



Northumberland

County Council

CABINET

DATE: 7 DECEMBER 2021

WOOLER NEIGHBOURHOOD PLAN

Report of the Chief Executive

Cabinet Member: Councillor Colin Horncastle, Community Services

Purpose of report

To seek approval to formally 'make' the Wooler Neighbourhood Plan. The Plan passed independent examination in May 2020. A local referendum held in the Parish of Wooler on 10 June 2021 returned a majority vote in favour of using the Plan to make decisions on planning applications. The Council is obliged by statute to make the Neighbourhood Plan unless it considers that doing so would breach retained European Union obligations.

Recommendations

It is recommended that Cabinet:

- i. Agrees to formally 'make' the Wooler Neighbourhood Plan in accordance with section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 for the reasons set in the appendix 4 attached to this report;
- ii. Approves the decision statement (attached at Appendix 1) required under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, as amended, and
- iii. Agrees that both the Wooler Neighbourhood Plan and the decision statement are published on the Council's website and publicised elsewhere in order to bring it to the attention of people who live, work or carry out business in the neighbourhood area; and for the decision statement to be sent to the qualifying body and anyone else who asked to be notified of the decision.

Link to Corporate Plan

This report is particularly relevant to the priorities of the Northumberland County Council Corporate Plan 2020-21 in terms of empowering local communities, involving them in decisions which affect them and supporting them in embracing change.

Key Information

1. The Wooler Neighbourhood Plan has been prepared with significant Officer support provided to Wooler Parish Council and has been informed by extensive community consultation and engagement. It passed Independent Examination in May 2020.
2. A local referendum was held in the Parish of Wooler on 10 June 2021, where 413 people (24% of the registered electors) in the Parish voted. A majority of 349 people (85%) were in favour of making the Neighbourhood Plan. 63 people voted against making the Plan.
3. Since a majority vote at the referendum was in favour of the Wooler Neighbourhood Plan being used to make decisions on planning applications, the County Council is obliged by legislation to formally make the plan within 8 weeks of the date of the referendum.
4. Following publication of the result of the referendum Northumberland National Park Authority contacted Officers to raise a query about procedural matters. The Council has received legal advice and it is proposed to proceed and make the Neighbourhood Plan.

Background

5. The Wooler Neighbourhood Plan has been prepared by Wooler Parish Council who were supported throughout the process by the County Council's Neighbourhood Planning Team. The Parish crosses the administrative boundaries of Northumberland County Council and the Northumberland National Park Authority. The Park Authority agreed that the County Council would be the lead authority to handle neighbourhood planning in Wooler Parish.
6. The process for preparing a neighbourhood plan is set out in legislation and national guidance. It is based on principles of extensive community engagement. The intention of neighbourhood planning is that local communities will engage in preparing plans which address their particular local land-use issues. Support should be secured from residents in a neighbourhood area for those policies intended to be included in the final version of the plan since unlike other planning policy documents, once a neighbourhood plan passes an independent examination it is subject to a local referendum. Only a plan that passes a referendum with a majority of support from the electorate is able to be 'made' (brought into legal force). Once a plan has passed referendum the local planning authority is obliged to 'make' the neighbourhood plan, unless doing so would breach or otherwise be incompatible with retained EU obligations.
7. Once a neighbourhood plan is 'made' it becomes a formal part of the statutory development plan for the neighbourhood area to which it relates. This means that decisions on planning applications in that area must be made in accordance with the policies in the plan unless material considerations indicate otherwise. Policies in a

made neighbourhood plan take precedence over existing non-strategic planning policies.

Preparation of the Wooler Neighbourhood Plan

8. The Wooler Neighbourhood Plan has been prepared following extensive community consultation and engagement by the Parish Council. To maximise levels of engagement, the Parish Council used a range of methods to engage the community including residential and business surveys, informal consultation events and a number of drop-in sessions where people were able to discuss local issues and the direction the Plan should take.
9. The pre-submission draft Plan was subject to an eight-week consultation period carried out by the Parish Council during March and April 2019. Following a review of representations made to that Plan, a final draft Plan was endorsed by the Parish Council and submitted to the County Council in February 2020. The Plan was then publicised by the County Council for six weeks between 17 February 2020 and 30 March 2020, in accordance with legal requirements.
10. Following submission of the Plan, the County Council appointed an Independent Examiner. The Examination was undertaken by written representations and the Examiner's Report was published in May 2020. This report found that, with some modifications, the Plan passed the necessary legal tests and it could be put to local referendum. The County Council and the Parish Council accepted the recommendations made by the Examiner. In accordance with the Regulations, the County Council published a Decision Statement on 25 June 2020 confirming this prior to arranging a local referendum.
11. A local referendum was held on 10 June 2021. The referendum posed the question: "Do you want Northumberland County Council to use the Neighbourhood Plan for Wooler to help it decide planning applications in the neighbourhood area?" In order to pass referendum a majority of over 50% of those turning out to vote must vote 'yes' in response to this question. A total of 413 people voted, representing 24% of the registered electors. A total of 349 people voted 'yes', giving a majority of 85%.
12. Legal advice has been received in respect of the procedure for making the plan and accordingly, the County Council may now proceed to formally make the Wooler Neighbourhood Plan based on the result of the referendum held in June 2021. Northumberland National Park Authority has been made aware of the County Council's position on the matter. A confidential summary of this advice is provided in Appendix 4.
13. In summary, the advice received presents four theoretical options for action. Counsel advises that it is a matter for the County Council to decide which option to take which have been set out in the advice.

Content of the Wooler Neighbourhood Plan

14. The Wooler Neighbourhood Plan has 30 planning policies which have been developed to address particular spatial planning and land use issues identified by the local community. The policies set out in the Plan cover the following matters:
- Sustainable Development
 - Housing
 - Local Economy
 - Landscape, Natural Environment, Townscape and Heritage
 - Community Life
 - Accessibility

Process for ‘making’ the Wooler Neighbourhood Plan

15. Neighbourhood plans must be treated as part of the ‘development plan’ as soon as a positive outcome from a referendum has been declared. However, legislation also requires the Local Planning Authority to publish a decision confirming that it agrees to ‘make’ the plan in order that it is confirmed that the plan has been brought into force. This function is exercised by Cabinet in Northumberland County Council.
16. Once confirmation is given that Cabinet agrees to the making of the Wooler Neighbourhood Plan a statement to that effect must be published on the County Council’s website and the decision must be notified to certain parties and publicised more widely generally. A copy of the relevant draft decision statement is attached at Appendix 1.
17. The County Council must also publish a copy of the made Neighbourhood Plan, making it available on the Council’s website and through other media. The version of the Wooler Neighbourhood Plan which was presented for referendum is provided at Appendix 2.

Implications

Policy	The Neighbourhood Plan when ‘made’ will form part of the statutory Development Plan.
Finance and value for money	Support for plan preparation costs have been met within Council budgets. The successful examination of a Neighbourhood Plan currently attracts £20,000 in government grant. Grant funding is being used by the County Council to provide officer support to emerging plans.

Legal	<p>Local planning authority's are obliged by statute to make any neighbourhood plan once a local referendum has taken place and the result is in favour of the plan being used in the determination of planning applications. Legal advice on process has been obtained.</p> <p>Legal implications are attached at Appendix 4 which set out options for the Council</p>
Procurement	There are no relevant considerations.
Human Resources	Work on Neighbourhood Plans is carried out by members of the community through Town and Parish Councils; Northumberland County Council has a duty to support the preparation of plans.
Property	The made Neighbourhood Plan will apply to land and buildings owned by the County Council as they apply to land and buildings owned by others.
Equalities (Impact Assessment attached) N/A	Northumberland County Council has regard to the elimination of unlawful discrimination and harassment and the promotion of equality under the Equality Act 2010 and related statutes. There are no implications arising from the Wooler Neighbourhood Plan.
Risk Assessment	There are limited risks if option 4 is progressed. Otherwise, the risks are summarised in the report
Crime & Disorder	There are no relevant considerations.
Customer Consideration	The Neighbourhood Plan forms the most local level of planning policies in the development plan. The policies reflect the needs and aspirations of residents in shaping the future development of the Parish of Wooler.
Carbon reduction	The Neighbourhood Plan includes policies on sustainable development, sustainable design, retention of local community facilities and employment sites, support for renewable and low energy development, protection of local green spaces and provision and improvement of footpaths and cycle ways.
Wards	Wooler

Background papers:

- Wooler Neighbourhood Plan Decision Statement (Appendix 1)
- Wooler Neighbourhood Plan Referendum Version (Appendix 2)
- Wooler Neighbourhood Plan Referendum Version Policies Maps (Appendix 3)
- Confidential Legal Advice (Appendix 4).

Report sign off

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

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Monitoring Officer / Legal	Neil Masson
Chief Executive	DL
Executive Director Planning and Local Services, Regeneration, Commercial and Economy	RM
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