. As noted elsewhere, the Neighbourhood Plan requires all development to be of a high quality and respect local character.

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

- **Policy WNP8, change first part to “*The development of small scale rural exception sites to meet an identified need will be supported. Development must: a) Meet the requirements of the Northumberland Common Allocation Policy; Be adjacent...c) Be at an appropriate...takes place.*”**
- **Delete second part of Policy (“Permitted development...affordable in the long term.”)**
- **Para 4.52, rather than include selected parts of the Northumberland Common Allocation Policy, I recommend that this para is changed to “...with a strong local *connection*. *The detail of the Common Allocation Policy can be found on Northumberland County Council’s website, as per the reference at the foot of the page.*” (delete rest of Para)**
- **Para 4.53, retain the first sentence and delete rest of Para**

Policy WNP9: Community Services and Facilities

120 Paragraph 28 of the Framework states that, in rural areas, neighbourhood plans should:

"...promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship."

121 Policy WNP9 seeks to support the enhancement of community services and facilities and has regard to national policy.

122 However, as worded, the Policy is imprecise. It is not clear, in the absence of detail, what would comprise "*unacceptable*" or "*sufficient*" forms of development and consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

123 There are no Assets of Community Value in the Neighbourhood Area. There is no evidence that there will be any Assets of Community Value in the Neighbourhood Area in the future. It is not the function of the Neighbourhood Plan to set out detailed land use planning policy for something that does not exist and for which there is no evidence of any likelihood of existence during the plan period. As set out, in the absence of any detail, the approach set out in respect of Assets of Community Value may prevent the Neighbourhood Plan from contributing to the achievement of sustainable development.

124 Part of the Neighbourhood Plan seeks to impose a requirement upon the Local Planning Authority and this goes beyond the powers of the Neighbourhood Plan.

125 I recommend:

- **Policy WNP9, change first part to: "*...will be supported subject to proposals demonstrating that they take into account the amenity of neighbours and highway safety. Proposals that result in the loss of use of buildings for public or community use will no be supported unless:*"**
- **Delete "...the applicant has robustly demonstrated to the satisfaction of the Local Planning Authority, that"**

- Add “d)...current form; *or*”
- Delete final para (“Where proposals...has passed)
- Delete Para 4.57

Policy WNP10: Infrastructure

- 126 As noted earlier in this Report, national planning advice states that land use planning policies should be precise and provide for clarity. They should not be vague or ambiguous.
- 127 Policy WNP10 is vague and ambiguous. It simply states that development should provide infrastructure related to it within an agreed timescale. There is no indication of what types of infrastructure might be related to what types of development, or of who might agree timescales and on what basis.
- 128 No information has been provided in respect of the need for planning obligations associated with development to be necessary to make the development acceptable in planning terms; to be directly related to the development; and to be fairly and reasonably related in scale and kind to the development, having regard to national policy, as set out in Paragraph 204 of the Framework.
- 129 Policy WNP10 does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework. It does not meet the basic conditions.
- 130 I recommend:
- **Delete Policy WNP10**
 - **Delete Para 4.58**

A Strong and Diversified Economy

Policy WNP11: Agriculture

131 As referred to earlier in this Report, national policy requires planning policies to support economic growth in rural areas. Paragraph 28 of the Framework states that:

"To promote a strong rural economy, local and neighbourhood plans should...promote the development and diversification of agricultural and other land based businesses..."

132 Policy WNP11 seeks to promote farm diversification and has regard to national policy.

133 However, as worded, parts of the Policy appear imprecise. For example, no clarity is provided in respect of what *"unacceptable adverse impacts"* might comprise. Further, not all agricultural buildings in the Neighbourhood Area comprise attractive features that make a positive contribution to local character and consequently, it is unclear how requiring new development to be sensitive to all agricultural buildings might contribute to the achievement of sustainable development.

134 Taking the above into account, I recommend:

- **Policy WNP11, change to *"...within Whittington Parish. Development should respect local character and residential amenity and so doing, be sensitive to the distinctive character of historic farmsteads and buildings."***

Policy WNP12: Tourism and Leisure

135 In Chapter 3 of the Framework, "*Supporting a prosperous local economy*," support is given to:

"...sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres..."

136 Policy WNP12 supports the appropriate provision of tourism and leisure developments and in this respect, it has regard to national policy.

137 In a similar manner to previous Policies, Policy WNP12 includes an imprecise reference to an "*unacceptable adverse impact*" on the amenity of adjacent uses. Notwithstanding that it is, more appropriately, the amenity of occupiers, rather than "*uses*" that planning policy can seek to protect, clarity is provided in respect of what would and would not be considered to be an unacceptable impact on amenity, who would determine this and on what basis and consequently, this part of Policy fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

138 Also, whilst highway safety is less subjective than the amenity of neighbouring occupiers, the use of the term "*acceptable*" again introduces ambiguity in the absence of any detailed information and consequently, the imprecise wording of the Policy is addressed in the recommendations below.

139 The second part of the Policy ("*In the open countryside...*") seeks to place requirements upon the Local Planning Authority. It is not the role of the Neighbourhood Plan to do this.

140 Similarly, the Neighbourhood Plan cannot direct the Local Planning Authority to impose planning conditions. Combined with Policy WNP12's second vague reference to "*unacceptable adverse impact*" results in a Policy that fails to establish a robust land use planning policy framework for the consideration of new camp sites and camp site extensions. This could result in support for unsustainable forms of development and fail to contribute to the achievement of sustainable development.

141 The final part of Policy WNP12 effectively lends support to any kind of development so long as it either enhances the environment or brings heritage assets into economic use. Not only could this approach result in support for unsustainable forms of development, but it also runs contrary to national planning policy in respect of the conservation of heritage assets. Simply bringing an “*underused*” heritage asset into economic use does not necessarily comprise sustainable development and could result in substantial harm. In the absence of any evidence to the contrary, the final part of Policy WNP12 does not contribute to the achievement of sustainable development and does not meet the basic conditions.

142 I recommend:

- **Change Policy WNP12 to “...assets; and b) *The proposal respects the amenity of neighbouring occupiers; and c) The proposal provides for safe and secure access.*”**
- **Delete second para (“In the open...of the business.”)**
- **Delete third para (“New or extensions...permanent occupancy.”)**
- **Delete final sentence (“Developments that...strongly supported.”)**

Policy WNP13: Transport and New Developments

143 Policy WNP13 simply supports any form of development so long as it meets the three movement-focused criteria set out. This approach could result in support for unsustainable forms of development and there is no detailed evidence to the contrary.

144 The final criteria of Policy WNP13 relates to the Local Planning Authority's requirements and responsibilities, rather than those of the Neighbourhood Plan.

145 Notwithstanding the above, Policy WNP13 aims to provide for safe and secure access, having regard to Paragraph 58 of the Framework, which requires the creation of:

"...safe and accessible environments..."

146 The Policy also has regard to Paragraph 32 of the Framework, which states that development should be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

147 I recommend:

- **Policy WNP13, change to *"Development requiring access from the highway must provide for safe vehicular, cycle and pedestrian access and ensure that the residual cumulative impact on the transport network will not be severe."* (delete rest of Policy)**

Policy WNP14: Active Travel Routes

148 In general terms, Policy WNP14 appears to support the protection and enhancement of public rights of way. Such an approach has regard to Paragraph 75 of the Framework, which states:

“Planning policies should protect and enhance public rights of way and access.”

149 However, as set out, Policy WNP14 is unclear. The Policy refers to a plan appended to the Neighbourhood Plan and states that this comprises a “*Definitive Map*” showing “*active travel routes.*”

150 The plan referred to is simply a reproduction of a 1:50,000 Ordnance Survey base. The plan is little different to the plan of the Neighbourhood Area provided on page 8 of the Neighbourhood Plan. It is not entirely clear what all of the routes used by pedestrians, cyclists and horse-riders are. For example, all of these users could use footpaths, bridleways, roads, lanes and permitted routes amongst other things.

151 Further to the above, public rights of way are protected by law and it is not clear, in the absence of any information, what might constitute justifiable loss.

152 In the interests of clarity and precision, I recommend:

- **Policy WNP14 “*The provision of new public rights of way and/or the improvement of existing public rights of way will be supported.*”**
- **Delete Appendix 3**
- **Change title of Policy to “*Public Rights of Way*”**
- **Delete Paras 4.71 and 4.72 and replace with “*4.71 Policy WNP14 supports the delivery of Plan Objective 5 which seeks to support opportunities in respect of sustainable patterns of movement.*”**

8. The Neighbourhood Plan: Other Matters

153 The recommendations made in this Report will have a subsequent impact on Contents and page numbering.

154 I recommend:

- **Update the Contents and page numbering, taking into account the recommendations contained in this Report.**

9. Referendum

155 I recommend to Northumberland County Council that, subject to the modifications proposed, **the Whittington Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

156 I am required to consider whether the Referendum Area should be extended beyond the Whittington Neighbourhood Area.

157 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

158 Consequently, I recommend that the Plan should proceed to a Referendum based on the Whittington Neighbourhood Area approved by Northumberland County Council and confirmed by public notice on the 2nd March 2016.

Nigel McGurk, June 2018
Erimax – Land, Planning and Communities



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