NORTHUMBERLAND NATIONAL PARK AUTHORITY

MINUTES OF FULL AUTHORITY SPECIAL MEETING

National Park Offices, Eastburn, Hexham

WEDNESDAY 15 May 2019 1030 - 1335

Present
Cllr Glen Sanderson (Chairman) (NCC) Cllr Eileen Cartie (NCC) ((till 1148)
Ms Fiona Gough (SoS National) Mr Mike Bell (SoS National)
Cllr John Riddle OBE (NCC) Mrs Pippa Ross (SoS National)
Cllr Alan Sharp (NCC) Mr Chris Mullin (SoS National)
Cllr Chris France (SoS Parish) Cllr Anthony Murray MBE (NCC)

In attendance
Officers: Tony Gates (Chief Executive [National Park Officer]); Pauline Wall (Director of Park Management); Clive Coyne (Head of Forward Planning); Susannah Buylla (Head of Development Management).
Others: Jayne Phillips (Independent Person); Frances Glassford (Legal Advisor);

NPA01-2019 APOLOGIES FOR ABSENCE

The Legal Advisor said that as the meeting had only one item, despite the issuing of a supplementary agenda, members had to be in attendance for the duration of the meeting and if they left at any time outwith designated breaks, they could not participate in discussions of, and voting on, the recommendations.

Apologies were noted from Cllr Sue Bolam, Cllr Val Gibson, Cllr Julian Morrison-Bell, Mr Peter Murray, Cllr Andy Saunders, Cllr Johnny Wilson and Mrs Jean Davidson. Cllr Julie Foster (NCC) was replaced by Cllr Mark Purvis on 1 May 2019.

NPA02-2019 CHAIRMAN’S INTRODUCTION

The Chairman invited Mike Bell, Chair of the Local Plan Task & Finish Group to provide members with a synopsis of the work the T&FG had undertaken in the lead up to the current draft local plan. Mr Bell said it was hoped the revised Local Plan would go some way towards meeting continuing challenges for, and protect the special qualities of, the National Park but it could not take account of possible future developments such as changes to government legislation.

The Chairman acknowledged the letter of advice sent to members by the Monitoring Officer on 2 May 2019, clearly outlining members’ responsibilities under the Authority’s Code of Conduct (2012) regarding declaring interests and their eligibility to attend the meeting.

Cllr Alan Sharp said in his role as a land agent he acted for several clients in the National Park, on occasion advising land owners who may benefit from possible changes brought about by any approved Local Plan and therefore asked if he had to declare an interest. The Legal Advisor drew attention to the Authority’s Code of Conduct (2012), advised Cllr Sharp that his employment was a disclosable pecuniary interest (Annexe 1 of the Code) and drew attention to paragraph 6.2 of the Code.

Cllr John Riddle said he farmed in the National Park and believed some policies in the draft Local Plan could impact on him as a large percentage of his land was in the Park; he was also called upon to speak to constituents about issues relating to the National Park and felt he had to be fully
informed. Cllr Riddle believed it was up to the individual member whether or not they declared any interest. Cllr Riddle said therefore, he would make his decision on declaring an interest based on the public interest in the matter, Cllr Alan Sharp agreed to do likewise and consequently both Cllr Riddle and Cllr Sharp, taking due regard of the advice from both the Monitoring Officer and Legal Advisor, did not consider that they had non-participatory interests and did not declare an interest for this meeting.

**NPA04-2019 DECLARATION OF INTERESTS**

There were no formally notified Declarations of Interest.

**NPA06-2019 ITEM 1: PUBLICATION OF THE DRAFT LOCAL PLAN 2017 - 2037**

The Head of Forward Planning provided a presentation for the benefit of members to complement his report, whilst highlighting key issues and challenges in the report and draft local plan.

The Head of Forward Planning drew attention to the supplementary agenda distributed at the meeting outlining the programme for the day and to Appendix 2 ‘Summary of changes to Preferred Options draft plan’ which listed the main changes to the new Local Plan, which would be helpful for members to refer to during their deliberations. The Head of Forward Planning said Appendix 2 would be updated with agreed changes following the meeting.

The Head of Forward Planning drew attention to an amendment in Appendix 2 at bullet point 18 ‘Merged policies 27 (Historic ……. Built Heritage Policy DM18 ….’ not DM15.

**Questions and Comments on the content of the covering report**

A member asked about the development of 100% affordable dwellings (Policy DM3) and asked if this was housing to buy or rent. The Head of Forward Planning said this would depend on the viability assessment which he explained for clarity.

A member asked about the cost of an individual affordable housing property in the National Park. The Head of Forward Planning said there was no benchmark figure for this. He stressed that the housing had to be affordable to the local area, local market, and viability element, deliverable and matching any need with what would be built.

A member asked if it was viable for young people on a low wage to buy a small unit at an affordable cost. The Head of Forward Planning said that policies were only a part of the matter as if it wasn't economically feasible to build such homes then they would likely not get built without being subsidised. The new Local Plan aims to provide a wide range of housing to meet identified needs which includes some affordable housing and stated that the exact types, sizes and tenures as well as the overall number required were set out in the NNP Strategic Housing Market Assessment.

**Discussion of draft Strategic Policies**

**Policy ST4 – Spatial Strategy**

- Paragraph 1 – Development: the Head of Forward Planning pointed out that Rochester had been added as a local centre, which were the Authority’s largest settlements. The Chief Executive pointed out that local centres were areas where the National Park sought to focus developments.

- Paragraph 3 – Open Countryside: members noted this should be in compliance with Policy DM6 (Conversion of Buildings) and that economic use included use as a holiday home.
A member asked about heritage assets and the issue of ‘exceptional design’ and was advised this was covered in Policy DM6 paragraph 2 (d) and ST5 paragraph 3 (b) (v). A member asked for a definition of ‘exceptional / amazing design’. The Head of Development Management alluded to case law and strong pre-set criteria in the NPPF. The Chief Executive added that the Local Plan was not designed to repeat national policy i.e. the NPPF but to show compliance to the NPPF.

A member asked about self-build in settlements and was advised this was an element of housing provision taken into account by Policy ST5: New Housing.

A member asked where the boundaries for settlements were. The Head of Forward Planning said the Plan did not include settlement boundaries.

A member asked about neighbourhood plans in relation to the local plan and was advised that when made neighbourhood development plans become part of the statutory development plan for the area they cover.

**Policy ST5 – New Housing**

The Head of Forward Planning, by way of background, noted the affordable housing evidence compiled in 2017 and gave a resume of findings.

- **Paragraph 3** – new housing will be permitted: a member asked about the wording definition at paragraph 3 (c i) relating to the replacement of an existing dwelling and asked what the criteria and definition for ‘abandoned’ was.

  The Head of Development Management advised members that the term ‘abandoned’ was a matter of case law, court tests and legislation and illustrated this with a scenario relating to abandoning a property used for residential purposes and building a new residential property on the site.

- A member was concerned about properties used for residential use that had been abandoned and commented that unless permission was granted to either re-furbish or re-build these then the National Park would be littered with abandoned properties.

  A member commented that as case law covers the issue of legal abandonment an up to date definition of ‘abandonment’ would be useful.

  The Chair of the Local Plan Task & Finish Group said the Authority had to remain flexible as if legislation and/or case law changes in the future and if the Authority changed references to ‘abandonment’ in the Local Plan it may be detrimental to future development opportunities in the National Park.

- A member referred to paragraph 4 (b), asked for an explanation of how ‘in-perpetuity’ worked and asked if the Authority would prevent new people coming into the park if we restricted who could buy or build property. The Head of Forward Planning explained about principal residence housing and affordable housing flexibility in this regard.

- A member asked if there was anything in the Local Plan restricting the size of homes to small houses and the Head of Forward Planning said there was no size threshold set and the main criterion were that the property must meet local needs, tenure and size balance (in accordance with the latest evidence) and drew attention to ST5 paragraph 1.
Other Strategic Policies – ST1, ST2 and ST3

Policy ST1 – Sustainable Development; members had no comments.

Policy ST2 – General Development Principles

A member asked where ‘climate change’ was located in this policy. The Head of Forward Planning said that references to flood risk and energy efficiency were within Policy ST1 (criterion J and I) with the general thrust of the Policy being to deliver Sustainable Development. It was also pointed out that another relevant criterion was (f) of Policy ST2 which referred to sustainable construction techniques.

Policy ST3 – Major Development

A member asked about the consultation feedback (Appendix 3) from MoD Otterburn and the Head of Forward Planning said the comment was in relation to the supporting text and that this text had been removed as he did not want to single Otterburn out.

Referring to supporting text a member suggested the words ‘small nucleated’ be removed from Section 2 ‘Spatial Portrait’ paragraph 2.3 which was agreed by members.

Cllr E Cartie left the meeting at 1148

Discussion on Draft Development Management policies

Policy DM6 – Conversion of Buildings

The Head of Forward Planning said the numbering of the criteria would be amended with 2 (a a) replaced with 2 (b).

Referring to paragraph 2 (a a) a member asked if a building required foundations as many old buildings did not have these. The Head of Forward Planning said this would be dependent on any engineering reports showing if the building was sound.

A member was concerned at the potential for abuse of this policy e.g. a tin-roofed shed could be built then months later an application submitted to turn this into a holiday let or an extension added and asked how this could be managed.

The Chair of the Local Plan Task & Finish Group said there was a risk with this policy and the Local Plan Task & Finish Group felt the Authority should be prepared to take this risk. A member believed there was also a danger in engineering risk out, becoming too prescriptive and thereby leaving the Authority open to potential challenge which should be carefully considered.

The Chief Executive referred to the Authority’s role with regard to the NPPF is to support sustainable development, not prevent it and Policy DM6 allows more flexibility, depending on the circumstances. There was also a separate Policy (DM8 Agricultural Development) for agricultural buildings.

Policy DM3: Affordable Housing

The Head of Forward Planning drew attention to Point 3 referring to Local Centres and advised members this was in accordance with the NPPF and included the need to undertake a viability assessment at the planning stage. The Head of Development Management said it was essential the guidance of the NPPF was followed unless the Authority had robust evidence to do otherwise.
Referring to Point 4 it was clarified for members that this allowed any developer to return to the Authority thereby highlighting the importance of pre-application discussions beforehand.

The Head of Forward Planning drew attention to the Local Connection Criteria (page 38) and a member asked for clarification e.g. if someone moves to the area because they have a job acceptance offer and was advised relevant evidence would be required.

**Policy DM4: Rural Workers’ Housing**

A member referred to Point 1 relating to dwellings for rural workers, asked how this interlinked with the Spatial Strategy and the open countryside (paragraph 4.87). The Head of Development Management said the Authority required to have explicit criteria to help them talk to people needing extra rural housing e.g. for rural workers. A member asked if consideration had been given to extending this to other rural activities such as craft workers. The Head of Development Management said there had to be a sound reason for building new property in the open countryside.

A member referred to bullet Point 2 in the Local Connection Criteria and asked if this included self-employed people such as dry stone wallers and agricultural contractors and therefore, was there a cross-over between rural workers accommodation and itinerant self-employed accommodation requirements and was advised ‘employment’ was meant to take in all types of work.

The Chief Executive referred to DM4 Point 1 (a) regarding ‘functional need’ and Point 1 (c) relating to ‘financial basis’ asking members to consider if this policy was clear and precise enough in its current form.

Members agreed with the policy but recommended the wording of Policy DM4 be reviewed with input from the Chair of the Local Plan Task & Finish Group and the Head of Forward Planning said this would constitute a minor change as per recommendation (2) in the report.

**Policy DM7 – the Rural Economy and Diversification** (employment and business development; and home based businesses)

A member referred to Point 1 and the reference to ‘one or more of the following criteria are met’ and asked if this also meant that all the criteria in DM6 Conversion of Buildings also had to be met. The Head of Forward Planning said this would be made clearer in the final Local Plan and would also, as per DM4, constitute a minor change as per recommendation (2) in the report.

The Head of Development Management referred to Point 2 (b) and said that ‘the’ could be replaced with ‘an’ and ‘tourism’ be added after farming to read “…. and subsidiary to an existing farming, tourism or forestry…”

**Policy DM8 – Agricultural Buildings**

A member referred to Point (1), suggesting a minor change with ‘will’ replaced by ‘may’ which was agreed by members.

A member referred to Point (2) regarding imposing conditions on buildings no longer required and asked if the Authority imposed removal of buildings? The Head of Forward Planning said ‘if it was felt appropriate to do so’ could be added.

A member said Point (2) was a new issue and believed it would be enforceable as it had been done in the past with wind turbines. The member said, however, there was a difference between new, possibly modern, structures in open countryside used for e.g. agricultural purposes and old buildings refurbished for e.g. agricultural use.
A member said if a building was demolished would this render the land it was situated on as brownfield land; the Head of Development Management confirmed that agricultural land was excluded from this definition and drew attention to the Glossary in the Local Plan document.

A member referred to Point 1 and asked how you could differentiate between the different farm buildings and the Head of Development Management confirmed it related to new buildings only.

Policy DM18 – Minerals Safeguarding Areas

The Head of Forward Planning said this was a new policy and as part of the Local Plan, a Policies Map would be published. Members had no comments on this policy.

Other draft policies

The Head of Forward Planning advised members these policies were not significantly different to previous versions.

DM2 – Householder Development

A member felt it was relevant not to allow an extension to be built onto an existing extension which could result in a very large building and it was hoped this policy would also address earlier concerns about extensions to farm worker dwellings.

DM5 – Accommodation for Gypsies, Roma and Travellers: Members noted the contents.

DM9 – Tourism and Recreation

A member referred to Point 1 (d) and asked for an explanation of ‘noise’. The Head of Development Management explained the criteria for noise and the advice taken from Environmental Health at the County Council in this regard.

The Chief Executive referred to Point 2 (c) and said that this related to Policy ST4 Spatial Strategy and suggested ‘in terms of tourism and recreation’ be added after ‘open countryside’ which was agreed by members.

A member spoke about attracting new people to the national park and spoke about a specific possible development and asked how Policy DM9 affected such developments. The Head of Development Management explained that that type of development suggested would likely need to be assessed against Policy ST3: Major Development.

There was a general discussion around DM9 Point 2 and that it should be cross-referenced with Policy ST4 as reference to ‘tourism and recreation’ would now be added to this draft policy.

A member referred to DM7 and DM9 and asked that if any tourism developer referred to these policies they could feel there was a cross-over and suggested that the reference to tourism at DM7 Point 1 (c) be removed or could policies DM7 and DM9 be merged due to their similarities which was agreed by members.

The Legal Adviser asked members to clarify if they considered it constituted a minor change. Members considered that they did consider this a minor change as they were not changing the thrust, content or impact of the policy. A member therefore suggested an amendment to recommendation (a) to include ‘incorporating policies DM7 and DM9 to include revising the wording’ which was agreed by members.
DM10 – Transport and Accessibility

A member asked about BOATS (Byways Open to all Traffic) and was advised this was covered under Policy DM10 1 (c).

DM11 – Habitats, Biodiversity and Geodiversity

The Head of Forward Planning said a hierarchy of sites had been added to the policy to comply with the NPPF and embedding net biodiversity gain.

DM12 – Landscape, Tranquillity and Dark Skies

The Head of Forward Planning explained that more detail had been added around avoiding pollution from external lighting (see DM 12 points 4 and 5) as well as the addition of moorland tracks and forests.

DM13 – Trees, Woodland and Forests

The Head of Forward Planning, in response to some comments on the Authority’s view on forestry, said the Authority was not anti-forestry but a supporter of ‘right tree-right place’ approach, deliberating individual forestry developments on a case-by-case basis and noting that forestry related developments could be controlled, but not forestry per se e.g. forest roads. Members were also reminded that forestry as such did not constitute ‘development’ and therefore was not alluded to in the text of the Local Plan.

Members therefore asked that it be made clear in the supporting text to policy DM13 that forestry per se was not a development consideration.

A member commended on paragraph 4.147 and on the impact on the landscape of the different types of forestry therefore should it be ‘character’ rather than ‘openness’. This was agreed,

DM14 – Renewable Energy

A member asked, as with the other lists of criteria, if all the criteria points had to be met or only one or two.

The Legal Advisor highlighted that there were a number of occasions in the plan where the words “and” or “or” were missing from policies. The Head of Forward Planning acknowledged this and explained that these corrections would be minor.

Members agreed for the sake of clarity that all lists in the Local Plan document are preceded by ‘all of the following’ or ‘one of the following’ and the use of ‘and/or’ on the points as appropriate. This was agreed as a minor change in order to add clarity.

DM15 – Historic Landscape Assets and Built Heritage: Members had no comments.

DM16 – Archaeological Heritage: This is a new policy and members had no comments.

DM17 – Minerals Development

The Head of Forward Planning said this policy was more detailed than the previous Local Plan and had been prepared on the advice of the Local Plan Task & Finish Group who were keen there was a clear policy as minerals development could have an impact on the Authority in the future.
Other comments

Members stressed the importance of communications with the delivery of the Local Plan to avoid ambiguity and this should include promoting pre-application discussions, viability testing etc.

A member asked about the hierarchy between the Strategic Policies (SP) and the Development Management Policies (DM). The Head of Forward Planning said that the supporting text would be revised to make the differences between ‘Strategic’ and ‘Development Management’ Policies clearer.

The Chairman recommended that all Authority members receive a copy of the revised Local Plan and supporting documents.

A member, noting the next stage with the Local Plan development was a six-week round of further consultations, asked what guidance was in place for the Authority’s expectations from the consultations and what outcomes were required. The Head of Forward Planning asked all members to do what they could to encourage people to attend the consultations and to remind them they could now only comment on the soundness of the Local Plan but could not comment on the details as the Local Plan had now entered the legal part of the process and further comments could only be made during the examination in public phase.

Recommendations

The Chairman drew attention to the recommendations (a) to (c) in the report:

a) members approve the draft plan for publication subject to any changes proposed;

b) members delegate authority to the Chief Executive (National Park Officer) to make any changes as required to rectify any errors and make minor changes to improve the plan prior to publication under Regulation 19 of 2012 the Local Plan Regulations; and

c) members delegate authority to the Chief Executive to submit the draft Local Plan to the Secretary of State following the six week consultation period.

The Chairman and Legal Advisor then clarified the amendments to the recommendations:

a) members approve the draft plan for publication subject to the following changes:

   i. merge Policy DM9 into Policy DM7 with wording reviewed accordingly;
   
   ii. replace ‘will’ with ‘may’ in DM8 Point 2;
   
   iii. review supporting text to draft Policy DM13 (including paragraph 4.147) to clarify that forestry is not classed as operational development; and
   
   iv. remove the term ‘small nucleated’ from paragraph 2.3.

b) members delegate authority to the Chief Executive (National Park Officer) to make any changes as required to rectify any errors and make minor changes including the following:

   i. review DM4 Point 1 wording and involve Chair of Local Plan Task & Finish Group;
   
   ii. add reference to tourism and recreation to ST4 Point 2 and Point 3 (b);
   
   iii. clarify whether all or some of the criteria within the draft policies would be applicable; and
   
   iv. revise the text to make the differences between ‘Strategic’ and ‘Detailed’ Development Management’ Policies clearer.
to improve the Local Plan prior to publication under Regulation 19 of 2012 the Local Plan Regulations; and

c) members delegate authority to the Chief Executive to submit the draft Local Plan to the Secretary of State following the six week consultation period.

There being no further matters discussed the recommendations were proposed by Mr Mike Bell, seconded by Mrs Pippa Ross and approved by members who

RESOLVED to

a. Approve the draft plan for publication subject to the following changes:

   i. merge Policy DM9 into Policy DM7 with wording reviewed accordingly;
   ii. replace ‘will’ with ‘may’ in DM8 Point 2;
   iii. review supporting text to draft Policy DM13 (including paragraph 4.147) to clarify that forestry is not classed as operational development; and
   iv. remove the term ‘small nucleated’ from paragraph 2.3.

b. Delegate authority to the Chief Executive (National Park Officer) to make any changes as required, rectifying any errors and make minor changes including the following:

   i. review DM4 Point 1 wording and involve Chair of Local Plan Task & Finish Group;
   ii. add reference to tourism and recreation to ST4 Point 2 and Point 3 (b);
   iii. clarify whether all or some of the criteria within the draft policies would be applicable; and
   iv. revise the text to make the differences between ‘Strategic’ and ‘Detailed Development Management’ Policies clearer to improve the Local Plan prior to publication under Regulation 19 of 2012 the Local Plan Regulations [Town and Country Planning (Local Planning) (England) Regulations 2012].

c. Delegate authority to the Chief Executive to submit the draft Local Plan to the Secretary of State following the six week consultation period.

The meeting closed at 1335.