

BRIEFING NOTE

Northumberland Local Plan Core Strategy

- The Draft Core Strategy was submitted to Government in early April for independent examination with the hearing sessions currently scheduled to commence in late September 2017. Further information from the Inspector is due in June and July on the timetabling and content of the hearing sessions.
- Relatively minor “major modifications” to the Core Strategy could be presented at the examination as suggested amendments for the Inspector to consider and, if found acceptable, would be subject to consultation as part of any other main modifications required by the Inspector. There may however be the need to request a delay in the examination process so that such amendments can be fully considered by the Council.
- More fundamental modifications to the Core Strategy, such as a reduction in the overall housing numbers and removal of the proposed Green Belt deletions for example, could potentially be a change in the overall strategic direction of the Plan requiring a withdrawal of the Plan from the examination process.
- Should withdrawal of Plan be required, a request would need to be made to Government for it to be withdrawn and advice sought on what stage the Plan would need to go back to e.g. re-publish under Regulation 19 (Pre-Submission Stage), or go further back to reconsult under Regulation 18 (Issues and Options Stage)

Process for withdrawing the Core Strategy

The Head of Planning Services has recently spoken to DCLG concerning the process for withdrawing a submitted Plan and the following advice has been received from DCLG’s legal team on two specific questions raised:

(1) Can an LPA withdraw their plan once it has been submitted for examination?

The short answer is yes – s.22 PCPA 2004 allows an LDD to be withdrawn at any time before it is adopted. Worth being aware that the Localism Act 2011 repealed subsection (2) of s.22 which only allowed an LPA to withdraw a DPD which had been submitted for examination if the examiner recommends withdrawal, or the SoS directs withdrawal.

(2) Once the plan has been withdrawn, does the LPA effectively have to ‘start again’ at the Reg 18 consultation stage?

Once the LPA has withdrawn the plan, they are required (in accordance with Reg 27 of the 2012 Regs) to make available a statement of that fact at their offices and on their website, send notification to the general consultation bodies and remove all the local plan documents from their website.

The statutory provisions are silent as to the consequences of withdrawing a plan. PPG, at paragraph 025, states “Following withdrawal of a Local Plan from examination a Local Planning Authority should consider whether to republish under regulation 19 or reconsult under regulation 18 of the Town and Country

Planning (Local Planning) (England) Regulations 2012 and what matters this republication or reconsultation should address”.

On the basis of the above advice it is possible for the Council to withdraw the Core Strategy from examination to allow for a review and further modifications to be made. Given that submission of the Core Strategy for examination was endorsed by Full Council less than six months ago however, advice from Legal Services is that withdrawal of the document would similarly require Full Council approval. To kickstart the withdrawal process a motion would be required, signed by at least 9 members, requesting the previous decision agreeing to submission of the document to Government for examination to be called back to Full Council.

Key Issues to Consider

- There is a need for discussions with DCLG and the Planning Inspectorate on how to proceed should fundamental modifications to the Core Strategy be sought, including a discussion on implications for potential Government intervention.
- DCLG have offered a Ministerial visit to speak to the new Administration about the potential scenarios relating to the Core Strategy but this would not be arranged until after the General Election on 8th June. It is considered important that this discussion takes place at the earliest opportunity to inform future decisions on the Core Strategy.
- The timing of any withdrawal of the Core Strategy is critical in terms of forthcoming public inquiries during June relating to Highborn Surface Mine and a proposed Barratts housing site at New Hartley. Withdrawal of the Plan during and/or prior to the end of these public inquiries would throw the inquiry processes into disarray, likely resulting in an adjournment of both inquiries and potentially weakening the Council's position in both cases, particularly in relation to New Hartley where housing land supply issues are paramount to the Council's defence of its refusal reasons. Tactically it is therefore considered by Officers that any decision to withdraw the Core Strategy should not be taken until after both inquiries have finished (currently anticipated to be 21st June) due to the complications this would otherwise present for the public inquiries. The Planning Inspectorate/Secretary of State would still have to have regard to any withdrawal of the Core Strategy in making their final decisions, and would possibly seek additional evidence from all parties involved on the implications of the withdrawal to their respective cases, but this would be most likely dealt with through an exchange of written representations rather than re-opening the public inquiries.
- It is important to establish the changes being sought by the new Administration in relation to the overall housing figures, housing distribution across the County and the impacts on key strategic site allocations including those in the Green Belt. This will ultimately dictate how far back in the plan-preparation process we will need to go. Counsel advice, and advice from DCLG and the Planning Inspectorate, will need to

be sought on procedural matters once the potential changes to the Plan are more clear.

- Preferably, the level of change would be capable of being dealt with through a further Reg 19 stage which would involve approximately 6 - 8 months of work on revisions to the Core Strategy and the supporting evidence base plus time allowed for the Council's internal approval processes resulting in an overall 9 to 12 month delay. Likely costs involved in making modifications to the Core Strategy, revisions to the supporting evidence base, carrying out the necessary consultation and providing additional staff resource to speed up the process is estimated at £350k
- Alternatively, should the changes be so significant that they would effectively represent a new strategic direction for the Plan then going back to Reg 18 stage would be necessary. A current estimate of the amount of work required in preparing a new Plan, new evidence base and the numerous consultation stages that would be necessary would lead to at least a two year delay in re-submitting the Plan to Government and costs comfortably exceeding £500k
- Withdrawal of the Core Strategy would leave the Council and local communities at risk of being disadvantaged by speculative/unplanned development whilst changes are made to the Plan. There is also an increased likelihood of significant planning appeals in cases where the Council seeks to resist development proposals on the basis of a Plan that is withdrawn and carries no weight in the interim period. It is therefore essential that, should the Plan be withdrawn, any time gap between withdrawal and resubmission to Government for examination is minimised.
- A reduction in the overall housing target figure from 24,320 to between 19,000 - 21,000 would still allow the Council to present the Plan as a strategy for growth. There are two evidence-based scenarios carried out by the Council's consultant Edge Analytics that would support this approach, albeit changes to the anticipated unemployment and commuting ratios for the County would be required. On a settlement-by-settlement basis this would still represent growth but would result in some loss of working age population. This then reduces the demographic re-balance and would be likely to make the achievement of 10,000 new jobs much harder. The potential impact of a lower overall housing figure on delivery of the Council's Economic Strategy would therefore need to be considered.
- A reduction in the proposed housing numbers would assist in overcoming existing opposition from many local communities and neighbouring authorities such as Newcastle and Gateshead who consider the current proposed level of housing growth to be too ambitious for Northumberland and potentially prejudicial to the success of their housing market areas. However, whereas the main volume housebuilders and the Home Builders Federation (HBF) are very supportive of the current version of the Core Strategy, a reduction in the overall housing numbers would inevitably result in significant challenge from the development industry at any future examination.