

TARSET AND GREYSTEAD NEIGHBOURHOOD PLAN

Tarset and Greystead Neighbourhood Plan Examination,
A Report to Northumberland County Council
and Northumberland National Park Authority

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Tasset and Greystead Neighbourhood Development Plan (referred to as the Neighbourhood Plan).

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)

In line 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), Tasset and Greystead Parish Council is the *qualifying body* responsible for the production of this Neighbourhood Plan.

Tasset and Greystead Parish Council appointed a Neighbourhood Development Plan Steering Group to produce the Neighbourhood Plan. This comprised a mix of Parish Councillors and local residents. Whilst initially a “Frontrunner” and part of the wider “North Tyne Neighbourhood Plan,” which included two other parishes, Tasset and Greystead Parish Council decided that the interests of Tasset and Greystead Parish would be best served by the production of a separate plan. Consequently, Tasset and Greystead Parish withdrew from the North Tyne Neighbourhood Plan in 2012, to pursue this Neighbourhood Plan.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Northumberland County Council and Northumberland National Park Authority. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Tasset and Greystead Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Northumberland County Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the relevant local planning authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Tarsset and Greystead Neighbourhood Area to which the Plan relates.

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;
- 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.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan is clear in this regard. The title page of the Neighbourhood Plan shows the plan period as 2015 - 2030.

In addition to the above, I consider that it would be helpful if the Neighbourhood Plan made clear reference to the plan period within the body of the document. To achieve this, I recommend:

- **Page 8, insert a sentence before the first paragraph, “*This Neighbourhood Plan covers the period from 2015 to 2030.*”**

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

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.

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.

Further to consideration of the written representations submitted, I confirmed to Northumberland County Council and Northumberland National Park Authority that I was satisfied that the Tasset and Greystead Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

Part 2 of the Neighbourhood Plan is a helpful section. It describes how the Neighbourhood Plan meets the basic conditions in a clear, jargon-free way. For clarity and further information, I recommend:

- **Page 8, add new sentence to the beginning of the first paragraph, “*The Plan must have regard to national policy and advice. It must be in general...*”**

The Tynedale Core Strategy (2007), the Northumberland National Park Core Strategy and Development Policies Document (2009) and the saved policies of the Tynedale Local Plan (2000) each make up part of the relevant development plan² for the area

There is an emerging Northumberland Local Plan Core Strategy (emerging Core Strategy). At the time of this examination, the pre-submission draft consultation stage had taken place, but the emerging Core Strategy had not undergone the rigours of an examination in public. In this regard, page 8 of the Neighbourhood Plan states that:

“close attention has also been paid to emerging policy in the Northumberland County Council Core Strategy.”

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

² I also note that the Northumberland waste local plan (2001), minerals local plan (2000) and county and national park joint structure plan all make up part of the planning policy framework for Northumberland.

European Convention on Human Rights (ECHR) Obligations

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.

European Union (EU) Obligations

Whilst there is no legal requirement for a neighbourhood plan to have a sustainability appraisal³, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

Taking the above into account, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” opinion, assessment or report. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Northumberland County Council undertook a Strategic Environmental Assessment (SEA) Screening Report. This sought to establish whether or not a significant effect on the environment was likely. The Screening Report was published on 4 June 2015 and it concluded that:

“The Tarsset and Greystead Neighbourhood Plan will not have significant effects...”

and that, consequently, a Strategic Environmental Assessment is not required.

Consultation on the Screening Report was carried out with the statutory bodies - the Environment Agency, English Heritage (now, with regards to planning matters, Historic England) and Natural England. All three bodies agreed that the Neighbourhood Plan was not likely to have a significant effect and concurred with Northumberland County Council’s conclusion that a Strategic Environmental Assessment is not required.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Northumberland National Park Authority carried out an Appropriate Assessment Screening Opinion *“to assess whether there might be any potential impacts on ‘European Sites’ that may be affected by the proposed Neighbourhood Plan.”*

³ Paragraph 026, Planning Practice Guidance 2014.

The Screening Opinion identified two Special Areas of Conservation within/and close to the Neighbourhood Area, Border Mires/Kielder-Butterburn and North Pennines Dales Meadows. It also identified that a Ramsar site, at Irthington Mires, is within the Border Mires/Kielder-Butterburn Special Area of Conservation. Policies of the Neighbourhood Plan that were identified as having possible adverse effects on a European site were assessed in further detail.

The Screening Opinion went on to conclude that, subject to amending the wording of some of the Neighbourhood Plan Policies, there was likely to be no significant effect on European Sites and that a full “Appropriate Assessment” would not be required.

The Screening Opinion was submitted alongside the Neighbourhood Plan. None of the statutory bodies dissented from the conclusions of Northumberland National Park Authority and Natural England commented:

...we agree with the conclusions of the SEA and HRA screening documents.”

Further to the above, national guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets European obligations lies with the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

As set out above, both Northumberland County Council and Northumberland National Park Authority have been closely involved in the environmental assessment process and neither has raised any concerns regarding the Neighbourhood Plan’s compatibility with EU obligations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Tasset and Greystead Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information in addition to the Tasset and Greystead Neighbourhood Plan. This has included:

- National Planning Policy Framework (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)
- Tynedale Core Strategy (2007)
- Northumberland National Park Core Strategy and Development Policies Document (2009) (National Park Core Strategy)
- Tynedale Local Plan Saved Policies (2000)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment (SEA) Screening Report
- Appropriate Assessment Screening Opinion

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Tasset and Greystead Neighbourhood Area.

Tarset and Greystead Neighbourhood Area

A plan showing the boundary of the Tarset and Greystead Neighbourhood Area is provided on page 5 of the Neighbourhood Plan. It is accompanied by a note that states that the Map is for information, only as it is not to scale, and reference to Map 1, which accompanies the Neighbourhood Plan.

With regards Map 1, I found this to be an extremely useful and professionally produced Map. It enhances the Neighbourhood Plan as a whole. However, as a loose insert, I am concerned that it does not form part of the Neighbourhood Plan itself. To ensure that full advantage is taken of this Map, I recommend:

- **In the final version of the Neighbourhood Plan, insert Map 1 into the Neighbourhood Plan – I suggest that this is achieved via the inclusion of an inside pocket as part of the cover pages and a reference in the Contents**

Further to an application made by the qualifying body, Tarset and Greystead Parish Council, Northumberland County Council and Northumberland National Park Authority approved the designation of Tarset and Greystead as a Neighbourhood Area on 11 April 2013 and 31 May 2013, respectively.

This satisfied 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).

4. Public Consultation

Introduction

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.

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 to achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Tarset and Greystead Neighbourhood Plan Consultation

In line with legislative requirements, Tarset and Greystead Parish Council submitted a Consultation Statement alongside the Neighbourhood Plan. The Consultation Statement confirms that this sets out who was consulted and how, together with the outcome of the consultation. Consequently, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁴.

Initial consultation work was carried out as part of the early work for the North Tyne Neighbourhood Plan. However, as noted above, Tarset and Greystead Parish Council determined that the Parish would be better served by producing a separate Neighbourhood Plan.

Further to establishing the aforementioned Steering Group, a communication and engagement strategy was agreed in September 2012. In February 2013, a leaflet and questionnaire was distributed to each household in the Parish and to other stakeholders. Every household then had a follow up phone call to check that the questionnaire had been received and to respond to any queries. This part of the consultation process was supported by a press release published in the Hexham Courant.

The questionnaire received a significantly high 67% response rate and the responses were analysed and formed a report, providing the Steering Group with "*a clear steer for the policy direction of the Plan.*"

Targeted consultation with schools, young people and businesses took place during May, June and July 2013. In this way, the views of local business people and those of the 34 first, middle and high school residents of the Neighbourhood Area were sought.

⁴Neighbourhood Planning (General) Regulations 2012.

A Vision and Objectives document was produced and published on the Parish Council's website and on the Village Hall notice board during October 2013 and comments received were considered.

In June 2014, an open evening was held and the Evidence Base and emerging policy areas were presented to the local community at the Village Hall. Questionnaires were distributed to all residents and feedback was sought. The information received informed the next stage of plan-making.

The draft plan was then subject to a Health Check by Argyle Planning and in March 2015, a seven week long pre-submission consultation period commenced. During this consultation period, a colour copy of the full draft plan was sent to every household and business in the Parish and a consultation event was held in the Village Hall.

Consultation was widely communicated and well-publicised in a variety of ways. Minutes of meetings were published. Letters and emails were sent to consultation bodies and other parties identified through a plan database. Comprehensive information relating to the plan-making process was provided on the Parish Council website, articles were provided in the Tarsset News, the local newsletter, and use was made of the village notice board.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that consultation was carried out in an open manner, and people and organisations were not just provided with a fair chance to have their say, but were actively encouraged to engage in shaping the Neighbourhood Plan. Comments received were duly considered and evidence has been provided to demonstrate that the Neighbourhood Plan reflects the views of local people.

I also note that the Consultation Statement states that:

“support has been given by both Northumberland County Council and Northumberland National Park...the support from officers of these two Local Planning Authorities has been invaluable.”

Planning Guidance requires local planning authorities to be proactive in providing information to communities about neighbourhood planning and to constructively engage with the community throughout the process (Paragraph 009, Neighbourhood Planning, Planning Practice Guidance). The Consultation Statement confirms that Northumberland County Council and Northumberland National Park Authority were proactive, and engaged constructively, during the production of the Neighbourhood Plan.

I am satisfied that the consultation process was comprehensive and robust.

Further to the above, I draw attention to correspondence I received from the Chair of Tarsset and Greystead Neighbourhood Plan Steering Group in December 2015. This was received after the close of the Regulation 16 Consultation Period. This was not the result of any call for any further evidence or representations.

I asked the Chair to send copies of the letter to Northumberland County Council and Northumberland National Park Authority for the purposes of transparency. Whilst it is not uncommon for parties to seek to make comments upon representations, the end date for any representations to be considered during the course of Examination is the closing date of the Regulation 16 consultation period, unless the Examiner calls for further information. As I did not call for further information, I did not request the views of the two authorities on the content of the correspondence.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The Neighbourhood Plan is an attractive, well presented document. Text is clearly set out and Policies are distinctive from supporting information. Further, the inclusion of Maps and plans is supplemented with the provision of plentiful interesting and relevant photographs. The design and layout makes for a distinctive and easy-to-navigate Neighbourhood Plan.

I comment above with regards the loose insert of Map 1. The Foreword is informative and concise and the Contents page is clear and keeps all information to a single page. The Introduction is helpful and I note that the inclusion of non-land use planning matters as *“Community Action Proposals”* in the Appendices is an excellent way of making sure that the Neighbourhood Plan does not lose sight of other matters of importance to the local community.

I refer to the plan on page 5 earlier in this Report but note that the varied fonts and size of text on that page jars with the rest of the document, leading page 5 to appear out of place. I recommend:

- **Re-consider the fonts and font sizes on page 5 and tie-in more to the rest of the document**

The *“Snapshot”* on pages 6 and 7 is interesting and sets the scene for the chapters that follow. The *“Planning Policy Background”* is clearly described and *“Issues Identified by People in the Local Community”* begins to relate the consultation process to the aims of the Neighbourhood Plan. This section provides a good introduction to *“Our Vision and Objectives,”* which then provides a direct link between local objectives and the Policies of the Neighbourhood Plan.

Altogether, the introductory section to the Neighbourhood Plan is excellent. It is distinctive to Tasset and Greystead, concise and provides an appropriate introduction to the Policies that follow.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Page 13 provides a useful summary for the reader re: *“How to read our policies.”* Not all users of the document will be familiar with planning documents and the information on this page is helpful and clearly described. The final paragraph is particularly welcomed. This states:

“All proposals for new development will be considered in the context of the policies in the Taset and Greystead NDP. It is intended to be read as a whole...”

Many draft neighbourhood planning policies contain lots of cross-references within the policy text, making for awkward and difficult to understand policies. The simple reference set out above removes the need to do this.

Each of the Policies of the Neighbourhood Plan is considered, under its section heading, below.

General Development Principles

Policy TG1: New Development in Tarset and Greystead

The supporting text to Policy TG1 establishes that there is no requirement to allocate sites for housing in the Northumberland National Park. However, the Policy itself seeks to provide a positive approach to appropriate development, including that for housing.

The Policy begins with a direct reference to the Framework. There is no need for a neighbourhood planning policy to include references to the Framework. The Framework exists and it is not appropriate for other policies in other plans to simply repeat, support or directly reference national policy. Such an approach may be appropriate within supporting text but detracts from policies themselves. Also, I note in the introduction to the Policy section that there is no need to refer to other Policies in the Neighbourhood Plan.

Policy TG1 refers to local needs housing as set out in Table 1 on page 15. This Table largely limits local needs housing to people with links to Tarset and Greystead Parish. Given the relatively tiny population of Tarset and Greystead, this is a severely restrictive approach. It fails to have regard to National Park Core Strategy Policy 10, which relates local need to people with links to the National Park as a whole.

Policy TG1 then goes on to refer to *“the objectively assessed local housing needs of the plan area.”* However, no indication is provided as to what these are, who will assess them, or how they will be assessed. Consequently, this part of the Policy fails to provide decision makers with a clear indication of how to react to a development proposal, as required by Paragraph 154 of the Framework.

The remaining three categories of Policy TG1 provide a supportive approach to business, tourism and infrastructure. This part of the Policy has regard to Chapter 3 of the Framework, *“Supporting a prosperous rural economy.”*

Taking the above into account, I recommend:

- **Policy TG1, change opening paragraph to read *“Proposals for new development, including that set out below, will be supported where it supports the sustainability and viability of communities:”***
- **Delete Criterion a)**
- **TG1 Policy Intention, first line, replace “new” with *“sustainable”***
- **Delete Policy Explanation on page 14**

- **Delete Table 1**
- **Delete the first two paragraphs of supporting text on page 15 and change penultimate paragraph to “*Policy TG1 refers to types of development that are important to maintain...*”**

Subject to the above, Policy TG1 meets the basic conditions. I note that the National Park Core Strategy provides appropriate development controls for residential development.

Policy TG2: General Development Principles

Generally, Policy TG2 is a positive, supportive Policy. However, as set out, it is unrealistic and unduly onerous. The Policy requires every development in the Neighbourhood Area to comply with all seventeen criteria set out. Some criteria will not be relevant for many applications. For example, it is not clear why all household applications would need to have a positive impact on biodiversity.

Further, the approach set out in the Policy does not allow for a balance to be reached whereby sustainable development benefits outweigh any harm arising. Taken individually, some of the criteria are more onerous than national or local strategic planning policy without substantive evidence to justify why they fail to meet the basic conditions in this regard.

No detailed definition is provided with regards “*negative impact*” or “*special and distinctive qualities*” in Criterion a). The supporting text simply makes general references to what the latter category includes. This fails to provide a prospective applicant with sufficient detail and does not provide a decision maker with a clear indication of how to react to a development proposal. Further, it does not allow for some degree of harm to be outweighed by sustainable development benefits. In any case, I note that landscape is protected in Criterion c).

The second Criterion simply refers to another Policy and comprises unnecessary repetition. The fourth Criterion refers to “*preserving*” tranquillity but does not provide any detail with regards the specific levels of tranquillity to be preserved and where.

I note that the Coal Authority support the reference to “*land stability*” in Criterion f), given the presence of recorded risks from mining activity in the area.

Criterion g) refers to water quality, which is a matter beyond the control of the Neighbourhood Plan. Criterion h) adopts a simplistic approach to trees and hedgerows and does not allow for the replacement or the removal of, for example, dying trees of no ecological or amenity value.

Further, the first part of Criterion i) refers to a designation but no information is provided to set out what conflict with it might include. In any case, the second part of this Criterion removes the need for the first part. Criterion j) does not allow for any balance and no indication is provided with regards why every development should include flood measures, as required by Criterion k). This may not be a relevant consideration for many proposals.

Criterion l) is vague to the point of making little sense. Also, its overall aim appears little different to that of Criterion i). The next two Criteria are unnecessary as they effectively repeat other Policies in the Neighbourhood Plan. It is unclear how the penultimate Criterion would provide for advertisements and it goes on to refer to a document that is not the responsibility of, and cannot be controlled by, the Neighbourhood Plan.

With regards the last Criterion, no indication is provided with regards what an “*adverse impact on the local highway network*” might comprise. The approach set out would conflict with national policy, which states that development should only be prevented “*where the residual impacts of development are severe*” (Paragraph 32, the Framework).

However, some of the Criteria seek to protect local character, having regard to national policy and in general conformity with local strategic policies.

I recommend:

- **Policy TG2, change opening sentence to “*Proposals for development should seek to:*”**
- **Delete Criteria a) and b)**
- **Change Criterion c) to “*respect the...*”**
- **Change Criterion d) to “*respect the tranquillity...*”**
- **Change Criterion e) to “*ensure that new development is informed by...development should not be prominent...*”**
- **Delete Criterion g) and replace with new Criterion g) “*respect local ecology.*”**
- **End Criterion h) “*...of the site.*” (delete rest of Criterion). Begin Criterion with “*respect and complement...*”**
- **Delete first sentence of Criterion i) and change remaining sentence to “*prevent unacceptable levels of light spillage, having regard to Northumberland Dark Sky Park*”**
- **Change Criterion j) to “*ensure a...buildings and respect existing residential amenity.*”**
- **Change Criterion k) to “*ensure that development is located away from areas of highest risk of flooding and ensure that flood risk in the surrounding area is not increased.*”**

- Delete Criteria l), m) and n)
- Change Criterion o) to *“have an overall positive impact on biodiversity, where appropriate.”*
- Delete Criterion p) and change Criterion q) to *“ensure that proposals do not harm highway safety.”*
- Delete first paragraph on page 17
- Delete last sentence of second paragraph
- Delete third paragraph, which reads as though it were a Policy, which it is not
- Change fifth line of fourth paragraph to *“...of use) preserve this feature...”*
- Delete the three paragraphs under “Water”
- Delete paragraph under “Amenity and new uses”
- Delete “Heritage Assets” paragraph
- Delete “Signage” paragraph
- Delete “Highway Network” paragraph, which seeks to introduce a requirement not referred to in the Policy
- Delete the NPPF paragraph, which is unnecessary

I note that Policy TG2 provides an example of the difficulties encountered when a Policy attempts to “achieve too many things.”

Policy TG3: High Quality and Sustainable Design

Good design is recognised by national policy as comprising

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

and national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework).

In general terms, by seeking high quality design, Policy TG3 has regard to national policy. However, it is not clear why every development needs to *“demonstrate understanding of...the principles of high quality design”* or why every development needs to comply with all eight Criteria, especially as not all of the Criteria will be relevant to all development.

Whilst there is reference to design in the supporting text, *“good design”* is not defined in the supporting text, as suggested in Criterion a). Criterion b) is overly simplistic. There is no evidence to demonstrate that every element of every building needs to be proportionate to every other element of that building and it is unclear on what basis a planning application needs a *“justification.”* No evidence is provided to demonstrate that such an approach has regard to national policy or is in general conformity with the strategic policies of the development plan.

No evidence is provided to demonstrate that a household extension needs to *“maintain the symmetry”* of the host property in order to comprise good design, as required by Criterion d). No evidence is provided to demonstrate that every boundary enclosure must comprise stone or hedging in order to be sensitive to the local context, as required by Criterion e). During my site visit I observed a wide range of boundary treatments, not just stone or hedging, that appeared sensitive to their setting. No definition of *“social exclusion”* with regards boundary treatments is provided and it is unclear what this actually means or why it comprises a land use planning matter. I note that a previous Criterion already protects local character.

Criterion g) repeats matters considered in the previous Policy and is unnecessary. It is unclear why existing accesses must always be used where feasible, as required by Criterion h). This may prevent sustainable development from coming forward and there is no evidence to the contrary. Further, no indication is provided as to when on-site turning would be *“appropriate to the scale of the proposed development”* and consequently, this part of the Policy fails to provide sufficient clarity.

Taking all of the above into account, I recommend:

- **Policy TG3, change opening sentence to *“All new development should comprise high quality design. Where appropriate and relevant, proposals will be expected to meet the following criteria:”***

- Criterion a), change to ***“All elements of design, including windows, roof...panels should respect the host property and surrounding character.”***
- Delete Criterion b) (NB the change to Criterion a) covers local character)
- Criterion d), delete ***“ ..., but...original;”***
- Criterion e), delete ***“ ...using stone wall...be permitted;”***
- Criterion g) delete ***“ ..., including...spillage;”***
- Criterion h) delete first and last sentences
- Page 22, last line, replace ***“always”*** with ***“generally”***
- Page 23, fourth line, re-word ***“...garages should generally be avoided..”***
- Page 23 last line under Dormer windows sub-heading, replace ***“strogly”*** with ***“strongly”***

The supporting text generally provides an excellent commentary on general design issues and other than those above, no changes are proposed.

Subject to the above, Policy TG3 contributes to the achievement of sustainable development and meets the basic conditions.

Development in the Settlements of Lanehead and Greenhaugh

The introduction to this section of the Neighbourhood Plan identifies Lanehead and Greenhaugh as the most developed part of the Neighbourhood Area, where some new development could be accommodated. Any new housing development in the Neighbourhood Area would be contained in these settlements.

During my site visit, I observed that the settlements generally comprise scattered buildings. They do not have a clear defined boundary. I also noted that the open countryside between the settlements is characterised by the presence of occasional scattered buildings. This is something that is reinforced by Proposals Map 2 on page 26.

Policy TG4: Protection of open space between Greenhaugh and Lanehead

Policy TG4 states that no development will be permitted in the open countryside between the settlement clusters of Lanehead and Greenhaugh. It then goes on to refer to the Framework. As noted earlier, it is inappropriate and unnecessary to include references to national policy within neighbourhood planning policies. The open countryside is already protected by national and local policy. There is no need to add protection, particularly by simply repeating policy that already exists.

Further to the above, no evidence is provided to demonstrate that there is any risk of the two settlements not remaining separated and nor is there any evidence to demonstrate that development between the settlements would necessarily fail to comprise sustainable development. There is no evidence to demonstrate that development in this area would fail to maintain openness.

In addition to the above, I note earlier in this Report that national policy supports a prosperous rural economy. In so doing, it promotes rural development. Policy TG4 fails to have regard to this and could prevent sustainable development from coming forward without justification for doing so. I also note that the open space between the settlements is not clearly defined and that this fails to provide decision makers with a clear indication of how to react to a development proposal.

The Policy's aim of focusing development on Greenhaugh and Lanehead has regard to the Framework, which supports sustainable growth in rural areas (Paragraph 28) and is in general conformity with Policies 5 and 6 of the National Park Core Strategy, which focuses development on identified settlements.

Having regard to the above, I recommend:

- **Policy TG4, delete first paragraph**
- **Policy TG4, delete first sentence of second paragraph**
- **Policy TG4, delete “, as defined...TG6.”**
- **Change Policy Intention to “*To ensure that development is focused on the two main settlements in Tarsset and Greystead.*”**
- **Delete last sentence of supporting text, “...This openness...”**

Other than the change proposed above, the supporting text provides helpful context and supports a development focus on Tarsset and Greystead.

Policy TG5: Spatial development in Lanehead

This Policy includes categories i) to v) identify broad locations where the Policy seeks to prevent development. Previous Policies already protect local character and I refer above to the role of national and local policy in preventing inappropriate development in the countryside.

Furthermore, the areas identified in categories are vague – for example, there is a wide view from the area marked as “*Gateway view*” and it is not clear where development would or would not be supported; the “prominent knoll” appears smaller on the ground than on Proposals Map 3; the west side of Box Lane and the south side of Donkleywood Road are undefined; and it is not clear what “*fill a gap*” actually means – for example, it could be taken to mean “leave no space in between outliers” and it is unclear how it would relate to the extension of an outlier. Consequently, this part of the Policy does not provide clarity. Further, it may prevent sustainable development from coming forward and there is no evidence to the contrary.

Criterion a) of Policy TG5 repeats earlier Policy requirements and is unnecessary. Criterion b) requires all development to be “*adjacent to an existing road and ‘infill’.*” However, “*infill*” is not defined and consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

Furthermore, during my site visit, I observed that there were opportunities for development within Lanehead that would not be immediately adjacent to a road, but that had access in the form of a track or driveway. I noted that much of the existing development in the area was accessed in this way. Taking this and the information before me into account, there is nothing that leads me to find that requiring all development to be adjacent to a road necessarily contributes to the achievement of sustainable development.

Given all of the above, I recommend:

- **Delete Policy TG5 and all supporting text**
- **Retain Proposals Map 3 and Key (for information)**

Policy TG6: Spatial Development in Greenhaugh

Policy TG6 is a positive policy that supports sustainable development. It sets out development criteria that provides prospective applicants with clarity and which serve to reinforce the distinctive local character.

I note that the Policy refers, unnecessarily, to other Policies in the Neighbourhood Plan. Criterion d) requires development to take place “*sequentially*.” This is an exceptionally onerous approach and no evidence is provided to demonstrate that it has regard to national policy or is in general conformity with the strategic policies of the development plan. The approach could prevent sustainable development from coming forward and consequently, does not contribute to the achievement of sustainable development. I note that there is no evidence to demonstrate that development sites coming forward non-sequentially would fail to comprise sustainable development.

Criterion e) proposes a “*book end*.” However, there is no evidence to demonstrate that such an approach reflects local character. Rather, on the ground it is clear that Greenhaugh is not a tightly defined settlement and there is no settlement boundary. The approach proposed could prevent sustainable development from coming forward and there is no substantive evidence to demonstrate that it would protect local character, having regard to national and local strategic policy.

I recommend:

- **Policy TG6, change first sentence to “...will be supported subject to the following criteria:”**
- **Delete Criteria d) and e)**

- Last line of text on page 31, delete “reserved matters”
- Delete second sentence of first paragraph and first sentence of second paragraph on page 32
- Policy Intention, delete “...and to ensure...Map 4”
- Delete “Development Edge” annotation on Map 4

Development Outside Settlements

Policy TG7: Conversion of Redundant Buildings

Policy TG7 is a positive land use planning Policy. It has regard to national policy which supports the re-use of redundant or disused buildings for housing (Paragraph 55, the Framework) and the conversion of existing buildings in rural areas (Paragraph 22, the Framework). In this regard, I note that the Framework post-dates the Tynedale Local Plan, which affords different status to business and residential conversions.

The Policy includes unnecessary references to other Policies in the Neighbourhood Plan. Taking this into account, I recommend:

- **Policy TG7, delete “...all of...” from line four**
- **Criterion a), delete “...in accordance...TG3;”**
- **Criterion b), delete “...in line...TG2;”**
- **Criterion e), change “opening” to “openings”**
- **Criterion f), delete “...as defined in the landscape policies...” and “...as outlined in TG3;”**
- **Criterion g), delete the vague reference “nature conservation interests, in particular”**
- **Delete Criterion h)**
- **Delete first sentence under “Landscape Character” on page 36 and second sentence of “Access” paragraph on the same page**

The Historic Environment

Policy TG8: Heritage Assets

National policy recognises that heritage assets are irreplaceable. Chapter 12 of the Framework, *“Conserving and enhancing the built environment,”* sets out a clear approach to the appropriate conservation of heritage assets.

Policy TG8 seeks to adopt its own approach to the conservation of heritage assets and in so doing, it fails to have regard to national policy. Simply stating that any harm to the significance of a designated heritage asset will not be permitted fails to recognise the need to balance harm against benefits and fails to reflect Paragraph 132 of the Framework.

Similarly, simply stating that the loss of any heritage asset *“will be strongly resisted”* fails to reflect Paragraph 135 of the Framework, which requires *“a balanced judgement...having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Further to the above, Criterion c) does not make sense.

I recommend:

- **Policy TG8, delete first paragraph (I note that national policy affords appropriate protection in this regard)**
- **Policy TG8, fourth line in the second paragraph of the Policy, change “must” to “should”**
- **Delete “The loss...resisted.”**
- **Delete Criterion c)**
- **Delete first sentence of page 39, which reads as though it were a Policy requirement, but is not**

Policy TG9: Tasset and Greystead Bastles

Policy TG9 seeks to preserve or enhance an important local heritage feature. This has regard to national policy, which promotes the conservation of heritage assets and requires plans to take into account the social, cultural, economic and environmental benefits that conservation of the historic environment can bring (Paragraph 126, the Framework).

As worded, the Policy is unclear in that it “*expects*” all development proposals to do something. The recommendation below creates a more positive approach that requires clarity for applicants and decision makers. Further, it negates the need for the negative second part of the Policy, which in any case, provides no indication of what an adverse impact on the appreciation of the significance of the Bastles in relation to one another actually comprises.

I recommend:

- **Policy TG9, change to “*The preservation or enhancement of the setting of bastles and the Bastle Trail will be supported.*”**

Subject to the above, Policy TG9 contributes to the achievement of sustainable development and meets the basic conditions.

Policy TG10: Archaeology

Policy TG10 has regard to Paragraph 128 of the Framework and contributes to the achievement of sustainable development. No changes are recommended.

Landscape

Policy TG11: Development in the Rolling Upland Valleys

Overall, Policy TG11 seeks to protect the Rolling Upland Valley Landscape Character Area. This has regard to the Framework, which affords great weight to conserving landscape and scenic beauty in National Parks (Paragraph 115).

As worded, the Policy suggests that support will only be given to proposals that meet Criteria that is, in parts, vague and unclear. This could prevent sustainable development from coming forward. For example, no clear definition specifying views, nor indication of how “*special attention*” can be paid to their importance, is provided nor is it clear how a development should respect “*the interplay between settlement and landscape.*” Various comments like this fail to provide a decision maker with a clear indication of how to react to a development proposal. Many of the Criteria simply relate to protecting local character and many repeat the content of earlier Policies. The Policy also includes a general list of some of the features of the Rolling Upland Valleys.

It is unclear what “*opportunities are sought for the enhancement of these features*” means within a land use planning policy context. The Policy also includes references that simply repeat national and/or local policy.

I recommend:

- **Policy TG11, delete text and replace with “*Development proposals in the Rolling Upland Valleys should respect local character, particularly that relating to topography, views and openness. The preservation and/or appropriate enhancement of distinctive local features will be supported. The use of the Border Counties railway line as a walking/cycling route is supported.*”**
- **Delete the last sentence of the “Protection of the Railway Line” paragraph on page 46, which is not a Policy requirement**

Policy TG12: Development in the Rolling Uplands

Some of the comments that apply to Policy TG11, also apply to Policies TG12 and TG13. No clarity is provided with regards how development should not detract from *“the colour and texture of the moorland.”* The Policy makes unnecessary references to other Policies in the Neighbourhood Plan and repeats the content of other Policies.

No indication of what a *“domestic scale”* turbine or telecommunications mast is provided. I also note that this part of the Policy fails to have regard to the need to support high quality communications infrastructure (Chapter 5, the Framework).

Altogether, whilst the intent of the Policy meets the basic conditions, its detail fails to provide appropriate clarity, is repetitive and includes unnecessary, negative Criteria, covering matters already controlled by national and local policy.

I recommend:

- **Policy TG12, delete text and replace with *“Development proposals in the Rolling Uplands should respect local character, particularly that relating to topography, views and openness. Development on the exposed skylines of the Rolling Uplands is unlikely to be acceptable.”***
- **End of first paragraph on page 48, delete *“..., will be resisted.”***

Policy TG13: Development in the Moorland and Forest Mosaic

Taking into account previous comments, I recommend:

- **Policy TG13, delete text and replace with *“Development proposals in the Moorland and Forest Mosaic should respect local character, particularly that relating to the setting of adjacent landscapes and views into and out of the area.”***

Economy and Tourism

Policy TG14: Our Sustainable Local Economy

Policy TG14 breaks down into two parts. The first part comprises a supportive Policy that has regard to Chapter 3 of the Framework, *“Supporting a prosperous economy.”* In this regard, the Policy contributes to the achievement of sustainable development.

However, as worded, the Policy states that *“planning permission will be given.”* Such an approach negates the need for planning applications, without consideration of relevant matters. Consequently, it could approve a proposal that is harmful or could prevent a proposal that is sustainable. The planning application process exists for good reason and no justification for ignoring it is provided by Policy TG14.

Furthermore, as worded, the Policy would allow the conversion of any building in the Neighbourhood Area, including houses, for business or light industrial use. I note that the Neighbourhood Plan already supports the conversion of existing buildings.

It is not clear what *“will provide broadband and mobile telephone reception in a suitably located position”* actually means or why failing to achieve this would mean that a development is not sustainable.

The second part of the Policy simply regurgitates previous parts of previous Policies. Furthermore, it also states that *“planning permission will be given...”*

I recommend:

- **Policy TG14, delete and replace with *“In order to create and retain a sustainable local economy in the Plan area, small-scale business proposals will be supported where they enable the creation of new business or the opportunity to expand existing business, subject to respecting local character and residential amenity.”***

Subject to the above, Policy TG14 meets the basic conditions.

Policy TG15: Sustainable Tourism and Recreational Development

Paragraph 28 of the Framework states that neighbourhood plans should:

“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”

Generally, Policy TG15 is a positive planning policy that has regard to this. The three criteria set out in Policy TG15 simply repeat the requirements of earlier Policies in the Neighbourhood Plan. I recommend:

- **Policy TG15, change second line to “...economy will be supported, subject to respecting local character and residential amenity.” (delete rest of Policy)**

Community Assets

Policy TG16: Protection and Creation of Community Assets

National policy requires positive planning for the provision of the social, recreational and cultural facilities and services a community needs (Paragraph 70, the Framework). In addition, Chapter 3 of the Framework, *“Supporting a prosperous rural community,”* states that 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” (Paragraph 28).

Policy TG16 is a positive Policy that has regard to national policy’s support for the retention and development of local services and community facilities villages (Paragraph 28, the Framework).

The penultimate paragraph of the Policy includes the term *“will not be permitted.”* This approach risks pre-determining planning applications without taking relevant matters into consideration. I recommend:

- **Policy TG16, change penultimate paragraph to “...viability will not be supported.”**
- **Change last sentence to “Proposals to provide new community facilities will be supported.”**

Renewable Energy

Policy TG17: Small Scale Renewable Energy Infrastructure

This Policy supports the provision of small-scale renewable energy infrastructure. This has regard to national policy, which promotes the provision of renewable energy and associated infrastructure in Chapter 10 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change.”*

The first part of the Policy uses a lot of unnecessary words to state that proposals should respect landscape quality and the subsequent Criteria, like other Policies in the Neighbourhood Plan, are unnecessarily repetitive. Furthermore, together, the Criteria could prevent sustainable development from going ahead. As noted earlier, the potential for harm should be balanced against benefits, rather than simply prevent development from going ahead.

I note that there is no need to refer to a host of negative factors that relate to matters already protected by other policies in other documents.

I recommend:

- **Delete the wording of Policy TG17 and replace with, *“Proposals for small-scale renewable energy infrastructure that respect local character will be supported.”***
- **Delete the last five paragraphs and their headings on page 59**

Subject to the above, Policy TG17 contributes to the achievement of sustainable development and meets the basic conditions.

8. Summary

I have recommended a number of modifications further to consideration of the Tasset and Greystead Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Tasset and Greystead Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Tasset and Greystead Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Northumberland County Council and Northumberland National Park Authority that, subject to the modifications proposed, the **Tarset and Greystead Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Tarset and Greystead Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Tarset and Greystead Neighbourhood Area as approved by Northumberland County Council on 11 April 2013 and Northumberland National Park Authority on 31 May 2013.

Nigel McGurk, January 2015
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