

NEWBIGGIN BY THE SEA NEIGHBOURHOOD PLAN 2023 - 2036

Newbiggin by the Sea Neighbourhood Plan Examination
A Report to Northumberland Council

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Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the Newbiggin by the Sea Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Newbiggin by the Sea 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 Newbiggin by the Sea Neighbourhood Plan meets the basic conditions¹ and I recommend to Northumberland Council that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Newbiggin by the Sea 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 Newbiggin by the Sea Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Newbiggin by the Sea Town Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Northumberland Council.
- 5 The Neighbourhood Plan would then form part of the relevant development plan and as such, it would be used to determine planning applications and guide planning decisions in the Newbiggin by the Sea Neighbourhood Area.
- 6 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 the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed in Paragraph 1.2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Newbiggin by the Sea Town Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 1.3 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates to the designated Newbiggin by the Sea Neighbourhood Area. There is nothing to suggest that there is any other neighbourhood plan in place in the Newbiggin by the Sea Neighbourhood Area.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by Northumberland Council to conduct the examination of the Newbiggin by the Sea Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant 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.
- 12 I am a chartered town planner and have over ten years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have over thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 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.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Newbiggin by the Sea Neighbourhood Area to which the Plan relates.
- 15 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

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as "2023 – 2036."
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *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.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Newbiggin by the Sea Neighbourhood Plan.
- 22 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 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.
- 24 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
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

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

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its 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.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. Within this, the Qualifying Body, Newbiggin by the Sea Town Council, provides evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.

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

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, 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. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. 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 Guidance⁵)
- 32 This process is often referred to as *"screening"*⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 33 Further to screening by Northumberland Council, it was determined that a Strategic Environmental Assessment (SEA) was required. This was undertaken and the SEA Environmental Report was submitted alongside the Neighbourhood Plan. This concluded that:
- "Overall, the Plan appraisal has served to highlight the potential for mostly positive effects."*
- 34 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. None of the statutory bodies demurred from the conclusions above.

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

⁶ The requirements for a screening assessment are set out in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 In the case *People Over Wind & Sweetman v Coillte Teoranta* ("*People over Wind*" April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 37 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 38 Further to screening by Northumberland Council, it was determined that a Habitats Regulations Assessment was required.
- 39 A Habitats Regulations Assessment Report was produced by Northumberland Council and submitted alongside the Neighbourhood Plan.
- 40 This Report assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on Natura 2000 European sites, of which two were identified as being wholly or partly within 10km of the Neighbourhood Area, namely: Northumbria Coast Special Protection Area and Ramsar Site; and Northumberland Marine Special Protection Area.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 41 The Neighbourhood Plan was not found likely to have a significant effect on the Northumberland Marine Special Protection Area and the Report concluded that:

“Policy N2 (of the Neighbourhood Plan) provides mitigation for recreational disturbance impacts on the Northumbrian Coast SPA/Ramsar Site. As such, it can be concluded that the Newbiggin by the Sea Neighbourhood Plan...will not have adverse impacts on the site integrity of the Northumbria SPA and Ramsar site.”

- 42 Each of the statutory bodies were consulted as part of the process. None of the statutory bodies raised any concerns with or disagreed with the conclusions drawn by Northumberland Council.
- 43 In addition to all of the above, I am mindful that 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 (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

- 44 Further to of all of the work that it has undertaken, Northumberland Council has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 45 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Newbiggin by the Sea Neighbourhood Area

Background Documents

- 46 In completing this examination, I have considered various information in addition to the Newbiggin by the Sea Neighbourhood Plan. I also spent an unaccompanied day visiting the Newbiggin by the Sea Neighbourhood Area.
- 47 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2021)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Northumberland Local Plan 2016-2036 (2022) (referred to below as the "*Local Plan*")
 - Basic Conditions Statement
 - Consultation Statement
 - Supporting Documents
 - Representations received
 - Strategic Environmental Assessment and Habitats Regulations Assessment Reports

Newbiggin by the Sea Neighbourhood Area

- 48 The boundary of the Newbiggin by the Sea Neighbourhood Area is identified on a plan on page 5 of the Neighbourhood Plan. It was designated by Northumberland Council on 7 February 2018.
- 49 The designation of the Neighbourhood Area 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

- 50 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.
- 51 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.

Newbiggin by the Sea Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to Northumberland 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.
- 53 In 2018, the Town Council established a steering group to help the Qualifying Body steer the direction of the Neighbourhood Plan. Initial consultation commenced in 2019 and this included a questionnaire and two drop-in sessions. Feedback was received from 109 people and 61 residents attended the drop-in sessions.
- 54 The feedback was published and helped to inform a draft vision and objectives, which were consulted on during September and October 2020, with a consultation document posted to all households.
- 55 Engagement on housing issues took place during December 2020 and January 2021. Consultation was promoted via the Town Council website and a consultation document sent to all households, as well as to landowners/developers.

⁹ Neighbourhood Planning (General) Regulations 2012.

- 56 Feedback from all of the above informed the creation of a draft Neighbourhood Plan, which was consulted on between June and August 2022. Consultation was supported by a drop-in event, leaflets to all households and via social media. The drop-in event was attended by 44 people.
- 57 Responses to consultation were duly recorded and the draft plan was also reviewed via a "health check." Comments received informed the production of the Neighbourhood Plan submitted for examination.
- 58 Taking the Consultation Statement and all of the above into account, I find that there is considerable evidence to demonstrate that public consultation was central to the plan-making process, that there were opportunities for people to have a say and that matters raised were duly considered.
- 59 Given this, I am satisfied that the consultation process for the Newbiggin by the Sea Neighbourhood Plan was robust and that it complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 60 The Neighbourhood Plan's opening section is exceptionally clear. Whilst concise, it provides a very informative introduction to the Policies that follow.
- 61 As such, the Introductory Section to the Newbiggin on Sea Neighbourhood Plan is exemplary.
- 62 Noting that some matters have been overtaken by events and for clarity and accuracy, I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:
- **Page 4, last para delete third and fourth sentence ("This submission...comments received.") and change fifth and last sentence to: "*The consultation statement setting out how engagement informed the preparation of the plan, together with background information and evidence documents that supported plan preparation, are available online at:*" (hyperlink here)**
 - **Page 5 & 6, delete "Next Steps" and delete Paras 1.12 and 1.13**
 - **Para 2.12, line 4, change to "...terraced homes..."**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Distinctive Place

Policy N1: Design

- 63 National policy, in Chapter 12 of the Framework, *“Achieving well-designed places,”* recognises the importance of identifying the special qualities of a place and requires planning policies:

“...to ensure that developments...are sympathetic to local character.”
(Paragraph 130, the Framework)

- 64 The Framework also recognises that:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
(Paragraph 126, the Framework)

- 65 Local Plan Policy QOP1 (*“Design Principles”*) requires development to make a positive contribution to local character, having regard to the Northumberland Design Guide.
- 66 Policy N1 encourages high quality and sustainable design and in this way, it has regard to national policy and is in general conformity with the Core Strategy.
- 67 As worded, the Policy refers to the conservation of local distinctiveness, whereas the aims of the Policy are to ensure that new development respects, responds to and promotes local distinctiveness. This is a matter addressed in the recommendations below.

- 68 Also as worded, the Policy sets out a requirement for all proposals to “*demonstrate*” a wide variety of things, without any indication as to when it would be appropriate to do so, or why it would be necessary to do so. This would appear at odds with Paragraph 44 of the Framework, which requires that:

“Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”

- 69 Further to the above, some of the criteria set out in Policy N1 appear vague, subjective and/or open to wide interpretation, including the use of terms such as “*adequate...where possible...will not prejudice...appropriate level...a significant effect...unacceptable levels.*”
- 70 Whilst the use of these terms might be reasonable as part of a more flexible approach, the Policy requirement to “*demonstrate*” combined with the ambiguous wording results in conflict with the Framework, as above, as well as with national guidance¹⁰, which requires that:

“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.”

- 71 In this regard, I am mindful of the clear overall aims of the Policy as indicated within the supporting text and consider that minor changes to the opening sentence, as recommended below, can address these matters and ensure general conformity with Local Plan Policy QOP1.
- 72 In making the recommendations below, I note that the requirement for development to enhance the significance of heritage assets goes beyond the requirements of national and local planning policy and is not supported by substantive evidence justifying such a departure. I also note that parking standards set by the local planning authority are not controlled by the Neighbourhood Plan.

¹⁰ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

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

- Policy N1, change the opening sentence to: *“All development must be of a high quality design which respects and responds to the distinctive character of the area. Development should:”*
- Change the criteria to:
 - “a. pay particular attention to the appearance, size, scale and density of the proposal*
 - b. use materials in keeping with local character;*
 - c. conserve or enhance heritage assets and their settings in a manner appropriate to their significance;*
 - d. respect local topography and natural site features;*
 - e. respect existing building lines and ensure that boundary treatments and roof lines respect their surroundings;*
 - f. incorporate refuse and recycling storage into schemes in a manner that minimises visual impact;*
 - g. ensure that development respects residential amenity, with regards to sunlight, daylight, outlook, privacy, noise and disturbance;*
 - h. seek to incorporate sustainable drainage.”*
- NB, Policy N1 criteria end at criterion h (delete other requirements)
- Delete last sentence of Policy (“Where a design...principles.”)

Green infrastructure and the natural environment

Policy N2: Coastal Mitigation

- 74 The Environmental Report submitted alongside the Neighbourhood Plan recognised that allocations for development could adversely affect important biodiversity sites along the Northumbrian coast, due to increased recreational pressures.
- 75 To address this, Policy N2 requires development with the potential to add to recreational pressure to contribute towards mitigation.
- 76 Policy N2 clearly sets out how this will be achieved. This has regard to the national policy requirement for plans to:
- “...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.”*
(Para 16, the Framework)
- 77 The second part of the Policy establishes that required financial contributions must be secured by way of a planning obligation under section 106 of the Town and Country Planning Act 1990. Northumberland Council, which as the local planning authority would be a signatory to any such an obligation, is content with the wording of the Policy in this regard.
- 78 Further to all of the above, the Framework requires planning policies to contribute to and enhance the natural environment by:
- “...minimising impacts on and providing net gains for biodiversity...”*
(Paragraph 174, the Framework)
- 79 Together, Local Plan Policies ENV2 and ENV2 (“*Approaches to assessing the impact of development on the natural, historic and built environment*” and *Biodiversity and geodiversity*”) set out a hierarchical land use planning policy framework to protect and to secure net gains for Northumberland’s biodiversity.

- 80 In establishing a clear and unambiguous mechanism for the protection of biodiversity sites of international significance, Policy N2 has regard to national policy and is in general conformity with the Local Plan.
- 81 Policy N2 meets the basic conditions and no changes are recommended.

Policy N3: Local Green Space

- 82 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 83 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts.
- 84 A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 85 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable.
- 86 The Policies Map is a high quality map set out on an Ordnance Survey base and is capable of being interrogated at a variety of scales. In this regard, I am satisfied that each area of Local Green Space can be considered in a precise and clearly identifiable manner. This is an important factor, as it prevents scope for dispute in respect of the location of designation boundaries.
- 87 However, whilst Policy N3 names each designated area of Local Green Space, there is nothing in the Neighbourhood Plan (including the Key to the Policies Map) to identify the location of each of these named sites.
- 88 I note that supporting information submitted alongside the Neighbourhood Plan (the “*Local Green Space Background Paper*”) provides this information but, given the status of the designation and the naming of the sites in the Policy, it is important for the Neighbourhood Plan itself to be clear in this respect, having regard to Paragraph 16 of the Framework, referred to earlier in this Report.
- 89 A recommendation is therefore made below in the this regard.

- 90 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 91 The supporting information submitted alongside the Neighbourhood Plan provides evidence to demonstrate that the designation of each of the sites named in Policy N3 meets the relevant policy tests set out in the Framework.
- 92 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. Policy N3 sets this out in a clear and helpful manner and in so doing, it has regard to national policy.
- 93 I recommend:
- **Identify the individual areas of Local Green Space on the Policies Map (this could be achieved in various ways, for example, labelling each Local Green Space as appropriate “LGS01, LGS02” etc)**
 - **Change wording of first line of Policy N3 to: “The following areas, as *identified* on the policies map...”**
 - **Para 4.17, line 1, change to: “...policies map *are designated* as...”**

Policy N4: Newbiggin by the Sea Conservation Area

- 94 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," recognises that the nation's heritage assets comprise an irreplaceable resource.
- 95 Paragraph 189 of the Framework requires all heritage assets to:
- "...be conserved in a manner appropriate to their significance..."*
- 96 The Framework goes on to require plans to set out a positive strategy for the conservation and enjoyment of the historic environment and take opportunities to draw on the contribution made by the historic environment to the character of a place.
- 97 Local Plan Policy ENV7 ("*Historic environment and heritage assets*") requires decisions affecting a heritage asset to be based on a sound understanding of the significance of the heritage asset and the impact of any proposal upon that significance.
- 98 To some considerable degree, Policy N4 seeks to protect the Neighbourhood Area's rich heritage. However, as set out, the Policy appears somewhat confusing and fails to have regard to, or be in general conformity with, the clarity provided by national and local strategic policy in respect of protecting heritage assets in accordance with their significance.
- 99 Rather, the Policy introduces a slightly unusual approach, requiring broad-brush and undefined "*special attention*" to be paid to specific heritage assets, despite their significance ranging widely (the identified assets range from non-designated heritage assets through to a Grade I listed building).
- 100 Such an approach does not take account of the carefully worded and nuanced land use planning policy framework established within national and local heritage policy. It results in unclear wording and in doing so, it introduces the potential to undermine rather than contribute to, the achievement of sustainable development and fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.
- 101 However, I am mindful that plan-makers identified specific buildings for a reason and the recommendations below take this into account.

102 The Policy goes on to impose a requirement to better reveal the significance of the Conversation Area wherever possible. As a requirement, this goes beyond national and local policy and such a departure is not supported by any substantive justification or evidence to demonstrate that, having regard to Paragraph 16 of the Framework, the requirement is deliverable.

103 Similarly to the Local Green Space policy earlier in the Neighbourhood Plan, Policy N4 also identifies sites that are not individually identified on the Policies Map. A recommendation is made below in this regard.

104 Notwithstanding all of the above, the supporting text is clear in respect of the aims of the Policy and I recommend:

- **Policy N4, change the opening sentence to: *“Development must conserve or enhance the Newbiggin by the Sea Conservation Area and its setting.”***
- **Policy N4, change the second sentence to: *“The following should be considered when assessing the impact of development on the Conservation Area and its setting:”* (NB, retain criteria a – d)**
- **Policy N4, delete the final sentence and remove the list of heritage assets from the Policy. Replace this list of heritage assets in the supporting text in a new Para 4.28. This new Paragraph replaces the existing Para 4.28, which should be deleted. Begin the new Para 4.28:**

“The Town Council is keen to make sure that key buildings identified through the character appraisal are afforded special attention whenever development may impact on their significance, as well as that of the Conservation Area. These specific buildings are: (List of buildings (only) here, ie, do not include “CA1, CA2, CA3...” etc)
- **Delete the “Conservation Area Buildings” reference from the Policies Map (NB, retain the Conservation Area boundary)**
- **Add a full stop to the end of Para 4.27**

Sustainable, thriving and healthy community

Policy N5: Housing Site Allocations

105 Paragraph 60 of the Framework states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

106 The planned delivery of housing forms an essential part of sustainable development and in this respect, national policy (Paragraphs 28-29, the Framework) is clear that neighbourhood plans have a role to play in:

“...allocating sites...Neighbourhood planning gives communities the power to develop a shared vision for their area...”

and national policy is specific in requiring that:

“Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.”

107 Local Plan Policy HOU3 sets a **minimum** (my emphasis) housing requirement of 360 homes for Newbiggin on Sea Neighbourhood Area during the plan period 2016-2036.

108 Policy N5 allocates three sites for the development of a total of between 144 – 173 dwellings. It does this having recognised that, in addition to these allocations (at the time the submission version of the Neighbourhood Plan was produced), since the start of the plan period 2016-2036: 46 dwellings have already been delivered; 92 dwellings have planning permission; 86 dwellings are subject to pending applications; and 55-85 dwellings may come forward as a Local Plan allocation.

109 Consequently, the proposed allocations, when added to delivery to date, existing permissions, the Local Plan allocation and potential permissions, give rise to the scope for the delivery of between 423 and 482 dwellings in the Neighbourhood Area.

- 110 Taking all of the above into account, Policy N5 has regard to the national policy aim of significantly boosting the supply of homes and does not promote less development than set out in the strategic policies for the area.
- 111 Policy N5 meets the basic conditions.
- 112 The Policy goes on to require housing mix and tenure to be informed by evidence of housing needs; and to contribute to meeting identified needs, including through the provision of two, four and five bedroomed homes. The Neighbourhood Plan is supported by evidence of an over-abundance of three bedroomed homes in the Neighbourhood Area.
- 113 The Framework states that:
- "...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies..."*
(Paragraph 62, the Framework)
- 114 Policy N5 has regard to national policy in this regard.
- 115 Northumberland Council has suggested an update to Table 1 in the Neighbourhood Plan relating to housing target figures. I recommend including this update below whilst also noting that, by its very nature, the content of Table 1 will be overtaken by events as housing is delivered over time.
- 116 Paragraph 5.7 comprises a reference to policies not part of the Neighbourhood Plan. Its inclusion relates to a National Highways representation to a previous draft of the plan. National Highways does not consider that Paragraph 5.7 properly reflects this previous representation.
- 117 Northumberland Council considers that National Highways' proposed alternative wording for Paragraph 5.7 is unclear and I agree with this conclusion. In any case, as noted above, Policy N5 meets the basic conditions and there is no substantive evidence before me to demonstrate that this is not the case.
- 118 I also note that representations have been made in support of the allocation of additional land for residential development.

119 In this respect, plan-makers have decided upon which land they wish to allocate. The allocations in the Neighbourhood Plan have emerged through a robust consultation process and are supported by evidence set out in a "Housing Site Assessment Background Paper" submitted alongside the Neighbourhood Plan.

120 Policy N5 does not promote less development than set out in the strategic policies for the area. The Policy meets the basic conditions and there is no requirement for the Neighbourhood Plan to allocate additional housing sites.

121 I recommend:

- **Table 1, change row 2, second column from 92 to "99"**
- **Table 1, include the individual Neighbourhood Plan allocations (as set out by Northumberland Council) in the second half of the Table**
- **Delete Para 5.7**

Policy N6: Community Services and Facilities

122 Paragraph 92 of the Framework states that:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places...”

123 Further, Paragraph 93 of the Framework goes on to require planning policies and decisions to:

124 *“...plan positively for the provision and use of...community facilities (such as local shops, meeting places...cultural buildings, places of worship) and other local services to enhance the sustainability of communities and residential environments”*

and goes on to require planning policies to:

125 *...guard against the unnecessary loss of valued facilities and services where this would reduce the community's ability to meet its everyday needs.”*

126 Local Plan Policy INF2 (“Community services and facilities”) recognises the importance of and aims to prevent the loss of community services and facilities.

127 Policy N6 identifies ten community facilities of great importance to the local community and sets out an approach aimed at preventing their loss, having regard to national policy.

128 The identification of the community facilities has emerged through the plan-making process and comprises a range of buildings and a bowling green that are highly valued by local residents and which contribute to the vitality and viability of the Neighbourhood Area.

129 Further to correspondence, the Qualifying Body stated that the word “or” was missing from the end of Policy criterion a. and this is a matter addressed in the recommendations below.

130 The last sentence of the Policy relies on a Local Plan Policy. As the policies of the development plan are considered as a whole, this comprises an unnecessary cross-reference.

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

- **Policy N6 criterion a., add: "...form; *or*"**
- **Policy N6, delete last sentence ("Development...INF2")**

Policy N7: Sustainable Transport and New Development

- 132 As set out, Policy N7 requires all forms of development to “*maximise the use of sustainable transport modes.*” It does not support development that does not do this, regardless of whether this obligation is necessary to make development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development.
- 133 Consequently, Policy N7 does not have regard to the national test for planning obligations, as set out in Paragraph 57 of the Framework.
- 134 Requiring all forms of development to maximise use of sustainable transport nodes runs the risk of imposing an onerous and inappropriate requirement and in the absence of information or evidence, I am unable to conclude that this part of the Policy is deliverable, having regard to the requirements of Paragraph 16 of the Framework.
- 135 The Policy goes on to require all development to demonstrate how it meets a list of criteria wherever the criteria “*are relevant to the proposal.*” However, no indication is provided in respect of when the requirements set out in the criteria might be relevant, to which forms of development and when. No evidence is provided to demonstrate that there are *any* forms of development that could achieve all of the criteria set out and again, I am unable to conclude that the Policy is deliverable, having regard to Paragraph 16 of the Framework.
- 136 In addition to the above, much of the criteria set out appears vague. There are requirements to “*give priority to the needs of pedestrians, cyclists and public transport, whilst reducing the need to travel.*” No indication is provided as to how, when and under what circumstances all forms of development might reasonably be expected to deliver (or even measure or control) such a thing, having regard to the appropriate tests set out in Paragraph 57 of the Framework, as referred to above.
- 137 Similarly, no indication is provided in respect of how development might “*support sustainable transport choices,*” when it would be necessary to “*secure new accessible public transport routes,*” what a “*severe cumulative impact on traffic flows*” is, how it will be assessed, who by and on what basis, or how electric charging points might be “*encouraged.*”

138 Given the above, it is fair to conclude that Policy N7 reads as a vague wish-list unsupported by evidence to demonstrate deliverability. It does not meet the basic conditions.

139 Whilst I understand that plan-makers would like to encourage sustainable patterns of movement, national and local planning policies already exist to achieve this aim and Policy N7 does not add clarity or detail to these.

140 Consequently, whilst recommending deletion of the Policy below, I note that the Framework, in Chapter 9 "*Promoting sustainable transport*" and the Local Plan, in Chapter 9 "*Connectivity and movement*," set out an unambiguous land use planning framework promoting sustainable transport and sustainable patterns of movement, or active travel.

141 I recommend:

- **Delete Policy N7**
- **Delete Paras 6.1 to 6.3 and delete Figure 7**
- **Change title of Chapter 6 to "Rights of Way"**

Policy N8: Rights of Way

142 Paragraph 100 of the Framework states that:

“Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”

143 In general terms, Policy N8 seeks to protect and enhance public rights of way and in this respect, it has regard to national policy.

144 As set out, Policy N8 would support any form of development so long that it involved improvements to a right of way. Such an approach gives rise to the potential for unforeseen support for inappropriate forms of development and runs the risk of failing to contribute to the achievement of sustainable development. This is a matter addressed in the recommendations below.

145 The Policy refers to providing particular protection for “*key routes identified on the policies map.*” However, only one route is identified on the policies map and this route is a public right of way that is already protected as such.

146 Public rights of way are protected as a matter of law. In this regard, the second part of Policy N8 is unnecessary and arguably, as worded, it could be perceived as undermining the protection of rights of way from development, running counter to the purpose of the Policy.

147 Further to the above, the Policy refers to the “*rights of way network*” although this is not identified in the Neighbourhood Plan or the policies map.

148 I recommend:

- **Policy N8, delete the wording and replace with: “*The protection of and improvements to and/or the extension of rights of way will be supported.*”**

- Para 6.4, change to: ***“Rights of way in the Neighbourhood Area include routes used by pedestrians...promote healthy living. The King Charles III Coast Path is a National Trail that runs through the Neighbourhood Area and is identified on the policies map.”***

8. The Neighbourhood Plan: Other Matters

149 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Page, Figure and Paragraph numbering; and also require changes to the Policies Map.

150 I recommend:

- **Update the Policies Map and the Contents, Policy, Page, Figure and Paragraph numbering, to take into account the recommendations contained in this Report**

9. Referendum

- 151 I recommend to Northumberland Council that, subject to the recommended modifications, **the Newbiggin on Sea Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 152 I am required to consider whether the Referendum Area should be extended beyond the Newbiggin by the Sea Neighbourhood Area.
- 153 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 154 Consequently, I recommend that the Plan should proceed to a Referendum based on the Newbiggin by the Sea Neighbourhood Area approved on 7 February 2018.

Nigel McGurk, June 2023
Erimax – Land, Planning and Communities