

## RECORD OF DECISION TAKEN BY DIRECTOR OF HOUSING & PLANNING IN CONSULTATION WITH THE CABINET PORTFOLIO HOLDER

### Humshaugh Neighbourhood Plan: Decision to take the Plan to Referendum

#### 1. Purpose of Report

- 1.1 To formally receive the report of the Independent Examination into the Humshaugh Neighbourhood Plan and to endorse the recommended modifications to the Plan prior to arranging a local referendum.
- 1.2 This is a record of a decision taken by the Director of Housing & Planning in consultation with the Cabinet Portfolio Holder. The reasons for taking this decision are set out in section 5 below.

#### 2. Exercise of delegation

- 2.1 The Council's Constitution (as approved by the Council on 17 May 2023), sets out the ways in which the officers of the Council can make decisions and which decisions they have power to make. Section 6 Scheme of Officer Delegation states:

*This scheme gives the power for the Chief Officers to take decisions in relation to all the functions in their areas of responsibility<sup>1</sup>*

And

*The cascade principle under which this scheme operates means that any officer given powers under this scheme can further delegate those powers to other officers through a Local Scheme of Delegation (which sets out all the standing delegations given to specific officers in defined areas of the Council's service areas).<sup>2</sup>*

- 2.2 The 'Internal Scheme of Management – Planning Service, 24 July 2023' authorises the Chief Planning Officer (currently the Director of Housing & Planning) to carry out all functions relating to neighbourhood planning that fall to be dealt with by the authority.<sup>3</sup>

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<sup>1</sup> Part 1 6.1 Introduction to Delegation, 6.16 (a). The term "Chief Officer" is as defined by Part 1, section 43(2) of the Localism Act 2011 and includes the Executive Director of Place and Regeneration.

<sup>2</sup> Part 1 6.1 Introduction to Delegation, 6.16 (e).

### **3. Consultation**

- 3.1 Consultation took place on Wednesday 2<sup>nd</sup> October. We discussed the Plan and the reasons for the proposed decision were explained. Cllr Horncastle asked about the Local Green Space and the examiner's recommendations and agreed with the decision. Minor changes were recommended to this approval report, which were subsequently signed off on 10<sup>th</sup> October.

### **4. Key Issues**

- 4.1 The Neighbourhood Plan has been prepared by Humshaugh Parish Council with the support of the County Council's Neighbourhood Planning Team.
- 4.2 The Plan has 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.
- 4.3 The County Council, as local planning authority, must formally publish the Examiner's Report and confirm whether it agrees with the recommendations, giving reasons for that decision in a decision statement (the 'Regulation 18 Decision Statement').
- 4.4 The final stages of the process of plan making will involve holding a local referendum in Humshaugh Parish. If the Plan is supported, the County Council must 'make' the Plan (bring into legal force). Once the Plan is made it becomes part of the statutory development plan and its policies must be used, as relevant, in determining planning applications in the Parish.
- 4.5 The purpose of this report is to ensure that proper authority is secured to publish a decision that:
- i. The Humshaugh Neighbourhood Plan meets all legal requirements;
  - ii. that the Plan meets the 'basic conditions'; and
  - iii. that the necessary steps may be taken to arrange the local referendum.

### **5. Background**

- 5.1 The Humshaugh Neighbourhood Plan contains seven planning policies, which:
- provide protection for locally-valued green spaces and protected open space that contribute to the vitality of the area; and
  - provide protection for the special qualities of the Humshaugh Conservation Area and to non-designated heritage assets; and
  - promote high quality and sustainable design to protect and enhance rural character in line with requirements set out in a local design guidance; and
  - define parameters for the development of small-scale rural exception sites; and
  - provide protection for community facilities that contribute to quality of life in the area; and

- Specify the appropriateness of types of tourist/ visitor accommodation and facilities in certain locations.
- 5.2 Publicity of the Submission Draft Plan was undertaken in accordance with requirements set out in the relevant Regulations and resulted in the receipt of 12 written representations (3 from the same party). These representations were passed to the Independent Examiner and were considered through the examination process.
- 5.3 The independent examination was completed in August 2024. In his report, the Examiner recommended deleting two policies and modifying the other seven policies contained within the Submission Draft Plan. The report also recommended modifications to the supporting text in the Plan, including typographical and grammatical errors. The Examiner confirmed 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 Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended) and meets the basic conditions.
- 5.4 The County Council is required, under paragraph 12 of Schedule 4B of the Town & Country Planning Act 1990, to consider each of the recommendations made by the Examiner and decide what action to take in response to each recommendation. It 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'.
- 5.5 A representation was received by the County Council post-examination regarding a proposed Local Green Space (LGS04 Leggit Field). Representations cannot be accepted outside the Regulation 16 publicity period unless at the request of, or in agreement, with the Examiner. In this case, the examination had been completed. The points made in this representation were similar to those made by the same party during the Regulation 16 publicity period and were considered specifically by the Examiner in their report.
- 5.6 Whilst the County Council made similar representations about LGS04 Leggit Field, namely whether sufficient evidence had been put forward to justify its designation, the County Council will accept the Examiner's decision to designate this space. The Examiner has considered all the proposed Local Green Spaces and has visited each site. All proper processes have been adhered to and the decision rests with the Examiner's planning judgement that Leggit Field meets the criteria (a-c) set out in para. 106 of the NPPF.

- 5.7 Further points were raised in the representation relating to sustainable development and the designation not being capable of enduring beyond the plan period. In his report (paragraph 67), the examiner states that he disagrees that designation conflicts with the expectation set out in the NPPF (paragraph 105). He is content that the Plan appropriately addresses future housing needs, acknowledging that the indicative requirement has already been met and that a range of options exists for new homes coming forward.<sup>3</sup> The County Council's conclusion is that modifying the Plan (i.e. deleting the proposed designation of LGS04) against the Examiner's recommendations would not be necessary for the Plan to meet the basic conditions.
- 5.8 The County Council accepts and agrees with the reasoned justification provided by the Examiner in recommending modifications to the planning policies in the Neighbourhood Plan. The proposed modifications are contained in the Examiner's report, which is available as a background paper to this report. It is also proposed to amend the supporting text in the Plan to take account of these changes to the policies and to remedy typographical and grammatical errors and other matters of consistency throughout the Plan.
- 5.9 A draft update to the NPPF was issued for consultation between Tuesday 30 July 2024 at 2pm and 11.45pm on Tuesday 24 September 2024. The Examiner's report was published during this consultation window. At the time of this Approval Report no official changes have been made to the NPPF and the draft document carries no weight in the making of this decision.
- 5.10 These modifications are considered to be reasonable and ensure that the Plan meets the basic conditions, is compatible with the Convention rights, and complies with the definition of a neighbourhood development plan. Accordingly, the Plan will be modified and published as the 'Referendum Version' of the Humshaugh Neighbourhood Plan.
- 5.11 The Examiner confirmed that the referendum area need not extend beyond the Humshaugh Neighbourhood Area (which comprises the civil parish of Humshaugh). The County Council agrees with this and confirms that the Plan may proceed to referendum.
- 5.12 The County Council will publish their decision to take the Plan to referendum. This statement will 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 business in the Neighbourhood Area. A draft 'Regulation 18 Decision Statement' is attached to this report for approval.
- 5.13 It is intended that the referendum should be held as soon as reasonably practicable following the publication of the decision statement.

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<sup>3</sup> The Parish has an indicative housing requirement figure of 28 over the period of the Northumberland Local Plan (2016-2036). Between 1.4.2016 and 31.3.2022 there have been 53 completions in Humshaugh with 11 further permissions as of 31.3.2022.

## 6. Link to Corporate Plan

- 6.1 The Humshaugh Neighbourhood Plan supports the County Council's priorities set out in the Northumberland County Council Corporate Plan. The 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.

## 7. Implications arising from the Report


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| <b>Policy</b>                      | Neighbourhood development plans comprise part of the statutory development plan. Once 'made', the Neighbourhood Plan will be the most up-to-date part of the development plan for the Parish. Decisions on planning applications must be made in accordance with the policies in the Plan once it has passed referendum unless material considerations indicate otherwise.   |
| <b>Finance and value for money</b> | 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. |
| <b>Legal</b>                       | The County Council is obliged to make a neighbourhood plan if it passes referendum. Prior to making a neighbourhood plan, the County 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.  |
| <b>Procurement</b>                 | 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.  |

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| <b>Human Resources</b>        | 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 dedicated support to the neighbourhood plan steering group from Planning Officers. Support has been provided since 2015.             |
| <b>Property</b>               | Strategic Estates should have regard to the policy in the Plan as they affect the County Council's land holdings and buildings and may impact values.   |
| <b>Equalities</b>             | 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 Examiner's report where comment is made that, although there is no equalities impact assessment accompanying the Plan, in the Examiner's opinion the policy in the Plan would have either a neutral or positive impact on groups with protected characteristics. |
| <b>Risk Assessment</b>        | 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.  |
| <b>Crime &amp; Disorder</b>   | 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.  |
| <b>Customer Consideration</b> | 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.   |
| <b>Carbon reduction</b>       | A sustainability review of the draft policy 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.  |
| <b>Wards</b>                  | Humshaugh (36)  |

## **Background Papers**

- Draft Referendum Version of the Humshaugh Neighbourhood Plan
- Draft Referendum Versions of the Policies Maps of the Humshaugh Neighbourhood Plan
- Examiner's report

## DECISION TAKEN

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| <b>Subject:</b>   | To formally receive the report of the Independent Examination into the Humshaugh Neighbourhood Plan and to endorse the recommended modifications to the Plan prior to arranging a local referendum.   |
| <b>Decision Taken:</b>  | <p>The County Council has formally received the report of the Independent Examination into the Humshaugh Neighbourhood Plan.</p> <p>It accepts the recommended modifications for the reasons given in the examination report. It considers that the Plan, as modified, meets the basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and that the Plan complies with provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.</p> <p>Accordingly, the County Council agrees that the Plan may proceed to referendum.</p> |
| <b>Delegated Decision</b>                                       |   |
| <b>Rob Murfin,<br/>Director of<br/>Housing and<br/>Planning</b> | <p>Signed:</p>  <p>Date: 10<sup>th</sup> Oct 2024</p>  |

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