

NORTHUMBERLAND

Northumberland County Council

**Position Statement Following
Withdrawal of the Draft Core
Strategy**

November 2017

1. Introduction

- 1.1 This Position Statement is intended to assist those interested in development proposals by clarifying the general approach to be taken to planning applications following the withdrawal of the Northumberland Local Plan: Core Strategy, with particular regard to proposals for housing development. This document may be subject to review and could be updated.
- 1.2 On 5th July 2017, Northumberland County Council resolved to withdraw the Northumberland Local Plan: Core Strategy Pre-Submission Draft Plan and associated proposed modifications documents from submission and carry out a full review of the housing and employment numbers, and strategic land use allocations, required during the Plan period to sustain County-wide and regional economic growth.
- 1.3 The reasoning for withdrawal of the Core Strategy was as follows:

The submitted Core Strategy was informed by and developed predominantly on the basis of the 2012 Sub-National Population Projections (SNPP). The SNPP 2014-based population projections are now available and it is clear from the tables presented in the Addendum Report that the levels of residential growth required to support and sustain economic growth in Northumberland are significantly different based on the SNPP 2014 data when compared to the 2012 data.

Whilst the SNPP 2014 data suggests an annual jobs loss, and therefore a positive "Policy On" approach would still be required in order to reverse the trend of jobs loss which is predominantly due to a loss of people of working age population from within Northumberland, it is evident from the tables provided in the Addendum Report that it is possible to address the jobs loss issue with less houses being required than are currently proposed in the submitted Core Strategy.

At a national level, it is clear from changes to statute and the contents of the Housing White Paper that the national policy context is also currently evolving and, in the near future, Government policy will have changed in certain respects. Government consultation is expected to commence on a standardised methodology to calculating housing need later this month and this will also have a material bearing on future housing requirements.

Finally, discussions are currently ongoing between the three North of Tyne authorities and Government regarding the possibility of a devolution deal that will see the creation of a mayoral combined authority in the North of Tyne area. This deal would aim to support economic growth in the North of Tyne area, and wider North East, thereby supporting the North East LEP's Strategic Economic Plan that was refreshed earlier this year. A review of the Northumberland Local Plan Core Strategy would allow the Council to ensure that the plan directly supports the economic ambitions in the North of Tyne area.

- 1.4 Following the decision to withdraw, the Council will no longer be proceeding with the Northumberland Local Plan: Core Strategy Pre-Submission Draft Plan and associated proposed modifications documents. The Council does, however, still have a statutory duty to prepare a planning framework for Northumberland and is now considering the options for its emerging policy having regard to the guidance in the PPG, as follows:

“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.

Paragraph: 025 Reference ID: 12-025-20140306

Revision date: 06 03 2014”

- 1.5 Until they are replaced, the adopted Core Strategies and the “saved” policies of a number of planning policy documents put in place by the former County Council and District/Borough Councils will be used to guide development proposals and will provide the starting point when considering planning applications. A number of neighbourhood plans in the County are also at various stages of preparation or “made”. Once a neighbourhood plan has been approved by referendum, or is “made” by the Council, it will also form part of the statutory development plan.
- 1.6 The statutory development plan for Northumberland (excluding Northumberland National Park) currently comprises the following:
- Alnwick Core Strategy (October 2007)
 - Alnwick District Wide Local Plan (April 1997) - Saved Policies
 - Berwick-upon-Tweed Borough Local Plan (April 1999) - Saved Policies
 - Blyth Valley Core Strategy (July 2007)
 - Blyth Valley Development Control Policies Development Plan Document (September 2007)
 - Blyth Valley District Local Plan (May 1999) - Saved Policies
 - Castle Morpeth District Local Plan (February 2003) - Saved Policies
 - Tynedale Core Strategy (October 2007)
 - Tynedale District Local Plan (April 2000) - Saved Policies
 - Wansbeck District Local Plan (July 2007) - Saved Policies

 - Northumberland Minerals Local Plan (March 2000) - Saved Policies
 - Northumberland Waste Local Plan (2001) - Saved Policies

 - Northumberland County and National Park Joint Structure Plan (February 2005) Saved Policy S5

 - Allendale Neighbourhood Development Plan (July 2015)
 - Morpeth Neighbourhood Plan (May 2016)
 - Alnwick and Denwick Neighbourhood Plan (July 2017)
 - Ponteland Neighbourhood Plan (November 2017)

- 1.7 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004¹, planning applications will continue to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 1.8 Such material considerations include the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). Planning law² states that where policies in the development plan conflict with each other, the conflict must be resolved using the policies contained in the last document to form part of the development plan.
- 1.9 The withdrawn Northumberland Local Plan: Core Strategy will no longer carry any weight in the determination of planning applications.
- 1.10 The approach to take to the determination of planning applications is set down by statute and must take into account the NPPF and PPG, which should be referred to for comprehensive policy and guidance. The text below draws from and highlights aspects of that policy and guidance.

2. Assessing Development Proposals

- 2.1 This Statement is primarily aimed at assisting those interested in housing development proposals in Northumberland.
- 2.2 The principal matters to assess in considering development proposals are:

i) The status of the adopted Core Strategies and Local Plans in Northumberland

- 2.3 The NPPF provides comprehensive guidance on this matter. The policies in adopted Core Strategies and Local Plans, although aged, are still the starting point for decision making. However, the weight to be attached to them will depend on the degree to which they are consistent with the NPPF. Some policies in the statutory development plan remain consistent, some are partially consistent, and others are not consistent with the NPPF. Officers will set out the consideration of weight to be afforded to relevant policies when preparing reports in respect of individual schemes.
- 2.4 Paragraph 14 of the NPPF states that where relevant policies are found to be out of date, permission should be granted unless:
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

Officers will therefore also consider whether or not there are relevant policies that are out of date and the application of paragraph 14, as appropriate.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

² Section 38(5) of the Planning and Compulsory Purchase Act 2004

ii) The status of the Northumberland Local Plan Core Strategy and its Evidence Base

- 2.5 The Northumberland Local Plan: Core Strategy Pre-Submission Draft Plan has been withdrawn so is no longer material to the decision-making process. Some of its supporting evidence nevertheless remains as available evidence on a topic basis that might be useful to inform the assessment of individual development proposals. This evidence is more recent than that which was prepared to inform the adopted development plan documents (DPD), and as such, is may be considered material to the determination of planning applications.

iii) The status of Neighbourhood Plans in Northumberland

- 2.6 As of November 2017 there are four “made” neighbourhood plans in the County and a further 22 at various stages of preparation. Other neighbourhood plans are less well advanced. The weight to be attached to them will depend on the stage of their preparation, the extent to which there are unresolved objections and the degree to which they consistent with the NPPF.
- 2.7 The Planning Practice Guidance (PPG)³ clarifies that refusal of a planning application on prematurity grounds will seldom be justified unless an emerging neighbourhood plan has reached the stage where it has been submitted to the County Council and has been subject to consultation.
- 2.8 In cases when there is potential conflict between a development proposal and an emerging neighbourhood plan, the PPG does not prescribe the level of weight to be applied in cases of conflict and this would be a matter of planning judgement. Where a proposal conforms with an emerging neighbourhood plan, the stage of neighbourhood plan preparation, the sustainability of the site, and the nature of representations to the site through the neighbourhood plan consultation process will be among the material considerations to be taken into account in forming the Officer recommendation.

iv) Sustainable Development

- 2.9 The sustainability of a proposed development will be assessed by reference to the policies in the NPPF. The NPPF sets out what are referred to as three dimensions of economic, social and environmental sustainability, and these will help guide the approach to this question.

v) Five Year Housing Land Supply

- 2.10 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements. The five year housing land supply position is pertinent to proposals for residential development in that paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the presumption in favour of sustainable development, as stated in paragraph 14 of the NPPF will be engaged.
- 2.11 In respect of neighbourhood plans, a Ministerial Statement issued on 12 December 2016 confirmed that where communities plan for housing in their area in a neighbourhood plan,

³ <https://www.gov.uk/guidance/determining-a-planning-application#para014>

those plans should not be deemed to be out-of-date unless there is a significant lack of land for housing in the wider Local Authority area.

“This means that relevant policies for the supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed to be ‘out-of-date’ under paragraph 49 of the National Planning Policy Framework where all of the following circumstances arise at the time the decision is made:

- *This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;*
- *the neighbourhood plan allocates sites for housing; and*
- *the local planning authority can demonstrate a three-year supply of deliverable housing sites.*

This statement applies to decisions made on planning applications and appeals from today. This statement should be read in conjunction with the National Planning Policy Framework and is a material consideration in relevant planning decisions.”⁴⁴

- 2.12 Following the withdrawal of the Core Strategy, and given that the housing requirement figures in the development plans for each former district and borough across Northumberland, which pre-date or were informed by the revoked Regional Spatial Strategy (RSS), are out of date, there is a need to establish a baseline housing requirement against which to calculate the Council’s five year housing land supply position.
- 2.13 In such circumstances, the PPG states that a local planning authority should assess housing supply against the most up-to-date figure for OAN⁵. The Northumberland Strategic Housing Market Assessment⁶ (SHMA, 2015) is the latest assessment of need undertaken by the Council. Following the withdrawal of the Northumberland Core Strategy in July 2017, this is no longer considered to contain an up-to-date objective assessment of need for the five year period 2017-22.
- 2.14 In the absence of an up-to-date OAN identified in a SHMA, the Council has calculated an OAN in accordance with the methodology set out in the PPG, using the most up-to-date official 2014-based household projections as the starting point, and made adjustments following the consideration of longer term demographic trends, likely changes in jobs, and market signals. The five-year housing land supply is calculated against the OAN identified by applying this methodology.
- 2.15 For details of the five year housing land supply assessment, and the OAN calculation, the Council’s Five Year Supply of Deliverable Sites 2017 to 2022 report, published in November 2017 should be referred to. This report identifies housing land equivalent to a 6.5 years supply. Therefore, policies for the supply of housing should not be considered out of date, and the presumption in favour of sustainable development, as stated in paragraph 14 does not apply.
- 2.16 In September 2017, the Government published the consultation document ‘Planning for the right homes in the right places’, which sets out a standardised methodology for calculating local housing need, and provides indicative figures for each Local Planning Authority.

⁴<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-12-12/HCWS346/>

⁵ PPG, DCLG, Paragraph: 015 Reference ID: 2a-015-20140306

⁶ The 2015 Northumberland SHMA can be read [here](#)

However, the methodology and the housing requirement figures issued by DCLG remains in draft form and still subject to consultation. Given the status of the DCLG document, and that it does not align with current extant national policy and guidance, the consultation document has not formed the basis of calculating Northumberland's objectively assessed need. This decision has also been informed by legal advice and a review of a small number of appeal decisions since the publication of the document.

vi) Policies for the Protection of the Countryside

- 2.17 Policies designed to protect the countryside will continue to be given due weight, including settlement boundary policies in so far as they can be regarded as up to date and consistent with the NPPF. The Wansbeck Local Plan (2007) and the Castle Morpeth Local Plan (2003) contain "saved policies" which aim to control the type of development permitted beyond defined settlement boundaries, while the Blyth Valley Development Control Policies DPD (2007) controls the type of development permitted beyond settlement boundaries as identified on the Blyth Valley Local Plan Proposals Map (1999). The Morpeth Neighbourhood Plan which was "made" in 2016 also identifies settlement boundaries.
- 2.18 Blyth Valley Policy DC1 aims to 'avoid unnecessary new development in the open countryside', while Castle Morpeth Local Plan Policy C1 seeks 'to protect and enhance the character and natural heritage of the open countryside'. Wansbeck Local Plan Policy GP1 also identifies a number of proposals relating to identified settlement limits including to 'prevent the unnecessary intrusion of development into the countryside'.
- 2.19 In the context of paragraph 49 of the NPPF, none of the policies identified above are relevant policies for the supply of housing. The intention of the policies is to prevent encroachment of development into the countryside and not to direct new housing supply. This approach reflects the Supreme Court's judgment of 10 May 2017 on [Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council](#) where the Court found that a non-housing policy which has the effect of restricting the supply of housing (e.g. in relation to the Green Belt, Areas of Outstanding Natural Beauty, heritage designations or features) is not deemed to be out-of-date by paragraph 49 of the NPPF. The weight to be given to such policies, alongside other material considerations, within the tilted balance set by NPPF paragraph 14, remains a matter for the decision-maker with the level of protection offered to designations commensurate with their status and importance.

vii) Green Belt

- 2.20 Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration 2005 (JSP) identifies the general extent of an extension to the Green Belt in Northumberland. It defines the general extent as:
- West of Netherwitton, Hartburn and Belsay;
 - North of Longhorsley and west of Widdrington Station, excluding the Stobswood Opencast site;
 - East of Pegswood;
 - West of Ashington, Guidepost, Bedlington and the A1068; and
 - East of Bothal, Hepscott, Nedderton and Hartford Bridge.

- 2.21 This broad extent of Green Belt extension is established with JSP Policy S5 stating that the precise boundaries, including those around settlements, should be defined in Local Plans.
- 2.22 Boundaries of the extension of the Green Belt are defined in the Blyth Valley Core Strategy and the Wansbeck Local Plan. In the former Castle Morpeth area, Green Belt boundaries are yet to be defined. However, the lack of a defined boundary is insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt.
- 2.23 The consideration of Green Belt has been informed by the consistent approach that has been taken by Planning Inspectors in relation to a number of recent appeal decisions and has been further endorsed by the Secretary of State:
- Land west of High House, Morpeth: [APP/P2935/W/17/3167263](#)
 - Lynebank, Ulgham: [APP/P2935/W/17/3167852](#)
 - Linden Hall Lodge Drive, Longhorsley: [APP/P2935/W/17/3174487](#),
[APP/P2935/W/17/3174489](#)
 - Land Off Avon Drive, York: [APP/C2741/W/16/3149489](#)
- 2.24 These decisions will continue to inform the approach taken by the Council whilst dealing with applications in the former Castle Morpeth area, which fall within the general extent of the Green Belt extension as defined by JSP Policy S5.

viii) Infrastructure Requirements and Planning Obligations

- 2.25 The NPPF identifies the importance of development requirements, including the provision of infrastructure. The Council will continue to use planning conditions and legal agreements, including Section 106 Agreements, where appropriate, to address any necessary infrastructure requirements arising from a proposed development.

Affordable Housing

- 2.26 A number of the adopted Core Strategies and Local Plans feature saved policies requiring the provision of an element of affordable housing from new development schemes. Where there are policies, these require between 30% and 50% of homes on developments to be affordable. Some of these policies have become time expired while others are aged and informed by out of date evidence.
- 2.27 The Northumberland SHMA (October 2015) includes up to date evidence of affordable housing need in Northumberland. The calculation of affordable housing need remains valid. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 191 dwellings per annum over the period 2014 to 2019. The SHMA considers that given the amount of affordable housing in the pipeline, a target of 15% would be appropriate for sites coming forward for development.
- 2.28 In the light of the identified need, an affordable housing contribution will be sought on all proposals involving residential development (except in the circumstances set out in PPG paragraph 031 Reference ID: 23b-031-20161116).
- 2.29 The exact quantity and mix of affordable housing required on each development proposal will be negotiated on a site-by-site basis, informed by the Northumberland SHMA and up-to-date local housing needs information, and viability considerations.

Other infrastructure

- 2.30 A number of saved Local Plan policies require new developments to make appropriate provision or financial contributions for open space, recreational facilities, education and other community facilities, highway improvements and the provision of other works or facilities. These policy requirements will continue to be applied subject to the provisions of the NPPF including with regards to the application of planning conditions and obligations.

ix) How the matter of Prematurity will be addressed

- 2.31 The PPG sets out that prematurity will seldom be justified as a reason to refuse an application for planning permission unless a Plan has been submitted for examination and then only when the Council indicates clearly how the grant of permission would prejudice the outcome of the plan-making process. As the submitted Northumberland Local Plan Core Strategy has now been withdrawn, such prejudice could not presently be demonstrated. In relation to neighbourhood plans, guidance on prematurity is set out above.