

## Northumberland National Park Local Plan Examination

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

<b>Matter 5 – Other Development management Policies</b>	<b>EXMIQ05</b>
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#### Issue

Whether the other Development Management Policies are justified, effective and consistent with national policy.

#### *Policy DM1: Community Facilities and Infrastructure*

#### 1) Is Part 7 justified and consistent with national policy?

5.1.1 Part 7 requires any new infrastructure that is no longer required to be removed and the site suitably restored. This practice happens at present and by putting it into the policy it makes developers aware at an early stage that the authority will expect a no longer functional piece of infrastructure to be removed. This will normally be applied to cases where the infrastructure has a limited lifespan, such as a telecommunications mast. Removing a non-functioning piece of infrastructure will help conserve and enhance the landscape and other special qualities of the National Park.

5.1.2 This part is considered to be justified as it is serving the statutory purposes of the National Park. NPPF (para 172) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and this part of the policy will help to achieve this, and not result in a landscape cluttered with non-functioning infrastructure. Part 7 is consistent with this aspect of national policy, as well as national legislation that sets out the Park's statutory purposes.

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## ***Policy DM6: Conversion of Buildings***

### **2) Is the approach consistent with national policy, particularly in relation to residential use in light of Para 79 of the NPPF?**

5.2.1 Para 79 of the NPPF refers to the specific circumstances where isolated homes in the open countryside can be permitted. Part c) allows for development which would re-use redundant or disused buildings and enhance its immediate setting.

5.2.2 There is also the national permitted development context that is important to understand. Outside National Parks permitted development rights apply under Class Q for the change of use of agricultural buildings to residential, however the Government deliberately exempted National Parks from this permitted development and therefore all conversions of agricultural buildings to residential use require planning permission. This context is important.

5.2.3 Policy DM6 is a continuation of the existing established policy approach which is set out in Core Strategy (NNPA-050) Policy 7 *Conversions of Buildings outside settlements*, however now with the flexibility of allowing principal residence residential conversions in specific circumstances. Part 1 of DM6 allows for conversions within the identified settlements, which accords with national policy.

5.2.4 For a building to be considered for conversion under Policy DM6, it would need to meet a number of criteria. Part 2 of DM6 sets out these criteria. Whilst the NPPF simply requires the building to be redundant or disused and for it to enhance its setting, the Authority consider it is important to give the local context and ensure that the location and character of the building within the protected landscape of the National Park is taken into account. As outlined above, NPPF (para 172) gives great weight to conserving and enhancing landscape and scenic beauty in National Parks. It is therefore considered important to ensure that careful consideration is given to the overall impact of conversions on the protected landscape. It is considered reasonable to not consider para 79 alone but also give para 172 essential consideration.

5.2.5 Parts 2a), 2d) and 2e) are all supported by NPPF para 172. The criteria are justified in turn below:

**Part 2a)** requires the building to make a positive contribution. If the building does not make a positive contribution then there is no justification for its retention in a protected landscape. There are many modern buildings of non-traditional construction that cause

harm to their immediate setting. This policy will help ensure those buildings are not re-used unless there is a clear enhancement.

**Part 2b)** also continues from existing Core Strategy (NNPA-050) Policy 7 which makes it clear that the structure to be converted has to be a substantial building to be considered for conversion. This prevents modern pole barns and other open sided structures from being converted and makes it clear to developers the types of buildings that the Authority consider appropriate for conversion.

Again, **part 2c)** follows from Core Strategy Policy 7 where we accept that buildings can be extended by small proportions but not to an extent that the original character is harmed. This works well and allows each case to be considered in its context.

**Part 2d)** sets out to developers the high quality design that is expected of conversions. The word exceptional was taken from para 79e of the NPPF, but that criteria relates to new-build (PPS7) homes rather than conversions. The Authority considers that the current wording is excessive and should be modified as shown: '~~exceptional~~ high quality design'.

**Part 2e)** relates to the impact of aspects of a proposal upon the protected landscape.

**Part 2f)** ensures that any conversions also respect the historic landscape asset and built heritage of the National Park.

The criteria set out in Part 2 of policy DM6 would be consistent with national policy on housing in the open countryside, protected landscapes and good design.

- 5.2.6 Part 3c) relates to principal residence housing and criteria relating to the building's location. This again relates to the need to conserve the National Park landscape and minimise the impact of residential conversions upon the protected landscape. By ensuring that the building is located within an existing group of buildings including a residential property (part 3c i), then the impact of a residential conversion is likely to have less impact on the setting and character of the landscape. The majority of conversions are for buildings that belong to a traditional farmstead, which form a coherent group of buildings. This policy will enable these buildings (usually redundant barns too small for modern agricultural usage) to be converted to ensure their continued upkeep as an important part of the National Park built heritage. In our experience conversions in these circumstances can be successfully carried out with the rural character of the building and farmstead being retained. Part 3c ii) replicates NPPF para 79.

5.2.7 In terms of part 3c iii), the reason for not permitting conversion of a building in an isolated location is because these schemes are likely to have an adverse impact upon the landscape and result in inappropriate sporadic development in the open countryside. Isolated standalone buildings raise more landscape concerns with the impact of domestic paraphernalia such as play equipment, garden furniture, sheds and outbuildings. There is less likely to be an established curtilage large enough to accommodate a new use and the visual impact of new access, parking and other facilities is likely to be much greater. Extra activity associated with a new use is also more likely to be harmful where a building is in an isolated, standalone position. Creating new residential units in isolated locations also has implications in terms of the delivery of services such as waste collection, post and other home deliveries which can lead to long journey times and increased carbon dioxide emissions over the lifetime of the Plan (as outlined by the Sustainability Appraisal NNPA-005). Again part 3 of policy DM6 is considered consistent with national policy on rural housing and protected landscapes.

5.2.8 Policy DM6 is considered to support the National Parks first purpose, discourages unsustainable development and is consistent with the spatial strategy. It helps protect the landscape character but allows for a more flexible approach to the existing established Core Strategy (NNPA-050) Policy 7.

### ***Policy DM9: Transport and Accessibility***

#### **3) Is the policy sufficiently clear and effective in terms of the specific requirements?**

5.3.1 We consider the policy is sufficiently clear and effective. It takes into account the nature of the National Park, with limited public transport options seeking to maximise accessibility whilst minimising environmental and health impacts. It also follows the policy approach of the established Core Strategy (NNPA-050) Policy 12 and use of the Northumberland Parking Standards (NNPA-091) which have been useful in dealing with the types of small scale levels of development received in Northumberland National Park. Policy DM9 accords with the NPPF (para 98) in protecting and enhancing public rights of way and with Chapter 9 of the NPPF (paras 102 to 111) *Promoting Sustainable Transport*.

5.3.2 More specific requirements are set out in proposed para 5.63 (SoM54, NNPA-002) and readers are directed to the Northumberland Parking Standards (NNPA-091) from that paragraph.

**4) Are suggested modifications SoM54 and SoM55 necessary for soundness? Are other modifications necessary?**

5.4.1 The modifications are proposed as a response from comments on the Publication Draft from Northumberland County Council (NNPA-056). The additional wording (SoM54, NNPA-002) has been agreed by the Highways Manager at NCC and reflects the existing situation with NCC as the Highway Authority. The Statement of Common Ground (NNPA-012) agreed on 26<sup>th</sup> September 2019 reflects these discussions and agreement.

5.4.2 The modification to the wording of Policy DM9 as proposed in SoM55 (NNPA-002) again is a response from comments from NCC to ensure *appropriate* transport needs are addressed in development proposals. On reflection it was considered the policy did not explicitly refer to car parking and therefore reference to both car parking and cycle parking facilities was included to ensure clarity.

***Policy DM10: Habitats, Biodiversity and Geodiversity***

**5) Is the policy consistent with national policy?**

5.5.1 National Policy on habitats, biodiversity and geodiversity is set out in Chapter 15 of the NPPF Conserving and enhancing the natural environment (paras 170 to 177). It is considered that policy DM10 embeds national policy into the local context:

- **Part 1** sets the context of the importance of wildlife, habitats and geological interest.
- **Part 2** reflects para 174 of the NPPF, relating to maintaining and enhancing
- **Part 3** reflects the para 175 relating to harmful impacts on sites or species.
- **Part 4** sets a hierarchy as per para 171 of the NPPF.

5.5.2 However, it also has consideration for the scale of development within the National Park to ensure that requirements, for example for net biodiversity gain, are proportionate to the development being proposed. Natural England raised no concerns with the policy (page 56, NNPA-008).

**6) Is suggested modification SoM58 necessary for soundness? Are other modifications necessary?**

- 5.6.1 The wording of part 1 proposes a minor change to clarify the intention of the policy, making it explicit that *conservation and enhancement* of wildlife, habitats and geodiversity is important.
- 5.6.2 The last sentence of part 2c) of policy DM10 refers to green infrastructure. On reflection and taking into account NPPF para 171 which talks about a strategic approach to maintaining and enhancing green infrastructure, it was considered important that this aspect of the policy was made into a separate criteria in Strategic Policy ST2. This proposed modification highlights the importance of green infrastructure. However, the Authority would have no concern with retaining this part of the policy as well.
- 5.6.3 The renumbering of the policy is simply to improve the format of the policy and is not a soundness issue.
- 5.6.4 In part 6, the additional wording to *National Sites* is necessary to differentiate the level of protection afforded to the hierarchy of sites.
- 5.6.5 We consider part 8 should be deleted as it is considered superfluous. This is due to the types of development that are proposed in Northumberland are unlikely to attract a significant number of additional visitors, and if such a proposal came forward we would have control through other policies, including Policy ST1: Sustainable Development and Policy ST3: Major Development. It is not a matter of soundness and therefore if the Inspector considered it needs to stay, we would accept this.

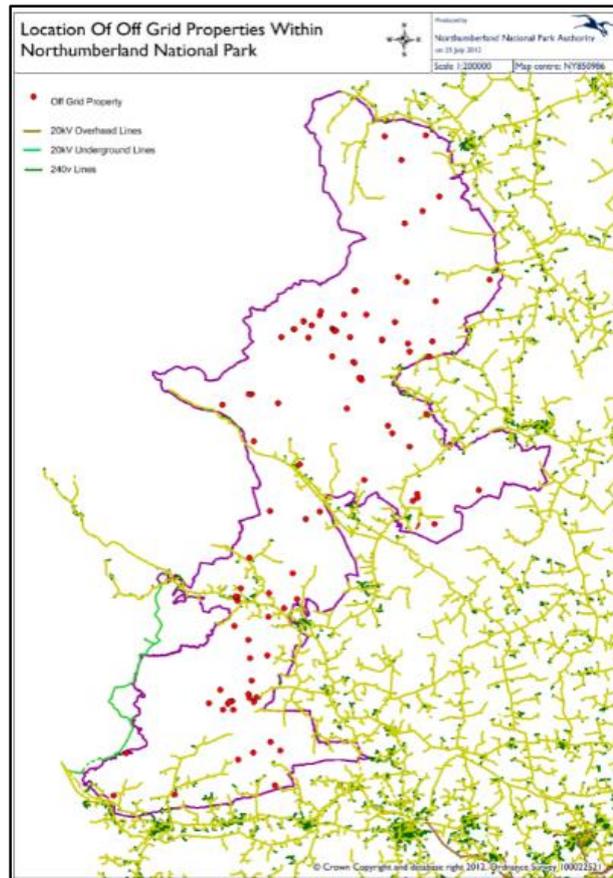
### ***Policy DM13: Renewable Energy***

#### **7) Is the policy consistent with national policy in relation to wind energy taking account of Para 154 and footnote 49 of the NPPF?**

- 5.7.1 Policy DM13 relates to renewable energy and part 1 sets out criteria for acceptable schemes. Part 1b) makes reference to small scale wind turbines as one of the renewable technologies that are considered acceptable.
- 5.7.2 National policy (NPPF para 154) recognises the advantages of small scale renewable projects which can help with cutting greenhouse gas emissions, however part b) requires suitable sites for renewables to be identified in Local Plan documents. Footnote 49 refers to the need of local planning authorities to identify areas suitable for wind energy development. The Authority has not carried out an assessment of specific areas within the

National Park. This is on the basis that in this protected landscape anything other than small scale turbines would cause harm to the landscape.

- 5.7.3 The government accepts, in its decision to differentiate between Article 2(3) land (which includes National Parks) for renewables, that certain areas of the country should be subject to control over any wind turbine development due to their sensitivity. Class I of Part 14 *Renewable Energy* of the Town and Country (General Permitted Development) Order 2015 requires all wind turbines in National Parks to obtain planning permission. By making this decision, the Government accepts that even small-scale stand-alone turbines of less than 11.1 metres in height need to be considered sensitively and require consideration at the local level.
- 5.7.4 In reality, and having consideration for recent cases, the only applications for wind turbines that are likely to be acceptable within the National Park would be very small scale (under 20 metres). Any affects would be extremely localised. Taking a landscape approach, such as according to landscape character areas (as suggested in Planning Practice Guidance) would likely end up with a blanket approach that no wind turbines would be acceptable and would be more restrictive than the national policy intends. However the Authority considers that a site specific approach should be taken where localised effects are considered.
- 5.7.5 The second relevant issue is that 10% of properties (113 in number) within the National Park are not connected to the mains electricity grid. This is an extremely unusual local circumstance where we have off-grid properties that primarily rely on diesel generators for electricity. The map below shows the wide dispersal of properties (indicated by a red dot) throughout the National Park.



**Map showing off-grid properties in Northumberland National Park**

- 5.7.6 The large dispersal of off grid properties that would benefit from small scale renewables including wind energy shows that identifying specific areas suitable for wind turbine development would not be possible as they are dispersed widely across the National Park.
- 5.7.7 There are a number of off-grid properties that are currently interested in diversifying their energy sources including renewables. To replace a greenhouse gas emitting diesel generator with renewable energies would be consistent with national policy on greenhouse gases (Chapter 14 on Climate Change, specifically NPPF para 151).
- 5.7.8 The Authority's argument is that although not consistent with national policy, specifically in para 154 and footnote 49, it is supported by national policy on climate change. There are considered justifiable reasons and specific local circumstances that justify a different approach in this case, most importantly relating to the number and dispersal of off grid properties within the National Park and the opportunities for these properties to become self-sufficient and reduce their greenhouse gas emissions. The authority proposes to support this direction with a supplementary planning document setting out the approach for site sensitive design for small-scale (under 20 metre) wind turbines. This approach is

considered to be consistent with the highest status of protection given to the landscape and scenic beauty outlined in NPPF para 172.

### **Policy DM16: Minerals Development**

#### **8) What is the situation regarding the supply and demand for minerals in the region/sub-region and how does this affect the National Park and the policy approach?**

- 5.8.1 The situation regarding the supply and demand for minerals in the region/sub-region is set out in the Joint Local Aggregates Assessment (NNPA-080), produced in December 2018. This is prepared by the North East Aggregates Working Party on which Northumberland National Park sits alongside Durham County, Northumberland County, Gateshead, Newcastle City, North Tyneside, South Tyneside and Sunderland City Councils.
- 5.8.2 The Joint Local Aggregates Assessment concluded that '*there are good prospects of crushed rock supply being maintained*' (para 7.1, NNPA-080). However, maintaining this supply requires quarries to maintain productive capacity and for some quarries to extend time or working areas.
- 5.8.3 There are two quarries in Northumberland National Park. Harden Quarry is the only fully operational quarry and extracts red whin stone; Cop Crag Quarry is the other but only extracts sandstone for building use as required and is not listed in the JLAA. Permitted reserves of crushed rock for aggregate use in Northumberland were 81 million tonnes at 31 December 2017 (para 4.24). Of the permitted reserves, Harden Quarry holds 1.1million tonnes and has one of the lowest productive capacities at 150,000 tonnes per annum. Therefore Harden Quarry makes up a small number of the overall regional supply.
- 5.8.4 While there is a large landbank for crushed rock in Northumberland, the material extracted at Harden Quarry is valued for its red colour not found elsewhere in Northumberland (para 6.22). It has current planning permission until 2029. The Joint Local Aggregates Assessment appreciates whether any extension in time or to the extraction area would outweigh the potential adverse effects on the purposes and special qualities of the National Park (para 7.5). The JLAA recommends that future provision for extraction should be made outside the National Park (para 6.22).
- 5.8.5 The policy approach is reflective of the conclusions drawn in the JLAA, from which no key regional matters or issues identified directly related to the National Park. Point 1 of Policy

DM16 expresses that major minerals development will not be permitted other than in exceptional circumstances except in the public interest. As the JLAA shows no shortage of supply and no need for the National Park to add to the supply, there is no short or medium-term indication toward an exceptional circumstance in the public interest.

**9) Is the approach to major minerals development consistent with that set out in Policy ST3 and national policy?**

5.9.1 Point 1 of Policy DM16 states that major minerals development will not be permitted other than in exceptional circumstances in the public interest. The Authority acknowledges that this is not positively worded, but best reflects the wording of para 172 of the NPPF which says in relation to National Parks: '*planning permission should be refused for major development other than in exceptional circumstances*'.

5.9.2 We consider parts a), b) and c) of part 1 are consistent with both Strategic Policy ST3 and national policy. However on reflection part d) is not consistent as it requires consideration of the strategic aims and objectives of the Management Plan. Whilst this is relevant to our statutory purposes this is not consistent with other policies or national policy, and is not considered essential for the purposes of this policy. The strategic aims of the Management Plan are generally covered by the Sustainable Development Policy ST1. Therefore, the Authority proposes to remove part d) as follows:

*1. Major minerals development will not be permitted other than in exceptional circumstances and where it can be demonstrated that the proposal is in the public interest. In assessing proposals the National Park Authority will consider:*

- a) the demonstrable wider need for the development;*
- b) an objective assessment of alternatives outside the National Park; and*
- c) the impact upon the special qualities of the National Park; ~~and~~*
- ~~d) —strategic aims and objectives for the management of the National Park<sup>69</sup>.~~*

5.9.3 Policy ST3: Major Development is more positively worded than DM16, but both share the same principle that major development is only permissible in exceptional circumstances in the public interest. Both reflect the requirement to have a need for the development and to assess the impact on the National Park's Special Qualities. For these reasons, with the above proposed modification both policies DM16 and ST3 are considered to be consistent with each other and national policy.

**10) Is the approach to new quarries or the expansion of existing quarries justified and consistent with national policy?**

5.10.1 By engaging with the North East Aggregates Working Party, and as set out in the Joint Local Aggregates Assessment (NNPA-080), the Authority notes that supply can be met at a regional level without extraction being accommodated within the National Park. Therefore major minerals development should be located outside of the National Park in accordance with Part 1 of the policy (DM16).

5.10.2 The second part of Policy DM16 permits small-scale expansion or time extension for existing operations where there are socio-economic benefits. The Authority appreciates the rarity of the red whin stone extracted at Harden Quarry. The policy reflects this view whilst also ensuring the protection of the National Park's Special Qualities. Contrary to the consultation comments of the Minerals Products Association (page 20, NNPA-009) the Authority considers this policy to align with para. 205a of the NPPF.

5.10.3 The third part of Policy DM16 relates to new small scale quarrying. This also identifies the importance of minerals, particularly traditional building stone which accords with para 205g of the NPPF.

5.10.4 Parts 4 to 6 of Policy DM16 set out criteria for justification (in line with paras 204 and 205 of the NPPF) for new or extended mineral operations such as the supply of resources, safeguarding, impacts, noise and restoration. These requirements ensure that permitted and proposed operations do not have unacceptable adverse impacts as set out in para 204f of the NPPF.

***Policy DM17: Minerals Safeguarding Areas***

**11) Is the approach to Minerals Safeguarding Areas justified and consistent with national policy?**

5.11.1 The approach to Minerals Safeguarding Areas is (as per point 1 of Policy DM17) to safeguard mineral resources and reserves from development which would prevent or obstruct potential future operations. This appreciates that minerals are a finite resource and ensures non-minerals development does not take place where it would sterilise or constrain potential future minerals working. This aligns closely with para 204 of the NPPF to identify

the location of MSAs, but does not create a presumption that this designation automatically permits the extraction of the resources.

**12) Are the Minerals Safeguarding Areas shown on the Policies Map appropriately defined or should they cover wider areas?**

5.12.1 The Minerals Safeguarding Areas as shown on the proposed Policies Map (NNPA-004) are at Harden Quarry and Cop Crag Quarry, the only existing extraction sites in the National Park. As stated in para 5.125 of the Local Plan (NNPA-001) the designation as an MSA simply reflects the underlying geology. This is based on the mineral resources information produced by the British Geological Survey (<https://www.bgs.ac.uk/downloads/start.cfm?id=2578>). However, SoM66 (NNPA-002) redacts reference to the BGS to ensure that there is not a presumption that all underlying minerals/geology identified by the BGS warrants safeguarding.

5.12.2 On the question of wider coverage, the BGS resource shows only pockets of sand and gravel in the National Park, but a large supply outside the boundary near Wooler and in the region generally. In the south of the National Park there is a large peat resource, however NPPF para 205d says '*not to grant planning permission for peat extraction from new or extended sites*'. There is also igneous dolerite or Great Whin Sill, but much of this lies below Sites of Special Scientific Interest and the Hadrian's Wall World Heritage Site. Beyond those mentioned, there are no clearly highlighted mineral resources to warrant safeguarding through an MSA.

***Policies DM18 and DM19: Waste Management, Waste Disposal and Recycling Facilities***

**13) What is the relationship between the National Park Authority and Northumberland County Council in terms of waste issues and waste planning and how has this been taken into account in this Local Plan?**

5.13.1 Northumberland National Park Authority is a planning authority, and therefore issues such as education, highways and waste remain with Northumberland County Council. Waste arising from the National Park is accounted for in the Joint Municipal Waste Management Strategy (NNPA-092) for Northumberland which covers the whole county including the National Park.

5.13.2 No specific data is given for the National Park, however given the small population (c. 2,000 residents) and level of economic activity, the amount of waste is negligible in regional

terms. The Waste Arisings and Waste Management Capacity report (NNPA-098) estimated 3.6 million tonnes of waste arisings in the North East per year, with arisings expected to exceed capacity in 2027-2030 (page v). However, this can be extended with recycling and new waste management technology increases.

5.13.3 The Statement of Common Ground with Northumberland County Council (see Duty to Cooperate Statement NNPA-012) shows the agreement for NCC to collect waste, manage the waste in towns and service centres outside of the National Park and to take account of the National Park volumes (albeit relatively small) when planning for waste management.

#### **14) Are Policies DM18 and DM19 justified and consistent with national policy?**

5.14.1 Policy DM18 sets out the expectation of new development in regards to waste. This aligns with the environmental objective of sustainable development (NPPF para 8c) and para 8 of the National Planning Policy for Waste (NPPW). The second part of DM18 asks for further waste prevention and management detail for major development. The Authority believes this to be justified due to the larger scale of development, a resulting higher level of waste and a need to ensure major development is sustainable in line with Policy ST1.

5.14.2 Policy DM19 relates to waste disposal sites and recycling facilities, of which there are none currently within the National Park. Part 1 of Policy DM19 will not permit any new facilities for which the Authority has several justifications:

- The Park's waste arisings are sufficiently managed at present without facilities located within the Park boundaries;
- There is a sufficient supply of waste sites elsewhere in the region;
- Northumberland County are the waste management authority and their facilities are located outside of the Park;
- There would need to be significant environmental benefits for such facilities or disposal sites;
- This is a proportionate approach in line with paras 2 and 3 of the NPPW.

5.14.3 This policy does permit small-scale community-based reuse, recycling and composting facilities but an application would need to identify the need, assess the impact on the well-being of the community and environmental or socioeconomic impacts, and maximise previously developed land (which aligns with paras 3, 4, and 5 respectively of the NPPW).