

## Northumberland National Park Local Plan Examination

### Northumberland National Park Authority's response to the Matters, Issues and Questions identified by the Inspector

<b>Matter 3 – Strategic Policies ST1 to ST4</b>	<b>EXMIQ03</b>
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#### Issue

Whether Strategic Policies ST1 to ST4 are positively prepared, justified, effective and consistent with national policy.

#### *Policy ST1: Sustainable Development*

##### 1) What is the background and justification for the policy?

3.1.1 The presumption of sustainable development is set out in the NPPF (para 7) and explains that the purpose of the planning system is to contribute to the achievement of sustainable development. It has also formed part of the Authority's Core Strategy (NNPA-050) since 2009, with the fundamental aim of ensuring development within the National Park is sustainable. In accordance with the NPPF Strategic Policy ST1 sets out the local circumstances and the Authority's approach to development in the context of a nationally protected landscape.

3.1.2 The English National Parks and the Broads: UK Government Vision and Circular (2010; NNPA-068) is referenced within the NPPF, which states:

*'The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development... Within the Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.'*

This guidance is reflected in Strategic Policy ST1.

#### **Tony Gates**

Chief Executive (National Park Officer)

[www.northumberlandnationalpark.org.uk](http://www.northumberlandnationalpark.org.uk)

[www.thesill.org.uk](http://www.thesill.org.uk)

#### **Northumberland National Park Authority**

Eastburn, South Park, Hexham, Northumberland, NE46 1BS

T: 01434 605555

E: [enquiries@nnpa.org.uk](mailto:enquiries@nnpa.org.uk)

3.1.3 The Authority considers there is considerable justification for the Sustainable Development policy in national policy, National Park legislation (both our statutory purposes and the duty) and the local circumstances that are important to development within this specific National Park. Strategic Policy ST1 therefore is considered suitably justified.

**2) How is it intended to implement the policy in practice in relation to specific development proposals and how would it relate to other policies?**

3.2.1 This strategic policy sets out clearly what the Authority expects from development within the National Park. As outlined in para 4.18 (NNPA-001) when considering whether a proposal is sustainable or not, account will be taken of the sustainable development goals set out in this policy. Similar to the existing sustainable development Core Strategy (NNPA-050) policy, these criteria would be considered on all applications requiring planning permission. This ensures that any proposals for new development are carefully located and designed so that they respect the special qualities of the National Park.

3.2.2 This policy sets out the first principles for locating and designing development within the National Park. It is an important strategic policy in achieving the Authority's long-term aims. The criteria are consistent with subsequent policies, especially those Development Management policies relating to the Special Qualities (DM10, DM11, DM14, DM15). It also provides support for the other policies that relate to the special qualities, but also sets out what the National Park will not find acceptable, where harm would be too much and effectively be deemed unsustainable.

**3) Does the policy adequately and effectively deal with the range of issues relating to sustainable development for example climate change?**

3.3.1 The NPPF (para 8) explains that achieving sustainable development relates to three overarching objectives which are interdependent and need to be pursued in mutual supportive ways. These are economic, social and environmental objectives, which the policy covers. Not surprisingly for a National Park Authority, the environmental objectives are more in number to reflect the statutory purposes. However, the Authority's duty '*to seek to foster the economic and social well-being of local communities*' (s.62 Environment Act 1995; NNPA-062) is considered important with respect to the economic and social objectives of sustainable development. It is considered the policy adequately and effectively deals with a range of issues relating to sustainable development.

3.3.2 With respect to climate change, the Authority considers that the policy could be improved by adding to the criteria. SoM21 (see Schedule of Modifications NNPA-002) proposes to add in part 1b): '*reduces the need to travel and encourages sustainable modes of transport*'. Adding this extra criterion is to ensure that the policy is effective and aligns with climate change guidance. Further reference to modification SoM21 and the reasoning behind this is outlined in para 3.5.1 below.

#### **4) How is the policy consistent with national policy?**

3.4.1 The Authority considers part 1 of the strategic policy is consistent with National Policy, as outlined in response to Question 1 above. It also reflects the English National Parks and the Broads: UK Government Vision and Circular (Document NNPA-068) which is cross-referenced within the NPPF. It also accords with the Environment Act 1995 (NNPA-062) relating to the statutory purposes of National Parks.

3.4.2 Whilst national policy is positively worded in a presumption in favour of sustainable development, part 2 of the policy provides examples where development will be deemed unsustainable. Whilst accepting that it is not positively worded, it was considered important to identify the local circumstances where harm is considered to cause concern with respect to sustainable development. However, upon reflection part 2 is not consistent with national policy as it does not consider the interrelationship between the three objectives. This Part suggests that if development causes harm to one criterion, then it is not sustainable development. This could be said to be misleading and oversimplifies the balance that is carried out in considering sustainable development. The Authority would therefore accept that part 2 could be deleted from Strategic Policy ST1, should the Inspector consider it necessary for the soundness of the policy.

#### **5) What are the issues that the suggested modification SoM21 seeks to address and is it necessary for soundness? Are other modifications necessary?**

3.5.1 The main issues that the suggested modification SoM21 (NNPA-002) seeks to address is to provide a more robust policy with respect to climate change. On reflection of the comments made by Campaign for National Parks (see page 1 of Representations in Policy Order NNPA-009), the Authority realised the sustainable development policy was not as robust as it could have been with respect to climate change adaptation and mitigation. Adding '*and encourages sustainable modes of transport*' to 1b) reflects the local circumstances that the majority of areas within the National Park require access by car and are not served by

public transport. However, where walking, cycling and bus routes can be used, they will certainly be encouraged and supported.

- 3.5.2 The change in wording for 1d) was to align with the wording of the NPPF (para 170a) on landscape and the Authority agrees that *protecting* landscapes would be more appropriate. Similarly with 1e) the wording change from enhancing to *protecting* aligns with the NPPF (para 174).
- 3.5.3 Without duplicating criteria 1e), which already considers biodiversity, 1j) (new) '*protect and enhance habitats that provide important carbon sinks, including peat habitats and woodlands*' was considered important enough to make into a separate criteria. This will ensure all aspects of climate change adaptation are integral to the Sustainable Development policy.
- 3.5.4 The original wording of criteria 1j) relating to *avoiding flood risk* could be thought to be misleading especially taken together with the second aspect of the criteria which requires natural drainage of surface water. Therefore to simplify the wording and to be positively prepared, changing the requirement to '*development avoids increasing flood risk*' was considered more appropriate than the original wording.
- 3.5.5 The proposed change to part 2 adding '*any of the following*' provided clarity that all criteria will be considered. However, as outlined in paragraph 3.4.2 above, on reflection part 2 does not allow for the balancing and interrelationship between the three sustainable development objectives. To ensure soundness (and compliance with national policy) it is accepted that this part 2 could be deleted from the sustainable development policy.

## **Policy ST2: General Development Principles**

### **6) What is the background and justification for the policy?**

- 3.6.1 Strategic Policy ST2 reflects the existing and established Core Strategy (NNPA-050) Policy 3, which is used in determining all planning applications. This policy sets out the general principles that development needs to meet to be acceptable in the National Park and establishes that all new development is expected to contribute positively to the special qualities of the National Park. The policy complements the Sustainable Development Strategic Policy ST1 and Development Management policies, specifically those relating to the Park's Special Qualities.

**7) Does the policy adequately and effectively deal with the full range of relevant issues?**

3.7.1 This strategic policy is based upon Core Strategy (NNPA-050) Policy 3 of our existing plan. After a review of whether the existing policy was fit for purpose, although Development Management colleagues found that the general approach was effective, improvements to wording and separating criteria were identified as preferable to make it more effective. It was also considered appropriate to add in separate criteria to ensure it addresses the full range of issues experienced locally in the types of applications received by the National Park. These range from several aspects of design, impact on amenities, impact of special qualities (including landscaping and biodiversity), highways, services and infrastructure that all form part of a new development proposal and are considered at an early stage.

3.7.2 This policy deals effectively with a sufficient range of relevant issues to act as a checklist for applicants to consider at the early stages of their development design process (as required by para 128 of the NPPF). This is to ensure that considerations of development proposals go beyond what it looks like, but considers the range of benefits and reduction of impacts good design advocates, including climate change adaptation and mitigation. As outlined below (response to Q9), inserting a reference to net biodiversity gain and multi-functional green infrastructure would ensure a complete range of issues.

**8) How is the policy consistent with national policy?**

3.8.1 Paragraph 20 of the NPPF requires strategic policies to set out '*an overall strategy for the pattern, scale and quality of development*'. This strategic policy explains what the local circumstances are with respect to the expected quality of all development proposals within this National Park.

3.8.2 Strategic Policy ST2 is considered consistent with NPPF Chapter 12 *Achieving well designed places*. As required by paras 124 and 125 of the NPPF, the policy sets out clear design expectations not just in visual terms, but also in terms of impact upon amenity (para 127f) and landscaping setting (para 127c).

3.8.3 Some of the criteria in Strategic Policy ST2 relate to climate change adaptation and mitigation (see Chapter 14 of the NPPF *Meeting the challenge of climate change, flooding and coastal change*). Specifically, criteria 1d) relates to flooding and 1f) relates to sustainable design and construction techniques, such as minimising waste and minimising energy use and using energy from renewable sources.

3.8.4 The transport and highway safety aspects of Strategic Policy ST2 are consistent with Chapter 9: *Promoting Sustainable Transport* of the NPPF, where para 102 requires development proposals to consider transport at their earliest stage.

**9) What are the issues that the suggested modification SoM26 seeks to address and is it necessary for soundness? Are other modifications necessary?**

3.9.1 The proposed amendment SoM26 (see Schedule of Modifications NNPA-002) to Strategic Policy ST2 relate to improving wording, ensuring the criteria is detailed enough about climate change adaptation and mitigation and reflective of national policy.

3.9.2 The proposed modification for criteria 1f) inserts '*including design features to ensure that they provide resilience for climate change*'. This was considered important to highlight to developers and applicants that the effects of, and impact on, climate change can be minimised through measures incorporated into scheme design. This also aligns with para 150 of the NPPF and addresses comments made by Campaign for National Parks (see page 1 of Publication Draft Original Representations NNPA-008).

3.9.3 Removing the phrase '*where proportionate*' in criteria 1f) is considered necessary in this criterion. The phrase was used to reflect the minor small-scale nature of development in the National Park. However, there is concern that this phrase would enable applicants to ignore these important issues, effectively giving them an 'opt-out' of minimising energy use and using renewable sources - which the Authority should be encouraging at all levels of development.

3.9.4 The proposed modifications to 1g) is simply to improve the wording and is not an issue of soundness.

3.9.5 The proposed modification to criteria 1h) includes inserting reference to '*net biodiversity gain*'. This would align this strategic policy with Development Management policy DM10 2b) and highlights the importance of net biodiversity gain as a strategic policy objective. Given the Government's recent move towards net gain agenda (Government's 25 Year Environment Plan NNPA-070 and July 2019 revisions to the NPPG <https://www.gov.uk/guidance/natural-environment>), the proposed modifications are considered important as a matter of soundness.

3.9.6 We also propose an additional criterion which makes reference to green infrastructure as follows: '*opportunities are taken to incorporate multi-functional green infrastructure as an*

integral part of the scheme design and commensurate with the scale of the proposal'. This inclusion is considered important as green infrastructure is referenced as a matter of strategic policy in para 20c of the NPPF and is an important climate change adaptation measure.

3.9.7 The proposed modification to criterion 1i) to make reference to the '*local road network*', rather than local highway safety, reflects comments made by Highways England (page 6 of NNPA-008) and are considered more appropriate than the original wording. These are minor issues that do not, in our opinion, go to the soundness of this strategic policy.

3.9.8 An additional criterion is proposed at the end of this strategic policy which is based on comments received from the Coal Authority (page 6 of NNPA-008). The additional wording states:

*m) the proposal will not give rise to unacceptable risks from contaminated or unstable land. If the proposal is located near to land known or suspected of being contaminated or unstable, an assessment shall accompany an application and shall include suitable remedial measures including timeframes for when such measures will be undertaken.*

The authority agrees with the Coal Authority that it is important to consider unstable land in relation to development. At present there is no policy within the Core Strategy and the Development Management team considered that NPPF para 170 was sufficient to determine applications. Nevertheless, given the extent of coal works that the Coal Authority outlined in their representation, we considered it would be appropriate to add the additional criteria (slightly amended from the wording proposed by the Coal Authority) to Strategic Policy ST2.

### ***Policy ST3: Major Development***

#### **10) What is the background and justification for the policy?**

3.10.1 The background to this policy is set out in paras 4.24 to 4.29 of the Publication Draft Local Plan (NNPA-001) which references national policy and explains the local circumstances to applying the policy. As outlined in the supporting text, Northumberland National Park has largely avoided major development. The existing Core Strategy Policy 4 was used quite considerably in 2014/ 2015 when the Authority dealt with an application for the The Sill: National Landscape Discovery Centre, an extension to Harden Quarry and a forward operating base at the Ministry of Defence land in the Otterburn ranges. Assessment of the existing policy was carried out by Development Management officers in 2016 where it was

found that the policy was still fit for purpose, compliant with the NPPF and required minimal change. It was concluded that it was justified to have a strategic planning policy on major development to ensure the local circumstances are fully taken into account, especially with so few applications for major development being submitted in the National Park.

**11) Is the policy fully consistent with national policy (particularly Para 172 of the NPPF)?**

3.11.1 The NPPF refers specifically to major development and it states in para 172:

*‘The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest’.*

3.11.2 Strategic Policy ST3 is considered consistent with the national policy, with the first sentence making it clear that major development will only take place in exceptional circumstances. The policy is intended to explain clearly what is required of a developer in Northumberland National Park and the matters that will be considered as part of the assessment.

3.11.3 The criteria in Strategic Policy ST3 reflects the criteria set out in para 172; 1a) requires considerations of the need for the development including the national economy, 1b) impact upon the local economy, 1c) reflects the costs and scope for developing outside the National Park, 1d) relates to the impact on the landscape and 1e) relates to the effects on the special qualities.

**12) Should criterion a) refer more generally to the local economy?**

3.12.1 To be consistent with national policy, we agree to remove reference to *‘the local economy of the National Park’* and just refer to the local economy. This is also consistent with our existing Core Strategy Policy 4 and reflects the nature of the National Park boundary, where communities are often split by the boundary between the Park and the County Council areas. To limit effects to only the National Park’s local economy would be too restrictive and we consider such a modification to be appropriate.

**13) Is criterion e) consistent with Para 172c) of the NPPF in referring to minimising adverse effects and the extent to which these could be mitigated rather than moderated?**

3.13.1 National policy in para 172c) refers to the extent to which detrimental effects can be moderated. The series of policy tests to warrant justification acknowledges that the very nature of a major development in a National Park means that it is highly likely that some harm is produced. The 'moderation test' allows assessment of whether residual harm is acceptable when assessed in the general planning balance.

3.13.2 When drafting the policy it was considered that the word *moderate* may not be clear enough for developers to understand what is expected of them, which is why the word *minimised* was used. However, with Modification SoM31 we propose to include the term 'mitigate' to enable the policy to set out a clear expectation that any identified adverse impacts will need to be minimised in the first instance and mitigated/ compensated for if they cannot be minimised. The word *mitigation* has been used in our existing Core Strategy Policy 4c and has been found to be effective.

**14) Is part 2 of the policy justified and consistent with the NPPF?**

3.14.1 Part 2 of Strategic Policy ST3 was included to address major applications relating to the use of land, as previously experienced with Ministry of Defence applications, and is considered to relate to para 172c of the NPPF (detrimental effect being moderated). This part of the policy is intended to set out that there is an expectation that works will be required to restore the physical characteristics of a site to a condition consistent with the National Park first purpose. The precise nature of restoration will depend upon the circumstances of the development and whether there would be a need to simply restore or if enhancement would be required.

3.14.2 Although this part of the policy will not be used very often, we consider part 2 is justified and would be consistent with the first purpose of the National Park. We do not consider it would conflict with national policy.

**15) What are the issues that the suggested modification SoM31 seeks to address and is it necessary for soundness? Would the suggested modification itself be consistent with national policy? Are other modifications necessary?**

3.15.1 Proposed modification SoM31 (Schedule of Modifications NNPA-002) relates to changes to part 1e). The policy limits assessment of adverse effects to the special qualities, the

landscape and recreational opportunities. The proposed change referring to minimising and mitigating effects has been explained above in para 3.14.1.

3.15.2 The further modifications to 1e) proposed by SoM31 are in response to comments received from Highways England (page 7 of NNPA-009) and to improve the wording. We agree with comments received by Highways England that reference to the transport network should be included within such a strategic policy relating to major development.

3.15.3 In considering the Highways England comments, which referred to the Preferred Options Major Development Policy (page 22 of NNPA-040), we considered the phrasing of the Preferred Options was more appropriate and have reverted back to that wording. We consider the proposed change is consistent with para 172c of the NPPF, with special qualities, historic assets and natural resources being akin to 'the environment' used in national policy.

3.15.4 As outlined above (para 3.12.1) at part 1b) we would accept the need to delete reference to the 'local economy ~~of the National Park~~' and simply refer to the local economy.

#### **Policy ST4: Spatial Strategy**

#### **16) What is the basis for identifying particular settlements as either Local Centres or Smaller Villages and is the approach justified?**

3.16.1 The settlement strategy is based on the established policy of Core Strategy Policy 5, which identified settlements as Local Centres and Smaller Villages. This was based on a local facilities survey carried out for the Core Strategy in 2008. The Planning Inspector, who examined the Core Strategy and considered the settlement hierarchy, commented on the spatial strategy in his decision letter (dated 16<sup>th</sup> February 2009):

*'In this context, while the chosen settlements would not meet locational criteria applied in other rural or urban areas, I consider that the centres identified in the plan represent the most sustainable options for the National Park'.*

3.16.2 The character and nature of the settlements have not changed substantially within the past 10 years, however today supermarket deliveries and online shopping means that access to a shop for daily needs is no longer as important as it was back in 2008/09.

3.16.3 Responses from the Issues, Policy Options and Preferred Options consultations showed support for continuing the established spatial strategy. When reviewing the Core Strategy Policy 5, Development Management officers commented that identifying specific

settlements for development was useful, though the difference between the two categories of settlement is quite minimal.

- 3.16.4 Given the limited amount of development experienced within the National Park, especially residential development, there remained concern that limiting new housing to just the Local Centres would still not provide the level of housing required to support the existing settlements. The smaller villages of Charlton, Ingram, Kirknewton and Stonehaugh could accommodate development, especially new housing, without harm to the special qualities.
- 3.16.5 The Publication Draft Policy ST2 changed the settlement hierarchy to put Local Centres and Smaller Villages together in one category and Open Countryside under a separate criteria. It was also proposed to move Rochester from a Smaller Village to a Local Centre due to its size. This policy was discussed and agreed at a Full Authority meeting on 15<sup>th</sup> May 2019 (<https://nnp-tacdesign.netdna-ssl.com/wp-content/uploads/2019/05/ITEM-1-Publication-of-Draft-Local-Plan.pdf>). No comments were made on this during the Publication Draft consultation.
- 3.16.6 Whilst Local Centres and Smaller Villages are treated the same within the settlement hierarchy, the policy does require development to be proportionate to the size of the settlement and therefore the reversion would ensure that any larger developments are kept in the Local Centres. This approach is considered justified as it broadly continues along the established policy and also received no objection from Parish Councils, statutory consultees or local communities.
- 3.16.7 The Sustainability Appraisal (page 69 of NNPA-005) considered reasonable alternatives to the spatial strategy. The first alternative, keeping the existing hierarchy, was discounted due to the restrictions on residential use of conversions in the open countryside. The SA also considered creating a new settlement hierarchy for all settlements that contained 6 or more houses. However, this was also discounted as it would not have been the most sustainable approach to housing delivery. Particularly, officers felt those areas identified with 6 address points were not suitable areas for further development, especially as many of these are in the more isolated locations of the National Park. Instead, it was considered settlements with 12 address points or more were much more appropriate.
- 3.16.8 The spatial strategy is consistent with national policy on rural housing (NPPF para 78) which explains that '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*'. We consider that Strategic Policy ST4 is consistent with this part of national policy, and directs housing

to the settlements even if these are often very small settlements with few facilities. The Authority has also identified that there are a number of areas within the Park where residential use would be unsustainable, which is what we have termed 'Open Countryside'.

3.16.9 Taking into consideration the existing established settlement hierarchy, the Sustainability Appraisal discounting reasonable alternatives, the general consensus for the settlement hierarchy (and absence of objection) and there being no direct conflict with national policy, the strategic policy is considered justified.

**17) How would development proposals be considered in practice and how would judgements be made as to the appropriateness of the site and the scale of development proposed?**

3.17.1 The policy has been worded to ensure as much flexibility as possible and so that the specific circumstances of the site can be taken into account when considering development that is proportionate to the size of the settlement where it is located. In the Smaller Villages one or two infill houses may be accommodated in some locations. The Development Management team operate a highly valued pre-application service, where we would encourage potential developers to engage with the Authority to discuss the appropriate and proportionate amount of development which would not harm the special qualities of the National Park. We consider ensuring the special qualities of the Park are not adversely harmed and the application of the other strategic policies will provide a good basis for considering appropriate proposals, rather than being prescriptive about, for example, numbers of housing or size of developments that would be permitted in which settlement.

3.17.2 As established with the existing Core Strategy (NNPA-050), again we are not proposing settlement boundaries in this Local Plan. There has been no objection to this approach in any of the consultations. This again allows flexibility for assessing the sites acceptability for development, taking into account protecting the Park's special qualities. With very little development coming forward in recent years, a flexible approach is considered the most appropriate. Restricting the already small settlements with boundaries or size restrictions would even further reduce the number of sites available and is not considered an appropriate alternative.

**18) Is the approach to development in the open countryside consistent with national policy?**

3.18.1 National policy on development in the open countryside differs depending upon the type of development being proposed. This strategic policy is intended to cover all development. The NPPF uses the term 'open countryside' at paragraph 79 which only covers residential uses; elsewhere (for example on tourism and employment uses) it uses the term 'rural' which can also include rural settlements. Part 3 of the Strategic Policy ST4 relates to open countryside which covers anywhere other than the designated settlements outlined in Policy ST4. Even though there is a slight difference between terminology, part 3 of the policy is not considered to conflict with national policy.

3.18.2 The Strategic Policy ST4 parts 3a) and 3b) align with the NPPF (para 83), allowing for the economic re-use of buildings and being supportive of agricultural, tourism, recreation (leisure) and other rural enterprises that need to be located within the open countryside. Part 3c) of the policy also accords with NPPF para 84 regarding the development meeting social or community needs.

3.18.3 Part 3d) reflects the local circumstances that operate within the National Park where sometimes development has to be located within the open countryside. One example is that there are many residential properties located within the open countryside and it is reasonable to allow these property owners to have extensions and detached outbuildings, as allowed by Policy DM2. Another example is to allow telecommunications infrastructure, if in accordance with Policy DM1.