



Susannah Buylla
Interim Head of Planning
Northumberland National Park
Authority

Our Ref:
Date:

PINS/T9501/429/6
7 November 2019

Dear Ms Buylla,

Examination of the Northumberland National Park Local Plan

1. I am continuing with my initial preparation in relation to the examination. It is my intention to issue Guidance Notes, Matters, Issues and Questions and a draft hearings timetable by mid-November. I anticipate the hearings beginning on 30 January 2020 and lasting one or two days. I understand from the Programme Officer that these dates are suitable from your perspective and that the venue is available.
2. In the meantime, I have some initial questions/comments in relation to the Habitats Regulations Assessment (HRA) Report – Document NNPA-006 and the Schedule of Modifications – Document NNPA-002.
3. The HRA Report concludes that all of the policies in the Local Plan can be screened out as having no likely significant effect on a European site and that no further assessment i.e. Appropriate Assessment is required. I note that in respect of Policy ST4, Table 4.3 refers to protection provided by Policy 22 in relation to Greenhaugh, Ingram and Kirknewton in reaching conclusions. Paragraphs 4.3.4 and 4.6.1 refer to Policy DM10 in reaching conclusions.
4. Firstly, could you clarify the reference to Policy 22. Secondly, I would be grateful if you could confirm the Authority's view on the compliance of the approach with the judgement of the Court of Justice of the European Union issued on 12 April 2018 (Case C-323/17) and commonly referred to as People over Wind. The judgement deals with the issue of whether it is appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the HRA. As you will know, the Court ruled that it is not appropriate. If you could review the approach taken to the screening of policies and give particular consideration to whether mitigation has been taken into account at that stage to screen out policies. Experience from other examinations suggests that if this is the case, it is a matter that can be resolved relatively simply by screening in policies and undertaking Appropriate Assessment. This would need to involve input from Natural England.

5. The Schedule of Modifications includes a number of genuinely minor modifications addressing typographical errors, formatting issues or providing factual updates etc. These can be regarded as part of the submitted Local Plan. However, in some cases the modifications are more substantial and would fall into the category of potential main modifications. They have not been subject to pre-submission public consultation and therefore I cannot consider them to be part of the submitted Local Plan. These are SoM21, SoM26, SoM31, SoM41, SoM44, SoM49, SoM54, SoM55 and SoM58.
6. I will take these suggested modifications into account during the examination, along with others that may emerge. Ultimately, if I consider they are necessary for soundness/legal compliance, they would be included in a post hearings consultation on main modifications. It would assist me and others involved in the examination if the two types of modifications could be set out in separate documents at this stage.
7. If you have any specific queries relating to my requests, please raise these via the Programme Officer. I look forward to your response.

Yours sincerely

Kevin Ward
INSPECTOR