

NORTHUMBERLAND

Northumberland County Council

RECORD OF DECISION TAKEN BY CHIEF EXECUTIVE IN CONSULTATION WITH PORTFOLIO HOLDER

MORPETH NEIGHBOURHOOD PLAN: APPROVAL FOR REFERENDUM PLAN

Portfolio Holder: Allan Hepple, Economic Growth

Purpose of Report

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

Recommendations

It is recommended that the following are agreed:

- 1. The Report of the Independent Examination into the Morpeth Neighbourhood Plan published on 29 September 2015 is accepted by the Council and that the 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 Morpeth 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 Morpeth Neighbourhood Area. This will allow all eligible persons that are registered on the electoral roll, to vote on whether the Morpeth Neighbourhood Plan should be used by Northumberland County Council to help it decide planning applications in the neighbourhood area.**

Link to Corporate Plan

The Morpeth Neighbourhood Plan supports the Council's key priorities set out the Corporate Plan for the period 2013 to 2017. Policies and land allocations proposed in the Plan specifically support the Council's priorities concerning economic growth; places and environment; stronger communities and families; and health and wellbeing.

Key Issues

1. The Morpeth Neighbourhood Plan has been prepared by Morpeth Town Council and the adjoining Parish Councils of Hepscott, Hebron, Mitford and Pegswood which collectively comprise the Morpeth Neighbourhood Area. The Town and Parish Councils have 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.
3. In accordance with legislation, the County Council is required to formally publish the Examiner's Report and confirm whether it agrees with the recommendations and give reasons for that decision in a 'decision statement'. The decision statement must also be published on the Council's website. The Examiner's report has already been published on the Council's website.
4. The County Council has been supportive of neighbourhood planning activity across Northumberland since the introduction of enabling legislation in 2011. The Council has actively engaged in supporting preparation of the Morpeth Neighbourhood Plan as one of the first national pilot projects known as 'neighbourhood planning front runners'. This has now reached a successful conclusion through Independent Examination.
5. The final stages of the process of plan making will involve holding a local referendum in the Morpeth Neighbourhood Area. If the Plan is supported at referendum, the County Council must resolve to 'make' (adopt) the Plan. If the Plan is made it is then formally brought into force as part of the Development Plan. After that decision is made the Plan must be used in making decisions on relevant planning applications in the Morpeth Neighbourhood Area.
6. The Council must prepare supporting documentation 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 Morpeth 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.
7. It is intended that a referendum will take place early in 2016. 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 and accepted 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. Prior to enactment of the legislation the government introduced a programme of pilot projects in December 2010 – the neighbourhood planning front runners. These pilot projects are now nearing their conclusion across the country and over 100 neighbourhood plans have now passed local referendums.
2. The County Council submitted bids for entry into the neighbourhood planning front runners programme during 2011 for four areas within the County and one area that straddles the County Council local planning authority area and the Northumberland National Park. The Morpeth project was accepted into that programme in 2011 and since that time the County Council's Planning Officers have actively supported preparation of the Plan.
3. The project initially covered only Morpeth Civil Parish. However, in discussion with those Parish Councils whose areas adjoin Morpeth agreement was reached to extend the project to create a neighbourhood area comprising the Civil Parishes of Morpeth, Hepscott, Hebron, Mitford and Pegswood. The Morpeth Neighbourhood Area which covers all five Parishes was subsequently designated on 28 June 2013. Morpeth Town Council is the qualifying body for neighbourhood planning purposes having obtained consent to do so from its partner Parish Councils.
4. County Council Planning Officers have provided advice and support to the Town Council including involvement in the neighbourhood plan steering group; working with the Town Council's Plan Preparation Group; preparing the proposals map; managing the process of Strategic Environmental Assessment and completing an Environmental Report; and completing a screening opinion required under the Habitats Regulations.
5. Consultation on a pre-submission draft Plan took place between January and March 2015. Amendments were made to the draft Plan by the Town Council as a result of that consultation and a final version of the Plan was submitted to the County Council in May 2015.
6. The submission version of the Plan comprises 32 planning policies. These policies cover the following main topics:
 - Sustainable development and design principles;
 - Creation of settlement boundaries;
 - Protection of green infrastructure and wildlife habitat;

- Protecting heritage assets;
 - Town centre and Pegswood village centre development;
 - Allocation and safeguarding employment sites;
 - Housing allocations and associated controls;
 - Traffic and transport matters;
 - Flooding; and
 - Provision for schools, arts, sports and leisure development.
7. The Plan also includes a separate annex which comprises a set of 'community actions'. These are not land use planning policies and were not 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 Town Council.
 8. Publicity about the submission Plan was undertaken in accordance with requirements set out in the relevant Regulations and an Independent Examination was completed during summer 2015. This was conducted by way of written representations in accordance with the relevant national policy, guidance and legislation.
 9. Publicity on the Submission Draft Plan resulted in the receipt of 34 written representations. These representations were passed to the Independent Examiner and were considered through the Examination process. The representations submitted during the relevant publicity period will be published by the County Council alongside the decision to proceed to referendum.
 10. 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 the matters raised in the representations and, where necessary, he recommends modification as a result of some of the representations. The Examiner notes that one representation was anonymous and one was submitted after the statutory 6 week publicity period. He has not taken those representations into account in the examination.
 11. A report of the examination was provided by the Examiner to the County Council and Morpeth Town Council on 29 September 2015. This considers the Plan as a whole and separately considers all 32 policies in relation to the relevant tests. It recommends 22 specific modifications to draft policies and an associated recommendation supporting modification to the supporting text in the Plan, including typographical 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.
12. The report of the Independent Examination considers issues raised during the publicity period in significant detail. It addresses all 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.
 13. 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'.
 14. The Independent Examiner comments on the submission documents including the Consultation Statement and the Strategic Environmental Assessment (SEA), both of which have been the subject of concerns expressed in some representations. He deals in detail with comments made by the Coal Authority, in particular in relation to work required in connection with the SEA covering issues of land instability and mineral sterilisation; and the Coal Authorities representation seeking modification to Policy Des1 in the Plan to ensure consideration of those matters when planning applications are determined. A clear reasoned justification is given concerning mining sterilisation in the context of matters that may not be addressed in a neighbourhood development plan, namely: 'excluded development'. The County Council accepts the Examiner's reasoning and conclusions on the matter of mineral sterilisation and agrees that this is a strategic matter which also concerns a County matter which is 'excluded development'.
 15. Criticism is made in a representation concerning the adequacy of the Consultation Statement. The Examiner has considered whether the Statement meets requirements set out in Regulations. He describes in some detail the consultation and engagement activity associated with preparation of the Plan and comments that the approach adopted by the Town Council has been both thorough and effective. The specific criticism made in a representation concerns the extent to which objections raised by a developer were taken into account in preparing the Plan. The Examiner concludes that, whilst it is not his job to comment on all or any of the representations made prior to submission of the Plan, he is satisfied that each of the requirements set out in Regulations governing the content of a Consultation Statement have been met. The County Council agrees with that conclusion.

16. Several representations raised criticism of the SEA and, in particular, expressed opinions regarding the need to consider alternatives to the policies proposed in the Plan including the need to consider identifying more land for housing having regard to housing apportionments published in the Core Strategy. The Examiner considers in detail the requirements for SEA set out in Regulations. He describes in summary the approach taken in the SEA which does consider alternatives to the policies created in the Plan. The SEA presents reasonable alternative spatial development scenarios for housing and employment. The Examiner comments that the approach adopted in the Plan is suited to determine a spatial approach to growth which accords with the expectations of the Plan's stated objectives. He concludes that the SEA accords with requirements established in Regulations, guidance and in the European Directive; that alternatives have been assessed; that an outline of the reasons for selecting the reasonable alternatives has been provided; and that likely significant effects have been assessed. The County Council accepts these conclusions and considers that the necessary requirements in relation to SEA have been met.
17. Modifications proposed by the Independent Examiner principally relate to revised wording so that policies are better aligned with the National Planning Policy Framework. This has the effect of creating more permissive policies in most instances. The Examiner recommends the deletion of two policies: one concerning safeguarding heritage assets which he suggests is not drafted as a land use planning policy and would be better suited as a 'community action'; the second is a policy described as an 'economic and employment strategy' which the Examiner considers would not serve to guide decision makers and therefore fails the basic conditions.
18. 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. The County Council considers that all of the modifications are required to ensure that the Plan meets the basic conditions and that no additional modifications are required for that purpose. It is therefore proposed to accept the Examiner's report in its entirety and to modify the Morpeth Neighbourhood Plan to include all of the specific modifications to the policies. 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 errors and other matters of consistency throughout the Plan.
19. 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 Morpeth 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.

20. 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 Morpeth Neighbourhood Plan.
21. 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 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 Plan area. A draft 'basic conditions decision statement' is attached to this report for approval (see Appendix 1). This will be placed on the Council website and publicised through a press release prior to the referendum.
22. It is intended that the referendum should take place early in 2016. Work is underway to arrange the referendum including preparation of a project plan and preparation of all necessary documentation associated with arranging and publicising the referendum.

Implications Arising out of the Report

Policy	Neighbourhood development plans comprise part of the statutory development plan. Once 'made' the Morpeth Neighbourhood Plan will be the most up-to-date part of the development plan covering the Morpeth 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.

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 nationally recognised referral service managed by the Royal Institute of Chartered Surveyors: The Neighbourhood Planning Independent Examiner Referral Service. This operates using a flat rate fee which is not negotiable. It provides the only current managed service for engaging suitably qualified and experienced examiners. No other 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 grant funding from DCLG as part of the neighbourhood planning front runner programme. Substantial officer time has been committed to making the project a success. This has included advice and direct support in policy writing and the completion of a Strategic Environmental Assessment and a Habitats Regulations Screening Report. Staff resources used have included the Communities and Infrastructure Manager; dedicated support to the neighbourhood plan steering group from a Senior Planner; and completion of the SEA led by a Planning Officer. Support has been provided throughout a three year period.
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	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 alongside the Strategic Environmental Assessment. The conclusions of that work influenced the drafting of policies in the Plan. 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. This should result in positive outcomes on carbon reduction.
Wards	The Morpeth Neighbourhood Area comprises all wards within the civil parishes of Morpeth, Hepscoth, Hebron, Mitford and Pegswood.

Background papers:

National Planning Policy Framework (CLG, March 2012)
National Planning Practice Guidance (CLG, March 2013)
Castle Morpeth District Local Plan (2003) (saved policies at September 2007)
Northumberland Local Plan Core Strategy- Full Draft Plan (December 2014)
The Morpeth Neighbourhood Plan: Submission Plan (May 2015) and associated submission documents including a Basic Conditions Report; Consultation Statement; Strategic Environmental Assessment: Environmental Report; and a Habitats Regulations Assessment Screening Opinion
Morpeth Neighbourhood Development Plan: A Report to Northumberland County Council of the Independent Examination of the Morpeth Neighbourhood Development Plan by Independent Examiner Christopher Edward Collison (29 September 2015)

Author and Contact Details

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DECISION TAKEN

Title of Officer(s) and Portfolio Holder:

Chief Executive

Portfolio Holder for Economic Growth

Subject:

Morpeth Neighbourhood Plan: Approval of Referendum Plan

Decision Taken:

Agree that:

1. The Report of the Independent Examination into the Morpeth Neighbourhood Plan published on 29 September 2015 is accepted by the Council and that the 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 Morpeth 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

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Signatures

Steven Mason, Chief Executive

Steven P Mason

Allan Hepple, Portfolio Holder for Economic Growth

Allan Hepple

Date

11/11/15