



Northumberland County Council

RECORD OF DECISION TAKEN BY DIRECTOR IN CONSULTATION WITH PORTFOLIO HOLDER

LESBURY 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 Lesbury 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 Lesbury Neighbourhood Plan, dated **23 June 2020**, is accepted by the County Council;
2. The referendum version of the Lesbury Neighbourhood Plan, as modified in accordance with the recommendations following Independent Examination, 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 Lesbury Neighbourhood Area, allowing all eligible persons registered to vote on whether the Lesbury Neighbourhood Plan should be used by Northumberland County Council to help it determine planning applications in the Neighbourhood Area.

Link to Corporate Plan

4. The Lesbury Neighbourhood Plan supports the County Council's 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

5. The Lesbury Neighbourhood Plan (the Plan) has been prepared by a group of volunteers from the local community and members of Lesbury Parish Council. The Parish Council and the local community volunteers have been supported by the County Council's Neighbourhood Planning Team throughout the period of plan preparation.
6. The proposed neighbourhood area covers the civil Parish of Lesbury and does not cross over into any other Parish or Local Authority boundaries. Northumberland County Council is therefore the authority to handle neighbourhood planning in Lesbury Parish.
7. 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. Lesbury Parish Council has confirmed their agreement to accept the modifications recommended by the Examiner. In accordance with legislation, the County Council has published the Examiner's Report and must now 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.
8. 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 Lesbury Neighbourhood Plan. This has now reached a successful conclusion through Independent Examination.
9. The final stages of the process of plan making will involve holding a local referendum in the Lesbury 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 relevant policies in the Plan must be used in determining planning applications in the Neighbourhood Area.
10. 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 Lesbury 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.

11. 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 the County Council's Elections Manager.

Background

12. 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.
13. The County Council's Neighbourhood Planning Team has provided advice and support to the Parish Council and their 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. It has also included direct support and advice on the drafting of planning policies and the collection of evidence required to support those policies.
14. Consultation on a pre-submission draft Plan took place between December 2018 and February 2019. Amendments were made to the draft Plan by the Parish Council as a result of this consultation and a final version of the Plan was submitted to the County Council in November 2019.
15. The submission version of the Plan comprised 11 planning policies covering the following topics:
 - Sustainable Development
 - Coastal Mitigation
 - Settlement Boundaries
 - Design
 - Rural and Community Led Housing
 - Community Facilities
 - Local Green Spaces
 - Conservation and Heritage
 - Parking , Walking and Cycling
16. The submitted Plan was supported by all necessary documents specified in the relevant legislation. The County Council confirmed that the Plan met the legal requirements as set out in Schedule 4B to the Town & Country Planning Act 1990 and could therefore be submitted for examination. The County Council appointed an independent examiner following agreement on that appointment with the Parish Council.
17. Publicity about the Submission Draft Plan was undertaken in accordance with requirements set out in the relevant Regulations and an independent

examination was completed in June 2020. This was conducted by way of written representations in accordance with the relevant national policy, guidance and legislation.

18. Publicity on the Submission Draft Plan resulted in the receipt of fifteen 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.
19. 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. He decided that he needed to visit two residential properties as part of his examination to help him come to a conclusion about objections raised to the proposed settlement boundary. This was undertaken as an accompanied part of the examiners otherwise un-accompanied visit to the wider neighbourhood area. The accompanied site visit was attended by the residents at their respective properties, a member of the Parish Council and an officer from the County Council. The Examiner's report confirms that he has considered matters raised in the representations and, where necessary, he recommends modifications to the Plan.
20. A report of the examination was provided by the Examiner to the County Council on 23 June 2020. This considers the Plan as a whole and separately considers all eleven policies in relation to the relevant tests. It recommends the replacement of Policies 1 and 3 with a new policy; the creation of two new policies by separation of the original content of Policy 7 into two parts; and various modifications to the remaining policies and also supporting text and glossary of terms. Consequential changes are required to the Policies Map, most notably the need to create larger scale maps showing non-designated heritage assets defined for protection through the Plan. 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.
21. The report of the Independent Examination considers issues raised during the publicity period. It addresses matters raised in written representations 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.

22. 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' or to correct errors.
23. 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.
24. It is proposed to accept the Examiner's report and to modify the Lesbury Neighbourhood Plan to include all of the specific modifications to the policies. 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.
25. 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 Lesbury 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.
26. 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 Lesbury Neighbourhood Plan.
27. 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 (as amended). 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 Lesbury 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.

28. It is intended that, when it is safe to do so, an appropriate date will be set for the Referendum in consultation with the Council's Elections Manager. Until that time, and in accordance with recently updated national planning guidance, the Referendum Version of the Lesbury Neighbourhood Plan must 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 Lesbury Neighbourhood Plan will be the most up-to-date part of the development plan covering the Lesbury 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 Neighbourhood Planning Independent Examiner Referral Service (NPIERS). No procurement matters arose 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 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 by 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 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	Lesbury ED

Background papers

National Planning Policy Framework (MHCLG, Feb 2019)

National Planning Practice Guidance (MHCLG online resource)

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

Report on the Lesbury Neighbourhood Plan, undertaken by Independent Examiner Terry Heselton, 23 June 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	

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DECISION TAKEN

Decision taken by:

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

Subject:

Lesbury 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 Lesbury Neighbourhood Plan, dated 23 June 2020 is accepted by the Council 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 Lesbury Neighbourhood Plan, as modified in accordance with the recommendations following Independent Examination, 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 Lesbury Neighbourhood Area allowing all eligible persons registered to vote on whether the Lesbury 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



Date: 02 July 2020 Date: 02 July 2020