

SEDGEFIELD NEIGHBOURHOOD PLAN

Sedgefield Neighbourhood Plan Examination,
A Report to Durham County Council

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1. Introduction

The Neighbourhood Plan

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.

This Report provides the findings of the examination into the Sedgfield Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was produced by a Steering Group working on behalf of Sedgfield Town Council. Sedgfield Town Council is the *qualifying body* responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Durham County Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Sedgfield Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Durham County Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Sedgfield Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan includes a reference to the plan period “2015-2030.”

In addition, page 5 of the Neighbourhood Plan refers to:

“...the planning period 2015 to 2030.”

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of all of the relevant information, I confirmed to Durham County Council that I was satisfied that the Sedgefield Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ following the Localism Act 2011 and require that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

I have examined the Neighbourhood Plan against each of the basic conditions above.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body’s opinion, the Neighbourhood Plan meets the basic conditions.

¹ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal². However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

With the above in mind, draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.” (Planning Practice Guidance³).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement establishes that:

“The screening exercise for Strategic Environmental Assessment concluded that there would be no impact on any designated sites due to the Sedgfield Neighbourhood Plan and as a result, Fairhurst consider that no SEA is required.”

However, it is not simply the impact of a neighbourhood plan against designated sites that a Strategic Environmental Assessment considers, but the impact of all aspects of the neighbourhood plan. Consequently, the sentence above appears to have been confused with the approach to Habitats Regulations Assessment, despite this being referred to separately within the Basic Conditions Statement.

² Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

³ Paragraph 027, *ibid*

However, further to consultation and taking into account final comments received during the Submission consultation period, I note that the statutory consultees, Natural England, Historic England and the Environment Agency, have been consulted, along with Durham County Council. At Submission stage, Durham County Council has raised no concerns in respect of the SEA Screening Opinion and Natural England has stated:

“Natural England agree with the conclusions that the plan would not result in significant environmental effects.”

A Habitats Regulations Assessment is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. With regard to the need for Habitats Regulations Assessment, the Basic Conditions Statement identifies that:

“The screening exercise for Habitat Regulations Assessment (HRA) for the TSP concluded that there are no European sites that would be affected by the proposals within the Sedgefield Neighbourhood Plan Area and it was agreed by Durham County Council that an HRA was not necessary.”

Natural England, further to consultation, stated:

“Natural England agree with the conclusions that the plan would be unlikely to have a significant effect on European sites.”

I note that the Neighbourhood Plan does not allocate land for development.

Taking the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and the Sedgefield Neighbourhood Area

Background Documents

In undertaking this examination I have considered various information in addition to the Sedgefield Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- Sedgefield Borough Local Plan (Adopted October 1996, Saved 2007)
- Basic Conditions Statement
- Consultation Statement

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Sedgefield Neighbourhood Area.

I also note that there is a wide and varied range of information that helps to form the evidence base to the Neighbourhood Plan. I have taken this into account during the examination.

Sedgefield Neighbourhood Area

The Neighbourhood Plan provides a plan showing the boundary of the Sedgefield Neighbourhood Area on the front cover, as well as on page 28.

The boundary of the Neighbourhood Area coincides with that of Sedgefield Parish.

Further to an application made by Sedgefield Town Council, Durham County Council approved the designation of Sedgefield as a Neighbourhood Area on 23 September 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Sedgefield Neighbourhood Plan Consultation

A Consultation Statement was submitted to Durham County Council alongside the Neighbourhood Plan, in line with legislative requirements. As required by the neighbourhood planning *regulations*⁴, this sets out who was consulted and how, together with the outcome of the consultation.

At its first meeting, the steering group established to produce the Neighbourhood Plan agreed *"that a website would underpin our communications strategy"* and a dedicated website was thus set up.

In January 2014, a Community Survey was distributed to every household in the Neighbourhood Area. Around a quarter of households, 665, responded and the results formed the basis of the emerging plan. In addition, a Young People's Survey was carried out. Around 750 questionnaires were distributed to young people at Sedgefield and Hardwick Primary Schools and Sedgefield Community College, as well as at two faith schools and a local public school. Half the questionnaires were completed and returned, and the results informed the emerging plan.

The plan-making process was supported by a number of public meetings. Two day meetings were held in March, August and November 2014, and in June 2015. The first and second of these events were attended by around 240 and 180 people, respectively, and each of the latter two events by around 120 people. The public meetings provided for presentations, comments, discussion and debate, and enabled consensus to be reached on aspects of the emerging plan.

All of the above was supported by steering group meetings, as well as meetings between the steering group and others, including Durham County Council, Great Aycliffe Town Council, schools, developers, utility companies, landowners/representatives, local clubs and consultants.

⁴Neighbourhood Planning (General) Regulations 2012.

Public consultation throughout the plan-making stages was supported by information provided on the dedicated website, together with regular updates at Town Council meetings, the publication of articles in the Sedgefield News and the use of the Town Council offices, library and Community Centre.

Further to the above, consultation was widely publicised, not least through the distribution of leaflets, around 21,500 of which were distributed during the plan-making process..

The Consultation Statement demonstrates that engagement was encouraged, matters raised were considered and that the reporting process was transparent. There is evidence to demonstrate that the Policies of the Neighbourhood Plan emerged through significant public consultation.

Taking everything into account, I am satisfied that the consultation process was not only robust, but that it went well beyond that required by legislation.

5. The Neighbourhood Plan – Introductory Section (and Policy 1)

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The Foreword provides a positive, interesting and relevant opening to the Neighbourhood Plan.

In setting out the basic conditions, page 5 of the Neighbourhood Plan refers to matters that only apply to Neighbourhood Development Order. I recommend:

- **Page 5, delete the second and third bullet points (re: Listed Buildings and Conservation Areas)**

The Neighbourhood Plan includes various references (eg “ref 32001, ref 32004”). These appear cumbersome and detract significantly from the appearance and clarity of the document’s text. They do not relate to one specific, easy to reference document, but to a wide and varied evidence base. I recommend:

- **Delete all references (eg “ref 12003” etc)**

The Neighbourhood Plan then sets out a Policy and its justification. This is a highly confusing approach, as the Policy appears before the Vision, Objectives and various introductory sections of the Neighbourhood Plan. Whilst I note that this results in a disjointed approach that detracts from the clarity of the Neighbourhood Plan, I consider this first Policy below.

“Policy 1; Land Use 1. Preservation of the Green Wedge” (Policy 1)

On page 6, the Neighbourhood Plan sets out the purpose of Sedgfield Local Plan Policy E4 (Designation and Safeguarding of Green Wedges). Policy 1 of the Neighbourhood Plan then seeks to strictly limit development outside the Built up Area Boundary for Sedgfield by imposing requirements far more stringent than, say, national Green Belt policy.

The approach set out in Policy 1 is, to some degree, based on “*preserving*” and extending the saved Green Wedge policy in the Sedgfield Local Plan, which states that proposals for built development will “*normally be refused.*”

Consequently, Policy 1 is a severely restrictive policy. Given this, in the light of the national planning policy assumption in favour of sustainable development⁵ it is essential that, were such a restrictive policy to come forward, it can do so in a way that allows for sustainable growth elsewhere.

Policy 1 allows for development within the Built-up Area Boundary. However, nowhere does the Neighbourhood Plan provide clarity with regards how much development can come forward within the Built-up Area Boundary. Whilst there is reference in the supporting text to the Town Council not accepting more than 300 houses on sites within the community, it is unclear how such a standpoint would provide for sustainable growth, having regard to national policy.

The Neighbourhood Plan does not identify any deliverable or developable sites.

In addition to the above, I am mindful that, in the absence of a 5 year housing land supply, the National Planning Policy Framework (the Framework) 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” (Paragraph 49, the Framework).

Given the absence of a 5 year land supply measured against a publically tested Objectively Assessed Need in County Durham, Sedgfield Local Plan Policy E4, which provides the introductory reference to Policy 1, is not an up to date planning policy.

⁵ Ministerial Foreword, National Planning Policy Framework: “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.”

Further information set out in the Neighbourhood Plan refers to the fact that an Inspector found that the emerging Durham County Local Plan failed to appropriately allocate land to Sedgfield. Whilst this is a matter of fact, the Local Plan has been withdrawn and this is not something that, in itself, supports Policy 1, which seeks to impose a more onerous land use policy than Green Belt policy across the whole of the Neighbourhood Area outside the Built-up Area Boundary without demonstrating how its approach would provide for sustainable growth.

Taking all of the above into account, in the absence of information to the contrary, I am unable to conclude that Policy 1 contributes to the achievement of sustainable development. It does not meet the basic conditions.

Whilst I note that the evidence base includes information relating to possible development sites within the Built-up Area Boundary, in the absence of any land allocations, I am unable to conclude that the Neighbourhood Plan provides for any degree of planning certainty with regards these coming forward.

I recognise that the recommendation below will be disappointing for plan-makers. However, given the advice provided by Durham County Council, it should not come as a surprise. On a more positive note, Durham County Council is embarking on a new Local Plan which will provide a clear opportunity for providing for the appropriate, sustainable growth of Sedgfield.

Taking the above into account, I recommend

- **Delete all of the text on page 6, page 7, page 8 and all text up to, but excluding “2. Vision” on page 9**
- **Delete Appendix 2 on page 29**

The Vision and Objectives of the Neighbourhood Plan are clear. There is no reason for them to change as a result of the above recommendation regarding Policy 1.

There is a typographical error on page 11, I recommend:

- **Change title on page 11 to “4. Challenges...”**

The text on page 15 refers to Sedgefield Local Plan Policy E4, re: the Green Wedge. Whilst out of date due to the absence of a 5 Year Land Supply, this Policy remains a Saved Policy in the Sedgefield Local Plan. Whilst the approach set out in Policy 1 of the Neighbourhood Plan related to the whole of the Neighbourhood Area outside the Built-up Area Boundary, as opposed to the small area comprising Green Wedge, there is no reason why the reference to Sedgefield Local Plan Policy E4 on page 15 should not remain.

However, two paragraphs on page 16 relate directly to Policy 1 and I recommend:

- **Page 16, delete Paragraphs 45 and 46**

The remainder of Section 7, together with Sections 8 and 9, provide helpful and relevant information and no changes are recommended.

Section 10 forms an unusual part of the Neighbourhood Plan. It lists a number of green spaces and states that they “*should be afforded protection.*” However, this does not form a Policy of the Neighbourhood Plan. It is simply set out as something that “*should*” happen and as such, it reads as a general aspiration of the Town Council.

The Framework enables neighbourhood plans to introduce Local Green Spaces (Paragraphs 76-78) to identify, for special protection, green areas of particular importance to the local community. However, there is no suggestion in the Neighbourhood Plan that the “Protected Green Spaces” comprise Local Green Space, having regard to national policy.

Rather, the Neighbourhood Plan, in paragraph 53, refers to Sedgefield Local Plan Policy E15, which relates to the protection of trees. In addition, the “*Sedgefield Green Spaces Map*” includes a wide range of spaces, including several large tracts of land around the edge of the settlement. In this respect, I note that the Local Green Space designation cannot apply to an extensive tract of land.

Further to the above, Paragraphs 76-78 of the Framework establish that the Local Green Space designation should only be used where the site meets a series of specific tests. There is no evidence to demonstrate that each of the sites presented on page 18 of the Neighbourhood Plan meet these tests.

Rather than relate to national policy, the list on page 18 of the Neighbourhood Plan reflects a paper entitled “*Green Spaces – Open Space Needs Assessment Site OSNA Typology*,” which simply refers to the sites identified as “*primary assets for the community*.” This reference is repeated on page 18 of the Neighbourhood Plan.

The Neighbourhood Plan provides no indication of how the sites listed will be afforded protection, on what basis, or what this protection might entail. Whilst there is no harm in the Neighbourhood Plan referring to an aspiration for various sites to be afforded planning protection at some future stage, any such aspiration should be made clear.

Taking the above into account, I recommend:

- **Page 18, change “10. Sedgefield Protected Green Spaces” to “10. Community Action, Green Spaces”**
- **Page 18, Paragraph 53, change to “*The Town Council aspires to protect various green spaces in the Neighbourhood Area. Consequently, the Town Council will seek to promote the protection of the following areas:*”**
- **Add below list, on Page 19, “*The areas listed above are shown, for indicative purposes only, in Appendix 3: Possible Green Spaces. For clarity, they do not form part of any Policy in this Neighbourhood Plan, but their protection may be promoted at some stage in the future.*”**
- **Page 30, Appendix 3, change title to “*Appendix 3: Possible Green Spaces (see page 18).*” The Key to this plan is illegible – delete Key**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

For clarity, I recommend:

- **Start Section 11 on a new page, below a heading “*Neighbourhood Plan Policies.*” This will provide for clarity by clearly separating the most important part of the Neighbourhood Plan, its Policies, from the introductory text**

“Policy. Land use 2. Conservation area;” (Policy 2)

Chapter 12 of the Framework, “*Conserving and enhancing the historic environment,*” establishes that the nation’s heritage assets are irreplaceable and sets out a policy approach to conserving them in a manner appropriate to their significance.

Whilst Policy 2 seeks to protect heritage assets, it does not have regard to the balanced approach set out in the Framework and fails to have regard to Planning Practice Guidance, which requires land use planning policies to be precise and concise⁶.

The opening paragraph of Policy 2 states that any development that results in substantial harm to a designated heritage asset will be refused unless such harm is necessary to achieve substantial public harm or loss. No justification is provided for supporting substantial public harm or loss, which in any case is in direct conflict with the Framework, which seeks to conserve heritage assets in a manner appropriate to their significance.

The Policy then goes on point out that substantial harm or loss of a designated heritage asset may not “*be refused*” subject to the proposal meeting all of a list of alternative requirements. However, when combined with the preceding paragraph, this part of the Policy only relates to “*bringing a site back into use*” and so does not apply to designated assets as a whole. It results in an unclear and contradictory approach.

⁶ Ref: Planning Practice Guidance 41-041020140306.

I am mindful that the Policy, as set out, comprises a rather jumbled misinterpretation of Paragraph 133 of the Framework. In this regard, Paragraph 133 already sets out national policy with regards heritage assets and there is no need to seek to repeat it.

Rather than reflect this balanced approach to conserving assets in a manner appropriate to their significance, as worded, Policy 2 simply seeks to impose a blanket requirement for development to demonstrate “*no adverse impact*” on designated and non-designated heritage assets and other, un-named assets and their settings. This results in a cumbersome Policy that fails to meet the basic conditions.

The final paragraph of Policy 2 simply repeats Paragraph 134 of the Framework, word-for-word. It is not the role of neighbourhood plans to simply repeat existing policy.

Taking all of the above into account, Policy 2 does not meet the basic conditions. In making the recommendation below, I note that the general intention of the Policy appears little different to policy that already exists. Consequently, even if the Policy was less confusingly worded, its presence in the Neighbourhood Plan would make no material difference to planning decisions in the Neighbourhood Area.

I recommend:

- **Delete Policy 2**
- **Delete supporting text to Policy 2, on pages 19 and 20**

Section 12 of the Neighbourhood Plan, “*Developer Contributions,*” does not include a Policy, but provides a reference to a community “*anticipation*” that CIL/Section 106 Agreement contributions will provide for investment in facilities for young people, sports and recreation infrastructure. As set out, this appears as a fairly vague and general statement, so for clarity, I recommend:

- **Page 21, add to the end of Paragraph 61, “*To encourage this, the Town Council will seek to work with others, as appropriate.*”**

Section 13, “*Unallocated sites,*” is worded as though it was a Policy in the Neighbourhood Plan, but it is not. It seeks to restrict development on unallocated sites. I note earlier that the Neighbourhood Plan does not allocate any sites and does not provide any planning certainty with regards development land coming forward. Section 13 does not contribute to the achievement of sustainable development.

I recommend:

- **Page 21, delete Section 13**

Section 14 refers to “*Community assets*” and Section 15 is entitled “*Community assets list.*” However, there are currently no community assets in Sedgefield. The Town Council would like three buildings in the Neighbourhood Area to become Community Assets. As set out, the Neighbourhood Plan does not make this clear.

I recommend:

- **Page 21, Paragraph 64, delete last sentence and replace with “*Whilst not a Policy of this Neighbourhood Plan, Sedgefield Town Council would like the library, car park and chapel, as set out below, to be designated as community assets and will seek to progress this.*”**
- **Page 21 delete the title “15. Community assets list” (list to simply follow on from Paragraph 64.)**

Section 16 refers to a matter that is not addressed by the Policies of the Neighbourhood Plan. I recommend:

- **Delete Section 16**

Policy Land use 3; Aged Person Housing (Policy 3)

In order to provide opportunities for home ownership and the creation of sustainable, inclusive and mixed communities, Paragraph 50 of the Framework requires plans to provide for:

“...a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.”

Paragraph 50 goes on to identify a need for such an approach to provide for “old people.”

The Neighbourhood Plan provides evidence to demonstrate that a large proportion of the Neighbourhood Area’s residents are retired and that there is community support for the provision of homes for older people.

Policy 3 takes this evidence into account and having regard to national policy, requires the development of larger schemes (comprising 15 dwellings or more) to meet these identified needs.

As set out, the Policy provides for flexibility – it does not limit the type of housing that might provide for older people - and provides several examples of what housing for older people might comprise. Taking this and the above into account, Policy 3 meets the basic conditions.

Paragraph 173 of the Framework states that plans should be “*deliverable*” and requires “*careful attention to viability*.” In this regard, I am mindful that Policy 3 refers to “*sites of 0.5ha*” but does not provide for circumstances when such sites might only be seeking to provide, say one, or a small number of dwellings, for any number of reasons. There is no evidence to demonstrate that the requirements of Policy 3 would be deliverable and viable in this regard. However, the reference to 15 or more dwellings does provide a decision maker with a clear indication of how to react to a development proposal and meets the basic conditions.

The final bullet point in Policy 3 refers to housing that can “*meet the specific needs of a multigenerational family*.” However, I note that, by their very nature, families tend to be multigenerational and that, furthermore, no indication is provided with regards “*specific needs*.” This part of the Policy lacks precision and does not provide a decision maker with a clear indication of how to react to a development proposal.

I also note that, whilst technical standards provide a helpful tool, a recent Ministerial Statement⁷ established that house building standards will be incorporated into new building regulations. It went on to state that the optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need and that:

“Neighbourhood plans should not be used to apply the new national technical standards.”

Taking all of the above into account, I recommend:

- **Policy 3, delete “...0.5ha or...”**
- **Policy 3, delete fourth bullet point “Housing products...family.”**
- **Policy 3, delete final paragraph (“These properties...Statement.”)**
- **Paragraph 69. Delete final sentence, which does not properly reflect the requirements of the Policy (“Single story...demand.”)**

⁷ Ref: Ministerial Statement 25th March 2016.

“Policy Land use 4; Design and style of housing” (Policy 4)

The title of Policy includes a reference to various Sedgefield Local Plan Policies. This is unnecessary and detracts from the clarity of the Policy. I recommend:

- **Paragraph 7-0, Delete “(ref...D5)”**

Good design is recognised by national policy as comprising

“a key aspect of sustainable development...indivisible from good planning”
(Paragraph 56, The Framework)

In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework) and Sedgefield Local Plan Policies D1, D2 and D5 are concerned with good residential design, amongst other things.

In seeking good design, Policy 4 has regard to national policy and is in general conformity with the Sedgefield Local Plan. As worded, it is not clear what *“a high level of design”* actually means, nor how design can reflect *“the identity of local surroundings and materials.”* However, whilst this leads the Policy to appear imprecise, it is a relatively minor matter that can be addressed by the recommendations below.

I also note that, where required, a Design and Access Statement will, in any case, be submitted.

Subject to the recommendations below, Policy 4 contributes to the achievement of sustainable development and meets the basic conditions. I recommend:

- **Policy 4, change to *“...must demonstrate good design that responds to local character, having regard to local surroundings and materials.”* (delete rest of Policy)**
- **Delete the two final sentences of the supporting text, at the bottom of page 25. They do not relate to the Policy (Green spaces...to houses”).**

“Policy Land use 5; Cycling and walking access” (Policy 5)

The title of Policy includes a reference to Sedgefield Local Plan Policies. This is unnecessary and detracts from the clarity of the Policy. I recommend:

- **Paragraph 7-0, Delete “(ref...T2)”**

The supporting text to Policy 5 states that the “Policy reason” is to encourage cycling and walking. This has regard to the Framework, which promotes sustainable patterns of movement and affords

“...priority to pedestrian and cycle movements...” (Paragraph 35)

However, as set out, Policy 5 is unclear. The phrase *“accessible to the town centre by walking and cycling”* is not defined, so it is unclear what this means. Exaggerating for the purpose of emphasis, a development fifty miles away from Sedgefield might be accessible to the town centre by walking and cycling. Furthermore, no justification is provided as to why a development of, say 4 houses does not need to be accessible to the town centre by walking or cycling, whereas a development of five or more houses does.

Taking the above into account, I recommend:

- **Change Policy 5 to *“The improvement of existing and the development of new walking and cycling routes will be supported.”***

Subject to the above, Policy 5 meets the Neighbourhood Plan’s objectives and Policy reason and contributes to the achievement of sustainable development.

Policy Land use 6; Car Parking (Policy 6)

The Framework states:

“...car parking standards for residential...development...should take into account: the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles” (Paragraph 39).

However, there is no evidence to demonstrate that Policy 6 has regard to the Framework in this respect. Furthermore, Policy 6 seeks to impose a *“blanket-requirement”* for all dwellings or two bedrooms or more to include at least two car parking spaces *“within the residential curtilage of the property.”*

Whilst the Neighbourhood Plan refers to the general impacts of *“inadequate parking”* in the town centre, there is no substantive evidence to demonstrate that the requirements of Policy 6 will necessarily address these impacts. In addition, there is no information to demonstrate that the provision of 2 parking spaces within the residential curtilage of properties of two bedrooms and above will be deliverable and viable in all circumstances. No indication is provided, for example, to demonstrate that the Policy would be deliverable and viable, having regard to Paragraph 173 of the Framework, to an apartment scheme, or a housing development for older people.

The Policy goes on to refer to the removal of permitted development rights relating to the use of a single garage. In this regard it is unclear on what legislative basis the Neighbourhood Plan could control the use of a single garage, as no specific evidence is provided. The reference to Paragraph 40 of the Framework, provided in the Policy, is irrelevant in this respect.

Taking all of the above into account, Policy 6 does not meet the basic conditions. I recommend:

- **Delete Policy 6**
- **Delete supporting text to Policy 6 (Paragraphs 77 and 78)**

“Policy Land use 7; Recreational facilities” (Policy 7)

Paragraph 28 of the Framework supports the development of community facilities in villages. In addition, Chapter 8 of the Framework, “*Promoting healthy communities,*” states that planning policies should:

“...plan positively for the provision and use of...community facilities” (Paragraph 70).

Policy 7 has regard to national policy. It comprises a positive land use planning Policy that supports the development of sports recreation and young people’s facilities.

However, the phrase “*will normally be approved*” runs the risk of pre-determining planning applications before taking all relevant factors into account and as the Policies of the Neighbourhood Plan need to be considered together, there is no need to cross reference Policy 7 with other Policies in the document.

I recommend:

- **Policy 7, change to “...young people’s facilities *will be supported.*”**

Subject to the recommendation above, Policy 7 contributes to the achievement of sustainable development and meets the basic conditions.

“Policy Land use 8; Playgrounds” (Policy 8)

The Durham Open Space Needs Assessment 2010 (OSNA) comprises a report that provides background information relating to open space in County Durham. Durham County Council has stated that this OSNA *“is currently being updated.”*

Policy 8 seeks to treat the OSNA 2010 as *“current standards”* rather than background information. In so doing, the Policy establishes rigid requirements for all new housing development. No evidence is provided to demonstrate that the requirements set out in Policy 8 will be deliverable and viable in all circumstances. Consequently, as set out, the Policy does not have regard to Paragraph 173 of the Framework, which requires plans to be deliverable and discourages such a scale of obligations and policy burdens as to threaten the viability of development.

Furthermore, it is not clear on what basis the Policy will be implemented and measured against. For example, no detailed information is provided in respect of current provision of green infrastructure across the Neighbourhood Area.

As set out, Policy 8 could serve to place a barrier in the way of sustainable development, thus preventing such development from coming forward. The Policy does not meet the basic conditions. I recommend:

- **Delete Policy 8**
- **Delete supporting text to Policy 8 (Paragraphs 83 and 84)**

“Policy Land use 9; Infrastructure” (Policy 9)

The planning application validation process already requires the provision of information relevant to the development proposed.

Policy 9 seeks to impose its own requirement regarding the provision of information to support planning applications. In so doing, it sets out a requirement for applicants to provide information regardless of relevance. For example, it would require an application for advertisement consent to provide *“a foul, surface water and utilities assessment to demonstrate how the proposal will impact on existing infrastructure.”*

This approach fails to have regard to Paragraph 193 of the Framework, which seeks to limit supporting information to that which:

“is relevant, necessary and material to the application in question.”

Policy 9 fails to have regard to national policy and does not meet the basic conditions.

I recommend:

- **Delete Policy 9**
- **Delete supporting text to Policy 9 (Paragraphs 86 and 87)**

Policy Land use 10: Gypsies and travellers sites

National policy for traveller sites is set out in “*Planning policy for traveller sites*” published in August 2015 by the Department for Communities and Local Government.

Amongst other things, in relation to the provision of sites for travellers, this establishes that local planning authorities should make their own assessment of need for the purposes of planning; and ensure the development of fair and effective strategies to meet need through the identification of land for sites.

Policy 10 appears in the Neighbourhood Plan without any justification. It simply seeks to prevent pitches, plots or sites for gypsies and travellers. There is no substantive evidence before me to demonstrate that, in this respect, the Neighbourhood Plan has regard to national policy.

Further, without any justification, it is not possible for me to conclude that Policy 10 would contribute to the achievement of sustainable development. Policy 10 does not meet the basic conditions. I recommend:

- **Delete Policy 10**

7. The Neighbourhood Plan: Other Matters

I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:

- **Update the Contents page (page 3), Policies page (page 4) and page numbering to reflect the recommendations above**

8. Summary

I have recommended a number of modifications further to consideration of the Sedgefield Neighbourhood Plan against the basic conditions.

Subject to these modifications, I confirm that:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan;
- the making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area;
- the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, European Union (EU) obligations.

Taking the above into account, I find that the Sedgefield Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

9. Referendum

I recommend to Durham County Council that, subject to the modifications proposed, the **Sedgefield Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Sedgefield Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Sedgefield Neighbourhood Area approved by Durham County Council on 23 September 2013.

Nigel McGurk, June 2016
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