



Northumberland County Council

RECORD OF DECISION TAKEN BY DIRECTOR IN CONSULTATION WITH PORTFOLIO HOLDER

Paul Johnston, Interim Executive Director: Place

WHITTINGTON NEIGHBOURHOOD PLAN: REFERENDUM

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 Whittington 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 Whittington Neighbourhood Plan, published on 05 July 2018, is accepted by the County 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 Whittington 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 Whittington Neighbourhood Area allowing all eligible persons registered to vote on whether the Whittington Neighbourhood Plan should be used by Northumberland County Council to help it decide planning applications in the Neighbourhood Area.

Link to Corporate Plan

The Whittington Neighbourhood Plan supports the County Council's key priorities set out the draft Northumberland County Council Corporate Plan for the period 2017 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 Whittington Neighbourhood Plan has been prepared by Whittington 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 on those modifications recommended by the Examiner, the Plan may now proceed to referendum. Whittington 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. The Examiner's report has been 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 Whittington 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 Whittington Neighbourhood Area; then, if the Plan is supported, the County Council must resolve to 'make' (adopt) the Plan. If the Plan is made it is then brought into force as part of the statutory development plan. After that decision is made the Plan must be used in making decisions on 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 Whittington 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. It is intended that a referendum will take place in autumn 2018. An appropriate date will be set in consultation with 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 Neighbourhood Planning Team has provided advice and support to the Parish Council including involvement in the neighbourhood plan steering group; 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 May and June 2017. Amendments were made to the draft Plan by the Parish Council as a result of that consultation and a final version of the Plan was submitted to the County Council in February 2018.
4. The submission version of the Plan comprised 14 planning policies, covering the following topics:
 - Natural environment;
 - Built environment;
 - Vibrant and thriving communities;
 - Economy; and
 - Movement and connectivity.
5. The Plan also includes a section which comprises a set of 'community actions'. These are not land use planning policies and need not be subject to independent examination. 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 April 2018. 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 20 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.

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 modification as a result of some of the representations.
9. A report of the examination was provided by the Examiner to the County Council on 05 July 2018. This considers the Plan as a whole and separately considers all 14 policies in relation to the relevant tests. It recommends the deletion of three draft policies and recommends specific modifications to the remaining 11 draft policies. 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:
 - is compatible with the 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 can 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.

13. It is proposed to accept the Examiner's report and to modify the Whittington 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.
14. 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 Whittington 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.
15. 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 should be published as the 'Referendum Version' of the Whittington Neighbourhood Plan.
16. 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 Whittington 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.
17. It is intended that the referendum should take place in autumn 2018. Work is underway to arrange the referendum including preparation of all necessary documentation associated with arranging and publicising the referendum.

Implications arising from the Report

<p>Policy</p>	<p>Neighbourhood development plans comprise part of the statutory development plan. Once 'made', the Whittington Neighbourhood Plan will be the most up-to-date part of the development plan covering the Whittington 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.</p>
<p>Finance and value for money</p>	<p>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.</p>
<p>Legal</p>	<p>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.</p>
<p>Procurement</p>	<p>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.</p>
<p>Human Resources</p>	<p>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 under regulations relating to Strategic Environmental Assessment and 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 2015.</p>
<p>Property</p>	<p>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.</p>

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	A risk assessment of the project was undertaken on commencement. All measures have been taken to remove risk to the successful conclusion of the project. 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	Ponteland West

Background papers:

National Planning Policy Framework (DCLG, March 2012);

National Planning Practice Guidance (DCLG, March 2013);

Tynedale District Local Plan (2000) (saved policies at September 2007);

Tynedale LDF Core Strategy (2007)

Whittington Neighbourhood Plan Referendum Version; and associated submission documents including a Basic Conditions Statement; Consultation Statement; Strategic Environmental Assessment Screening Opinion and Habitats Regulations Assessment Screening Opinion;

Report on the Whittington Neighbourhood Plan, undertaken by Independent Examiner Nigel McGurk, Erimax Ltd, (05 July 2018).

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

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DECISION TAKEN

Decision taken by:

Paul Johnston, Interim Executive Director of Place, in consultation with Councillor John Riddle, Cabinet Member for Planning, Housing and Resilience.

Subject:

Whittington 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 Whittington Neighbourhood Plan published on 05 July 2018 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 Whittington 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 Whittington Neighbourhood Area allowing all eligible persons registered to vote on whether the Whittington Neighbourhood Plan should be used by Northumberland County Council to help it decide planning applications in the neighbourhood area.

Signatures:



Paul Johnston
Interim Executive Director of Place

Date: 09 August 2018



Councillor John Riddle
Cabinet Member for Planning,
Housing and Resilience

Date: 09 August 2018

