



Northumberland County Council

RECORD OF DECISION TAKEN BY DIRECTOR IN CONSULTATION WITH PORTFOLIO HOLDER

EMBLETON NEIGHBOURHOOD PLAN: REFERENDUM

Director of Planning: Rob Murfin

Cabinet Member: John Riddle, Planning, Housing and Resilience

Purpose of Report

The purpose of this report is to formally receive the report of the Independent Examination into the Embleton Neighbourhood Plan and to endorse the recommended modifications to the Plan prior to arranging a local referendum.

Recommendations

It is recommended that:

1. The Report of the Independent Examination into the Embleton Neighbourhood Plan, received on 18 March 2020, is accepted by the County Council, with the exception of a minor change to Policy 1, and modifications recommended by the Independent Examiner will be made to the Plan prior to a local referendum being held;
2. The referendum version of the Embleton Neighbourhood Plan, as modified in accordance with the recommendations following Independent Examination, and the minor change to Policy 1, meets the basic conditions and complies with the provisions of section 38A and 38B of the Planning and Compulsory Purchase Act 2004. A statement to that effect will be published on the council's website; and
3. A local referendum will be organised and conducted, in accordance with the relevant Regulations, in the Embleton Neighbourhood Area, allowing all eligible persons registered to vote on whether the Embleton Neighbourhood Plan should be used by Northumberland County Council to help it determine planning applications in the Neighbourhood Area.

Link to Corporate Plan

The Embleton Neighbourhood Plan supports the County Council's key priorities set out the Northumberland County Council Corporate Plan for the period 2018 to 2021. Policies proposed in the Plan support the Council's priorities in terms of empowering local communities, involving them in decisions which affect them, and supporting them in embracing change.

Key Issues

1. The Embleton Neighbourhood Plan has been prepared by Embleton Parish Council. The Parish Council has been supported by volunteers from the local community and support has been provided throughout the plan preparation period by the County Council.
2. The Plan has now passed Independent Examination and, subject to the County Council confirming its agreement to modifications recommended by the Examiner, the Plan may now proceed to referendum. Embleton Parish Council has confirmed its agreement to accept the modifications recommended by the Examiner. In accordance with legislation, the County Council must now formally publish the Examiner's Report and confirm whether it agrees with the recommendations and give reasons for that decision in a decision statement which must be published on the council's website.
3. The County Council has been supportive of neighbourhood planning activity across the county since the introduction of enabling legislation in 2011. The Council has actively engaged in supporting preparation of the Embleton Neighbourhood Plan. This has now reached a successful conclusion through Independent Examination.
4. The final stages of the process of plan making will involve holding a local referendum in the Embleton Neighbourhood Area. If the Plan is supported, the County Council must 'make' (bring into legal force) the Plan. Once the Plan is made it becomes part of the statutory development plan and must be used in determining relevant planning applications in the Neighbourhood Area.
5. The Council must prepare supporting documentation, including information for voters, prior to a referendum being held. The purpose of this report is to ensure that proper authority is secured to publish a determination that the Embleton Neighbourhood Plan meets all legal requirements; that the Plan meets the 'basic conditions'; and that the necessary steps may be taken to arrange the local referendum.
6. In light of Covid-19, neighbourhood plan referendums are suspended until 5 May 2021, unless the government legislates otherwise. When it is safe to do so, an appropriate date will be set in consultation with Embleton Parish Council and the Council's Elections Manager. To ensure statutory obligations are met it is necessary to publish an Information Statement

setting out details of the referendum at least 28 working days prior to polling day. Prior to publication of the Information Statement, the Council should publish its decision to take the Plan to referendum having considered the recommendations arising from the Independent Examination.

Background

1. The power for local communities to lead the preparation of locally specific planning policy documents was introduced through the Localism Act in November 2011. These powers are given to parish councils, where they exist.
2. The County Council's Neighbourhood Planning Team has provided advice and support to the Parish Council and their including Neighbourhood Plan Steering Group. This has involved: providing technical support; preparing the Policies Map; and completing screening opinions required under the Habitats Regulations and Strategic Environmental Assessment Regulations.
3. Consultation on a pre-submission draft Plan took place between January and February 2019. Due to minor errors in the policy map used in this consultation, a second pre-submission consultation was held in June and July 2019. Amendments were made to the draft Plan by the Parish Council as a result of these consultations and a final version of the Plan was submitted to the County Council in October 2019.
4. The submission version of the Plan comprised 16 planning policies, covering the following topics:
 - Sustainable Development
 - Sense of Space
 - Local Economy
 - Housing
 - Community Facilities
5. The submitted Plan was supported by all necessary documents specified in the relevant legislation. The County Council appointed an independent examiner following agreement on that appointment with the Parish Council.
6. Publicity of the Submission Draft Plan was undertaken in accordance with requirements set out in the relevant Regulations and an independent examination was completed in March 2020. This was conducted by way of written representations in accordance with the relevant national policy, guidance and legislation.

7. Publicity on the Submission Draft Plan resulted in the receipt of eight written representations within the publicity period. These representations were passed to the Independent Examiner and were considered through the examination process. A summary of the representations submitted during the relevant publicity period will be published by the County Council in due course in accordance with legislation set out in Regulations governing neighbourhood planning referendums.
8. The Independent Examiner considered that all matters raised could be dealt with by way of written representation and confirmed that he did not intend holding a public hearing. His report confirms that he has considered matters raised in the representations and, where necessary, he recommends modifications to the Plan.
9. A report of the examination was provided by the Examiner to the County Council on 18 March 2020. This considers the Plan as a whole and separately considers all sixteen policies in relation to the relevant tests. It recommends the deletion of two policies and the modification of twelve of the remaining policies contained within the Submission Draft Plan. The report also recommends some modifications to the supporting text in the Plan, including typographical and grammatical errors. The Examiner confirms that, subject to implementation of these modifications, he is satisfied that the Neighbourhood Plan:
 - would not breach and is otherwise compatible with EU Obligations, including Convention rights and would remain compatible if modified in accordance with his recommendations; and
 - meets all statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions.
10. The report of the Independent Examination considers issues raised during the publicity period. It addresses matters raised and presents coherent justification to support each of the conclusions reached by the Examiner. Having regard to the justification given by the Examiner for each of his recommended modifications, and the need to ensure that the Plan meets the 'basic conditions', the County Council must decide whether it agrees with the Examiner.
11. The County Council may reach an alternative view about the recommended modifications and it may consider further changes to the policies in the Plan. However, such action should only be taken where the County Council has clear and convincing evidence to support an alternative approach to that recommended by the Examiner. Any alternative or additional modifications that the County Council may propose to make to the Plan should only be done to ensure that the Plan meets the 'basic conditions'.

12. All of the proposed modifications are contained in the Examiner's report which has been published and is available as a background paper to support this report. The County Council accepts and agrees with the reasoned justification provided by the Examiner in recommending all of the proposed modifications to the planning policies in the Neighbourhood Plan, with the exception of one minor wording change to Policy 1. This concerns a recommendation by the Examiner to include the word 'severe' in the context of impacts from rural business and community development on road safety, rather than the word 'unacceptable', which was recommended by the County Council's Neighbourhood Planning Team.
13. The correct terminology used in this context at paragraph 84 of the National Planning Policy Framework (NPPF) is 'unacceptable'. This relates to impacts from development on local road networks. The Examiner's recommendation reflects paragraph 109 of NPPF which concerns the issue of cumulative impacts on highway networks. Whilst this is a relevant planning matter, it does not relate specifically to the purpose of Policy 1 which supports business and community uses in rural areas. For these reasons it is proposed that this recommendation is not accepted.
14. It is proposed to accept the Examiner's report and to modify the Embleton Neighbourhood Plan to include all of the specific modifications to the policies, other than that specific minor change to Policy 1. It is also proposed to amend the supporting text in the Plan and the Policies Map to take account of these changes to the policies and to remedy typographical and grammatical errors and other matters of consistency throughout the Plan.
15. Subject to amendments being made to the Plan as recommended in his report, the Examiner confirmed that the Plan could proceed to referendum, and that the referendum area need not extend beyond the Embleton Neighbourhood Area as designated by the County Council. The County Council agrees that the Plan may proceed to referendum and that the referendum area should not extend beyond the Neighbourhood Area.
16. The modifications are considered to be reasonable and ensure that the Plan meets the basic conditions. Accordingly they will be included in a revised version of the Plan which will be published as the 'Referendum Version' of the Embleton Neighbourhood Plan.
17. The Plan as modified needs to be approved for publicity by the County Council prior to a local referendum being arranged and its decision to proceed with a modified Plan towards referendum must be published in a 'basic conditions decision statement' required through regulation 18 of The Neighbourhood Planning (General) Regulations 2012. This statement must be publicised on the County Council's website and in any way the Council considers will bring it to the attention of people living, working or carrying on a business in the Embleton Neighbourhood Area. A draft 'basic conditions decision statement' is attached to this report for

approval. This will be placed on the County Council website and publicised through a press release prior to the referendum.

18. It is intended that when it is safe to do so, an appropriate date will be set for the Referendum in consultation with Embleton Parish Council and the Council's Elections Manager. Until that time, and in accordance with recently updated national planning guidance, the Referendum Version of the Embleton Neighbourhood Plan may now be given significant weight in decision making.

Implications arising from the Report

Policy	Neighbourhood development plans comprise part of the statutory development plan. Once 'made', the Embleton Neighbourhood Plan will be the most up-to-date part of the development plan covering the Embleton Neighbourhood Area. Decisions on planning applications must be made in accordance with policies in the Plan once it is made, unless material considerations indicate otherwise.
Finance and value for money	Significant human resource from the County Council has been applied in reaching this stage in plan preparation. This has resulted in an in-depth understanding of the process of preparing a neighbourhood plan which has helped the County Council provide relevant advice to other Parish Councils. Costs will arise in arranging, publicising and holding the referendum. New Burdens grant of £20,000 is provided to the County Council once the local planning authority issues this decision statement (Regulation 18) detailing its intention to send the plan to referendum.
Legal	The County Council is obliged to make a neighbourhood plan if it passes referendum. Prior to making a neighbourhood plan the council must publish its decision confirming that the plan meets certain legal requirements. Once that decision has been made it may be subject to challenge through the courts. There are no other specific legal implications associated with taking and publicising the necessary formal decisions in the period leading to referendum.
Procurement	Appropriate procurement procedures have been followed in engaging the services of an independent examiner. This was undertaken through the procurement of an independent examiner through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). No procurement matters have arisen that affect the County Council throughout the period of support provided on plan preparation.

Human Resources	Plan preparation was undertaken using County Council resources and government grant funding available to neighbourhood planning qualifying bodies. Substantial officer time has been committed to making the project a success. This has included advice and direct support in policy writing, evidence gathering and the completion of screening opinions relating to Strategic Environmental Assessment and the Habitats Regulations. Staff resources used have included the Planning Manager (Neighbourhood Planning and Infrastructure) and dedicated support to the neighbourhood plan steering group from Planning Officers. Support has been provided since 2017.
Property	Strategic Estates should have regard to the policies in the Plan as they affect the council's land holdings and buildings and may impact values.
Equalities	Neighbourhood plans must meet EU obligations. This includes consideration of compliance with the European Convention on Human Rights. There is no separate requirement to complete an Equalities Impact Assessment. There are no significant equalities implications arising from this report. This matter was acknowledged in the Independent Examiners report where comment is made that, although there is no equalities impact assessment accompanying the Plan, in the Examiner's opinion the policies in the Plan would have either a neutral or positive impact on groups with protected characteristics.
Risk Assessment	The draft Plan has passed Independent Examination and the only remaining risk lies at local referendum. The County Council can take no action from this point to influence the decision of electors on a referendum.
Crime & Disorder	The implications of Section 17 of the Crime and Disorder Act have been considered and there are no direct or indirect impacts with regard to crime and disorder.
Customer Consideration	Preparation of the Plan has involved a significant amount of consultation and engagement with the local community, businesses, and other stakeholders including statutory consultation bodies. Representations made from the community and others have all been considered throughout the Plan making process and have influenced the final policies in the Plan.
Carbon reduction	A sustainability review of draft policies was undertaken as part of the Strategic Environmental Assessment Screening Opinion provided by the County Council. The Plan has passed Independent Examination where one of the basic conditions to be met requires that the Plan contributes to the achievement of sustainable development.
Wards	Longhoughton

Background papers

National Planning Policy Framework (MHCLG, Feb 2019)

National Planning Practice Guidance (MHCLG online resource)

Embleton Neighbourhood Plan Referendum Version; and associated submission documents including a Basic Conditions Statement; Consultation Statement; Strategic Environmental Assessment Report; and Habitats Regulations Assessment Report.

Report on the Embleton Neighbourhood Plan, undertaken by Independent Examiner Chris Collison, 18 March 2020.

Report sign off

Authors must ensure that relevant officers and members have agreed the content of the report:

	Initials
Finance Officer	
Monitoring Officer/Legal	
Human Resources	
Procurement	
I.T	
Director	
Portfolio Holder	

Author and Contact Details

Report Authors: Sarah Brannigan, Planning Officer (Neighbourhood Planning and Infrastructure)
01670 622 696
Sarah.brannigan@northumberland.gov.uk

David English, Planning Manager (Neighbourhood Planning and Infrastructure)
01670 623 619
david.english@northumberland.gov.uk

DECISION TAKEN

Decision taken by:

Rob Murfin, Director of Planning, in consultation with Councillor John Riddle, Cabinet Member for Planning, Housing and Resilience.

Subject:

Embleton Neighbourhood Plan: Approval to put Plan to Referendum

Consultation:

Consultation has taken place with the Cabinet Member for Planning, Housing and Resilience who is in agreement with the recommendations.

Decision Taken:

1. The Report of the Independent Examination into the Embleton Neighbourhood Plan, published on 18 March 2020 is accepted by the Council, with the exception of a minor change to Policy 1, and modifications recommended by the Independent Examiner will be made to the Plan prior to a local referendum being held;
2. The referendum version of the Embleton Neighbourhood Plan, as modified in accordance with the recommendations following Independent Examination, and the minor change to Policy 1 meets the basic conditions and complies with the provisions of section 38A and 38B of the Planning and Compulsory Purchase Act 2004. A statement to that effect will be published on the Council's website; and
3. A local referendum will be organised and conducted as soon as reasonably practicable in the Embleton Neighbourhood Area allowing all eligible persons registered to vote on whether the Embleton Neighbourhood Plan should be used by Northumberland County Council to help it decide planning applications in the Neighbourhood Area.

Signatures:

Rob Murfin
Director of Planning

Councillor John Riddle
Cabinet Member for Planning, Housing and Resilience



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Date: 22 April 2020

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