

Morpeth Town Council

**With the Parish Councils of Hebron, Hepscoth, Mitford and
Pegswood**

Morpeth Neighbourhood Development Plan

A Report to Northumberland County Council of the Independent
Examination of the Morpeth Neighbourhood Development Plan

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Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Morpeth Neighbourhood Plan (the Neighbourhood Plan) is one of the earliest neighbourhood development plans to progress in the north-east region. Morpeth Town Council (the Town Council), a ‘Qualifying Body’ able to do so has led the preparation of the Neighbourhood Plan,² and has been joined by the Parish Councils of Hebron, Hepscott, Mitford and Pegswood (the Parish Councils) in the plan-making process. Work on the production of the plan has been progressed through the Neighbourhood Plan Steering Group (the Steering Group) comprising Town and Parish Councillors. After the public launch in October 2012 the Steering Group was supplemented by the Chairs of Topic Groups formed to study various aspects of the Neighbourhood Plan. The Steering Group has been supported by the Plan Preparation Group which is Chaired by a Morpeth Town Councillor and made up of elected members of the Parish Councils and members of the local community. It is evident that a great deal of time has been devoted to plan preparation by local Councillors and many other volunteers involved in this community led process.
4. The submission version of the Neighbourhood Plan has been approved by the Town Council as the Qualifying Body on 27 May 2015 and submitted to Northumberland County Council (the County Council). Northumberland County Council has submitted the Neighbourhood Plan to me for independent examination.

¹ Paragraph 183 National Planning Policy Framework (2012)

² Section 61F(1) Town and Country Planning Act 1990 as read with section 38C(2)(a) Planning and Compulsory Purchase Act 2004

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.³ The report makes recommendations to the County Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The County Council will decide what action to take in response to the recommendations in this report.
6. The County Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the County Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.
7. I have been appointed by the County Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council, the Parish Councils, and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience. I have held national positions including serving as a Member of the National Coalfields Taskforce and held local authority Chief Planning Officer posts in several areas.
8. As independent examiner I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

³ Paragraph 10 Schedule 4B Town and Country Planning Act 1990

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements
9. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵
10. One of the representations received during the Regulation 16 period of publicity requested participation in a hearing should it be considered the necessary mechanism to discuss issues raised further. Other representations called for a hearing. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Guidance states “It is expected that the examination of a draft neighbourhood plan or order will not include a public hearing.”⁷ All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

Basic conditions and other statutory requirements

11. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁸ A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan,
 - 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),

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

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Planning Policy Guidance paragraph 056 Reference ID: 41-056-20140306

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

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, 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.⁹

12. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.¹⁰ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.

13. In addition to the basic conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹¹ I consider requirements relating to the Consultation Statement later in my report but here confirm that in all other respects I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.

14. The Neighbourhood Plan relates to the area that was designated by the County Council as a neighbourhood area on 28 June 2013. The plan area is described in the Foreword of the Submission Version of the Neighbourhood Plan. A map of the plan area is included in Section 2 of the Submission Version plan. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹² and no other neighbourhood development plan has been made for the neighbourhood area.¹³ All requirements relating to the plan area have been met.

15. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a

⁹ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

¹⁰ The Convention rights has the same meaning as in the Human Rights Act 1998

¹¹ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A(3)); and in the 2012 Regulations (made under sections 38A(7) and 38B(4)).

¹² Section 38B(1)(c) Planning and Compulsory Purchase Act 2004

¹³ Section 38B(2) Planning and Compulsory Purchase Act 2004

designated neighbourhood area.¹⁴ I am able to confirm that I am satisfied that this requirement has been met.

16. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version clearly shows the plan period to be 2011 – 2031.
17. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
18. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
19. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
20. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

¹⁴ Section 38A(2) Planning and Compulsory Purchase Act 2004 See recommended modification regarding Policy 11

¹⁵ Section 38B(1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

Documents

21. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- The Morpeth Neighbourhood Plan 2011-2031 Submission Version May 2015
- Morpeth Neighbourhood Plan Basic Conditions Statement May 2015
- The Morpeth Neighbourhood Plan Consultation Statement May 2015
- Morpeth Neighbourhood Plan Housing Sites Assessment December 2014
- Morpeth Neighbourhood Plan Housing Site Allocation – Outline Methodology and Potential Sites April 2015
- Morpeth Neighbourhood Plan Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) Final Report 2 June 2015
- Morpeth Neighbourhood Development Plan Habitats Regulations Assessment 15 June 2015
- Morpeth Neighbourhood Plan Evidence Base
- Representations received during the Regulation 16 publicity period
- Castle Morpeth District Local Plan (2003) Saved Policies
- Northumberland Minerals Local Plan (2000) Saved Policies
- Northumberland Local Plan – Core Strategy Full Draft Plan subject to consultation December 2014 to February 2015
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Technical Guidance to the National Planning Policy Framework (27 March 2012) [*In this report referred to as the Technical Guidance*]
- Department for Communities and Local Government Permitted development for householders technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 [*In this report referred to as the Regulations*]

Consultation

22. Consultation, and in particular community engagement with local communities, in plan preparation has been extensive as evidenced by the comprehensive Consultation Statement accompanying the Neighbourhood Plan. I highlight here a number of key components in order to illustrate the thorough and effective approach adopted.
23. Plan preparation has been conducted in an open and inclusive fashion with the exception of one process failure which I refer to later in my report. Minutes of the monthly Steering Group meetings and minutes of regular meetings of the 8 Topic Groups (Education; Environment; Heritage; Housing; Infrastructure; Local Economy; Sports Arts and Leisure and Transport) have been consistently published on the dedicated Morpeth Neighbourhood Plan website. Membership of topic groups has included local community volunteers.
24. Three well attended visioning workshops open to individuals and local businesses were held in early 2013 in order to surface matters considered important to life in the plan area, as well as future needs, aspirations, and priorities.
25. Issues and options consultation took place between 18 September and 30 October 2013 utilising an 8 page colour leaflet with a 10,000 print run which was hand delivered via the Inside Morpeth distribution network. The leaflet covered the eight topic areas referred to above and parish specific topic areas. Response to questions and ability to enter free text was enabled online via a Survey Monkey link created on the website and paper copies of the short and full questionnaire were made available on request. This activity was accompanied by press releases, promotional events held in various locations, attendance at KEVI School Council, and supplemented with direct contact with statutory consultees, developers and other interested bodies. 487 short questionnaires and 370 full questionnaires were completed and returned representing almost 10% of the total plan area population. Feedback was analysed and topic review papers produced.
26. A visioning workshop was held in early 2014 to test in open discussion the vision and plan objectives. Consultation also included a full day 'Where are we now?' workshop; a developer event with interested house builders; a Strategic Environmental Assessment workshop; and a Strategic Housing Land Availability Assessment (SHLAA) session.

27. A 'Draft Plan' consultation took place over six weeks from 14 January to 25 February 2015, later extended to 20 March due to a delay in sending some statutory consultations. Consultation included the request for input from statutory consultees, developers, and other interested bodies. More detailed documents were made available on the Neighbourhood Plan website and KEVI school world cafe was attended to encourage more response from young people. A total of 596 questionnaire responses were recorded as well as 31 letter responses. Comments submitted resulted in a number of changes to the plan. A schedule of changes to the plan has been produced. A health check by an experienced chartered town planner was also undertaken. The submission version of the Neighbourhood Plan was accepted at the Town Council meeting on 27 May 2015.

28. A representation states "*There is no evidence that the NP Forum has properly or at all considered the objections and concerns of Mitford Estates.*" Agents acting on behalf of Mitford Estates had submitted letters of representation at issues and options stage and at the draft plan consultation stage. In a consultation Government had put forward a question as follows "*Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?*" The published Government response to the consultation states "*We do not intend to take forward the proposals to introduce a new basic condition...*"¹⁸ The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which –

- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) Explains how they were consulted;
- c) Summarises the main issues and concerns raised by the persons consulted; and
- d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹

It is not within my role to examine the 627 representations submitted at draft plan stage and consider how each of them has been represented

¹⁸ Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

in the summary of main issues and concerns raised. This would represent a fundamentally different examination of neighbourhood plans than that currently undertaken with associated delay and cost implications. The Consultation Statement (May 2015) includes information in respect of each of the requirements set out in the Regulations. On this basis I am satisfied the requirements have been met.

29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 publicity period between 19 June and 3 August 2015. A total of 34 representations were submitted during the publicity period all of which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part. One representation was submitted anonymously and another after the publicity period had closed and I have not considered those representations. Where the detailed representations relate to the Neighbourhood Plan as a whole I have taken them into consideration in preparing the next section of my report and where they relate to specific policies I have considered them when preparing the later section of my report when considering the policies concerned. I have noted several representations express support for the Neighbourhood Plan or specific components.
30. Morpeth North Residents Action Group has expressed strong opposition to proposals for development to the west of Lancaster Park. This is not a proposal of the Neighbourhood Plan. The Action Group has also supported aspects of the Neighbourhood Plan relating to housing development; heritage and environmental policies; employment and the economy; and flood resilience and alleviation.
31. Referring to economic considerations one representation refers to paragraphs 160 and 161 of the Framework which relate to actions for local planning authorities under a heading of local plans. The representation also draws attention to a reference in paragraph 6.4.1 of the Neighbourhood Plan to a document not publically available and which cannot therefore be relied upon. I agree with the representation that it is not acceptable to state reliance on a document that interested parties cannot review. Whilst plan preparation has been progressed in an open and inclusive way the reference in question represents a process failure. Whilst I have not recommended a modification as this is not necessary to meet the basic conditions I consider the reference should be deleted and I have included this matter in the annex to my report dealing with minor corrections to the Neighbourhood Plan.

32. Natural England has submitted advice regarding designated sites; biodiversity action plan priority habitat; green infrastructure; protected species; soil and agricultural land quality; opportunities for enhancing the natural environment. Natural England has also commented on the Habitats Regulations Assessment and the Strategic Environmental Assessment and Sustainability Appraisal Environmental Report which I refer to later in my report. The Natural England submission and those of The Marine Management Organisation; The National Grid; The North East Ambulance Service NHS Foundation Trust; and Northumbrian Water do not necessitate any recommendations for modification of the Neighbourhood Plan in order to meet the basic conditions or other requirements.
33. In a representation The Coal Authority lodged an objection to the Neighbourhood Plan *“which we consider does not meet the necessary basic conditions of conforming to National Policy and the adopted parts of the Development Plan.”* The Coal Authority put forward requested changes to the Neighbourhood Plan to *“partially”* address the issues stating *“This does not address the fact that the factors of land instability and mineral safeguarding should have been addressed in the site allocation methodology.”* I have noted the reference to The Coal Authority submission at pre-submission consultation stage included in the Consultation Statement and the proposal to include *“a footnote to the table in Appendix D (now to be included in supporting document) regarding unstable land or mineral sterilisation”*.
34. The Coal Authority also stated the Strategic Environmental Statement is deficient in that the Housing Location Assessment: Site Assessment Criteria set out in Appendix B fails to consider unstable land and mineral sterilisation. I deal with the requirements in respect of Strategic Environmental Assessment later in my report
35. In a subsequent letter forwarded to me by the County Council as a representation, the Chief Planner/Principal Manager of The Coal Authority has clarified the matter stating *“..we have set out the specific changes we would like to make to the NDP to overcome our objections.”* The letter also states *“The Coal Authority considers that the NDP can be amended to meet the basic conditions and in our submission response we proposed two specific changes to Policy Des1 and the supporting text to remedy the deficiency we consider to be present.”*
36. Whilst I deal with the requirements relating to neighbourhood plans in respect to national policy and development plan policy later in my

report I consider here the issues in relation to land instability and mineral sterilisation as they are relevant to both, and it is also necessary to consider the issue of excluded development.

37. A neighbourhood development order may not provide for the granting of planning permission for any development that is excluded development²⁰. For these purposes excluded development includes development that consists of a county matter.²¹ County matters include the winning and working of minerals. Part 2 of Schedule 9 to the Localism Act 2011 applies the excluded development provision to neighbourhood development plans. Neighbourhood development plans do not grant planning permission but set out policies in relation to the development and use of land. On this basis I understand neighbourhood development plan policies may not relate to excluded development including the winning and working of minerals. I consider this exclusion, when applied to the construction of policies to be included in the Neighbourhood Plan, cannot be taken to extend to land instability linked to past coal mining activity.
38. The Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) include Policy RE9 Ground Stability. This policy requires a statement on ground stability, together with details of measures to deal with any instability, to accompany any proposals for development on unstable or potentially unstable land. The Framework states planning policies should ensure that a site is suitable for its new use taking into account ground conditions and land instability including from former activities such as mining. This aspect of policy can be dealt with by inclusion within policies of a provision that these matters are required to be considered. This approach is consistent with the approach followed by the Chief Planner/Principal Manager of The Coal Authority in the letter dated 3 August 2015. I have later in my report included recommended modifications to the Neighbourhood Plan accordingly.
39. The issue of sterilisation of mineral resources is a complex matter. The existence of coal measures deep underground does not in itself provide a basis for the prevention of new built surface development. To prove sterilisation would include examination of a wide range of factors including height of workable seams; depth of seams; overlying geology; and the nature of surface development including incorporation of appropriate construction features. These matters when considered together are beyond what could reasonably be dealt

²⁰ Section 61J (2) of the Town and Country Planning Act 1990 as amended by the Localism Act 2011

²¹ Within paragraph 1(1)(a) to (h) of Schedule 1 of the Town and Country Planning Act 1990 as amended by the Localism Act 2011

with by a qualifying body preparing a neighbourhood plan for a local community. The working of coal reserves deep underground could only be considered in the context of excluded matters. In the case of the Neighbourhood Plan area coal reserves are close to the surface. The Coal Authority map of coal resource areas (surface coal resources) shows much of the eastern part of the Neighbourhood Plan area to have surface coal resources. Coal measures close to the surface can only be extracted by disruption of the land surface by opencast mining methods. Development of land can have the effect of sterilising coal resources, at least in terms of viability, where the winning of those resources would be extracted by opencast mining.

40. Minerals can only be worked where they exist. The existence of mineral deposits does not necessarily mean they can be worked. That decision will be based on a wide range of complex considerations that could not appropriately be considered by a community led neighbourhood planning process. To determine whether surface coal reserves can be worked requires consideration of compatibility of adjoining land uses. Where, for example, reserves are immediately adjacent to a hospital, school, or residential areas they are unlikely to be able to be worked. If reserves cannot be worked then it cannot be found they can be sterilised by new surface development above those reserves in that they are already sterilised by virtue of their juxtaposition in relation to sensitive neighbouring land uses. These issues can only be considered through exploration of mineral development matters that are excluded for the purposes of neighbourhood plan preparation.

41. Additionally issues relating to mineral sterilisation are strategic in nature. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area²². Unlike issues of land instability that relate to specific sites, issues of mineral sterilisation must be considered on a wide area basis. It is inappropriate to consider issues of mineral sterilisation at a neighbourhood plan area level. Independent examination of a neighbourhood plan cannot consider whether the proposed strategy is the most appropriate or is justified by a proportionate evidence base²³.

42. The Coal Authority rely on paragraphs 143 and 144 of the Framework in asserting the Neighbourhood Plan should consider the impacts of mineral sterilisation. Paragraph 143 of the Framework sets out actions

²² Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

²³ Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

that local planning authorities should undertake in preparing Local Plans. Paragraph 144 of the Framework applies to the actions of local planning authorities in determining planning applications. I do not see how either of these paragraphs applies to qualifying bodies preparing neighbourhood plans.

43. The Framework states “ *In preparing Local Plans, local planning authorities should (amongst other actions):*

- *define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;*
- *set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place”.*

It is a reasonable expectation that the County Council will adopt an appropriate approach in their Local Plan work to replace the Northumberland Minerals Local Plan (2000) Saved Policies²⁴ which pre-date the Framework.

44. The Coal Authority has requested a change to the Neighbourhood Plan that would introduce the need for consideration of the sterilisation of mineral resources when assessing development proposals. The Town Council has confirmed support for the proposed modifications. I have not proposed a modification to that effect. On this basis I conclude the Neighbourhood Plan does not include provision about excluded development.²⁵ The County Council must consider my recommendations and decide how to proceed. The County Council must also consider whether the Neighbourhood Plan, including any modifications, is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

45. I find the representations of The Coal Authority where they relate to

²⁴ Policies saved by direction of the Secretary of State 31 August 2007

²⁵ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

land instability are not excluded matters and I have reflected these in my formulation of recommendations for modification of the Neighbourhood Plan. With respect to land instability I consider the approach of the Chief Planner/Principal Manager of The Coal Authority in the letter dated 3 August 2015 should be followed and I have later in my report included recommended modifications to the Neighbourhood Plan accordingly.

46. Consultation has met the requirements of the Regulations achieving wide engagement with stakeholders who have in some instances influenced the content of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

47. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood 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

48. The Basic Conditions Statement states the Neighbourhood Plan is fully compliant with the European Convention on Human Rights. It is confirmed that there is no discrimination stated or implied. Article 2 of the Convention requires “in certain circumstances, a positive duty to prevent foreseeable loss of life”. In this respect the Basic Conditions Statement confirms the Plan emphasizes the importance of road safety and community wellbeing in general. I have given consideration to other components of the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); Article 1 of the first Protocol (property) and Article 2 of the first Protocol

(education).²⁶ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics

49.. The objective of EU Directive 2001/42²⁷ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* A neighbourhood plan falls within the definition of ‘plans and programmes’²⁸ as the local planning authority is obliged to ‘make’ the plan following a positive referendum result.²⁹

50. A Screening Opinion was prepared on behalf of the Qualifying Body by Northumberland County Council. This document confirmed the need to undertake a Strategic Environmental Assessment (SEA) of the Neighbourhood Plan. The requirement is for an environmental report prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (hereafter referred to as the EA Regulations). The matters to be included in the environmental report are specified in Schedule 2 to the regulations.

51. A Scoping Report was prepared that identified the key issues that should be the focus of the SEA. Responses from the ‘consultation bodies’, English Heritage, Environment Agency, and Natural England resulted in revisions to the Scoping Report.

52. The Strategic Environmental Assessment and Sustainability Appraisal Environmental Report dated 2 June 2015 submitted with the submission version Neighbourhood Plan (hereafter referred to as the Environmental Report) not only seeks to address the SEA requirements but also incorporates a Sustainability Appraisal covering the social and economic impacts in addition to the environmental impacts of the Neighbourhood Plan. Appendix D of the Environmental

²⁶ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁷ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²⁸ Defined in Article 2(a) of Directive 2001/42

²⁹ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

Report sets out responses to the Environmental Report Consultation January 2015. Appendix E of the Environmental Report sets out a summary of amendments to the Environmental Report prior to submission of the Neighbourhood Plan to the County Council.

53. Natural England has confirmed during the publicity period that it is satisfied that the Environmental Report considers relevant environmental issues.
54. The Coal Authority states the SEA is deficient in that unstable land and mineral sterilisation need to be considered. I have earlier concluded issues of mineral sterilisation cannot appropriately be addressed in a neighbourhood plan. It follows that if issues of mineral sterilisation are not included in the Neighbourhood Plan then the question whether they should be addressed in the Environmental Report does not arise. In respect to land instability I have concluded the approach of the Chief Planner/Principal Manager of The Coal Authority in the letter dated 3 August 2015 should be followed and I have later in my report included recommended modifications to the Neighbourhood Plan accordingly. The fact that land instability has not been considered in the Environmental Report does not in itself lead to a conclusion that the Environmental Report does not meet the necessary requirements.
55. A representation states the SEA *“has simply not complied with the legal or policy requirements when considering and evaluating alternatives.”* *“It is evident that the SEA is fundamentally flawed in relation to its approach to considering reasonable alternatives with no robust rationale on the housing and employment sites/locations considered.”* *“There remains a fundamental issue with the approach of undertaking an SEA consideration of potential alternative sites when the overall quantum of development has not been established through the Core Strategy which would inevitably have a subsequent impact on the extent of alternative sites being required to be considered.”*
56. Another representation states the SEA *“fails to consider the implications of the MNP’s housing proposals on meeting, or more critically failing to meet, housing needs”* and *“failed to assess the development potential of individual sites only providing for broad locations”* and *“needs to be completely revised and updated, with active consideration of the removal of the settlement boundary and other restrictive policies as reasonable alternatives”*. *“The SEA/SA is fundamentally flawed and does not adequately assess all reasonable alternatives. There is critical need to review the draft SEA and undertake an assessment of individual sites”*.

57. The 'Housing Site Allocation – Outline Methodology and Potential Sites' and the 'Housing Sites Assessment' documents provide details of how individual sites have been considered in plan preparation. The latter document includes details of Stage 1 assessment of all Strategic Housing Land Availability Assessment sites based on SEA criteria.
58. Regulation 12 (2) (b) of the EA Regulations requires identification, description and evaluation of the likely significant effects on the environment of reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme. Regulation 12 (3) states the report shall include such of the information referred to in Schedule 2 to the Regulations as may reasonably be required, taking account of – (a) current knowledge and methods of assessment; (b) the contents and level of detail in the plan or programme; (c) the stage of the plan or programme in the decision-making process; and (d) the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.
59. Firstly there is a need to consider whether the Environmental Report generates and assesses alternatives for a reasonable range of plan issues.
60. The Neighbourhood Plan states the quantum of housing development *“has been adopted from within the range of figures proposed in the various iterations of the emerging Northumberland Local Plan”*. With respect to employment the Neighbourhood Plan states *“to rebalance the economy in line with the Vision and Objectives would involve substantially more than 460 new jobs in the Plan area.”* *“In line with the NPPF presumption in favour of sustainable development, the Plan actively seeks to increase the opportunities available to local people who may wish to work locally, by appropriate land allocations in tandem with related actions.”*
61. The Environmental Report states, *“With regard to housing in the Neighbourhood Plan area, the emerging Northumberland Local Plan Core Strategy is currently indicating a housing requirement of at least 2,100 additional dwellings for the Morpeth Neighbourhood Plan area over the plan period (2011-2031). The Neighbourhood Plan has been prepared on the basis of planning to deliver the previously published requirement of at least 1,700 dwellings. However indications are that the higher figure of at least 2,100 additional dwellings could be achieved later in the Plan period without altering the integrity of the Plan or materially affecting the conclusions of the Strategic*

Environmental Assessment.” This statement contained in the Environmental Report indicates there has been some consideration of an alternative quantum of development. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area³⁰. Drawing on evidence from Local Plan preparation processes has regard for the Guidance.

62. The Environmental Report states alternative policies were not created. The policies “*were taken forward from issues and options stage and refined through consultation*” “*rather than being an assessment of alternatives through the SEA, the assessment of the policies takes the form of an environmental, economic and social appraisal.*”
63. Generation of alternatives for every conceivable issue, or a wide range of issues, is not a requirement of the EA Regulations and could be detrimental to efficient plan making; insufficiently focussed on the important issues within the specific plan area; and not well suited to community led plan making where processes benefit from being proportionate, transparent and easily understood. The EA Regulations acknowledge SEA is plan context dependent in terms of taking into account the objectives and geographical scope of a neighbourhood plan.
64. Alternatives have been generated and assessed in the Neighbourhood Plan with respect to housing in Morpeth, housing in Pegswood, and employment in Morpeth. These are certainly strategic issues. The approach adopted in the Neighbourhood Plan is suited to determine a spatial approach to growth in line with Plan Objective 3 which seeks to accommodate growth (and support new economic activity and economic diversification) in a sustainable manner, and Plan Objective 4 which seeks to develop Pegswood as a more sustainable settlement.
65. Secondly for any given issue there is a need to consider a range of alternatives that is reasonable. The Environmental Report includes at Chapter 4 identification, description and evaluation of the likely significant effects on the environment of reasonable alternatives. .
66. The Environmental Report states a ‘Sustainable Growth Scenarios for Morpeth’ document helped inform the reasonable alternatives and also states “*a number of sites were assessed and, from this, a set of scenarios were developed by the Steering Group.*” Assessment based on four reasonable alternative scenarios for housing (with separate

³⁰ Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

assessment of three reasonable alternatives for housing in Pegswood), and for three employment reasonable alternatives, takes into account the objectives and the geographical scope of the Neighbourhood Plan.

67. The Environmental Report includes a discussion of significant effects (and discussion of relative merits in more general terms) and appraisal scoring within the assessment of alternative scenarios. The Environmental Report states *“These broad locations allowed for an assessment of the cumulative effects of housing sites being clustered in these locations. The final sites identified in the Morpeth Neighbourhood Plan Submission Draft were derived from the assessment of the alternative scenarios. While these are shown as specific sites in the emerging Plan, which shows the evolution of the sites coming forward through the SEA process, they appear as broad areas rather than specific sites in the SEA assessment.”*
68. The alternatives reflect a reasonable, relevant and proper range of spatial alternatives. The alternatives address the essential strategic choices to be made as to the direction of the spatial strategy. A site based approach would offer a complexity of subtly different approaches rather than a small number of discrete alternatives. The Guidance states alternatives *“must be sufficiently distinct to highlight the different environmental implications of each so that meaningful comparison can be made. The alternatives must be realistic and deliverable”*. The alternatives are presented in sufficient detail, including use of maps, such that the difference between the options is very clear. The options are wide ranging spatial alternatives that are addressed at a strategic level, appropriate for a Strategic Environmental Assessment. This is distinct from the approach applicable to Environmental Impact Assessment for projects that usually relate to a specific site.
69. Alternatives have been assessed to the same level of detail against a consistent set of assessment criteria. Paragraph 8 of Schedule 2 to the EA Regulations requires an outline of the reasons for selecting the alternatives dealt with. The explanation of why the preferred alternatives were selected is not well developed as a storyline, and certainly brief in explanation, but is capable of description as an outline. This requirement has been met in respect of the Neighbourhood Plan. The requirement for the Environmental Report to include a non-technical summary has also been met.

70. The Guidance states “*The strategic environmental assessment should only focus on what is needed to assess the likely significant effects of the neighbourhood plan proposal. It should focus on the environmental impacts which are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the neighbourhood plan.*”³¹ I consider likely significant effects have been assessed. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.

71. In terms of Habitats Regulations Assessment the Plan has considered the implications of the Conservation of Habitats and Species Regulations 2010 and has complied fully where they were considered to have relevance. Northumberland County Council confirms this to be the case in an assessment of potential effects on any European sites where no potential effects were found, and as a result of ongoing consultation with the Environment Agency in the course of Plan preparation. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

72. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

73. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- 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

74. The Guidance³² states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

³¹ National Planning Policy Guidance Revision date 09 02 2015 Paragraph 30 Reference ID:11-030-20150209

³² National Planning Policy Guidance paragraph 031 reference ID:11-031-20150209

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

75. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans³³ which requires plans to be “*consistent with national policy*”.

76. Lord Goldsmith has provided guidance³⁴ that “*have regard to*” means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

77. The Basic Conditions Statement seeks to demonstrate the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. A statement is made as to how the Neighbourhood Plan supports or otherwise positively relates to paragraphs 16 and 184 of the Framework.

78. The Neighbourhood Plan states a vision. This vision relates to matters appropriate to a Neighbourhood Development Plan, is written clearly, and adopts a positive approach seeking to harness growth potential and have a vibrant town centre in Morpeth. This statement is

³³ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

³⁴ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

consistent with the components of the Framework concerned with building a strong competitive economy, ensuring the vitality of town centres, and promoting healthy communities. The vision refers to the retention of the strong local identity and distinctiveness of Morpeth, and also expresses an intended relationship between Morpeth and the surrounding settlements which will retain their distinct character and separateness. This is consistent with the components of the Framework relating to requiring good design, and conserving and enhancing the historic environment and the natural environment. The vision does not constrain and indeed supports the objectives of the Framework. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.

79. The objectives of the Neighbourhood Plan relating to historic market town character; rural service centre; accommodating growth; developing Pegswood; character of the villages; reducing flood risk; community wellbeing; natural and heritage assets; and connectivity are all consistent with components of the Framework and in particular those aspects relating to building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; promoting healthy communities; meeting the challenge of flooding; and conserving and enhancing the natural and historic environment.

80. I have earlier in my report considered the representations of The Coal Authority regarding mineral sterilisation and land instability.

81. Another representation states *“The strategy as proposed by the MNP’s vision, objectives and suite of policies, including their supporting text, actively seek to constrain the delivery of future sustainable growth. The approach taken throughout the Neighbourhood Plan is contrary to the entire ethos of the Framework and has no regard to the need to significantly boost the supply of housing or the presumption in favour of sustainable development”*. I have noted the Neighbourhood Plan seeks to significantly boost the supply of housing providing for at least 1,700 dwellings to be built within the plan period. I have also noted the Neighbourhood Plan allocates 10 hectares of land for employment purposes and supports a wide range of other types of development.

82. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*"
83. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.³⁵ The Guidance states, "*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.*"
84. Representations include "*The MNP provides no flexibility through the use of a restrictive and inflexible settlement boundary and brownfield first approach. The Neighbourhood Plan may fail to maintain the town's vitality and the Plan's wider aspirations as it may not provide housing of a scale to meet localised or district wide housing needs*" and "*The use of prescriptive design policies goes over and above the requirements of the Framework and places undue policy burdens on the ability of future sustainable growth opportunities from being delivered*".
85. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some

³⁵ Paragraph 14 National Planning Policy Framework 2012

alternative plan would make a greater contribution to sustainable development.

86. The Framework states there are three dimensions to sustainable development: economic, social and environmental. To assist in meeting this basic condition, and to take advantage of efficiencies in assessing the performance of objectives and policies in the neighbourhood plan as a whole, a sustainability review was conducted alongside the SEA to consider the extent to which the Plan objectives and policies contribute towards the achievement of sustainable development. That review looked at economic and social impacts in addition to environmental impacts specifically covered in the SEA. This process confirmed that *“the plan met not only the requirements of the SEA Directive and the Act but also the Golden Thread of sustainability in the National Planning Policy Framework”*.

87. The Basic Conditions Statement includes a section that demonstrates how the Neighbourhood Plan meets the requirement to contribute to sustainable development and identifies four key areas where sustainability is addressed namely: housing location; sustainability of individual settlements; economic sustainability; and transport sustainability. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. In particular I consider the Neighbourhood Plan seeks to:

- allocate land for housing development providing a mix of types of accommodation, and where there is good access to services and facilities;
- support development within settlement boundaries to maintain compactness of settlements;
- allocate land for varied employment uses;
- promote the vibrancy of Morpeth town centre and Pegswood village centre;
- make provision for a range of community facilities;
- ensure new development is of good quality design;
- conserve and enhance the natural environment;
- conserve and enhance heritage assets;
- designate areas as Local Green Space; and

- promote sustainable modes of transport.

88. I note the Neighbourhood Plan document includes a Part B section setting out community actions that seek to establish a framework of commitments and actions that the Town and Parish Councils need to undertake to deliver the vision, objectives and planning policies of the Neighbourhood Plan. It is stated *“If needed, these may be developed into a Neighbourhood Implementation Plan”*. The community actions do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The proposals would not be the subject of any referendum and would not become part of the Development Plan for the area.

89. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on community actions considered important in the local community. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* The presentation of the community actions in a separate Part B section to the plan documentation is consistent with the Guidance.

90. Subject to my recommended modifications as set out in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

91. The Framework states that the ambition of the neighbourhood should *“support the strategic development needs set out in Local Plans”*.³⁶ *“Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.*

³⁶ Paragraph 16 National Planning Policy Framework 2012

Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”³⁷.

92. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”
93. In this independent examination I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The County Council has informed me that the Development Plan applying in the Morpeth Neighbourhood area and relevant to the Neighbourhood Plan comprises the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003). The County Council has identified which of the saved policies are considered to be strategic. The Northumberland Minerals Local Plan (2000) Saved Policies³⁸ also forms part of the Development Plan.
94. As the Local Plan Saved Policies and Minerals Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.
95. The emerging Northumberland Local Plan is well advanced with consultation occurring on the Core Strategy Full Draft Plan between December 2014 and February 2015 and consultation on a Pre-Submission Draft scheduled to commence in October 2015. There is no requirement for the Neighbourhood Plan to be in general conformity with the strategic policies of the emerging plan however the fact that there has been some sharing of evidence represents good practice.
96. A representation states “*the Neighbourhood Plan is premature as the emerging Local Plan is at such an early stage it is unclear what the preferred spatial strategy will be, or the scale of growth that plan will seek to accommodate. The representation maintains the Neighbourhood Plan must be in conformity with the strategic policies in the development plan and in particular local plan policies must be extant and up-to-date, following successful examination of an NPPF-era Local Plan*”.

³⁷ Paragraph 184 National Planning Policy Framework 2012

³⁸ Policies saved by direction of the Secretary of State 31 August 2007

97. Another representation states *“The MNP lacks a credible and up to date evidence base. The MNP is based on an out-of-date development plan that will soon be replaced by the emerging Core Strategy. As a result of a number of restrictive policies, progression of the MNP at this time will pre-empt the strategic development requirements for the wider area rather than support them”*.
98. A further representation states *“The approach of the local planning authority (LPA) and the Neighbourhood Planning Forum (NPF) to the Morpeth Plan is completely wrong. The intention of legislation and policy was that the MNP should follow and take into account the strategic policies of the Core Strategy (CS). It is completely wrong for both Northumberland County Council (NCC) and the Morpeth Neighbourhood Forum (MNF) to seek to adopt the NP in the absence of defined and adopted policies in the CS which set out the development strategy for Morpeth and have a degree of certainty having been subject to consultation and scrutiny prior to adoption. The NP is wholly premature in that it cannot be said to be in general conformity with the Northumberland Core Strategy which is still evolving and is yet to be subject to examination.”*
99. In order to satisfy the basic conditions the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.³⁹ *The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.
100. In considering a now repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there, “to introduce a degree of*

³⁹ The County Council has work underway to prepare a future Development Management Policies Development Plan Document and a future Site Allocations Development Plan Document

*flexibility.*⁴⁰ The use of ‘general’ allows for the possibility of conflict. Obviously there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

101. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”*

102. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.⁴¹ The Neighbourhood Plan cannot therefore prejudice the emerging Core Strategy in this respect.⁴²

103. Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

⁴⁰ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

⁴¹ Section 38(5) Planning and Compulsory Purchase Act 2004

⁴² See paragraph 103 of the Judgement in BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC [2014] EWHC 1470 (Admin)

The Neighbourhood Plan policies

104. The Neighbourhood Plan includes 32 policies:
- Policy Sus 1 – Sustainable Development Principles
 - Policy Des 1 – Design Principles
 - Policy Set 1 – Settlement Boundaries
 - Policy Set 2 – Development in Hebron, Hepscott, Mitford and Pegswood
 - Policy Env 1 – Landscape and Wildlife Corridors
 - Policy Env 2 – Local Green Spaces
 - Policy Env 3 – Protected Open Space
 - Policy Env 4 – Protection of Allotments
 - Policy Env 5 – Local Wildlife Sites
 - Policy Her 1 – Safeguarding Heritage Assets
 - Policy Her 2 – Locally Important Heritage Assets
 - Policy Her 3 – Heritage Assets at Risk of Harm
 - Policy Emp 1 – Morpeth Town Centre Strategy
 - Policy Emp 2 – Development within Morpeth Town Centre
 - Policy Emp 3 – Pegswood Village Centre
 - Policy Emp 4 – Economic and Employment Strategy
 - Policy Emp 5 – Allocation of Employment Sites
 - Policy Emp 6 – Safeguarding of Employment Sites
 - Policy Hou 1 – Housing Development
 - Policy Hou 2 – St George’s Hospital, Morpeth
 - Policy Hou 3 – Housing Mix
 - Policy Hou 4 – Delivering Affordable Housing
 - Policy Hou 5 – Infrastructure to serve new Housing Development
 - Policy Tra 1 – Loansdean Link Road protection
 - Policy Tra 2 – Traffic Congestion
 - Policy Tra 3 – Transport Requirements for New Developments
 - Policy Tra 4 – Development of Footpath and Cycleway Networks
 - Policy Tra 5 – Public Transport
 - Policy Lac 1 – Location of a Sports & Leisure and a Arts, Performance & Heritage Centre
 - Policy Inf 1 – Flooding and Sustainable Drainage
 - Policy Edu 1 – Expansion of Schools
 - Policy Edu 2 – New Schools

105. The Guidance states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in*

general conformity with the strategic policies of the Local Plan.”
“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”

106. *“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.”*
107. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*
108. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”⁴³*
109. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. Where policies are “obvious counterparts”⁴⁴ to one another considerations, including representations, presented under each policy heading will be relevant to one another, and should be read as such. This is the case in particular, but not exclusively, in respect of policies that restrain development in certain areas and those policies that make provision for development elsewhere.

⁴³ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

⁴⁴ See *South Northamptonshire Council v Secretary of State* 2014 EWHC 572 (Admin)

110. Prior to considering each policy in turn I now address an issue that applies to several policies. Some policies state “development will be permitted” or “planning permission will be granted” or “planning permission for new development will be granted”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear through use of the term “proposals will be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states planning permission will be granted. I have recommended a modification so that the basis of decision making on planning applications should be clarified. Those policies that state “Planning permission will be granted”, or similar, should instead state “Proposals will be supported”.

Policy Sus 1 – Sustainable Development Principles

111. This policy seeks to establish sustainable development principles by setting out types of development that will be supported. The policy also confirms the presumption in favour of sustainable development will be exercised providing proposals can be demonstrated to conform to specified development principles.

112. A representation states in relation to criterion 2. “*There are many forms of development that can be accommodated outside settlement boundaries. It is not sound to limit development outside settlement boundaries 'other than in exceptional circumstances'.*” It is not within my remit to assess whether the Neighbourhood Plan is sound. Other representations state development outside settlement boundaries should not be limited to ‘other than in exceptional circumstances.’ As the Neighbourhood Plan makes provision for significant new development the counterpart settlement boundaries can be regarded as a mechanism to shape and direct development that has regard for the provisions of the Framework.

113. The approach of the Neighbourhood Plan to development outside the settlement boundary including statement of exceptional circumstances is set out in Policy Set 1. Where representations relate

to both Policy Sus1 and Policy Set 1 and to the Proposals Map I have considered them in respect of both policies and set out my findings in the part of my report dealing with Policy Set1. The Proposals Map provides clarity in respect of the spatial application of the policies but does not in itself require separate consideration.

114. Another representation states an objection *“that Tranwell does not have a settlement boundary. It is not sound to consider Tranwell countryside where development will only be allowed in exceptional circumstances”*. I deal with this issue in respect of Policy Set1 also.
115. A representation states heritage protection should be an integral part of the policy. There is however no requirement for a Neighbourhood Plan to include a policy relating to any particular issue.
116. Other representations state the policy is inconsistent with the positive approach required by the Framework, without regard to the need to significantly boost the supply of housing or the presumption in favour of sustainable development. In terms of the basic conditions I have dealt with requirements to demonstrate a contribution to sustainable development earlier in my report.
117. The Framework at paragraph 14 establishes a presumption in favour of sustainable development which although referring to Local Plans applies equally to the Neighbourhood Plan with respect to meeting needs *“with sufficient flexibility to adapt to rapid change”*, and *“positively seek opportunities to meet the development needs of the area”*.⁴⁵ The policy states a presumption in favour of sustainable development subject to development principles.
118. Paragraph 47 of the Framework sets out actions for Local Planning Authorities to *“boost significantly the supply of housing”*. Paragraph 16 of the Framework, which is specifically directed at how neighbourhoods should engage in neighbourhood planning, states neighbourhoods should *“plan positively to support local development”*. In these respects I have noted the Neighbourhood Plan makes provision for at least 1,700 dwellings with no cap on delivery; allocates 10 hectares of land for employment purposes; supports other development; and demonstrates flexibility through reference to the bringing forward of additional development at the St George’s Hospital site.

⁴⁵ Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

119. Representations state the policy prioritises the re-use of brownfield land which is inconsistent with paragraph 111 of the Framework. That paragraph encourages, but does not prioritise, the use of brownfield land and I therefore recommend a modification to reflect that. Other representations state the policy should make reference to ensuring a 5 year supply of deliverable housing sites. I have not recommended a modification in this respect as it is not necessary for a neighbourhood plan to make such a reference in order to meet the basic conditions.

120. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policies C1; HBC1; MDC1; HPC1; PGC1; and MC1.

121. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 1:

In policy Sus1

- delete “exceptional” and insert “those”
- delete “prioritising” and insert “encouraging”

Policy Des 1 – Design Principles

122. This policy seeks to establish that development will be permitted where it accords with the site allocations and designations in the Neighbourhood Plan and the Northumberland Local Plan and that proposals should make a positive contribution to their surroundings in specified respects.

123. Whilst I would have no objection to the representation of Historic England that reference should be made to avoiding the unjustified harm or loss of the significance of the area’s heritage assets this is not necessary to meet the basic conditions. However in order to more fully demonstrate regard for the Framework it should be made clear that the approach to heritage assets should be in accordance with their significance.

124. A representation refers to the need to ensure undue policy burdens do not affect viability or deliverability of a scheme. Whilst the policy is principally concerned with setting out those aspects of design that should be considered in the formulation and assessment of development proposals it does require a positive contribution. On this basis I consider it necessary to include reference to the aspect of national policy in paragraph 173 of the Framework requiring careful attention to viability and costs.
125. I have recommended a modification so that the basis of decision making on planning applications should be clarified as explained earlier in my report.
126. Reference should be to the Development Plan not an emerging plan the contents of which are currently not finalised.
127. Support should not be limited only to proposals that accord with allocations and designations. In order to more fully reflect the presumption in favour of sustainable development support for development proposals should be extended to include those that accord with the policies of the Neighbourhood Plan and elsewhere in the Development Plan.
128. Reasons for the recommended modifications relating to land instability and reasons for not including recommended modifications put forward by The Coal Authority have been set out earlier in my report.
129. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).
130. The policy has regard to the components of the Framework concerned with building a strong competitive economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and supporting high quality communications infrastructure. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 2:
In policy Des1**

- on line 1 delete “permitted” and insert “supported” and after “accords with” insert “the policies,”
- delete “the Northumberland Local Plan” and insert “and elsewhere in the Development Plan”
- on line 3 before “Development” insert “Subject to assessment of viability all”
- in C. continue “in accordance with their significance”
- in I. Delete text after “health or” and insert “public safety at unacceptable risk including from contamination and land instability and where necessary incorporate appropriate mitigation, treatment or remediation measures necessary to allow development to proceed without posing adverse impacts on the environment, human health or public safety.”
- in supporting text paragraph 4.2.6 after “flood risk” insert “Much of the plan area is located within the ‘Development High Risk Area’ identified by The Coal Authority. In these areas planning applications except householder proposals, will need to be accompanied by a Coal Mining Risk Assessment to address the risks from land instability associated with mining. The Assessment will also need to identify what mitigation, treatment or remediation measures are necessary to allow development to proceed. These requirements will also apply to the sites allocated in this Neighbourhood Plan.”

Policy Set 1 – Settlement Boundaries

131. This policy seeks to establish that development will be permitted within settlement boundaries defined on the Proposals Map. Outside settlement boundaries proposals will only be permitted if justified by specified exceptional circumstances.
132. I have earlier in my report explained why I have recommended a modification so that the basis of decision making on planning applications should be clarified. The policy should not state “Planning permission will be granted for development” and “development will only be permitted” but should instead state “Development proposals will be supported” and “development will only be supported”.

133. Support is made subject to conformity with other relevant policies in the Local Plan including the Neighbourhood Plan. I consider this cross-reference is unnecessary but have not recommended deletion as this is not required to meet the basic conditions. The policy however should refer to the entire Development Plan and be capable of interpretation throughout the plan period regardless of changes in the composition of the Development Plan. I therefore recommend the policy should refer to the Development Plan and not the Local Plan. I also recommend use of the term “being in accordance” instead of “conformity” so as to reflect the proper basis for decision making.
134. Representations state the policy would not allow a small extension to a residential property. Paragraph 55 of the Framework states “*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities*”. A housing proposal for additional accommodation achieved through extension of an existing property outside settlement boundaries would be assessed in this context in terms of the promotion of sustainable development. Whilst it is not within my role to recommend additional areas of policy I consider a modification would be appropriate in this respect in order to achieve necessary clarity for decision makers in accordance with paragraph 17 of the Framework.
135. A representation states the policy should better reflect the Framework aim to support a prosperous rural economy. I recommend the policy should refer to development that would serve or support stated uses rather than refer to exceptional circumstances. The Framework states neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, not just those that require a rural setting because of the characteristics of its particular enterprise. The Framework also refers to support for sustainable leisure developments. I consider the wording of the policy does not clearly have regard to the relevant provisions of the Framework. I recommend that the policy should be modified in these respects.
136. A number of representations relate to the principle of defined settlement boundaries. The County Council “*supports the creation of settlement boundaries in this Neighbourhood Plan. It is a helpful and relevant approach to providing direction to growth particularly where a minimum amount of growth is defined in policy elsewhere in the Plan, for example in Policy Hou1, and where the Plan demonstrates flexibility alongside direction for growth in relation housing numbers to be delivered through the Plan. Evidence presented in Table 1*

(housing supply at March 2015) which sets out the scale of current commitments, and the scale of housing development proposed at the St George's Hospital site through Policy Hou2 alongside the additional housing sites allocated at Pegswood helps in justifying the creation of appropriate settlement boundaries which should assist decision making on development proposals."

137. Another representation includes recognition of the aspirations for tight settlement boundaries but expresses concern regarding supporting text. In this latter respect I have in the annex to my report recommended that a number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies. The representation also states settlement boundaries will ultimately have to be drawn around housing allocations and that there will need to be synergy with Core Strategy proposals. At this time the final content of the Core Strategy is not known.

138. Other representations include objection to the policy raising issues that include:

- settlement boundaries are no longer valid or applicable;
- settlement boundaries do not accord with the positive approach required by the Framework;
- settlement boundaries are tightly drawn having insufficient flexibility to provide for a range of sites to meet growth aspirations;
- a tight constraining settlement boundary seeks to restrict the delivery of economic opportunities such as the mixed use proposal for land west of Lancaster Park;
- development proposals in all areas should be considered on their merits;
- settlement boundaries that constrain development without identifying opportunities for supply will be out of date when seeking to align such with the requirement to create a five year housing land supply; and
- the policy simply copies previous settlement boundaries with little regard for paragraph 49 of the Framework.

139. The Neighbourhood Plan states "*these settlement boundaries should reduce the risk of urban sprawl and coalescence between settlements in the plan area, and prevent the encroachment of the settlements into the open countryside. They should preserve and protect the setting and approaches to Morpeth, Hebron, Hepscott, Mitford and Pegswood, and encourage the use of brownfield land*".

The role of a Neighbourhood Plan in shaping and directing development is recognised in the Framework.

140. Paragraph 16 of the Framework includes *“neighbourhoods should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”*. A settlement boundary policy is unlikely to be found to have regard for the Framework and planning positively where there is neither identification of housing supply, nor identification of supply of employment land, through commitments and, more particularly, through allocations. Whilst including no cap on development within settlement boundaries the Neighbourhood Plan provides for at least 1,700 dwellings through commitments and allocations, and allocates 10 hectares of employment land to be developed, making a positive contribution to the supply of new homes and jobs.

141. Paragraph 49 of the Framework applies to relevant neighbourhood development plan policies for housing supply.⁴⁶ The policy should be considered as a policy for the supply of housing in so much as it supports development proposals within the defined settlement boundaries and because of its approach to development proposals outside the settlement boundaries in open countryside.⁴⁷ The Neighbourhood Plan is not seeking to impose a cap on the supply of housing development. The elements of the policy together seek to shape and direct development, which is a role for neighbourhoods envisaged in the Framework. Paragraph 49 of the Framework states how relevant policies should be considered in the context of the then current supply situation; it does not relate to the formulation or establishment of policy. In any case supply calculation is unlikely to remain unchanged throughout the Neighbourhood Plan period. In the context of paragraph 49 of the Framework whenever a five-year supply can be demonstrated during the plan period, the policy, once part of a made Neighbourhood Plan, should be regarded as up to date.

142. The Neighbourhood Plan states *“in view of the uncertainties around the county housing requirement, apportionment for the Neighbourhood Plan area, and build-out rates in a locally oversupplied*

⁴⁶ Crane v Secretary of State for CLG 2015 in relation to the Broughton Astley Neighbourhood Development Plan

⁴⁷ South Northamptonshire Council v Secretary of State for CLG and others 2014 distinguishes between a general policy restricting development in open countryside from one to protect a specific feature or area such as a gap between settlements. Also see Cheshire East Borough Council v Secretary of State for CLG & Richborough Estates Partnership LLP 2015, although the latter is to be considered by the Court of Appeal

market, a realistic figure for the housing requirement of at least 1,700 dwellings has been adopted from within the range of figures proposed in the various iterations of the emerging Northumberland Local Plan". It is not within my role to test the soundness of that approach, nor to test whether it is the most appropriate strategy or justified by a proportionate evidence base. Use of reasoning and evidence arising from the emerging Local Plan preparation process has regard to the Guidance.

143. It is not necessary to delay the Neighbourhood Plan preparation process until the emerging Local Plan is in place. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the Local Plan when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan.

144. It is stated in the Neighbourhood Plan that "*the provision for housing is set at a minimum, and should there be a demonstrated need for additional dwellings during the Plan period, this can be met by bringing forward development phased for construction beyond the current Plan period on the St George's Hospital site*". It is also stated "*there are some small-scale brownfield housing sites that could contribute to housing choice over the Plan period and can contribute flexibility in terms of housing supply in the event of under-delivery elsewhere*". I consider the Neighbourhood Plan adopts an appropriate positive approach to growth of settlements in the plan area seeking to shape and direct development. Whilst referring to Local Plans paragraph 14 of the Framework refers to flexibility to adapt to rapid change. The indication of flexibility in the Neighbourhood Plan represents good practice.

145. Paragraph 47 of the Framework relates to actions to be undertaken by local planning authorities to boost significantly the supply of housing. Whilst there is specific reference to 'Local Plan' the paragraph is silent with respect to neighbourhood plans. The provision for at least 1,700 dwellings in the plan period represents a significant boost to housing supply locally. I note it is also stated in the Neighbourhood Plan that the St George's Hospital site is large enough to accommodate later phases of development beyond the plan period and that this development could be brought forward into the plan period if need is demonstrated. The Neighbourhood Plan, through identification of commitments and site allocations, clearly seeks to boost significantly the supply of housing in the plan area.

146. Whilst the commitments and site allocations will boost significantly housing supply, they do not represent all the housing development that will occur in the plan area over the plan period. The Neighbourhood Plan anticipates other development proposals will be made inside the settlement boundary, which the policy supports, provided they are consistent with other development plan policy. The Neighbourhood Plan states *“the document ‘Housing Site Allocation – Outline Methodology and Potential Sites’ contains more detail on committed housing supply, preferred sites in the Plan and further potential housing sites that would be compliant with Plan Objectives and Policies”*. *“The document also forecasts build-out rates for all committed, proposed and possible sites in five year blocks to demonstrate that the Plan will deliver against the objectively assessed evidence of needs for a five year supply of housing land.”*
147. The Neighbourhood Plan is not seeking to impose a cap on the supply of housing development. Not only do the policies of the Neighbourhood Plan positively support development within the settlement boundaries generally, they also make specific provision for the development of significant areas of land for housing and employment purposes. The elements of policy Set 1 together seek to shape and direct development which is a role for neighbourhoods envisaged in the Framework. It is not within my role to recommend additional settlement boundaries at Tranwell or in any other part of the plan area.
148. In *Woodcock Holdings Limited v Secretary of State* CO/4594/2014 Court of Appeal May 1 2015 EWHC 1173 (Admin) it is established *“the body responsible for a neighbourhood plan does not have the function of preparing strategic policies to meet assessed housing needs”*. *“Where a neighbourhood plan precedes a local plan, the effect of paragraph 8 of Schedule 4B of the 1990 Act is that the examination of a neighbourhood plan cannot consider whether it is based upon a strategy to meet objectively assessed housing needs. Nor can the examination consider whether the proposed strategy is the most appropriate or justified by a proportionate evidence base”*.
149. A number of representations put forward sites for development that would require adjustment to the settlement boundaries in locations variously described as including north, north-west, west, and south-east of Morpeth, north of Pegswood; land at Hepscott Station; Tranwell and Tranwell Woods; and limited infilling in villages.

150. Whilst representations have put forward additional or alternative land as being suitable for development or for allocation in the Neighbourhood Plan I find that the settlement boundary defined in the policy meets the Basic Conditions and the existence of any sites outside that boundary, whether they are suitable for development or not, as additional or alternative sites, is not a matter against which the Neighbourhood Plan is to be examined.
151. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policies C1; HBC1; MDC1; HPC1; PGC1; MC1 and H16.
152. This policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes; supporting a prosperous rural economy; promoting sustainable transport; promoting healthy communities; and conserving and enhancing the natural environment. I am satisfied that need to have regard to national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the policy . The policy shapes and directs sustainable development. These considerations support my conclusion that subject to the recommended modification this policy meets the basic conditions.

Recommended modification 3:

In policy Set1

- **Delete “Planning permission will be granted for development” and insert “Development proposals will be supported”**
- **Delete “permitted” and insert “supported”**
- **Delete “conformity” and insert “being in accordance”**
- **Delete “Local Plan” and insert “Development Plan”**
- **Delete “when it is justified by the following exceptional circumstances” and insert “where it serves or supports the following purposes or activities”**
- **Delete B and insert “existing businesses and enterprises”**
- **In C after “countryside” continue “or a sustainable leisure development which respects the character of the countryside where identified needs are not met by existing facilities within settlement boundaries”**
- **In D delete “to provide for”**

- In E delete “for” and replace “of section” with “in paragraph”
- Insert “F. appropriately designed extensions to existing buildings, including extensions to dwellings, which are subservient to and respect the scale and appearance of the existing building”

Policy Set 2 – Development in Hebron, Hepscoth, Mitford and Pegswood

153. This policy seeks to establish support for specified types of development within the settlement boundaries of the villages of Hebron, Hepscoth, Mitford and Pegswood as defined on the Proposals Map in all cases subject to a requirement that it respects and maintains the character of the village and it protects and retains mature trees within or adjacent to the development site.

154. A representation of the County Council states “*Whilst the desire to protect important trees is supported, the correct mechanism would be through the use of tree preservation orders. The County Council would question whether the protection of trees can reasonably be achieved through the use of planning policy when other powers exist to achieve that aim*”. I consider this component of the policy represents a distinct local approach that seeks to shape development. The Framework does however require consideration whether the benefits of development outweigh the loss of aged or veteran trees. I recommend a similar approach to the local application of policy. Additionally it is not acceptable to require proposers of development to retain trees on land outside the development site as this is not likely to be within their control. I recommend modification of the policy in accordance with these issues.

155. I have taken into consideration the representations and other factors, including paragraphs of the Framework, considered in respect of my examination of Policy Set1 in so far as they are relevant to examination whether Policy Set2 meets the basic conditions. I have in addition considered those representations specific to Policy Set2 in particular relating to additional development strengthening local services.

156. Whilst representations have put forward additional or alternative land as being suitable for development or for allocation in the Neighbourhood Plan I find, as in my consideration of Policy Set1, that the settlement boundary defined in the policy meets the Basic Conditions and the existence of any sites outside that boundary, whether they are suitable for development or not, as additional or alternative sites, is not a matter against which the Neighbourhood Plan is to be examined.
157. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).
158. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; and conserving and enhancing the natural environment. I am satisfied that need to have regard to national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the policy . The policy shapes and directs sustainable development. These considerations support my conclusion that subject to the recommended modification this policy meets the basic conditions.

Recommended modification 4:

In policy Set2

Delete the final sentence and insert “Unless the benefits of development outweigh the loss, proposals should retain mature trees within application sites, and include on-site measures to protect mature trees both within and adjacent to the site”

Policy Env 1 – Landscape and Wildlife Corridors

159. This policy seeks to protect defined landscape and wildlife corridors from development unless required to maintain, enhance or interpret the landscape or wildlife purposes. The policy also requires remedial action following unavoidable disruption.
160. A representation states the policy should be consistent with chapter 11 of the Framework relating to conserving and enhancing biodiversity. Another representation recommends wildlife and landscape corridors should be treated as separate policies. Proposing a modification the County Council considers the policy should specify

the mechanism by which impact minimisation and remedial action could be secured. In seeking a housing allocation on land north of Barmoor Farm and south of High Stobhill Farm a further representation identifies an opportunity to extend the network of landscape and wildlife corridors. I consider no modification of the policy is necessary in order to meet the basic conditions in these respects.

161. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policies C4; C11; C12; MDC3; MDC4; HPC2; MC3 and MC6.

162. I recommend modification of the second and third paragraphs in order to achieve clarity for applicants and decision makers. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 5:

In policy Env1

- **In the second paragraph delete the words before “enhance” and insert “Development opportunities should demonstrate they take opportunities to”**
- **In the third paragraph delete the words after “action” and insert “in accordance with a scheme that shall be secured by way of planning condition or planning obligation as appropriate”**

Policy Env 2 – Local Green Spaces

163. This policy seeks to designate seven areas as Local Green Spaces. The Proposals Map defines the areas at sufficient scale to identify area boundaries. The implication of Local Green Space designation is that new development is ruled out other than in very special circumstances.

164. A representation states there is not appropriate justification and it is inappropriate to make the designations at this time.

165. Statutory provision for the designation of Local Green Space post dates the strategic policies contained in the Development Plan however this policy is in general conformity with the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

166. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*

167. In respect to all of the seven areas intended for designation as Local Green Space I find the Local Green Space designation is being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designation is not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

168. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

- *where the green space is in reasonably close proximity to the community it serves;*
- *where the green area 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*
- *where the green area concerned is local in character and is not an extensive tract of land.*

I find that in respect of each of the seven proposed Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves; and the green area is local in character, and is not an extensive tract of land.

169. The Neighbourhood Plan sets out the justification for the designations. Appendix 1 sets out information that confirms why those identified areas are of particular significance to, and valued by, the local community. I conclude the areas are all demonstrably special to a local community and hold a particular local significance.

170. The policy has regard to the components of the Framework concerned with requiring good design; promoting healthy communities; meeting the challenge of climate change; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy Env 3 – Protected Open Space

171. This policy seeks to establish that development will only be permitted in exceptional circumstances on defined areas of land that contribute to local amenity, character and green infrastructure. To be permitted proposals must demonstrate alternative provision and rectification of damage or enhancement.

172. A representation states all locations proposed as protected open space should be shown on the Proposals Map. Another representation makes this point in particular in relation to land east of Turner Square Stobhill and also states the written description is vague. Morpeth Town Council has during the period for representations submitted the following statement to the County Council *“It has been brought to our attention that the Proposals Map as submitted does not show all the sites designated as ‘protected open space’ under Plan policy Env3 and listed in the Plan Appendix A. We request that the Proposals Map is amended to show all the sites designated as ‘protected open space’ as listed in Plan Appendix A to bring it in line with the Plan. We note that no new or additional sites not previously proposed for designation in the Plan are being put forward here. The omitted sites have been outlined in red on the attached Map and informally numbered in the following list which has been extracted from Plan Appendix A.”* The listed sites are Deucher Park Estate (two areas) ; High Church (Storey Park football pitches); Kirkhill (several small areas) ; Loansdean (Heron’s Field); Stobhill (east of County Hall rear car park, south west of Stobhill Farm roundabout; and near Turner Square. The Town Council also states *“We also recognise that identification of the designated ‘protected open spaces’ from the list in Plan Appendix A may be difficult for those unfamiliar with the Plan Area. While labelling*

of the sites would clutter the Proposals Map, we suggest that it may be possible to add grid references to the list in Plan Appendix A.”

173. I am satisfied the Schedule of Protected Open Space set out in Appendix A of the Neighbourhood Plan is adequate in terms of identification of sites. It is however necessary to be able to identify the precise boundaries of the areas referred to.
174. A representation questions whether Protected Open Space is Local Green Space by another name and states further justification is required. The County Council objects to the inclusion of land around County Hall as Protected Open Space. The County Council advises it *“is currently conducting a property review and, in reaching a conclusion about the future of County Hall it will have due regard to protecting, where appropriate, the amenity value of land around County Hall in any future development or redevelopment of the site”*.
175. Another representation objects to the inclusion of land east of Turner Square. The summary of the representation includes *“As detailed above the MNP fails to satisfy a number of the basic conditions tests. Many of the issues are overlapping between the various tests but link fundamentally to the MNP not planning positively for the correct, evidenced quantum of development for Morpeth. In regards to employment land requirements it is just not possible for the MNP to plan for a quantum of development led by Strategic policy as that work is not complete and not published. In relation to housing requirement the MNP just disregards the latest OAN and uses a quantum that does not accord with the strategic policy approach and is limiting the ability to boost housing supply. Furthermore, it is premature to attempt to do so in advance of the Core Strategy preparation. The MNP does not recognise the strategic role and function of Morpeth within the County and it is contended strongly that the MNP fails to meet condition tests a), d), and e). The approach to the SEA and assessing site alternatives has no robust rationale to support the very limiting options considered, thus not in accordance with the SEA regulations and does not meet condition test f).”* I have considered the issues relating to quantum of development, prematurity, and Strategic Environmental Assessment in other sections of this report.

176. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

177. In promoting healthy communities the Framework states *“Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.*

178. I have noted the Neighbourhood Plan evidence base includes a Local Green Space Assessment. It is not within my role to consider whether the proposed strategy is the most appropriate or justified by a proportionate evidence base.⁴⁸ The Guidance states *“It is for local planning authorities to assess the need for open space and opportunities for new provision in their areas. In carrying out this work, they should have regard to the duty to cooperate where open space serves a wider area”.* Policy Env3 based on compensation or rectification of damage or enhancement has regard to the ‘promoting healthy communities’ element of the Framework. The policy also has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; and conserving and enhancing the natural environment. Subject to the modification recommended this policy meets the basic conditions.

⁴⁸ High Court of Justice Woodcock Holdings Ltd Secretary of State CLG and Mid Sussex DC 2015 EWHC 1173 Admin

**Recommended modification 6:
The precise boundaries of protected open space (Policy Env3)
should be identifiable**

Policy Env 4 – Protection of Allotments

179. This policy seeks to resist proposals that result in the loss of allotments unless defined alternative provision is made.
180. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).
181. The policy has regard to the components of the Framework concerned with requiring good design; promoting healthy communities; meeting the challenge of climate change; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy Env 5 – Local Wildlife Sites

182. This policy seeks to designate Local Wildlife Sites and establish a presumption against development that will harm or put at risk their effectiveness as a wildlife habitat or refuge unless adequate mitigation can be demonstrated.
183. A representation states the policy should be deleted and there is no requirement in the Framework preventing development adjacent to local wildlife sites. The policy includes provision for mitigation.
184. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy C11.
185. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change; and conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy Her 1 – Safeguarding Heritage Assets

186. This policy seeks to safeguard, conserve and/or enhance heritage assets and identifies relevant projects.
187. In a representation the County Council states the policy presents a series of proposals or projects which would be better placed in the Community Actions section of the Plan.
188. The term “safeguard, conserve and/or enhance” does not adequately reflect the complexity of national policy in particular in the identification of significance and the need for a balanced judgement. The undertaking of a review, an appraisal, preparation of a list and securing funding are not matters that relate to the use and development of land. Works to and within highways do not require planning permission and the term open land is imprecise. It will be possible to ensure shop signs are well designed through application of Policy Des1.
189. The Guidance states *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I recommend this approach should be followed. This policy does not meet the basic conditions. I recommend this policy should be transferred to Part B Community Actions.

Recommended modification 7:

Delete policy Her1 and transfer to Part B Community Actions

Policy Her 2 – Locally Important Heritage Assets

190. This policy seeks to establish an approach to the consideration of impact of proposals on the significance of non-designated heritage assets.
191. A representation states the Framework already assigns significant weight to both designated and non-designated heritage

assets, and that the issue would more appropriately be dealt with by the Local Planning Authority. Historic England states that harm if not avoided should be minimised and shown to be outweighed by public benefit which is necessary and cannot be met in any other way. I recommend this approach, which reflects national policy, is adopted.

192. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003)

193. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment; conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 8:

In policy Her2 delete the final sentence and insert “Where public benefits that are necessary and cannot be met in any other way outweigh loss or harm this should be minimised.”

Policy Her 3 – Heritage Assets at Risk of Harm

194. This policy seeks to establish support for proposals that contribute positively towards the long term sustainable use or re-use of heritage assets at risk of harm.

195. In a representation Historic England states the policy should refer to repair rather than use. The policy relates to use and re-use and it is not within my role to recommend an alternative policy focus. Use of a building is in any case the most important factor in ensuring its maintenance and repair.

196. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

197. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the historic environment. This policy meets the basic conditions.

Policy Emp 1 – Morpeth Town Centre Strategy

198. This policy seeks to establish support for the development of Morpeth Town Centre as a defined lively and vibrant place and establish the type of actions that will enhance the character and attractiveness of the centre. Types of development that will be subject to sequential and impact testing are defined.
199. The County Council has concerns about the explanation provided at paragraph 6.1.4 stating *“There is no evidence presented to support the assertion that ‘the serious need for employment means that the County Hall site remains a strategic employment location’.* *The County Council is currently conducting a property review and a conclusion will be reached about the future of County Hall in due course. It is not appropriate for a neighbourhood plan to define the strategic policies for an area and references to County Hall site being a ‘strategic employment location’ should be deleted”.*
200. The County Council also states *“Having regard to the purpose of planning policies which should provide a clear indication of how a decision maker should react to a development proposal, other than paragraphs M, N and O of this policy, the County Council considers that this policy does not achieve the intentions set out in paragraph 154 of NPPF. Each of the paragraphs numbered A to L set out objectives or aims which collectively comprise a strategy for the town centre. The County Council supports the concept of defining a strategy for the Plan and for its component topic areas, but considers that such a strategy should be placed within the supporting text to set the context for land use policies covering this topic. This would reflect the way in which the strategy for the Plan has been articulated elsewhere in the Plan, for example at paragraphs 3.3.2 and 6.1.10. Paragraphs M, N and O could perhaps be redrafted as part of Policy Emp2 – Development within Morpeth Town Centre. Paragraph E of Policy Emp1 deals with ‘Key Development Opportunity Sites’. This is the only reference in policy to those sites defined on the proposals Map. If there is to be a purpose for these designations it would be necessary to retain a specific land use policy that best defines the purpose of their designation.”*
201. Another representation states the Morpeth Delivery Office is not a vacant site or building but is an important part of the network of facilities that enable Royal Mail to deliver a statutory service. Removal of the word “other” would deal with the current ambiguity. It is

appropriate to identify preferred uses should redevelopment be proposed. The representation requests an additional element to the policy but such a recommendation would be beyond my role.

202. I have recommended modifications so that policy will guide decision makers in the determination of development proposals.

203. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy S2.

204. The policy has regard to the components of the Framework concerned with ensuring the vitality of town centres (including sequential testing and establishment of locally set thresholds for impact assessment); requiring good design; conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 9:

In policy Emp1

- **Delete “Strategy” from the policy title**
- **Delete the first sentence and insert “Development proposals within Morpeth Town Centre will be supported where it is demonstrated they: 1. contribute to the creation of a lively and vibrant centre with:-“**
- **In E delete “other”**
- **Delete the sentence commencing “The character” and insert “and/or 2. Enhance the character and attractiveness of the town centre by:-“**

Policy Emp 2 – Development within Morpeth Town Centre

205. This policy seeks to establish support for A1 retail proposals within the primary shopping frontage which improve the range of shops; and conditional support for proposals for non A1 uses in ground floor premises within the primary shopping frontage. The policy also establishes support for specified uses on upper floors within the primary shopping frontage, and in the primary shopping area generally. Other uses that will be supported within the town centre outside the primary shopping area are specified. The policy also requires that all development should demonstrate no unacceptable

impact on residential amenity; appropriate access and car parking provision; and no harm to the character of the historic environment.

206. A representation stated to be in relation to policy Emp1 but appearing more relevant to policy Emp2 states “the policy should be amended to provide clarity and to ensure consistency with national policy. *“The part of the policy beginning, ‘Outside the Primary Shopping Frontage Area...’ appears to support A1 – A5 uses generally, with no reference back to the Primary Shopping Area. In other words, it reads as if the Primary Shopping Area (outside the Primary Shopping Frontage Area) and the rest of the Town Centre Area are given equal status. In fact, the Primary Shopping Area should be the preferred location from a sequential perspective. As such, the words ‘Within the Town Centre but...’ should be added before ‘outside the Primary Shopping Frontage Area...’ At the end of the policy, text should be added to read, ‘...historic environment; and consistency with national planning policy, including the provisions of the sequential test which seeks to direct development to the Primary Shopping Area in the first instance, which should be applied to all proposals for retail development and proposals for other town centre uses where appropriate.’ In light of the discussion set out above, and the limited need for additional retail development, it is considered that the text in the second paragraph of page 42 of the MNP (commencing, ‘There are development opportunities...’) should be amended. The amendment should read, ‘...provided for in the town. These opportunities are considered sufficient to meet the need for new retail development in Morpeth over the Plan period. Similarly, although...”*”

207. A representation states “*the first part of Policy PPEmp2 should be amended with text added at the end to read, ‘...and is consistent with the provisions of national policy.’*” I do not consider this is necessary to meet the basic conditions. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy MS1.

208. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; delivering a wide choice of high quality homes; requiring good design; and conserving and enhancing the historic environment; and supporting high quality communications infrastructure. This policy meets the basic conditions.

Policy Emp 3 – Pegswood Village Centre

209. This policy seeks to establish support for a mix of retail, commercial and residential uses that demonstrate they add vibrancy of the village and improve the village centre. Development must also demonstrate no unacceptable impact on residential amenity; includes appropriate access and car parking provision; and would enhance the appearance and environment of the village centre.
210. A representation states support for the policy.
211. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).
212. The policy has regard to the components of the Framework concerned with requiring good design; ensuring the vitality of centres; and conserving and enhancing the historic environment; and supporting high quality communications infrastructure. This policy meets the basic conditions.

Policy Emp 4 – Economic and Employment Strategy

213. This policy seeks to deliver economic and employment growth through:
- allocation of 10 hectares of land adjacent to the A1 and the Morpeth Northern Bypass for general business development, a hotel and roadside services;
 - safeguarding Coopies Lane Business Park for general business development; the County Hall and Fire Station site for employment generating purposes; and the pharmaceutical factory site on Whalton Road for a single user general industrial site;
 - development of Morpeth town centre;
 - safeguarding and development of Pegswood industrial Estate for small scale business;
 - and appropriate specified development of the rural economy.
214. A representation states the scale and scope of employment sites is insufficient and another proposes inclusion of land at West End

Farm. A further representation expresses concern that the policy allows, “other employment generating uses” in locations including Coopies Lane, County Hall and the fire Station site, Pegswood Industrial Estate and Fairmoor stating *“Similar provisions in former Local Plan policy for Morpeth were exploited by developers promoting major retail development at employment sites, citing this as explicit policy support for out of centre retail. Clearly, if this was embodied in the MNP it would be potentially hugely damaging to the town centre. It is reasonable to ensure that appropriate employment activities outside the traditional B class uses are catered for; for example, there are some sui generis and medical uses which are employment generating and well suited to these locations. Equally, the usual provisions of national policy in relation to retail use should be made to apply rather than being circumvented. As such, it is suggested that all uses of the phrase, “employment generating uses” in Policy PPEmp4 are followed by the inserted text, “(other than main town centre uses)”. It is considered that this, plus the changes to Policy PPEmp1 suggested above, would help to control development in employment locations and protect the town centre whilst also confirming that the provisions of national policy in this regard continue to apply.”*

215. The County Council states the policy describes a strategy rather than providing precise support to decision makers in deciding how to respond to any development proposal. It is repetitive and confusing in the context of Policy Emp5 which specifically covers the matters described in general terms in Policy Emp4. This strategy should be placed within the supporting text to set the context for land use policies covering this topic.
216. The County Council objects to the safeguarding of County Hall and the Fire Station for ‘employment generating purposes’ stating *“There is no evidence that alternative uses would not be appropriate on those sites, including housing. If this policy is not deleted it should be modified to ensure that the uses preferred by the policies in the Plan cannot be determined to be the only acceptable uses on these sites”*.
217. The policy is titled and worded as a strategy and does not serve to guide decision makers in the determination of proposals for development. Parts A to E of the policy refer to matters dealt with in other policies, in one instance in an incomplete way and in others with use of different terms, which acts against the achievement of clarity.

This policy does not meet the basic conditions. I recommend the policy is deleted.

**Recommended modification 10:
Delete policy Emp4**

Policy Emp 5 – Allocation of Employment Sites

218. This policy seeks to allocate two sites for industrial and business development (Classes B1, B2, and B8 uses) and specifies that a hotel and roadside services may be included in either site. Proposals must identify appropriate access arrangements and be accompanied by a Transport Assessment and a Travel Plan to demonstrate how sustainable transport will be promoted.

219. A representation refers to paragraphs 160 and 161 of the Framework which relate to business aspects of the evidence base to be used by Local Planning Authorities in Local Plan preparation. Another representation states the scale and scope of employment sites is insufficient. In this respect I note Policy Emp6 in addition to safeguarding several sites for employment use includes provision that any additional development proposals for employment uses will be supported where specified circumstances can be demonstrated.

220. The policy includes the statement that development of a hotel and roadside services may be included into either site. It is unclear how this provision is to operate in that it is not clear whether the sites are alternatives. If a hotel and roadside services are acceptable uses on both sites then commercial market considerations will determine whether one facility proceeds to development and whether or not a second facility is viable. I recommend modification in the interests of clarity.

221. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policies E1; E4; ME1 and ME3 although circumstances have changed significantly since the time of preparation of that plan.

222. The policy has regard to the components of the Framework concerned with building a strong competitive economy and promoting

sustainable transport. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 11:

In policy Emp5 delete the second sentence and insert “Proposals that include a hotel and roadside services will be supported on the sites.”

Policy Emp 6 – Safeguarding of Employment Sites

223. This policy seeks to safeguard four employment areas and sites for employment purposes subject to specified limitations. The policy also seeks to establish conditional support for other B1, B2 and B8 proposals.

224. In a representation the County Council objects to the limitations sought to be imposed in relation to County Hall and the Fire Station site stating “*Whilst it is noted that the policy states that certain uses ‘may’ be acceptable, it must be made clear through modification that, whilst these uses may be preferred by the Town Council, the policy should not seek to preclude other appropriate uses*”. Whilst uses that may be acceptable are stated there is no suggestion that these are the only uses that may be acceptable nor is there any statement that any particular uses will not be acceptable other than the policy safeguards the County Hall and Fire Station site for employment purposes. I recommend a modification in the interests of clarity for decision makers in accordance with paragraph 17 of the Framework.

225. The County Council also states “*It would be helpful if paragraph C (Whalton Road pharmaceutical factory) was identified on the proposals Map. It would also help if the Proposals Map were amended to more clearly define the Emp6 sites by reference to the relevant paragraph in the policy, for example: Emp6A (Coopies Lane); Emp6B (County Hall and Fire Station) etc.*” The County Council also propose point 7 should refer to policies in the Neighbourhood Plan or policies elsewhere in the Development Plan. I have made a recommendation of modification in these respects in the interests of clarity for decision makers in accordance with paragraph 17 of the Framework.

226. The policy title does not reflect the full nature of the policy with respect to support for additional employment development proposals

and should be modified in the interests of clarity for decision makers. The reference to Policy Emp1 is inaccurate and should be modified. The safeguarding of the pharmaceutical factory site at Whalton Road for a single user would be inconsistent with the presumption in favour of sustainable development if it meant refusal of a scheme for example with two occupiers. I recommend modification to safeguarding for large-scale user occupation. The Framework would not envisage refusal of planning permission unless the residual cumulative traffic impact of development are severe. I recommend modification of the policy so that it meets the basic conditions.

227. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

228. The policy has regard to the components of the Framework concerned with building a strong, competitive economy. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 12:

In policy Emp6:

- **continue the policy title with “and Additional Employment Sites”**
- **After “sequential” insert “and impact”**
- **In B delete “the following uses may be acceptable” and insert “the uses that may be acceptable include”**
- **In C delete “single user B2 General industrial site” and insert “large scale B2 General Industrial use”**
- **In point 3 delete “an” and insert “a severe”**
- **In point 7 delete the text after “other” and insert “policies in the Neighbourhood Plan or other Development Plan policies”**
- **All sites should be individually referenced on the Proposals Map**

Policy Hou 1 – Housing Development

229. This policy seeks to establish at least 1,700 dwellings will be developed from specified commitments and allocations.

230. Representations include:
- 2,100 dwellings as identified in the emerging Local Plan should be identified as the minimum housing requirement not 1,700 dwellings
 - 2,100 dwellings excludes Pegswood
 - a realistic requirement is 3,100 to 3,900 dwellings
 - as the Core Strategy housing figure has yet to be tested it cannot be certain the level of growth proposed will meet the objectively assessed need for the District
 - question the ability to progress the Neighbourhood Plan at this time
231. I have earlier in my report considered the issue of prematurity and concluded it is appropriate to progress preparation of the Neighbourhood Plan at this time. I have noted the Draft Local Plan published December 2014 states a figure of 2,100 dwellings for Morpeth for the plan period. This figure was an increase on the 1,700 dwellings in the Draft Local Plan published in October 2013. The figure remains subject to change as plan preparation progresses. The Neighbourhood Plan does not have to be in general conformity with an emerging Local Plan. The Guidance states the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.
232. A representation states the County Council supports this policy. *“Whilst the minimum number of new dwellings differs from the numbers indicated in the emerging Core Strategy, the evidence presented to support the Plan clearly allows for sufficient flexibility to deliver sufficient housing during the Plan period when read in conjunction with information on current completions and commitments and the intention to support a sustainable urban extension at St George’s Hospital through Policy Hou2”.* The Homes and Communities Agency (HCA) welcomes the flexibility of this approach and supports the ‘at least’ wording. The HCA also states an intention to submit proposals for approximately 650 dwellings on the St George’s Hospital site and a new link road in autumn 2015.
233. A representation states too much reliance is placed on the former St George’s Hospital site. Other representations question whether an increased number of dwellings could be delivered on the St George’s site by bringing forward development phased for construction after the plan period. Another representation states “sites

with capacity must be in places attractive to the market, financially viable and in a range of locations which provide a mix of housing for a range of tenures at a scale that the market can deliver”.

234. Representations state that the policy should allow greater flexibility and allow further sites to be developed making reference to:

- Land north of the Morpeth northern by-pass
- Land between the by-pass, Fulbeck Lane and Howden Wood
- Land north of Northgate Hospital;
- Land in the vicinity of the A192
- Land north of St George’s Hospital site
- Land at West Lane End Farm
- Land north of A192 Hepcott
- Land north of Longhirst Road
- Land to the west of Lancaster Park (mixed use);
- Land at Fairmoor
- North of Pegswood
- Land at Hepscott Station;
- The settlement of Tranwell and Tranwell Woods;
- Land east of Turner Square Stobhill;
- Land north of Barmoor Farm and south of High Stobhill Farm;
- Stobhill East and Stobhill South;
- Site 3497 should not be restricted to 40 dwellings;
- Sites referred to as 3018 and 6847
- Sites in the vicinity of Emily Davison Avenue.

In respect of one area a representation stated if the site is not allocated it should be safeguarded whereby permission is granted in the event of a shortfall in the 5 year housing land supply.

235. There is no requirement for the policy to include additional sites. The policy identifies commitments and provides for specific allocations. The policy does not preclude other development taking place. It is not my role to consider whether the sites ultimately selected represent the most sustainable option possible. It is also beyond my role to make additional site allocations. A representation states the way sites have been assessed is flawed. Other representations refer to non-assessment of some sites, and question capacities of sites assumed in the site assessment process. The Housing Site Allocation –Outline Methodology and Potential Sites and the Housing Sites Assessment documents provide details of how individual sites have been considered in plan preparation. Independent examination of a neighbourhood plan cannot consider whether the proposed strategy is

justified by a proportionate evidence base⁴⁹. The benefits or disbenefits of any alternative site, relative or not to the allocated sites are not a matter for my consideration either.

236. Other representations include reference to paragraphs 16, 17 and 47 of the Framework. Paragraph 47 of the Framework sets out actions for Local Planning Authorities to ‘boost significantly the supply of housing’ and paragraph 16 of the Framework, which is specifically directed at how neighbourhoods should engage in neighbourhood planning states neighbourhoods should ‘plan positively to support local development’. In these respects I have noted the Neighbourhood Plan, whilst including no cap on development within settlement boundaries, provides for at least 1,700 dwellings through commitments and allocations making a positive contribution to support local development, and significantly boosting the supply of new homes. The Neighbourhood Plan also demonstrates flexibility with respect to reference to the bringing forward of additional development at the St George’s Hospital site. It is not the function of a neighbourhood plan to prepare strategic planning policies to meet assessed needs over a Local Plan area⁵⁰. In the context of paragraph 49 of the Framework whenever a five-year supply can be demonstrated during the plan period, the policy, once part of a made Neighbourhood Plan, should be regarded as up to date. At any time the policy is regarded as out of date decision makers must decide how much weight should be given to the policy by assessing the reasons why the policy is to be treated as out of date and any other relevant circumstances⁵¹.

237. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

238. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. This policy meets the basic conditions.

Policy Hou 2 – St George’s Hospital, Morpeth

239. This policy seeks to establish that the St George’s Hospital site Morpeth shall be developed as a sustainable urban extension for around 1,000 homes. The policy requires preparation of a detailed

⁴⁹ Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

⁵⁰ Gladman Developments v Aylesbury Vale District Council 2014 EWHC 4323 (Admin)

⁵¹ Woodcock Holdings Ltd v Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

Masterplan to be agreed by the Local Planning Authority to include seven specified elements. The policy also, subject to demonstration of need, requires provision of a primary or first school, and a community sports field with changing facilities, to be secured by planning condition or planning obligation as appropriate.

240. A representation states the HCA is supportive of the level of development as a sustainable urban extension at the St George's site although the Masterplan is not expected to follow a formal agreement with the County Council and Town Council. The HCA consider a Masterplan should be indicative only, setting out broad principles of development form. This point is also made in another representation. I recommend deletion of the word 'detailed' to achieve greater clarity for decision makers as to the nature of the required Masterplan. The reference to obligations should also have regard to viability considerations as set out in paragraph 173 of the Framework.

241. Other representations state development of the St George's Hospital site cannot simply be accelerated and further development beyond the 375 dwelling initial phase will depend on provision of an access road. Representations also refer to uncertainty over suitability, availability and achievability, and refer to issues relating to contamination, sewerage capacity, archaeological considerations, and ancient woodland. Another representation supports the principal of focussing the majority of new development to the north of the town, which is described as the most sustainable location, but state the plan is too constrained concentrating on a single land ownership. Other representations state additional development land that is available should be included. One suggestion is that the northern by-pass should be used to define the extent of development. It is not within my role to test the soundness of the policy nor to produce or assess some alternative plan.

242. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

243. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes and promoting healthy communities. Subject to the recommended modification this policy meets the basic conditions.

**Recommended modification 13:
In policy Hou2**

Delete “detailed”

After “appropriate” insert “The scale of obligations, including those arising from conditions attached to a planning permission, shall not be such as to threaten the viability of the development in accordance with paragraph 173 of the Framework.”

Policy Hou 3 – Housing Mix

244. This policy seeks to require housing development to include a range of property sizes, types and tenures. Within Morpeth town centre and Pegswood village centre a preference is expressed for a scheme for small households, younger and older people, and people with special housing needs. ‘Lifetime neighbourhoods’ are supported in Morpeth town centre and St George’s urban extension.

245. One representation states the policy should be deleted as the matter is more appropriately dealt with at the strategic level. The policy seeks to shape development which is a role envisaged for neighbourhood plans in the Framework. Another representation states *“Tranwell has and continues to make a positive contribution to the supply of executive housing in the County. Executive housing has and continues to be needed in the County and in the Region. An objection is lodged that the policy / its reasoned justification need to be amplified to reflect this and to support the provision of executive housing in appropriate locations which include Tranwell.”* It is not within my role to recommend additional elements of policy to be included in the Neighbourhood Plan.

246. The County Council suggest that this policy should be modified to make reference to meeting identified. I have assumed the reference is to ‘identified need’. The policy is silent with respect to the basis on which to determine the proportion of the specified categories of housing type. The requirement to provide a range of sizes, types and tenures could be easily satisfied with limited variety. On this basis the policy may not achieve a great deal but that is not a basis for modification open to me.

247. It is unclear how the preference expressed in part B of the policy will be applied. I recommend a modification in order to achieve clarity for decision makers.

248. A further representation states the aspects of Lifetime Neighbourhoods to be explored are not matters required to meet the

basic conditions. The policy merely states support for the promotion of Lifetime Neighbourhoods in two locations. The supporting text to the policy explains what Lifetime Neighbourhoods will be expected to demonstrate. The availability of services, accessibility, consideration of older people, and safety and sociability of public spaces are all matters that have regard for the Framework.

249. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

250. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 14:

In policy Hou3

Delete “preference” and insert “support”

Policy Hou 4 – Delivering Affordable Housing

251. This policy seeks to require provision of on-site affordable housing in proposals resulting in a net gain of ten dwellings or more in accordance with the Development Plan or an up-to-date housing needs assessment.

252. One representation states the policy should be deleted as the matter is more appropriate at a strategic level. Another representation states a developer should not have to assess housing needs but the Local Planning Authority should advise. Other representations state the policy should allow for off-site provision of affordable housing.

253. The policy is concerned with shaping development which is a role envisaged for neighbourhood plans in the Framework. The policy does not require a developer to assess housing needs. Whilst the policy does state affordable housing will be expected to be provided on-site the supporting text to the policy at paragraph 7.5.8 does make it clear that off-site provision of affordable housing may be possible. I consider this flexibility although limited to certain circumstances does have regard to national policy. I recommend the policy should reflect the intention set out in paragraph 7.5.8.

254. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

255. National planning policy defines specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development, as set out in the Written Ministerial Statement on small-scale developers.⁵² The policy has regard to that statement and to components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the modification recommended this policy meets the basic conditions.

Recommended modification 15:

In policy Hou4

Continue the policy by inserting the sentence in paragraph 7.5.8 commencing “In exceptional”

Policy Hou 5 – Infrastructure to serve new Housing Development

256. This policy seeks to establish that housing development will make provision for, or contribute towards infrastructure and community requirements arising from the development.

257. A representation raises the issue of viability assessment of cumulative obligations. The Framework establishes that development should not be subject to such a scale of obligations and policy burdens that ability to be developed viably is threatened. I recommend modification so that the policy has regard to this aspect of national policy

258. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy RE6.

⁵² Small-scale Developers The Minister of State, Department for Communities and Local Government Written Statement 28 November 2014

259. The policy has regard to the components of the Framework concerned with promoting healthy communities; promoting sustainable transport; and conserving and enhancing the natural environment. Subject to the modification recommended this policy meets the basic conditions.

Recommended modification 16:

In policy Hou5

After “should” insert “, subject to viability testing in accordance with paragraph 173 of the Framework,”

Policy Tra 1 – Loansdean Link Road protection

260. This policy seeks to safeguard the preferred alignment for the Stobhill-Loansdean link road from development. The County Council has stated it is *“in the process of reviewing routes protected for future highway schemes. This work will support the preparation of the Local Plan in due course. There is no evidence presented with the Neighbourhood Plan to demonstrate the need for this link road. Accordingly, the County Council objects to the inclusion of this policy which has no basis in evidence”*

261. The Neighbourhood Plan states a link road would divert traffic from the Mafeking roundabout congestion point and provide a more direct access route to the Coopies Lane Business Park from the A1. It is not within my role to test the soundness of the policy nor to consider whether it is justified by a proportionate evidence base.⁵³ I recommend modification of the policy so that the desire of the local community to safeguard the route is given consideration in the context of the presumption in favour of sustainable development.

262. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

263. The policy has regard to the components of the Framework that recognises different policies and measures will be required in different communities, and opportunities to maximise sustainable transport

⁵³ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework and Woodcock Holdings Ltd and Secretary of State CLG and Mid Sussex District Council 2015 EWHC 1173 (Admin)

solutions will vary from urban to rural areas. Subject to the modification recommended this policy meets the basic conditions.

Recommended modification 17:

- **Policy Tra1 should be reworded to read “To be supported proposals that would prejudice the implementation of the preferred alignment for the Stobhill-Loansdean Link Road must demonstrate to the satisfaction of the Local Planning Authority that the Link Road is not required”**
- **The Proposals Map should show the policy reference adjacent to the road alignment**

Policy Tra2 – Traffic Congestion

264. This policy seeks to support proposals for development or change of use where it can be demonstrated they will not adversely impact on traffic congestion in Morpeth town centre or at key junctions in the plan area if necessary through implementation of mitigation measures and additional opportunities to alleviate traffic congestion have been identified, considered, assessed and will be implemented.

265. The County Council has suggested minor modifications in order to achieve clarity and another representation states the test should be that overall impact should not be severe.

266. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy T6.

267. The policy has regard to the components of the Framework concerned with promoting sustainable transport. The Framework states *“all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved by all people; and*

- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impact of development are severe”.*

On this basis I recommend the policy should be modified so as to relate to circumstances where an adverse impact on traffic congestion is severe.

268. The Framework establishes that development should not be subject to such a scale of obligations and policy burdens that ability to be developed viably is threatened. Subject to the modification recommended this policy meets the basic conditions.

Recommended modification 18:

In policy Tra2

- **after “compliance with other policies” insert “in the Neighbourhood Plan and elsewhere in the development plan”**
- **and delete “for development or change of use”**
- **and before “adversely impact” insert “severely”**
- **and delete “strategic”**
- **and after “implemented” insert “subject to viability testing in accordance with paragraph 173 of the Framework”**

Policy Tra 3 – Transport Requirements for New Development

269. This policy seeks to establish that development proposals demonstrate positive transport outcomes relating to traffic flow, public transport, pedestrian and cycle routes, rights of way, and parking and manoeuvring space.

270. The County Council has suggested minor modifications in the interests of clarity. Another representation states the policy should be deleted as it merely repeats national standards. Further representations state the requirements are too onerous and that small scale development would not be able to comply.

271. The policy appropriately seeks to establish a local approach to the assessment of development proposals. Minor drafting changes as recommended will assist clarity for decision makers.

272. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policy T6.

273. The Framework establishes that development should not be subject to such a scale of obligations and policy burdens that ability to be developed viably is threatened. I have recommended modification in order to make this clear. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the modification recommended this policy meets the basic conditions.

Recommended modification 19:

In policy Tra3

- **after “compliance with other policies” insert “in the Neighbourhood Plan and elsewhere in the development plan”**
- **and delete “for development”**
- **and delete “strategic and local”**
- **and after “supported where” insert “,subject to viability testing in accordance with paragraph 173 of the Framework,”**

Policy Tra 4 – Development of Footpath and Cycleway Networks

274. This policy seeks to establish support for measures to join up footpaths and cycleways into comprehensive networks and identifies 10 specific priorities.

275. The County Council suggest that modification to the policy could make reference to improving cycle and footpath links to employment sites including those designated or protected through policies in the Neighbourhood Plan. It is not within my role to recommend additional elements of policy. The modification suggested is not necessary to meet the basic conditions.

276. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved

Policies of the Castle Morpeth District Local Plan (2003) and in particular policy T6.

277. The policy has regard to the components of the Framework concerned with promoting sustainable transport. This policy meets the basic conditions.

Policy Tra 5 – Public Transport

278. This policy seeks to establish support for improvements to facilities at rail and bus stations and allocates a site adjacent to the Pegswood station for a car park.

279. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

280. The policy has regard to the components of the Framework concerned with promoting sustainable transport. This policy meets the basic conditions.

Policy Lac 1 – Location of a Sports & Leisure and a Arts, Performance & Heritage Centre

281. This policy seeks to establish conditional support for proposals for sports, leisure and cultural facilities in the town centre. Proposals outside the town centre must demonstrate no suitable town centre location could accommodate the development or alternatively that benefits of the proposed location outweigh the disbenefits.

282. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

283. “Facilities in town centre locations” is an imprecise term. I have recommended a modification in the interests of clarity and to assist decision makers.

284. The policy has regard to the components of the Framework concerned with a town centre first approach to leisure and related development, promoting healthy communities, and promoting

sustainable transport. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 20:

In policy Lac1

After “Heritage Centre or facilities” insert “for these uses

Policy Inf 1 – Flooding and Sustainable Drainage

285. This policy seeks to require development proposals to demonstrate how they will minimise flood risk and specifies appropriate measures.

286. Northumbrian Water strongly supports this policy stating *“the inclusion of a single, comprehensive policy relating to flood risk and sustainable drainage will provide important guidance for developers and residents. We believe that such thorough guidance will ensure that new development in the neighbourhood plan area can be facilitated whilst ensuring no detrimental impact upon flood risk and drainage.”*

287. A representation states the policy should be deleted as national policy attaches significant weight to flood mitigation. Another representation raises concern regarding viability implications of the requirement to reduce runoff rates by 50%. The County Council suggest that modification should be made to the policy to better reflect the intention of the Framework.

288. I consider the policy seeks to shape development which is a role that neighbourhood plans can perform. The Framework establishes that development should not be subject to such a scale of obligations and policy burdens that ability to be developed viably is threatened. I recommend a modification to reflect this. I also recommend the suggested drafting changes in order to have regard to the Framework.

289. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003) and in particular policies RE5 and RE6.

290. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the recommended modification this policy meets the basic conditions.

Recommended modification 21:

In policy Inf1

- **Replace B with “Ensuring that the development will not increase the risk of flooding elsewhere and wherever possible look to reduce the risk of flooding in particular areas known to have experienced flooding.**
- **And replace the first bullet point with “Infiltration (i.e. a soakaway), or if that is not feasible due to underlying ground conditions or site constraints,”**
- **And replace ii with “Where greenfield sites are to be developed, the surface water runoff rates must match the equivalent greenfield run-off rate for the same rainfall event and wherever possible should aim to reduce the existing greenfield run-off rate. Where previously developed sites are to be developed surface water runoff rates should aim to discharge surface water at the equivalent greenfield run-off rate. Where this is impractical, discharge rates shall be reduced by a minimum of 50% of the existing site run-off rate subject to viability testing in accordance with paragraph 173 of the Framework.”**

Policy Edu 1 – Expansion of Schools

291. This policy seeks to establish conditional support for expansion of existing schools.
292. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).
293. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

Policy Edu 2 – New Schools

294. This policy seeks to establish conditional support for development of new schools including instances where expansion of an existing school is not possible.

295. I have recommended a modification so that the basis of decision making on planning applications should be clarified as explained earlier in my report.

296. This policy is in general conformity with the strategic policies contained in the Development Plan, namely the Adopted Saved Policies of the Castle Morpeth District Local Plan (2003).

297. The policy has regard to the components of the Framework concerned with promoting healthy communities; requiring good design; and promoting sustainable transport. Subject to the recommended modification this policy meets the basic conditions.

Recommended Modification 22:

In policy Edu2 delete “planning permission for new development will be granted” and insert “the proposal will be supported”

Summary and Referendum

298. I have recommended the following modifications to the Submission Version Plan:

Recommended modification 1:

In policy Sus1

- delete “exceptional” and insert “those”
- delete “prioritising” and insert “encouraging”

Recommended modification 2:

In policy Des1

- on line 1 delete “permitted” and insert “supported” and after “accords with” insert “the policies,”
- delete “the Northumberland Local Plan” and insert “and elsewhere in the Development Plan”
- on line 3 before “Development” insert “Subject to assessment of viability all”
- in C. continue “in accordance with their significance”
- in I. Delete text after “health or” and insert “public safety at unacceptable risk including from contamination and land

- instability and where necessary incorporate appropriate mitigation, treatment or remediation measures necessary to allow development to proceed without posing adverse impacts on the environment, human health or public safety.”
- in supporting text paragraph 4.2.6 after “flood risk” insert “Much of the plan area is located within the ‘Development High Risk Area’ identified by The Coal Authority. In these areas planning applications except householder proposals, will need to be accompanied by a Coal Mining Risk Assessment to address the risks from land instability associated with mining. The Assessment will also need to identify what mitigation, treatment or remediation measures are necessary to allow development to proceed. These requirements will also apply to the sites allocated in this Neighbourhood Plan.”

Recommended modification 3:

In policy Set1

- Delete “Planning permission will be granted for development” and insert “Development proposals will be supported”
- Delete “permitted” and insert “supported”
- Delete “conformity” and insert “being in accordance”
- Delete “Local Plan” and insert “Development Plan”
- Delete “when it is justified by the following exceptional circumstances” and insert “where it serves or supports the following purposes or activities”
- Delete B and insert “existing businesses and enterprises”
- In C after “countryside” continue “or a sustainable leisure development which respects the character of the countryside where identified needs are not met by existing facilities within settlement boundaries”
- In D delete “to provide for”
- In E delete “for” and replace “of section” with “in paragraph”
- Insert “F. appropriately designed extensions to existing buildings, including extensions to dwellings, which are subservient to and respect the scale and appearance of the existing building”

Recommended modification 4:

In policy Set2

Delete the final sentence and insert “Unless the benefits of development outweigh the loss, proposals should retain mature trees within application sites, and include on-site measures to protect mature trees both within and adjacent to the site”

Recommended modification 5:

In policy Env1

- **In the second paragraph delete the words before “enhance” and insert “Development opportunities should demonstrate they take opportunities to”**
- **In the third paragraph delete the words after “action” and insert “in accordance with a scheme that shall be secured by way of planning condition or planning obligation as appropriate”**

Recommended modification 6:

The precise boundaries of protected open space (Policy Env3) should be identifiable

Recommended modification 7:

Delete policy Her1 and transfer to Part B Community Actions

Recommended modification 8:

In policy Her2 delete the final sentence and insert “Where public benefits that are necessary and cannot be met in any other way outweigh loss or harm this should be minimised.”

Recommended modification 9:

In policy Emp1

- **Delete “Strategy” from the policy title**
- **Delete the first sentence and insert “Development proposals within Morpeth Town Centre will be supported where it is demonstrated they: 1. contribute to the creation of a lively and vibrant centre with:-“**
- **In E delete “other”**
- **Delete the sentence commencing “The character” and insert “and/or 2. Enhance the character and attractiveness of the town centre by:-“**

Recommended modification 10:

Delete policy Emp4

Recommended modification 11:

In policy Emp5 delete the second sentence and insert “Proposals that include a hotel and roadside services will be supported on the sites.”

Recommended modification 12:

In policy Emp6:

- **continue the policy title with “and Additional Employment Sites”**
- **After “sequential” insert “and impact”**
- **In B delete “the following uses may be acceptable” and insert “the uses that may be acceptable include”**
- **In C delete “single user B2 General industrial site” and insert “large scale B2 General Industrial use”**
- **In point 3 delete “an” and insert “a severe”**
- **In point 7 delete the text after “other” and insert “policies in the Neighbourhood Plan or other Development Plan policies”**
- **All sites should be individually referenced on the Proposals Map**

Recommended modification 13:

In policy Hou2

Delete “detailed”

After “appropriate” insert “The scale of obligations, including those arising from conditions attached to a planning permission, shall not be such as to threaten the viability of the development in accordance with paragraph 173 of the Framework.”

Recommended modification 14:

In policy Hou3

Delete “preference” and insert “support”

Recommended modification 15:

In policy Hou4

Continue the policy by inserting the sentence in paragraph 7.5.8 commencing “In exceptional”

Recommended modification 16:

In policy Hou5

After “should” insert “, subject to viability testing in accordance with paragraph 173 of the Framework,”

Recommended modification 17:

- **Policy Tra1 should be reworded to read “To be supported proposals that would prejudice the implementation of the preferred alignment for the Stobhill-Loansdean Link Road must demonstrate to the satisfaction of the Local Planning Authority that the Link Road is not required”**
- **The Proposals Map should show the policy reference adjacent to the road alignment**

Recommended modification 18:

In policy Tra2

- **after “compliance with other policies” insert “in the Neighbourhood Plan and elsewhere in the development plan”**
- **and delete “for development or change of use”**
- **and before “adversely impact” insert “severely”**
- **and delete “strategic”**
- **and after “implemented” insert “subject to viability testing in accordance with paragraph 173 of the Framework”**

Recommended modification 19:

In policy Tra3

- **after “compliance with other policies” insert “in the Neighbourhood Plan and elsewhere in the development plan”**
- **and delete “for development”**
- **and delete “strategic and local”**
- **and after “supported where” insert “,subject to viability testing in accordance with paragraph 173 of the Framework,”**

Recommended modification 20:

In policy Lac1

After “Heritage Centre or facilities” insert “for these uses”

Recommended modification 21:

In policy Inf1

- **Replace B with “Ensuring that the development will not increase the risk of flooding elsewhere and wherever possible look to reduce the risk of flooding in particular areas known to have experienced flooding.**
- **And replace the first bullet point with “Infiltration (i.e. a soakaway), or if that is not feasible due to underlying ground conditions or site constraints,”**
- **And replace ii with “Where greenfield sites are to be developed, the surface water runoff rates must match the equivalent greenfield run-off rate for the same rainfall event and wherever possible should aim to reduce the existing greenfield run-off rate. Where previously developed sites are to be developed surface water runoff rates should aim to discharge surface water at the equivalent greenfield run-off rate. Where this is impractical, discharge rates shall be reduced by a minimum of 50% of the existing site run-off rate subject to viability testing in accordance with paragraph 173 of the Framework.”**

Recommended Modification 22:

In policy Edu2 delete “planning permission for new development will be granted” and insert “the proposal will be supported”

299. I also make the following recommendation in the Annex below.

Recommended modification 23:

Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies

300. I am satisfied that the Neighbourhood Plan⁵⁴:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:

⁵⁴ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; 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.⁵⁵

I recommend to Northumberland County Council that the Morpeth Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

301. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁵⁶ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the County Council as a Neighbourhood Area on 28 June 201

⁵⁵ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵⁶ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁵⁷ The Neighbourhood Plan includes a number of errors that are typographical in nature or arising from updates. I recommend these are corrected as follows:

Reference is made differently throughout policies and in supporting text to the Northumberland Local Plan which is still under preparation. A common approach should be taken to the name given to this document in the supporting text. However, because this is an emerging document and has not yet been tested through examination, where reference is made to the Local Plan in the Neighbourhood Plan policies it may be more appropriate to use the term 'development plan'. This may apply for example in Policy Des1 and Policy Set1. It would also be helpful to include the current timetable for the preparation of the Local Plan in section 2.2 of the Plan.

The Plan should also make reference consistently about the status of the Castle Morpeth District Local Plan (2003) and this should be limited to section 2.2 to avoid repetition.

2.2.4 should also refer to housing

2.3.3 the reference to 'sheltered accommodation' should be amended to refer to 'housing for older people and supported housing developments'. Reference to 'social housing' should be changed to 'affordable housing'

3.1.2 The Economic Strategy was adopted in February 2015. References should be amended to reflect this

3.3.9 Reference here should be to the Core Strategy Full Draft Plan (December 2014)

3.3.10 The Full Draft Plan (December 2014) recognises the need for further employment land in Morpeth. This could be referenced in this paragraph. Delete reference to 'draft' Economic Strategy.

6.4.1 Reference to early sight of an early draft of the Morpeth section of the CDS should be deleted

Table 1 footnote delete 'in shown' and insert 'shown in'

7.4.5 reference to 'sheltered accommodation' should be deleted

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 23:
Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies**

⁵⁷ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

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29 September 2015
REPORT ENDS