

Northumberland Local Plan – Proposed Main Modifications (MM’s) Consultation June-August 2021

A. Introduction

1. These representations are submitted on behalf of the Northumberland & Newcastle Society (‘the Society’); CPRE; and those Parish Councils and individuals that supported the Society/CPRE’s case at the E.I.P. on 6th February 2020 (a full list of those who have re-confirmed their support for our position at this stage is at Appendix 1). They relate to the following MM’s: 63; 65; 114; 115; 116; 117; 118; 119; 120; 121; 122; 123; 124; 126; and 127 and supplement the individually completed forms applicable to each MM – to which they should be read as a prelude.
2. At the E.i.P., the principal thrust of our case was that the proposal by Northumberland County Council (‘NCC’) to ‘Identify as Suitable for Wind Turbine Development’ over 66% of Northumberland’s entire land area, outside the Northumberland National Park and the County’s two A.O.N.B.’s (‘Identification’), was ‘unsound’. NCC acknowledged that concern in that its landscape sensitivity assessment (‘NCC’s sensitivity assessment’)¹, on which Identification principally relied, did not include an assessment of the ‘value’ of any of the relevant landscapes.
3. Counsel for NCC argued that this and other deficiencies in NCC’s approach and its resultant draft policies could be made sound by MM’s – we disagreed but said that we would review what was suggested. These representations and our separate responses to specific MM’s comprise that review.
4. In making our further representations, we are disadvantaged because the Inspectors have not yet provided their reasons for continuing to regard Identification as ‘sound’. That said, they have confirmed, first, that without MM’s, policies REN 1 and REN 2 would be unsound² and, second, that no final decision on the ‘soundness’ of Identification has been reached.
5. As we informed the Inspectors earlier this year, the unexpected delay between the E.i.P. and this consultation has enabled us to progress an assessment of ‘value’ in respect of, at least, a significant proportion of the landscapes to which Identification applies. We now provide and rely upon the resultant report (‘the AFA value study’)³ on which Appendix 2 to these representations provides more information. In the preparation of the AFA value study, we also gained greater insight than was evident at the E.i.P into how NCC went astray in its approach to Identification. This is explained below.
6. In summary, we conclude that the MM’s to policies REN 1 and REN 2, read with those to policies ENV 1 and 3, while in some respects an improvement on the original wording, still fail to make Identification sound because they do not and could not make up for the fatal flaws that we drew to Mr. Normington’s attention at the E.I.P., namely the failure of NCC and its consultants:

¹ ‘Assessment of the sensitivity of the landscapes of Northumberland to Wind Energy Development – The Planning & Environment Studio and Bayou Blue Environment, January 2018’.

² In her letter of 24th February 2021 and on behalf of herself and Mr. Normington, Ms. Heywood makes clear that the Proposed Main Modifications (‘MM’s’) “are all necessary to address soundness issues” in relation to the draft policies of the Northumberland Local Plan (‘NLP’). Her opinion that the MM’s “...will be effective” in making the NLP’s policies sound was and remains “...without prejudice to the outcome of [this] consultation”.

³ ‘Northumberland Sandstone Ridges and Vales – A Valued Landscape’ – Alison Farmer Associates - January 2021

- To involve local people in the ostensible assessment of landscape sensitivity that underpins the REN policies;
 - To assess landscape value – the fact of that omission was accepted by NCC at the W.I.P.
7. As we more fully explain, below, NCC knew, as long ago as 2010, that an assessment of landscape ‘sensitivity’, for the purposes of spatial planning (to which the NLP’s proposed criteria-based policy approach to decision making would not apply), would need to be accompanied by an assessment of landscape ‘value’; and that such an exercise would require a “...more detailed, local level study of each group of character areas, including field work and consultation, in order to establish broad support for, and robust justification of, the areas chosen [for potential additional protection]”⁴. However and despite our objections and offer to assist in such an exercise, NCC chose to ignore that advice (if, indeed, it was remembered). Fortunately, the availability of the AFA value study now evidences the consequences of NCC’s failure to act as advised – Identification divorced from the higher protection that certain Northumberland landscapes warrant. Given their fundamental nature, these deficiencies cannot be addressed by MM’s.
 8. Finally, given that it is now nearly a year and a half since the E.i.P., we trust some limited repetition of the case we then made will be excused. Of the two principal deficiencies we continue to stress, we first address ‘value’ (which, even if NCC’s Identification **was** to be regarded as sound in principle, remains seriously overlooked in the MM’s, themselves). We deal briefly with the absence of timely public participation, after that.

B. Landscape Value – the correct approach

1. Before addressing the correct approach to the assessment of landscape value at the spatial planning stage, it is important to remember: (a) the limitations that NCC’s consultants (‘BAYOU etc.’) placed on their own report, the NCC sensitivity assessment; (b) the way that BAYOU etc.’s failure to assess landscape value distorted their approach; and (c) the shortcomings of NCC’s ‘Technical Paper’⁵ (the Technical Paper’) and the lacuna that resulted when NCC applied to the Technical Paper to complete its Identification:
 - a) Per paragraph 1.26 etc.: “[BAYOU etc.’s findings] *should not be interpreted as a definitive statement that a particular landscape is suitable or not suitable for wind turbine development – this report is not a substitute for detailed landscape and visual impact assessment of local development proposals or as part of wider environmental impact assessment.....* [emphasis added] *The Council will consider all other environmental factors and all other relevant issues [including ‘value’ – see below in relation to the Technical Paper] during deliberations on whether there are any suitable areas for wind turbine development.*” [As we have emphasised in the past, the admitted shortcomings of NCC’s sensitivity assessment were not made good by the Technical Paper. Accordingly, NCC’s sensitivity assessment, if used as the basis for Identification at the spatial

⁴ Paragraph 4.3 of Part D of the Northumberland Landscape Character Assessment 2010 – Land Use Consultants.

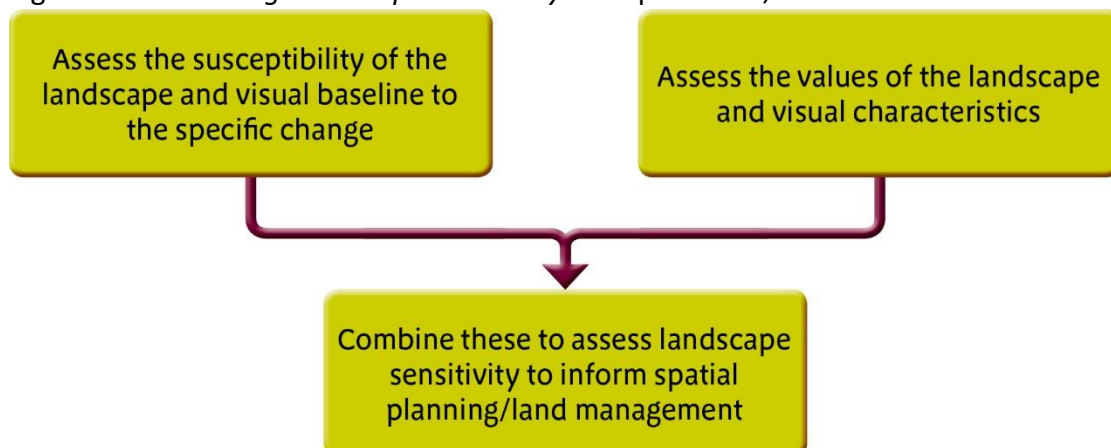
⁵ ‘Potentially suitable areas for wind energy development - Technical Paper. Updated for the Publication Draft Local Plan (Regulation 19) December 2018’

planning stage, flies in the face of the objectives of ‘certainty’ and ‘clarity’, not to mention relevant guidance];

- b) Not only did BAYOU etc. NOT assess landscape value – as the AFA value study demonstrates, significant parts of the relevant landscapes meet the Landscape Institute’s criteria for designation as a ‘Valued Landscape’ (and parts meet the criteria for one of the available national designations) (see below and Appendix 2) - they deployed the *absence* of any value-designation to *downgrade* particular landscapes. See, for instance, Table 8. (in their section 2), outlining BAYOU etc.’s “...landscape sensitivity continuum” where, under “scenic quality”, “No designation” represents a ‘pointer’ towards “Lower Sensitivity”. The error manifests itself in particular cases, too. E.g. when evaluating the ‘sensitivity’ of “Outcrop Hills & escarpments”, the consultants conclude, under “Sensitivity attribute” – “Scenic quality”: “**In the absence of landscape designation, and a location between nationally designated landscapes of Northumberland National Park and Northumberland Coast Area of Outstanding Natural Beauty, this upland spine of the county may be seen present an attractive topographic location for commercial wind energy proposals.**” [Emphasis added]; and
- c) The Technical Paper:
- i) Involved no field work – it took “...the form of a desk-based study” (paragraph 3.2)⁶;
 - ii) Confirmed, in relation to the NCC sensitivity assessment: “...the sensitivity identified in the study should not be taken as a definitive assessment that a particular landscape is suitable for wind energy development” (paragraph 3.10) [it follows that if the Technical Paper did not fill the gaps, relevant to spatial planning, left by the NCC sensitivity assessment, the combination of the two documents could not safely provide that assessment, either];
 - iii) Confirmed, by reference to Table 3.6, that landscape value, other than in the form of national landscape designations, was not amongst the “Considerations mapped in this study” and (paragraph 3.12) that “Landscape designations” were amongst “...the considerations that have not been mapped in this study” (“...this study” being the Technical Paper) [no doubt, because NCC wrongly concluded that there are *no* landscapes in Northumberland meeting the valued landscape criteria, having failed to follow LUC’s advice in 2010 (see further below) and not having the benefit of the AFA value study];
 - iv) Misstated (then) footnote 49, now footnote 54 to the NPPF: “The wording of the policy relating to onshore wind turbine development reflects the NPPF (Paragraph 154b and Footnote 49) where proposals for new wind energy developments are first required to be located within an area identified as **potentially** suitable for wind turbine development and then demonstrate that the planning impacts related to the proposal identified by affected local communities have been addressed fully and the proposal has their backing.”(paragraph 5.7) [emphasis added] The word “potentially” is absent from the footnote: its introduction in policy REN 2 is therefore a gloss on the NPPF (see the opinion of Simon Bird QC); and

⁶ We were unsuccessful in our numerous attempts to get planning officers to view the landscapes in North Northumberland with which we particularly concurred.

- v) Despite being intended to “...provide greater clarity on the approach following feedback received through the consultation on the Draft Local Plan” (paragraph 1.4) still failed to address Northumberland’s valued landscapes – so much for that consultation making up for the failure of NCC and its consultants to involve local people in NCC’s sensitivity assessment.
2. Turning to the correct approach, the footnote to paragraph 13.83 of the NLP (MM117), in referencing the applicability of Natural England’s 2019 guidance on assessing landscape sensitivity⁷ (‘NE’s sensitivity guidance’), makes common ground with our E.i.P. submissions, repeated now⁸. That being so, it is immediately evident that the approach encapsulated in NCC’s sensitivity assessment and the Technical Paper was flawed.
 3. We invite the Inspectors to re-read, in particular, page 6 of NE’s sensitivity guidance. The recommended approach “...to Landscape sensitivity assessment, offers a generic process to inform strategic spatial planning and land management. **Importantly a distinction needs to be drawn between this Approach to Landscape sensitivity assessment and the assessment of ‘sensitivity’ as dealt with in GLVIA 3**” [emphasis added].
 4. Figure 1 – “Assessing Landscape Sensitivity” is reproduced, below:



5. NCC and BAYOU etc. did not assess “...the values of the landscape...”. So, it cannot be denied that their approach failed to apply up-to-date guidance. As is evident from NE’s sensitivity guidance, one cannot make good that failure through a later LVIA because the earlier strategic assessment will have set a baseline of acceptability for the type of development concerned. If that baseline has been wrongly assessed, then, in evaluating an actual proposal at the LVIA stage, one would be starting from the wrong place – an assumption that the type of development in question was strategically acceptable when, had the strategic sensitivity assessment been done properly, a different conclusion might have been reached. As we explain below, NCC should, anyway, have been aware of that position from advice given by its then consultants in 2010.
6. In addition, the NCC’s sensitivity assessment was flawed because it wholly failed to involve local people, as we explain more fully, below (see ‘Public Participation’).

C. Changes post 2010 and how NCC fell into error

1. The Northumberland Landscape Character Assessment 2010

⁷ ‘An approach to landscape sensitivity assessment – to inform spatial planning and land management.’ June 2019 Christine Tudor Natural England

⁸ It will be noted that, Alison Farmer, our landscape advisor and the author of the AFA value study, contributed to this guidance.

- 1.1. Both the draft ENV and REN policies place heavy reliance on the NCLA 2010. Some parts of that document remain of use but account must be taken of important changes, since 2010: in the study of landscape; national policy; and NCC's failure to follow the advice of Land Use Consultants ('LUC'), who produced the NCLA 2010 for NCC.
- 1.2. Before briefly considering those aspects, it is to be noted that the NCLA 2010 comprised Parts A-D:
- a) **Part A - "Landscape Classification"** – was an essentially descriptive exercise⁹. It was recognised that *"Landscape character assessment can only offer a point-in-time picture of the landscape, but sets a baseline against which future change can be managed"* and that *"It is intended that the landscape classification (Part A) is retained as a static baseline, while Part B can be regularly updated to take account of ongoing change."* We have no objection to Part A being used as a *"static baseline"* but its use as such imports a need to allow for subsequent changes, including in terms of National policy, the science of landscape assessment and further work recommended by the consultants. Para. 30 noted: *"The finalised Part B does not include material relating to minerals, waste, or renewable energy, including wind power, as this will be the subject of a forthcoming landscape sensitivity study."* [Emphasis added] Part A involved limited public participation (explained at Appendix 2 of Part A, and, on any view, cursory). For present purposes, the important point to note is that it did not aim to assess 'landscape sensitivity' (see Part C, below, replaced by the NCC sensitivity assessment) so the associated consultation did not cover that subject. It nevertheless recorded: *"Windfarms were repeatedly brought up, particularly the issue of defining 'search areas' or similar."*
 - b) The introduction to **Part B - "The Changing Landscape"** - explains: *"The development of this document has not involved extensive consultation with land managers and other interested stakeholders. In the event that this document is used by the Council as the basis for a landscape strategy [Identification is part of such a strategy], the contents of the present document would be updated through further consultation and an agreed adoption process."* [emphasis added] That updating has never happened.
 - c) **Part C - "Northumberland Key Land Use Impact Study - Landscape Sensitivity to Key Land Uses"** – was, as the title confirms, to assess *"...the sensitivity of the Northumberland landscape to a range of key land uses.... [including] renewable energy development (including onshore wind farms...)"*, but was superseded by the NCC sensitivity assessment commissioned by NCC for the specific purposes of Identification. In any event, Part C was prepared against a quite different National policy background and involved no public participation.
 - d) However it is **Part D – "Northumberland Key Land Use Impact Study Landscapes Potentially Requiring Additional Protection"** - to which we draw particular attention (its full relevance was not appreciated at the time of the E.i.P., a relevance now compounded and made directly relevant by the AFA value study). Per para. 1.1, Part D *"...explores the relative value of Northumberland's landscapes, in order to inform the potential identification of*

⁹ As Part A explains, "Landscape character assessment is the process of mapping, classifying and describing the patterns and variations which contribute to the character of a landscape."

areas to be protected by local landscape designations in future.” We deal with Part D’s particular relevance, below, under the heading ‘**The Advice of LUC (Relevance of Part D of the NCLA 2010)**’.

2. Changes, post 2010, in the study of landscape and in National Planning Policy

- 2.1. Per page 5 of NE’s sensitivity guidance (see above): “...*a discussion document, was published by the Countryside Agency and Scottish Natural Heritage in 2004* [referenced in the NCLA 2010]. ***Since then, good practice has evolved and been informed by many studies and publications, including the third edition of Guidelines for Landscape and Visual Impact Assessment, (GLVIA 3*** [published in 2013]).”[Emphasis added]
- 2.2. Without going into detail, the principal changes in national policy between 2010 and 2021 comprise: the disparagement of local landscape designations in PPS 7 has now been replaced by their acceptance in para 174 (formerly paragraph 170) of the NPPF¹⁰; and national policy towards ‘onshore wind’ has also been turned on its head. For instance, it took the Written Ministerial Statement of 6th June 2013 to make clear that “...*the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities*” (clarity now encompassed in PPG); Government policy encourages off-shore, over on-shore, wind turbine development; and the Written Ministerial Statement of 18th June 2015 aimed to elevate the role of local people in relation to the acceptability of on-shore turbines. These latter changes are also now encapsulated in national policy and guidance¹¹(N.B. The NPPF revision of July 2021 has reiterated the post-June 2015, government direction on on-shore wind turbine development).

3. The Advice of LUC (Relevance of Part D of the NCLA 2010)

- 3.1. Again as its title suggests and by reference to the categories of ‘Protect’, ‘Manage’ or ‘Plan’ (supported by the ELC – see para. 1.2 of Part D), Part D advised NCC (paragraph 2.8): “*This review therefore concludes that there are no local [as distinct from the national AONB and National Park] landscape designations within Northumberland which would currently meet the requirements of PPS7.*” Aside from the change in national policy regarding local designations arising from the scrapping of PPS7 (see above)¹², that advice now looks surprising, given the obvious qualities of many of those landscapes. However, as LUC advised, NCC should, anyway, have treated the advice with a caution only increased when NCC became obliged to *consider* Identification as part of its “*strategic spatial planning*”, an exercise self-evidently, and as the NE sensitivity guidance requires, preceding the application of

¹⁰ “*Conserving and enhancing the natural environment*” – Paragraph 174: “*Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes,; b) recognising the intrinsic character and beauty of the countryside....*”

¹¹ For example, NPPF’s Footnote 49: “*Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.*”; and PPG on Developing a strategy for renewable and low carbon energy.

¹² See para. 1.5 Para. 1.8 of Part D: “*Since PPS7 effectively discourages the use of local landscape designations in England, there is little guidance available on the subject.*”

the criteria-based policies which NCC had by then decided to apply to individual on-shore wind turbine proposals¹³. Accordingly, the Inspectors' attention is drawn to the following extracts from Part D – our concluding comments are in square brackets:

- 3.1.1. Para 1.8, while noting PPS7's disparagement of local designations and the absence of guidance on them (since rectified), goes on to cite Scottish guidance of 2005 which "...set[s] out a complete process of identifying and defining 'Special Landscape Areas'. However, for the purposes of this study, only the general approach has been adopted, which involves a criteria-based assessment utilising landscape classification." [Thus, LUC's approach was, anyway, only general];
- 3.1.2. More crucially, again per para. 1.8: "***The evaluation has been based on desk study only, and has not involved detailed or specific field work.***" [Emphasis added - Nor did it rely on any input from local people or any process of consultation];
- 3.1.3. At paragraph 2.2, in considering the definition of the former "Area of High Landscape Value" protected by policy RE17 of the Alnwick District Local Plan, LUC advised: "*This definition is not considered to be based on a robust or consistent assessment of landscape value.*" [In any event, presumably because PPS7 disparaged local designations, NCC evidently decided not to review the definition (or that applying to the similar designation under the Berwick District Local Plan)];
- 3.1.4. In their final conclusions (section 4), LUC advised (paragraph 4.2): "*Of the 31 character areas selected from the evaluation as representing the highest-value landscapes in the County, almost all are likely to come under some pressure for mineral extraction or windfarm development. There are potential conflicts inherent in attempting to establish additional protection for certain landscapes. This is particularly so where the landscapes have already been identified as 'areas of least constraint' in the former RSS.*" [Of course, Identification will renew that "pressure" while the area it covers is vastly bigger than former "areas of least constraint". On the other hand, not only has the concept of "areas of least constraint" been rejected by central government, but the changes in the study of landscape and in national planning policy, set out at section 2., above, have intervened];
- 3.1.5. At paragraph 4.3, LUC continue: "*The areas identified in Figure D3.5 could form the basis for areas to be afforded additional protection in the form of local landscape designations. However, there would need to be more detailed, local level study of each group of character areas, including field work and consultation, in order to establish broad support for, and robust justification of, the areas chosen.*" [[N.B. the areas shown in Figure D3.5, themselves, do not matter in the current context but the words to which we add emphasis are critical because that work, though never undertaken by NCC, has now been completed by the AFA value study (see Appendix 2)];
- 3.1.6. At Paragraph 4.4: "*Character area boundaries may not be the most suitable basis for designated area boundaries, as landscape value may vary within*

¹³ In place of the earlier and hugely damaging 'Areas of Least Constraint' or 'W Areas'.

character units. There may be benefit in protecting associations of different landscape types where they are closely related, so that boundaries may not be fixed to one type. The definition of boundaries should consider the policy implications of designation, the coherence of the area enclosed, and the suitability of boundary features themselves. Again, boundary selection would be based on field work and consultation.” [Again, the AFA value study remedies those concerns]; and

3.1.7. Finally, at paragraph 4.5 LUC advise: *“This study therefore forms the first part of a potential process towards local landscape designations in Northumberland. Referring back to PPS7, it provides a “formal and robust assessment of the qualities of the landscape”, and has identified the highest-value landscapes in Northumberland. **The next stage should be careful consideration of the need to protect these landscapes, either through the use of a local landscape designation, or through criteria-based policies.**”* [Again, emphasis added – So, in light of (since superseded) PPS7 and NCC’s broad preference for criteria-based policies, one can see how NCC moved away from the concept of local designations as a means of protecting high value landscapes, unprotected by national designations. The problem is that, despite our invitation to do otherwise, NCC did not adjust its approach in light of the above-mentioned post-2010 changes, especially when Identification was introduced as a spatial planning exercise in June 2015].

3.2. The AFA value study and the support it has so far attracted (see Appendix 2) incontrovertibly demonstrates the danger to which NCC’s errors have given rise. They mean Identification cannot be sound and must be abandoned.

D. Public Participation

1. Emanating from the European Landscape Convention (‘ELC’)¹⁴, all up to date guidance, whether that of the NE sensitivity guidance or Natural England’s guidance on landscape character assessment¹⁵ emphasises the roll of local people. Indeed, the very definition of ‘landscape’ makes the point - derived from the ELC and repeated at the top of page 8 of the NE sensitivity guidance: *“Landscape is defined as ‘... an area, **as perceived by people**, whose character is the result of the action and interaction of natural and / or human factors’.*” [emphasis added]. Unless ‘people’ are asked, how could NCC or its consultants understand that perception?
2. We re-draw the Inspectors’ attention, in particular, to the text of the ELC; Natural England’s guidance on landscape character assessment; the NE sensitivity guidance; and the more recent guidance of the Landscape Institute¹⁶ on assessing landscape value outside national designations:
 - **The ELC:**
 - Article C 1 b obliges signatories, which of course includes the UK and, as a subset, NCC: *“to assess the landscapes thus identified, **taking into account the particular***

¹⁵ *An Approach to Landscape Character Assessment October 2014 Christine Tudor, Natural England*

¹⁶ *Assessing landscape value outside national designations’ - Technical Guidance Note 02/21 – The Landscape Institute.* N.B. As the Technical Guidance Note records, Alison Farmer, the author of the AFA value study was one of those with whom “The author group worked in close consultation” in its preparation.

values assigned to them by the interested parties and the population concerned." [emphasis added]; and

- *"With the active participation of the interested parties, as stipulated in Article 5.c, [this includes the "general public"] and with a view to improving knowledge of its landscapes, each Party undertakes:to assess the landscapes thus identified, taking into account the particular values assigned to them by the interested parties and the population concerned."* [emphasis added].
 - **The NE sensitivity guidance:** Paragraph 2.2 – "Step One": *"At the outset the client will need to consider setting up a Steering Group of interested parties. An early role for this Group will be to help to inform the all-important purpose and scope of the Landscape sensitivity assessment";*
 - **The NE guidance on landscape character assessment:** while noting that landscape character assessment should comprise a *"...robust, auditable and transparent baseline"*, it confirms that *"The involvement of people in the process of LCA is key. Both communities of place and communities of interest must be engaged in LCA."*
 - **The Landscape Institute on assessing landscape value outside national designations:** *"Stakeholder engagement and early collaboration with local communities will add depth to the assessment by helping the landscape professional to understand what people value about the local landscape. Community engagement should be encouraged whenever practicable in line with existing planning guidance."*
3. We also remind the Inspectors that Part A of the NCLA 2010 was the only part of the NCC's landscape output that involved public participation. We explain the limitations of that exercise at paragraph 1.2 a) of Part C, above. That 'consultation' simply cannot be regarded as covering landscape sensitivity or value. Accordingly, NCC undertook no relevant consultation nor did it involve local people in any part of its Identification process, despite the PPG (in the context of *"Developing a strategy for renewable and low carbon energy"*): *"...it is important that the planning concerns of local communities are properly heard in matters that directly affect them."*
 4. NCC, in apparently conceding the need for public participation in the context of assessing landscapes (whether in terms of character, sensitivity (including value), capacity or otherwise), argue that the various stages of consultation in the local plan process satisfy that necessity: but that position is hopeless because, by then, NCC had already decided upon its approach to, and the detail of, its Identification – it would brook no change.
 5. Further and aside from the fact that NCC's sensitivity assessment, on which its Identification relied, involved **no** public participation, it anyway excluded an assessment of landscape value which, itself, should have involved local communities. One cannot say one has consulted (properly or at all) on an exercise part of which one has not even undertaken.
 6. Even then, when many, including the Society and CPRE drew attention to the lack of such participation, NCC was impervious (an attitude illustrated by NCC's unwillingness to change its approach or to limit its Identification in the face of very substantial opposition from the public before and at the E.i.P., opposition that remains evident from the support we have for these representations – Appendix 1).
 7. The then Leader of the Council¹⁷ broke successive assurances to us that we would be consulted in terms of the brief for NCC's planned sensitivity assessment which, so it was

¹⁷ The individual was subsequently forced to resign his position as Leader for other reasons.

asserted, was only to ‘consider’ whether Identification would be pursued and, after that, to allow us to comment on a draft of the report before it was published. While we do not say that we were the only prospective consultees, we clearly represented the views of many and, had we been listened to, NCC might have avoided its errors.

8. NCC’s failure to proceed as all relevant guidance requires has a second consequence – NCC cannot complain if, as a result of its errors, its non-strategic policy of Identification is removed as unsound. A compliant approach might have resulted in some much smaller areas being Identified (not “potentially” identified); with local support; and producing the clarity and certainty that PPG requires.

E. Other Matters

1. First and in relation to our response to the MM’s regarding policy ENV 3, we note that, while the introduction to the policy both invokes the ELC and notes that “*The NPPF requires that all England’s landscapes are valued...*” (paragraph 10.22), before going on to advise on the approach of ‘Protect’, ‘Manage’ or ‘Plan’ as endorsed by the ELC, it has taken no account of the advice on the need for additional ‘protection’ that LUC provided in Part D of the NCLA 2010.
2. In consequence, while policy ENV 3 implicitly recognises the concept of ‘value’ in its approach to Northumberland’s National Park and AONB’s, it makes no reference to locally valued landscapes. In light of the scrapping of PPS7, its replacement by the NPPF and LUC’s advice in 2010, this is a serious omission given that, as evidenced by the AFA value study, many of Northumberland’s landscapes are ‘valued landscapes’ of very high value and, on any view, worthy of additional protection.
3. We also redraw attention to and continue to rely upon the other deficiencies in NCC’s approach to which we referred at the E.i.P. (e.g. those identified in the Opinion of Simon Bird QC and the inconsistencies of NCC’s approach to Identification as applied to different areas).

F. Conclusions

1. The NPPF confirms (paragraph 15): “*Succinct and up-to-date plans should providea platform for local people to shape their surroundings*” and, in terms of ‘soundness’ (paragraph 35), plans should be “*Effective*” and “*Consistent with national policy*”.
2. NCC’s Identification is inconsistent with national policy in: 1) disenabling local people from shaping their surroundings; 2) denying them the ‘clarity’¹⁸ (in terms of the area identified) and ‘certainty’¹⁹ (for local people and developers) that PPG confirms are its objectives; and 3) by failing to address landscape value, failing to “*...enhance the natural and local environment by: a) protecting and enhancing valued landscapes and b) recognising the intrinsic character and beauty of the countryside*” (Paragraph 174).
3. Similarly, a policy reliant on a process that is flawed must be unsafe and cannot be effective, a result also produced by the introduction of the concept of ‘potentially suitable areas’ or ‘in principle suitability’. The words ‘potentially’ and ‘in principle’ do

¹⁸ Paragraph: 032 Reference ID: 5-032-150618 Revision date: 18 06 2015

¹⁹ “*Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted*” ID:5-005-20150618

not appear in the context of 'Identification' in the NPPF (including footnote 54) nor in PPG. The resultant lack of certainty' also makes Identification ineffective, in this case.

4. Yet, none of the MM's address these problems - a policy that remains unsound should not survive independent examination.

-Ends-