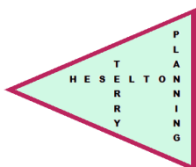


# **Great Aycliffe Neighbourhood Plan (Submission Version)**

## **Report of the Independent Examination**

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**Independent Examiner**



**Terry Heselton Planning**

**November 2016**



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## **Summary**

I have examined the Great Aycliffe Neighbourhood Plan as submitted to Durham County Council by Great Aycliffe Town Council. The examination has been undertaken by written representations.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990. However a number of modifications are required to ensure that the Plan meets the four 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule.

Subject to making the modifications set out in my report I recommend that the Great Aycliffe Neighbourhood Plan proceed to referendum, and that the voting area corresponds with the Great Aycliffe Neighbourhood Area as designated by Durham County Council on 14 February 2013.

## 1.0 Introduction

- 1.1 I have been appointed by Durham County Council, with the consent of Great Aycliffe Town Council, to examine the Great Aycliffe Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Great Aycliffe Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’ or ‘the Plan’) has been produced by Great Aycliffe Town Council under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. Great Aycliffe Town Council is a qualifying body for leading the preparation of a neighbourhood plan<sup>1</sup>.
- 1.3 The Neighbourhood Plan covers the whole of Great Aycliffe Parish comprising the town of Newton Aycliffe, Aycliffe Village and part of School Aycliffe plus surrounding areas of open countryside. The main built up area is mostly contained by the A167 trunk road to the east and the Darlington to Bishop Auckland railway to the west.
- 1.4 The Plan focuses on managing future development in a way that is beneficial to the existing community by protecting areas of open space and local character. Other priorities include planning for an ageing population, tackling problems associated with inadequate off street parking, safeguarding retail facilities, promoting energy efficiency and renewable energy schemes, and ensuring the provision and retention of local services and facilities.
- 1.5 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Durham County Council. The Plan would then be used to determine planning applications and guide planning decisions in the Great Aycliffe Neighbourhood Area.

## 2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet four ‘Basic Conditions’<sup>2</sup>, together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than Local Plan examinations and do not consider whether the plan is ‘sound’.
- 2.2 A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance

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<sup>1</sup> Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

<sup>2</sup> Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

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- issued by the Secretary of State', it is appropriate to 'make' the plan,
  - the plan contributes to the achievement of sustainable development,
  - it is in general conformity with the strategic policies of the development plan for the area of the authority (or any part of that area), and
  - it does not breach, and is otherwise compatible with EU obligations
- 2.3 In addition to reviewing the Submission Draft of the Neighbourhood Plan I have considered a number of background documents which are listed in Appendix 1, together with representations submitted by nine organisations as part of the examination.
- 2.4 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue (or issues) or to ensure that a person has a fair chance to put a case.
- 2.5 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues which require a public hearing to be held. I am also of the opinion that all parties have had full opportunity to register their views and put their case forward. Neither have I seen any requests for a hearing. I have therefore undertaken the examination through consideration of written representations, supported by an unaccompanied site visit of the Neighbourhood Plan Area.
- 2.6 In undertaking the examination I am also required to check whether:
- the Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area <sup>3</sup>;
  - the Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development', and not to relate to more than one neighbourhood area <sup>4</sup>,
  - the Neighbourhood Plan has been prepared for an area that has been properly designated <sup>5</sup> and has been developed and submitted for examination by a qualifying body <sup>6</sup>, and
  - adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan<sup>7</sup>.
- 2.7 As Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the 'Basic Conditions' and other legal requirements; or

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<sup>3</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

<sup>4</sup> Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

<sup>5</sup> Section 61G Town and Country Planning Act 1990 as amended

<sup>6</sup> Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

<sup>7</sup> Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

- that modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the draft Neighbourhood Plan as modified is submitted to Referendum; or
- that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the 'Basic Conditions' and other relevant legal requirements<sup>8</sup>.

2.8 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'Basic Conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors<sup>9</sup>.

2.9 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Great Aycliffe Neighbourhood Area, and if so what the extended area should be<sup>10</sup>.

2.10 I make my recommendations in this respect in the final section of this report.

### 3.0 Representations

3.1 Responses were received during the Regulation 16 Publicity period from or on behalf of nine organisations, namely; the Church Commissioners, the Coal Authority, Durham County Council, the Environment Agency, Historic England, LIVIN, Natural England, Northumbrian Water and Sport England.

3.2 While supporting certain policies in the Plan the **Church Commissioners** consider that a number of the housing policies are inadequately justified and do not reflect current national policy. It is further suggested that the Plan should reflect emerging strategic policy and specific objection is made to Policy GANP E2 (Aycliffe Village Green Wedges) on the grounds that the policy would potentially limit future growth.

3.3 **Durham County Council** acknowledge that the Plan has been prepared in a changing strategic planning context and that the Plan has consequently avoided strategic matters which could potentially make it out of date at the point when significant weight may be attached to the emerging Local Plan. Specific objection is made to Policy GANP CH2 (Protection of Accessible Local Green Space Designations) as the sites identified are considered to be already protected through extant policies, and to Policy GANP H4 (Parking Mitigation) as the policy is considered impractical and at odds with adopted County standards. The County Council also make a number of positive suggestions to improve the clarity, practicability and conformity of a number of specific policies.

3.4 **Historic England** recognise that the Plan has a positive strategy for

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<sup>8</sup> Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>9</sup> Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>10</sup> Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

conservation and enjoyment of the historic environment but are disappointed that the findings of the Heritage and Character Assessment commissioned by the Town Council have not been translated into positive actions.

- 3.5 **LIVIN** make a number of suggestions to bring the environmental and housing objectives of the Plan in line with current best practice, to ensure the Plan is not overly prescriptive and to ensure consistency between the objectives of the Plan and Plan policies.
- 3.6 **Northumbrian Water** would like to see the Plan incorporate a policy on flooding and sustainable drainage in advance of the emerging County Durham Plan in order to minimise flood risk from future development.
- 3.7 **Sport England** object to Policy GANP CH3 (Existing Open Spaces and Recreational Areas) because of concerns that this could result in the loss of playing fields to car parking use, contrary to national policy.
- 3.8 **The Coal Authority, the Environment Agency, and Natural England** had no substantive comments to make.
- 3.9 General and detailed points raised on specific issues and policies in the Plan by those submitting representations are considered in Section Six of my report.

#### **4.0 Compliance with Legal Requirements**

##### **(a) The Qualifying Body**

- 4.1 The Great Aycliffe Town Council is recognised as a relevant body for the purposes of preparing Neighbourhood Plans under Sections 61F and 61G of the Town and Country Planning Act 1990.

##### **(b) The Plan Area**

- 4.2 The Neighbourhood Plan relates to the whole of the Neighbourhood Area that was designated by Durham County Council on 14 February 2013, following an application by Great Aycliffe Town Council which was submitted on 18 April 2012.
- 4.3 The application included a map identifying the proposed Neighbourhood Area together with a statement justifying the extent of the proposed area which is coterminous with the area covered by Great Aycliffe Parish. This was advertised for a six week period during which no objections and 8 letters of support were received by the Council.
- 4.4 This satisfies the requirement in line with the purposes of preparing a



Neighbourhood Development Plan under section 61G of the Town and Country Planning Act 1990 (as amended) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

- 4.5 I am also satisfied that the Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans for the designated Neighbourhood Area in accordance with statutory requirements.

#### **(c) Policies for the Development and Use of Land**

- 4.6 The Neighbourhood Plan sets out policies in relation to the development and use of land for the defined Neighbourhood Area, which accords with the definition of neighbourhood plans in Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended).

#### **(d) Time Period**

- 4.7 A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan clearly states on its title page that it covers the period 2016 to 2036 and therefore satisfies this requirement.

#### **(e) Excluded Development**

- 4.8 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

#### **(f) Publicity and Consultation**

- 4.9 Public consultation on the production of land use plans, including neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.
- 4.10 The submitted Neighbourhood Plan is accompanied by a comprehensive Consultation Statement which describes the process followed in preparing the Neighbourhood Plan as well as the methods used to engage with the local community and other stakeholders.
- 4.11 By devolving responsibility for the preparation of the Plan to a Steering Group comprising Town and District Councillors, the voluntary and business sectors, community groups, and members of the public the Town

Council has been able to ensure active involvement from a cross section of the community throughout the whole process.

- 4.12 In order to ensure detailed consideration of key topics the Steering Group was supported by Thematic Groups on housing, retail and the environment, each comprising 3 Town Councillors, up to 3 Steering Group members and up to 10 members of the public. Additional support was provided by a planning consultant. The Council's Community Neighbourhood Engagement Officer also ensured engagement with minority groups and non English speaking residents, as well as attending a wide range of community events to conduct snap shot surveys.
- 4.13 I have considered the various stages of consultation undertaken prior to and during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the Regulatory requirements have been satisfied.
- 4.14 The stages of consultation and engagement can be summarised as
- Initial Engagement (May 2012 – November 2014)
  - Town Wide Questionnaire (June 2014 –November 2014)
  - 'Your Issues, Our Proposals' Consultation (July 2015 – November 2015)
  - Pre-submission (Regulation 14) Consultation on the draft Plan (April – June 2016)

Initial Engagement (May 2012 –November 2014)

- 4.15 At the start of the process residents views were sought on a range of issues through attendance at resident association meetings and community events such as 'Fun in the Park'. This helped to identify deficiencies in local services and facilities, and to develop an insight into what people considered to be positive aspects of the area and what improvements they would like to see being made.
- 4.16 During the preparation of the Plan it is notable that a series of 'mapping exercises' undertaken at community events have proved to be a particularly useful engagement tool. Efforts to engage with young people, for example through a logo competition with 138 entries, are also to be commended.

Town Wide Questionnaire (June 2014 – November 2014)

- 4.17 In order to further promote the preparation of the Plan and to obtain views on specific issues a questionnaire was distributed to all (11,500) households within the neighbourhood area in June 2014.
- 4.18 This was accompanied by a formal launch event in July 2014, attended by 88 people, to help identify issues and priorities, and to help develop a vision for the Plan.
- 4.19 A total of 791 responses were received to the questionnaire (including over 11,000 individual comments) with retail and housing issues and concerns about the environment emerging as the biggest priorities.
- 4.20 Ongoing engagement with the community was maintained through a series

of feedback sessions in autumn 2014 and early 2015, including a specific meeting with Aycliffe Village residents in November 2014 attended by 72 people.

'Your Issues, Our Proposals' Consultation (July 2015 – November 2015)

- 4.21 In response to the issues and priorities identified through previous community engagement a second consultation was undertaken in October/November 2015 seeking views on emerging objectives and proposals. This was preceded by a dedicated newsletter in July 2015 and accompanied by a launch event in early October. In addition to being delivered to every household the 'Your Issues, Our Proposals' consultation document was also available electronically.
- 4.22 139 members of the public and other stakeholders responded to the consultation.
- 4.23 During the various meetings and events that accompanied this consultation the opportunity was also taken to obtain views on the emerging conclusions of a local character and heritage assessment commissioned by the Town Council.

Pre-submission (Regulation 14) Consultation

- 4.24 The draft Plan was published for consultation in April 2016 and the 6 weeks Pre-Submission (Regulation 14) consultation took place between 25 April and 6 June 2016.
- 4.25 The consultation was publicised through poster displays, the Town Council website, social media and through a local newsletter and news items sent to local newspapers.
- 4.26 Copies of the Plan were also available for inspection at a number of accessible locations throughout the local area including community centres, sports centres, Newton Aycliffe library, and local businesses. Details of the various consultation bodies, including neighbouring Town Councils, consultation bodies and other stakeholders who were specifically consulted on the draft Plan by letter and/or email are provided in the Consultation Statement.
- 4.27 Specific evidence is also provided in the Consultation Statement to demonstrate how the Plan and the opportunity to comment on it has been publicised. This includes a well presented summary of the 97 responses to the draft Plan received from individual members of the public and organisations indicating how the Plan has been amended in response to the comments received.

Conclusions

- 4.28 It is apparent that engaging with a community in excess of 26,000 people has been a challenging task particularly given the low levels of engagement experienced during previous consultations.
- 4.29 The Consultation Statement describes the importance attached to understanding the issues and obtaining as wide a range of views as possible throughout the preparation of the Plan. In this regard a wide

variety of methods have been used to inform and engage with the local community including conventional methods such as community events, public meetings and the local media as well as digital methods and social media. The questionnaire and follow up 'Your Views, Our Proposals' consultation document were also distributed to every household within the Neighbourhood Area.

- 4.30 While the level of response to consultation events reduced as the Plan progressed I consider that this is attributable to the consensus achieved, as demonstrated by the relatively small number of representations at Regulation 16 stage.
- 4.31 I am also satisfied that those with an interest in the Plan were made aware of the opportunity to comment on it and that the views of relevant consultation bodies have been pro-actively sought.
- 4.32 Taking all the above factors into account there is enough evidence to show that the consultation process as a whole was appropriate to the size of the local community and conducted in an open and transparent manner, and that opportunities for engagement, involvement and feedback were provided throughout the preparation of the Plan. The Regulation 14 requirements for consultation and publicity have therefore been met.

#### Regulation 16 Publicity

- 4.33 The draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Durham County Council in July 2016. The submitted plan, incorporating a map identifying the area covered by the Neighbourhood Plan, was accompanied by a Consultation Statement, and a Basic Conditions Statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. The plan is also supported by a Character and Heritage Assessment of the Neighbourhood Area which is included in an Appendix to the Statement of Consultation.
- 4.34 Durham County Council published details of the Plan and the accompanying documents on their website, notified interested parties and 'consultation bodies' of its receipt, and provided details as to how and by when representations could be submitted. Hard copies of the submitted documents were also made available for inspection at County Hall in Durham, Great Aycliffe Town Council offices and Newton Aycliffe library, or were available free of charge by post for those who were unable to visit the Council offices or local library.
- 4.35 The formal six week publicity stage for submitting representations covered the period Wednesday 27 July to Friday 9 September 2016. Nine responses were received during the Publicity period and no additional comments were received after the deadline for submitting comments expired.

#### Conclusions

- 4.36 In the light of the foregoing I am satisfied that the Regulation 16
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requirements to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area have been met.

## **5.0 Basic Conditions**

5.1 This section of my report considers whether the Neighbourhood Plan taken as a whole has regard to national policies and advice contained in guidance issued by the Secretary of State, whether the plan contributes to the achievement of sustainable development, and whether it is in general conformity with local strategic policy. It also addresses EU obligations. Each of the plan policies is considered in turn in the section of my report that follows this.

### **(a) National Planning Guidance**

5.2 National Planning Guidance is set out principally in the National Planning Policy Framework (NPPF) which was published in 2012. At the heart of the NPPF is a presumption in favour of sustainable development<sup>11</sup> which when applied to neighbourhood planning means that neighbourhoods should develop plans which support the strategic development needs set out in Local Plans, and which plan positively to support and shape local development that is outside the strategic elements of the Local Plan.<sup>12</sup>

5.3 The NPPF incorporates 12 Core Principles<sup>13</sup> which underpin both plan-making and decision-taking. These are summarised in paragraph 17 of the NPPF and elaborated in the remainder of the NPPF through individual policy topics such as building a strong economy, delivering a wide choice of high quality homes, requiring good design, promoting sustainable transport, and conserving the historic environment.

5.4 Included in the 12 Core Principles is a requirement to produce neighbourhood plans which set out a positive vision for the future of the area and which provide a practical framework within which decisions on planning applications can be made.

5.5 The NPPF also (paragraph 184) requires neighbourhood plans to be 'aligned with the strategic needs and priorities of the wider local area, and to be in general conformity with the strategic policies of the Local Plan. To facilitate this, Local Planning Authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them.

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<sup>11</sup> National Planning Policy Framework (2012) para 14

<sup>12</sup> National Planning Policy Framework (2012) para 16

<sup>13</sup> National Planning Policy Framework (2012) para 17

Neighbourhood plans (and neighbourhood development orders) should not promote less development than that set out in the Local Plan or undermine its strategic policies.

- 5.6 It goes on (paragraph 185) that once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.
- 5.7 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as Planning Practice Guidance (PPG). This includes specific guidance as to ‘What evidence is needed to support a neighbourhood plan?’<sup>14</sup>, and ‘How policies should be drafted’<sup>15</sup>, that is “*a policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*”.
- 5.8 I have had regard to these principles in carrying out the examination, since the manner in which policies are drafted and whether or not they are supported by appropriate evidence is clearly fundamental to determining whether or not individual policies and a plan as a whole satisfies the Basic Conditions.
- 5.9 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that many policies in the Great Aycliffe Neighbourhood Plan are driven by local circumstances and community preferences, to a certain extent some could apply to other, if not all, locations. I have taken the view that the fact that a local community has chosen to include a particular policy, reflects its awareness that the particular issue is of special importance to the locality, and this does not therefore prevent that policy from satisfying the Basic Conditions.
- 5.10 Taken as a whole I conclude that the Neighbourhood Plan reflects the broad principles embedded in the NPPF and PPG. In those instances where individual policies and/or supporting text have been found to be inconsistent with national policy I have made specific recommendations to correct this later in the report.

## **(b) Sustainable Development**

- 5.11 In carrying out the examination I am also required to consider whether the Plan would contribute to the achievement of sustainable development, as

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<sup>14</sup> Planning Practice Guidance para 040 Ref ID: 41-040-20140306

<sup>15</sup> Planning Practice Guidance para 041 Ref ID: 41-041-20140306

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described in the NPPF.

5.12 There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of interdependent roles, namely:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.13 Although the Neighbourhood Plan does not make specific provision for new development, for example through site allocations, it does recognise there may be new housing and other development in the Plan Area, and includes policies to manage and integrate that development. Other policies aim to conserve and enhance townscape character and the local environment, and to ensure the retention and improvement of local facilities and green spaces. These are key aspects of sustainable development, as set out in the NPPF, which states (paragraph 9) that *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*

- *making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes”.*

5.14 Subject to the modifications recommended later in my report I am satisfied that the Neighbourhood Plan is capable of contributing to the achievement of sustainable development.

### **(c) Strategic Local Policy**

5.15 Statutory weight is given to neighbourhood development plans that are

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closely aligned with and in general conformity with the strategic policies of the development plan for the local area. Neighbourhood plans are also required to plan positively to support local strategic policies<sup>16</sup>. This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.

- 5.16 The current development plan for the area comprises
- Remaining saved policies in the Sedgefield Borough Local Plan (SBLP) (adopted by the former Sedgefield Borough Council October 1996)
  - Saved policies in the County Durham Minerals Local Plan (adopted December 2000), and
  - Saved policies in the County Durham Waste Local Plan (adopted April 2005).
- 5.17 Although the SBLP was adopted as long ago as 1996 it provides the most up to date local strategic planning policies for the area. Policies in the Plan were initially saved for a three year period until 27 September 2007 under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended). Policies that remained relevant and compliant with (at the time) national and regional policies were then extended beyond that date by Direction of the Secretary of State in September 2007.
- 5.18 These remain in force until replaced by new development plan policies and are still part of the 'development plan' for the area, although in accordance with national planning policy less weight may now be attributed to them after April 2013. In any case a number of policies are now out of date in view of the period of time which has elapsed since they were first adopted, for example housing supply policies which are based on out of date housing need assessments. This principle also applies to policies intended to protect open land around settlements from development which serve a dual role of restricting the supply of housing land.
- 5.19 In the Basic Conditions Statement accompanying the Plan the Town Council suggest that there is only one strategic policy in the SBLP currently in place which the Plan should conform with, namely Policy IB2(A), a strategic employment site allocation in Newton Aycliffe. However I am mindful of the advice in Planning Practice Guidance on conformity with strategic policies<sup>17</sup> which indicates that while the basic condition does not presume that every policy in a Local Plan is strategic neither does it presume that only policies that are strategic are labelled as such.
- 5.20 Policies which the Guidance suggests may be considered to be strategic in nature include overarching policies, policies which shape the broad characteristics of development, those which establish a framework for balancing competing priorities or establish a standard, and those policies which are central to the delivery of the overall vision.<sup>18</sup>

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<sup>16</sup> National Planning Policy Framework (2012) para 184

<sup>17</sup> Planning Practice Guidance para 075 Ref ID: 41-076-20140306

<sup>18</sup> Planning Practice Guidance para 076 Ref ID: 41-076-20140306



5.21 Having regard to this advice the remaining ‘saved’ policies which I consider to have a strategic element and which are broadly consistent with national planning policy, and relevant to the Neighbourhood Area are:-

- E4 Designation and Safeguarding of Green Wedges
- E11 Safeguarding of Sites of Nature Conservation Interest.
- E15 Safeguarding of Woodlands, Trees, and Hedgerows
- E18 Preservation and Enhancement of Conservation Areas
- IB1 Types of Industry and Business Areas
- IB2 Designation of Type of Industrial Estates
- IB3 Proposals for the Development of New Industrial and Business Areas
- IB5 Acceptable Uses in Prestige Business Areas
- IB6 Acceptable Uses in General Industrial Areas
- H8 Residential Frameworks for Larger Villages (Aycliffe)
- H18 Acceptable uses within Housing Areas
- T1 Footways and Cycleways in Towns and Villages
- T3 Safeguarding Railway Lines
- S1 Town Centre Developments
- S2 Town Centres
- S3 New Development in Town Centres
- S6 Local Centres
- L1 Provision of Open Space Including Standards
- L2 Open Space in New Housing Development
- L5 Safeguarding of Areas of Open Space
- L10 Recreational Routes
- D1 General Principles for the Layout and Design of New Developments
- D2 Design for People
- D3 Design for Access
- D5 Layout of New Housing Development
- D6 Layout and design of Pedestrian Areas and Public Spaces
- D8 Servicing and Community Requirements of New Development

5.22 Although Durham County Council is preparing a new Local Plan which will replace all of the ‘saved’ SBLP policies this is at a relatively early stage of preparation and no weight can be attached to it.

5.23 A number of modifications are necessary for the Neighbourhood Plan to be

in general conformity with the above strategic policies. These are set out in the *Comments on the Neighbourhood Plan* section of my report.

- 5.24 The Plan does not directly affect the provisions of the County Durham Minerals Local Plan (2000) or the County Durham Waste Local Plan (2005) and is in general conformity with 'saved' policies in those plans which apply within the Neighbourhood Area.

#### **(d) European Union Obligations**

- 5.25 Local Planning Authorities are legally responsible for deciding whether neighbourhood plan proposals are compatible with EU obligations, including obligations under the Strategic Environmental Assessment (SEA) Directive<sup>19</sup>.
- 5.26 In circumstances where a neighbourhood plan is likely to have significant environmental effects, for example where it includes proposals to allocate land for development, it may require an SEA to be undertaken as part of the preparation process in accordance with the SEA Directive and Environmental Assessment Regulations<sup>20</sup>. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects<sup>21</sup>. Where significant environmental effects are identified plans should be accompanied by a full SEA report.
- 5.27 Durham County Council have therefore prepared a Strategic Environmental Assessment (SEA) screening opinion based on policies in the draft Plan. The assessment concludes that the Neighbourhood Plan does not require a full SEA as no significant environmental effects are likely to occur as a result of the implementation of policies contained in the Plan.
- 5.28 A separate Habitats Regulations Assessment screening as to whether a Habitats Regulations Assessment (HRA)<sup>22</sup> was required under the Habitats Directive<sup>23</sup> was also carried out by the County Council. This concludes that an 'appropriate assessment' of European designated sites is not required in order to progress the Plan further.
- 5.29 All three statutory consultation bodies who were consulted agree with the draft conclusions in the report and no concerns in relation to the screening process have been raised.
- 5.30 Natural England subsequently confirmed in writing that they continue to agree with the conclusions of the revised final SEA and HRA screening report which was published to support the submission of the Plan.
- 5.31 No comments were received from English Heritage or the Environment

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<sup>19</sup> European Directive 2001/42/EC

<sup>20</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>21</sup> Planning Practice Guidance para 027 Ref ID: 11-027-20150209

<sup>22</sup> in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended).

<sup>23</sup> European Directive 92/42/EEC

Agency on the final report and no objections in relation to any of the above matters were received during the Regulation 16 'publicity' stage from any other party.

- 5.32 Although an equalities impact assessment has not been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics. And no evidence has been put forward to suggest otherwise.
- 5.33 I am therefore satisfied that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'.

## **6.0 Comments on the Neighbourhood Plan**

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in general conformity with local strategic policies in the SBLP. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

### **(a) General Approach**

- 6.2 The Neighbourhood Plan does not attempt to establish an appropriate level of future housing or employment growth or identify specific sites to accommodate development. Rather it focuses on how future development will be assimilated. Policies to manage both large scale and small scale housing proposals are accompanied by policies to protect landscape character, local heritage and green spaces, and to safeguard the distinctive identity and special character of Aycliffe Village.
- 6.3 Other priorities include alleviating parking problems and ensuring adequate provision of on-site parking, supporting the local economy and the retail function of local centres, and ensuring adequate provision of infrastructure and services.
- 6.4 Although there is strong local support for improvements to the retail offer in Newton Aycliffe the Plan acknowledges there is no justification to allocate additional land for retail development in the Town Centre at the present time.
- 6.5 Policies and proposals for the further development and enhancement of Aycliffe Business Park were also excluded from the Plan in order to avoid duplicating work already being undertaken by the local business community to develop a future vision and project plan for the Business Park.

### Comments

- 6.6 The overall approach is generally consistent with extant strategic and national planning policies to actively manage patterns of growth in a way which promotes the vitality of urban areas while conserving heritage assets and the natural environment, and taking account of the roles and character of different areas.
- 6.7 It is also an appropriate response to the fact that in the absence of an up to date Local Plan there is no up to date assessment of housing need to rely on. At the same time development management decisions are currently based on a combination of national planning policies and increasingly out of date local strategic policies, neither of which recognise the particular local circumstances in Great Aycliffe. In this respect Planning Practice Guidance<sup>24</sup> makes it clear that neighbourhood plans do not have to wait for Local Plans to be in place and this guidance has been supported by the Court of Appeal.
- 6.8 However while there is no legislative requirement for neighbourhood plans to set out their own housing numbers or to allocate land for development this is an option open to them<sup>25</sup>. It is therefore not strictly accurate to state in the first paragraph in 'Housing' on page 27 that it is not the role of a neighbourhood plan to make strategic housing allocations, particularly as no explanation is given as to what constitutes a strategic housing allocation. There is also an incomplete explanation in the Plan as to the respective roles of the Local Plan and the Neighbourhood Plan in relation to future housing supply.
- 6.9 Greater clarity could be achieved by specifically acknowledging that the agenda for growth, including the scale and location of future housing will be established through the Local Plan. It should also be made clear that, the Neighbourhood Plan is intended to support the emerging Local Plan (when adopted) in delivering new housing to accommodate 'objectively assessed housing need.' This is particularly important given the relative status of Newton Aycliffe in the settlement hierarchy and its sustainability credentials to accommodate future growth.
- 6.10 In the light of the above it should also be made clear in both the Key Issues housing section on page 27 and the introduction to housing policies on page 44 that the role of the Plan is to manage proposals for new housing development that may come forward.
- 6.11 In addition while the Plan recognises the special character and distinctive identity of Aycliffe Village it is not appropriate to conclude that the agricultural meadows to the north and south of the village provide appropriate boundaries to restrict the further expansion of the village as this potentially pre-empts decisions about the future scale and location of future development to be established through the emerging Local Plan.
- 6.12 Although there are no up to date strategic housing policies with which the

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<sup>24</sup> Planning Practice Guidance para 009 Ref ID: 41-009-20140306

<sup>25</sup> Planning Practice Guidance para 042 Ref ID: 41-042-20140306

Plan must be in generally conformity with, since the Plan is relying on the County Durham Plan to address identified housing need including allocating land for future development it follows that the Neighbourhood Plan must be sufficiently flexible to support that process, and not introduce undue restrictions.

- 6.13 Neither is there any suggestion that the landscape surrounding Aycliffe Village exhibits the quality to be worthy of protection in its own right in line with the NPPF (paragraph 109).
- 6.14 In these circumstances it would be more appropriate to refer to Aycliffe village as a distinctive settlement where future development should preserve the integrity of the village. This could facilitate the maintenance of an area separation with surrounding development without necessarily restricting the scope for some limited growth.
- 6.15 A number of modifications are therefore required to ensure the Plan is fully compliant with national planning policy.

#### **Recommendation 01**

- a) **At the beginning of paragraph 1 in 'What's in the Neighbourhood Plan' on page 8 delete 'The GANP is more than a document allocating new housing and new employment. It is about' and insert '*Although decisions regarding the scale and location of future growth will be taken by Durham County Council through the County Durham Plan the GANP provides an opportunity to identify***
- b) **Delete 'Although the County Durham Plan has been withdrawn' in paragraph 1 in 'What's in the Neighbourhood Plan' on page 8, and insert '*Following the withdrawal of the County Durham Plan the County Council has begun work on a new Plan and***.
- c) **In paragraph 1 in 'Housing' on page 27 delete 'It is not the role of a neighbourhood plan to make strategic housing allocations. Until a revised Local Plan for County Durham is published the scale of housing for the town is unclear.', and insert '*Although it is intended to leave decisions regarding the scale and location of future housing growth, including specific allocations of land, to the revised County Durham Plan which is currently in preparation, policies in the Neighbourhood Plan will provide the basis for considering windfall proposals as well as planned development after the adoption of the Local Plan.***
- d) **Incorporate Recommendation 01c) above in the introduction to the housing policies on page 44.**
- e) **In paragraph 3 in 'Aycliffe Village' on page 23 delete 'This character area would also provide a definitive boundary from which to restrict the further expansion of the settlement edge in order to preserve the integrity of the Village in terms of built form, type, scale and density.', and insert '*The Plan places high priority on safeguarding the distinctive character and integrity of the village in terms of built form, type, scale and density, and***

***by maintaining an area of separation from surrounding development.'***

**(b) Scope of the Plan/Omissions**

- 6.16 In responding to the Regulation 16 Publicity the **Church Commissioners**, **Historic England** and **Northumbrian Water** have suggested that the scope of the Plan should be widened for example through the inclusion of more positive actions or additional policies.
- 6.17 The **Church Commissioners** are promoting sites for development within the locality including a strategic urban extension to Newton Aycliffe and land to the north of Aycliffe Village. In order to support the emerging Local Plan the Commissioners consider the Neighbourhood Plan should take a more positive approach by providing more information about opportunities for future growth.
- 6.18 While expressing support for the positive conservation strategy in the Plan **Historic England** are disappointed that more has not been made of the findings and recommendations in the Great Aycliffe Character and Heritage Assessment by specifically promoting positive actions, such as the preparation of a character appraisal and management plan for Aycliffe Conservation Area.
- 6.19 **Northumbrian Water** would like to see a flooding and sustainable drainage policy included in the Plan to ensure that flood risk associated with new development is minimised. They consider that a policy is required now rather than waiting for a strategic policy to be brought forward through the emerging Local Plan.

Comments

- 6.20 While the Plan would no doubt be improved by incorporating some of these suggestions there is no prescription about the range of topics that should be covered in neighbourhood plans, or the level of detail. It is also outside my remit to recommend the incorporation of additional policies and proposals or changes to introduce more ambitious targets or objectives.
- 6.21 Having said that the concerns raised by Northumbrian Water are addressed indirectly in the Plan in the pre amble to the housing policies (on page 44) which contains a reference to guidance produced by Durham County Council setting out requirements in relation to sustainable drainage systems, although I accept this does not carry the same weight as a dedicated policy.
- 6.22 In addition the point about strategic growth raised by the Church Commissioners is partly addressed through my previous recommendation to incorporate more information about the strategic planning context within which the Plan has been prepared without mentioning specific sites.
- 6.23 It seems to me that, notwithstanding what stance may have been taken previously by both Durham County Council and the Town Council,

reference to specific sites would potentially pre-empt decisions yet to be taken about the scale and location of future growth through the Local Plan process which is at a very early stage of preparation.

- 6.24 In conclusion since the identified omissions do not affect the Plan's ability to satisfy the Basic Conditions I therefore make no recommendations in this respect.

**(c) Introduction, Neighbourhood Area, and Key Issues.**

- 6.25 The introductory chapters of the Plan comprise an Executive Summary, Foreword and an Introduction explaining the neighbourhood plan process, the background to the Plan and the planning context within which it has been prepared. The Introduction includes a map of the Neighbourhood Plan area.

- 6.26 This is followed by a chapter describing the essential socio-economic, demographic and spatial characteristics of the Neighbourhood Area, including its history and heritage, which incorporates a commentary on the availability of local facilities, services and open space, illustrated by two maps.

- 6.27 The main points to arise from consultation with the local community and analysis of the evidence base are summarised in a Key Issues section.

Comments

- 6.28 These opening chapters are clearly written and informative. They provide the background to the policies that follow and a comprehensive assessment of issues, which helps to develop a strong sense of place and to demonstrate how the vision and objectives have been arrived at.
- 6.29 A number of modifications are required in order to correct a number of anomalies and inaccuracies, and to improve the clarity of the text.
- 6.30 First, in the Introduction the reference to neighbourhood plans being 'adopted' (page 4, 'Neighbourhood Plans' – paragraph 4) should be changed to refer to the fact that plans are 'made' to more accurately reflect the terminology used in current legislation.
- 6.31 Second, the reference on page 4 to the GANP being about growth ('Neighbourhood Plans' – paragraph 5) should be removed as it is expressly stated elsewhere (for example in paragraph 4 of the Foreword) that decisions regarding the allocation of future development sites will be made through the emerging Local Plan by Durham County Council.
- 6.32 Third, the relative status of the existing industrial/business estate should be clarified as this is referred to as 'the largest business park in the North East' on page 6 (paragraph 1) and page 25 (paragraph 2), but as 'one of the largest business parks in the North East' on page 11 (paragraph 4).
- 6.33 Fourth, there is an inaccurate reference to proposed national planning policy in relation to starter homes on page 8 ('What's in the Neighbourhood

Plan – paragraph 3). As drafted the paragraph wording conflates the Government's policy on starter homes which establishes a 20% discount on market value for qualifying schemes with recently re-established national policy on affordable housing where a threshold of 11 or more dwellings triggers the provision of affordable housing.

- 6.34 As no evidence is provided to demonstrate whether there are any brownfield sites suitable for starter homes provision in the Plan area, and as this paragraph does not link to policies, proposals or themes covered by the Plan I recommend its deletion.
- 6.35 Fifth, the reference to CIL, progress on the Durham County Plan and the link between the County Durham Plan and CIL, on page 30 ('Community Infrastructure Levy' – paragraph 2), is inaccurate and out of date.
- 6.36 I also question the logic of placing the 'Aycliffe Village' and 'Business' subsections at the end of Chapter 3 'Neighbourhood Area' where they are slightly out of context. I also note that these sub section headings have erroneously been assigned the same typeface size and layout as main chapter headings.

## Recommendation 02

- a) **Substitute 'made' for 'adopted' in line 3, paragraph 4, 'Neighbourhood Plans', on page 4.**
  - b) **Delete 'The GANP is about growth and the things which are important to us.' in paragraph 5, 'Neighbourhood Plans', on page 4.**
  - c) **Clarify whether the industrial/business park is the largest or nearly the largest in the North East and amend either paragraph 1 on page 6 and paragraph 2 on page 25, or paragraph 4 on page 11 to ensure consistency.**
  - d) **Delete paragraph 3 in 'What's in the Neighbourhood Plan' on page 8**
  - e) **Delete paragraph 2 in 'Community Infrastructure Levy' on page 30 and substitute the following '*Previously the GANP and the County Durham Plan, including proposals to introduce a CIL, were being prepared in parallel. Following the withdrawal of the County Durham Plan the County Council have begun work on a new Plan although it is unclear when (or if at all) a CIL will be introduced, as this is not a mandatory requirement*'.**
  - f) **Reorganise Chapter 3 'Neighbourhood Area' to incorporate the 'Aycliffe Village' sub section immediately after the 'School Aycliffe' subsection and incorporate the 'Business' subsection immediately after the 'Retail' subsection.**
- 6.37 Various references are made in the Plan to the consultation and other processes that have been followed during the preparation of the Plan. As some of these are already out of date or may soon become out of date I recommend that these are either deleted or updated, as appropriate, in



order to future proof the document.

### **Recommendation 03**

**Delete or update paragraphs, 4, 5 and 6 in the executive Summary, and paragraph 1 in the Introduction, as appropriate.**

- 6.38 There are also a number of typographical and syntax errors to correct in the Introductory Chapters.

### **Recommendation 04**

- a) Replace 'as' with '*is*' in line 1 on page 7.
- b) Replace 'investigate' with '*and investigated*' in line 2 of 'Understanding Our Parish', paragraph 2 on page 8.
- c) In line 1 of paragraph 3 in 'The Parish of Great Aycliffe', on page 10 insert '*Nearly all of*' before 'The', and delete 'nearly all' in line 2.
- d) Insert a full stop after '....(McKenzie & Ross, 1834)' in line 2, paragraph 2 on page 23, and replace 'the' with '*The*' at the start the next sentence.
- e) Replace 'identifies' with '*identified*' in line 10 of paragraph 2 on page 25.

### **(d) Vision and Objectives**

- 6.39 The Vision and Objectives section summarises the background to the development of the overall Plan Vision accompanied by a series of tabular diagrams demonstrating the relationship between the key issues, objectives and 'proposals' in the Plan, under the headings environment, housing, retail and community infrastructure.

#### Comments

- 6.40 It is useful to understand how the Plan Vision has been arrived at although the explanatory text accompanying the Vision could perhaps have been condensed and cross referenced to the Consultation Statement accompanying the Plan. As it does not affect the ability of the Plan to satisfy the Basic Conditions I make no recommendation in this respect.
- 6.41 Reference is made in the text and in each of the tables that follow to a series of 'proposals' which appear to have been developed in response to key issues and then consulted on as the precursor to the Plan policies. However I find this somewhat confusing as the status of the 'proposals' is not clear and not all the 'proposals' have been translated into specific policies. For example Housing Proposal 1 on page 33 refers to 'requesting an enhanced percentage of bungalows or older persons accommodation within 600m walking distance from the Town Centre and local centres',

- whereas Policy GANP H7 (Bungalow Provision) which seeks a proportion of 10% bungalow provision on sites of 10 or more dwellings does not restrict the provision of bungalows to sites located within 600m of services.
- 6.42 This anomaly is underpinned by comments submitted by **LIVIN** in response to the Regulation 16 consultation, since the 'proposal' in this instance has clearly been interpreted by **LIVIN** as a policy intention, and is objected to on the grounds that older persons accommodation should not be restricted to locations close to services as many older persons also wish to live close to family and friends.
- 6.43 To avoid confusing the 'proposals' identified in Chapter 5 (Vision and Objectives) with land use policies in Chapter 6 I recommend that the 'proposals' should be referred to as 'aspirations, particularly since in some cases, for example Retail Proposal 4 concerning local labour market agreements, they do not relate to land use matters.
- 6.44 I also concur with **LIVIN** that an objective aimed at securing suitable older persons accommodation only in developments close to services is overly prescriptive. And as previously noted it has not been translated into a policy requirement.
- 6.45 A small number of additional changes are required to correct anomalies or to ensure the wording of Objectives fully reflects national planning policy.
- 6.46 First reference is made in Objective 5 (on pages 2 and 32) to meeting the housing needs of residents only, whereas national planning policy makes it clear that provision for new housing should be based on 'objectively assessed housing need' across the whole housing market rather than just local housing need. (NPPG paragraph 47 refers). Discrimination in favour of providing housing for local people only would also be at odds with Newton Aycliffes established role as a main town in the settlement hierarchy. The wording should therefore be amended to bring it in line with national policy.
- 6.47 Second, as pointed out by **LIVIN** reference to the provision of affordable housing has been omitted from Objective 5 even though affordable housing is an integral element in the housing policies in the Plan which address the need for different types of housing.
- 6.48 Third the objective (Objective 5f) on page 33 of ensuring that all developments are built to the highest energy standards could potentially affect the viability of schemes, a point referred to by **LIVIN** in their representations. As drafted the objective also overlooks the fact that the Sustainable Code for Homes has been withdrawn by Government with more reliance now placed on the Building Regulations to ensure a satisfactory standard of energy conservation and incorporation of renewable energy measures. I therefore recommend that 'aiming to build to the highest energy efficiency standard' is replaced with the 'highest possible standard' which enables viability considerations to be taken into account.
- 6.49 On a point of detail the reference to 'where possible' at the end of this objective is a potentially onerous requirement as the circumstances in

which something may be possible are not defined. It also overlooks the fact that there may be circumstances where the achievement of different elements of the objective is possible but not appropriate, for example because of viability considerations.

- 6.50 Finally, while I appreciate the concern raised by **LIVIN** that the objective (Objective 3) of retaining and protecting the green and leafy character of the area could, if pursued too rigidly, inhibit regeneration schemes I am mindful of the fact that this objective must be balanced with other objectives such as satisfying identified housing needs. No modification is therefore required in this respect.

### **Recommendation 05**

- a) **Change all references to ‘Proposals’ in Chapter 5 (Vision and Objectives) to ‘Aspirations’ including the tabular diagrams presenting key issues/objectives/proposals on pp 32-34.**
- b) **Replace the first part of Objective 5 (on pages 2 and 32) with ‘To ensure that future developments meet ‘objectively assessed need’, including the needs of residents, and are of good design, including’**
- c) **Insert ‘providing affordable housing’ as a new sub clause in Objective 5 (on pages 2 and 32) before sub clause a)**
- d) **Delete ‘when developments are near to services’ in Objective 5a) (on pages 2 and 32)**
- e) **Insert ‘possible’ after the highest’ in Objective 5f) (on pages 2 and 33) with ‘a high’, and replace ‘where possible’ with ‘where appropriate’.**

### **(e) Land Use Policies and Justification**

#### **Format/General**

- 6.51 The land use policies part of the Plan is organised into six themes, namely; Environment, Housing, Retail, Parking and Traffic, Renewable Energy and Community Infrastructure Levy (CIL). Each themed subsection contains a group of policies relevant to that particular theme. Individual policies are highlighted in a green box followed by a supporting Justification, and list of objectives met by the policy.

#### Comments

- 6.52 The individual subsections are presented in a well organised and consistent way.
- 6.53 In addition to the Great Aycliffe Character and Heritage Appraisal which is cross referenced in a number of policies and the accompanying Justification it would have been helpful to include more cross referencing in the Plan to supporting information. However this is not essential for the Plan to satisfy the Basic Conditions.

## Themed Subsections and Policies

### Environment

- 6.54 **Policy GANP CH1 (Landscape Character and Townscape)** is intended to ensure development respects landscape character and townscape, particularly by maintaining and/or planting hedgerows, trees, tree lined avenues and woodland, and providing green open spaces.
- 6.55 The policy has regard to national policy by seeking to conserve and enhance the natural and historic environment. This is consistent with the environmental dimension of sustainable development.
- 6.56 Policy CH1 generally conforms with SBLP Policy E15 by requiring development to safeguard woodland, trees and hedgerows, and with SBLP Policies L1(Provision of Open Space), L2 (Open Space in New Housing Development) and D5 (Layout of New housing Development) by requiring new development to make provision for open space.
- 6.57 However I would question whether it is reasonable or even practical to require all forms of development, including changes of use, to contribute positively to established landscape character in the manner envisaged by the policy. I therefore suggest the words ‘where appropriate’ should be incorporated in the first part of the policy. I appreciate this weakens the policy to a degree but without this qualification I am not confident that the policy could be applied in a meaningful way.
- 6.58 The **Church Commissioners** make a similar point in their response to the Regulation 16 Consultation because of concerns that, as drafted, the policy does not provide sufficient flexibility to enable different approaches to landscape design and the context of specific sites to be taken into account. On balance I consider ‘where appropriate’ is a more meaningful qualification than ‘where possible’ as suggested by the **Church Commissioners** since it would enable decision makers to take a broader range of considerations into account, including viability.
- 6.59 As some of the policy wording is somewhat vague, for example the reference to ‘these features’ in line 3 and ‘setting aside green open space’ in sub clause 3, I recommend minor modifications to provide more precision.
- 6.60 I also have a slight concern about the inclusion of a cross reference to the Great Aycliffe Heritage and Character Assessment in the policy as with the passage of time this document could become out of date and may be superseded by another character assessment. In order to future proof the Plan an alternative approach would be to refer to the most up to date Assessment available at the time of considering a proposal. However as the Assessment has been prepared specifically to inform the Plan and as it was made available for scrutiny and comment I do not recommend a modification in this respect. I am also mindful of the fact that the Plan is

intended to be reviewed every five years (paragraph 7 in the Executive Summary) which will provide an opportunity to update the Assessment if necessary.

**Recommendation 06**

- a) Insert '*where appropriate*' after 'new development should' in line 4 of Policy GANP CH1.
- b) Replace 'these' in line 3 of with '*local*'.
- c) Replace 'set aside' in sub clause 3 with '*provided*'.

6.61 Subject to the above modifications the policy meets the Basic Conditions

6.62 **Policy GANP CH2 (Protection of Accessible Local Green Space Designations)** is intended to protect Local Green Spaces considered to be most important to the local community particularly those which are integral to the original vision and founding principles established by Lord Beveridge for Newton Aycliffe new town. New development that would change the character of accessible green space will only be permitted in the 'very exceptional circumstances' identified in the policy namely, essential infrastructure works, public off street parking provision, or where the loss of open space would be outweighed by a direct community benefit.

6.63 87 Local Green Spaces are identified in Appendix C and the accompanying series of maps in appendix D. Appendix C provides information about each area of green space including an assessment of the extent to which it satisfies each of the requirements set out in national planning policy (NPPF paragraph 77) to justify designation, namely

- whether the green space is in reasonably close proximity to the community it serves
- whether it is demonstrably special to the local community and holds a particular local significance, and
- whether it is local in character and not an extensive tract of land.

6.64 The analysis also identifies whether individual sites are located in an area experiencing on street parking problems and grades individual sites 1-5 in terms of their priority for designation, taking into account factors such as whether it has development potential, whether it is suitable for accommodating limited off street parking and whether the site is already protected through extant planning policies.

Comments

6.65 Based on the analysis produced in Appendix C and my own observations I consider that the majority of the sites satisfy the basic requirements for designation set out in national planning policy. The exceptions are sites WW3, BPHC3, AC4, WW1, WW6, WW8 and SSM11 which are acknowledged in Appendix C as being extensive tracts of land.

- 6.66 However I have a number of reservations about the compliance of the policy wording with national planning policy and the extent to which the process followed in deciding whether to designate sites satisfies the requirements in Planning Practice Guidance.
- 6.67 First it is apparent, as pointed out by Durham County Council in their comments on the Submitted Plan, that the proposed Local Green Space designations are already afforded protection through existing policies. Although the County Council do not identify specific policies I take this to mean saved SBLP Policy L5 (Safeguarding of Areas of Open Space) and Policy E4 (Designation and Safeguarding of Green Wedges).
- 6.68 Not only would the designation of Local Green Space duplicate extant Local Plan policies but it would conflict with Planning Practice Guidance<sup>26</sup> which suggests that where land is already protected by another designation consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space. As the level of protection afforded by SBLP Policy L5 is very similar to that proposed in Policy GANP CH2, I conclude that the proposed policy would provide no additional benefit.
- 6.69 The fact that SBLP Policy L5 applies to all areas of open space and not just those identified on the Local Plan proposals map appears to have been overlooked in the Appendix C assessment of proposed Local Green Space designations, which only acknowledges that 5 sites (AV3, WW3, BPHC3, BPCH2 and SSM2) are already protected. (For complete accuracy my review of the Appendix C data in relation to the Local Plan proposals map reveals that only three of these sites, AV3, WW3 and BPCH2, are identified on the proposals map, although other sites, namely SSM11, WV2, WW1, BPCH1, WW8 and N8 are also covered either wholly or in part by Policy E4 or Policy L5 notation)
- 6.70 Second, Planning Practice Guidance<sup>27</sup> emphasises the importance of contacting landowners at an early stage about proposals to designate any part of their land as Local Green Space. Although landowners will have had the opportunity to make representations on the proposals during formal consultation on the Plan I can find no evidence of targeted consultation with landowners.
- 6.71 While it is fair to say that Durham County Council, as one of the principal landowners, were aware of the proposals through their role in the neighbourhood plan process, that is not necessarily the case for all landowners. It is also apparent that as 3 maps (D12, D13 and D14) identifying the precise location of 18 sites were omitted from the Submitted Plan other landowners and members of the public will have been denied the opportunity to comment on these particular sites at Regulation 16 Publicity stage.
- 6.72 The specific (landowner) objection by the County Council to the

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<sup>26</sup> Planning Practice Guidance para 011 Ref ID: 37-011-20140306

<sup>27</sup> Planning Practice Guidance para 019 Ref ID: 37-019-20140306

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designation of site WV4 (land at Cobblers Hall) on the grounds that it is included in the Councils disposals programme for future development also raises the question as to how the wishes of landowners should be treated in deciding whether to designate land as Local Green Space. Although the PPG offers no assistance on this point it seems to me that unless landowners are willing to permit access to land there is very little point in designating it as accessible Local Green Space.

- 6.73 Third, by identifying sites such as SSM11 and N8 which are currently designated as Green Wedge (SBLP Policy E4), the policy potentially conflicts with national planning policy and Planning Practice Guidance which both which emphasise that designating land as Local Green Space should be consistent with planning for sustainable development and must not inhibit the identification of sufficient land for housing and other development needs.
- 6.74 Although Green Wedge policy is intended to safeguard the setting of towns and villages it is now established case law that such policies have a dual role in regulating housing land supply and that in circumstances where there is not a five year supply of housing land (as is currently the case in County Durham) the policies must be considered out of date. The same principle applies to other designations which could conceivably restrict future development.
- 6.75 Fourth, as drafted the policy wording does not reflect national planning policy because it specifically identifies exceptions to the policy, such as the provision of off street parking. This conflicts with the purpose of designating Local Green Space since national planning policy specifically rules out new development other than in 'very special circumstances', where each case would be judged on its merits, rather than identifying exceptions or appropriate forms of development.
- 6.76 In addition although the policy is linked to the schedule of Local Green Spaces identified in Appendices C and D, the precise purpose of Appendix C is not clear. For example it includes an analysis of the merits of individual sites in terms of whether sites are regarded as having a high priority for protection (Priority 1), or whether they are considered to have development potential, including potential for off street parking provision, and/or whether they are considered to be 'already covered' by some other form of protection. This detailed analysis of sites could be more appropriately included in the supporting evidence base. It also undermines the justification for designating any sites other than those considered to have a high priority for protection (Priority 1 sites).
- 6.77 It is also not clear precisely which sites are intended to be protected. For example it is not possible to identify the location of all the sites in Appendix C as 9 sites do not have a 'mapping code', and as referred to previously 3 maps are missing from Appendix D. Further ambiguity is created by including sites (in Appendices C and D) which are considered to be 'extensive tracts of land' and therefore not appropriate as Local Green Space. Although these are highlighted in yellow tone in Appendix C no explanation is provided.

- 6.78 The above considerations must however be balanced with the legitimate aspiration to identify and protect land which is particularly valued by the local community, particularly since a future review of extant SBLP policies and/or replacement with Local Plan policies would be outside the control of the Town Council. I also acknowledge it is important wherever possible to reflect local preferences and priorities in Neighbourhood Plans
- 6.79 In order to satisfy the basic conditions I therefore recommend amending the list of sites to be protected as Local Green Space to include only those identified as Priority 1 sites in Appendix C, with the exception of Priority 1 sites AC4, WW1 N8 and SSM11 which are acknowledged as 'extensive tracts of land' and/or delineated as Green Wedge land in SBLP Policy E4. Remaining sites which are not considered to have the highest priority for protection would be protected by Policy GANP CH3 (Existing Amenity Open Spaces and Recreational Areas).
- 6.80 In making this recommendation I recognise that a number of sites are delineated on the 3 Appendix D maps that were omitted from the Regulation 16 Publicity. However as these sites are already afforded protection by extant SBLP policy I do not consider that any parties interests have been prejudiced.
- 6.81 For ease of identification I also recommend providing a map reference for each site as well as the 'site references' already provided in the inaccurately named 'mapping code' column.
- 6.82 Further modifications to the policy wording are required to bring it in line with national policy, as described above, including the deletion of reference to a 'presumption against development' in the first line of the policy since there are now no presumptions in national planning policy other than a presumption in favour of sustainable development.
- 6.83 In addition as the text in paragraph 2 of the policy provides background information rather than informing the decision making process it should be removed from the policy and incorporated in the policy justification.

#### **Recommendation 07**

- a) **Delete 'there will be a general presumption against development proposals on' in line 1 of paragraph 1 in Policy GANP CH2, and insert '*will be protected*' after green space in line 2.**
- b) **Delete paragraph 2 and incorporate the text in the accompanying justification.**
- c) **Insert '*local*' after accessible in line 1 of paragraph 3 and substitute '*special*' for exceptional' in line 2.**
- d) **Delete 'The policy identifies the special circumstances that are recognised as being applicable.' in paragraph 3**
- e) **Delete paragraph 4**
- f) **Delete 'Any other' at the beginning of paragraph 5**
- g) **Replace Appendix C with a new appendix listing the following**



**Priority 1 sites; SSM6, SSM21, WW10, AC3, SSM12, WV3, SSM14, AC1, WW12, WW5, SSM15, SSM16, S3, SSM17, SSM3, WV5, WW9, N10, S12, WW11, WV1, SSM4, and WV2,**

- h) In the new appendix insert a new column entitled '*map reference*' and provide the relevant Appendix D map number for each site, change the name of the 'mapping code' column to 'site references and delete the 'parking problems' and 'priority codes' columns.
- i) Incorporate the existing Appendix C as a new appendix in the Plan forming part of the evidence base.

6.84 Subject to the above modifications the policy satisfies the Basic Conditions.

6.85 **Policy GANP CH3 (Existing Amenity Open Spaces and Recreational Areas)** is complimentary to Policy GANP CH2 by safeguarding other open spaces, playing fields and amenity open space. Exceptions include development which can alleviate on street parking problems, where alternative sports and recreational provision is made, or the land is demonstrably surplus to requirements. Any development must preserve the character, heritage and appearance of the locality.

Comments

6.86 The policy generally reflects national planning policy as set out in paragraph 74 of the NPPF and effectively supersedes SBLP Policy L5 (Safeguarding of Areas of Open Space).

6.87 The retention of local sports and recreational facilities and existing open spaces reflects the emphasis in national planning policy on the health and well being of communities one of the key attributes of sustainable development.

6.88 However I agree with the concerns raised by **Sport England** who object to sub clause 4 of the policy which could result in the loss of playing fields to off street car parking which is considered to be contrary to national planning guidance. While it is important to reflect local preferences and priorities in Neighbourhood Plans the loss of playing fields can only be justified where there is an existing surplus or alternative provision of at least equivalent quality/quantity. I am also mindful of the fact that reference is made in the accompanying justification to an existing shortage in supply of outdoor sports space.

6.89 I therefore recommend modification to the policy to address this objection.

6.90 I also recommend deleting the expression 'except in the following very special circumstances' from the first part of the policy since this is superfluous to the identification of specific exceptions to the policy. Whether 'special' or 'very special circumstances' apply is a matter to be judged in relation to the individual merits of a proposal not something which can be a pre-determined exception to a policy. A consequential change to the wording of the final paragraph of the policy is required.

- 6.91 In addition minor modifications are required to improve the clarity of the accompanying justification which is contradictory and includes an incomplete sentence and an incomplete reference to an Open Space Needs Assessment.

**Recommendation 08**

- a) Delete 'except in the following very special circumstances' in the first part of Policy GANP CH3, and substitute '*In all cases*' for 'Any exceptions' in the final paragraph of the policy.
- b) Insert '*provided this does not result in the loss of playing fields or sports facilities*' at the end of sub clause 4
- c) In the accompanying justification substitute '*The policy reflects*' for 'As set out in' and delete 'in order' in line 1, and delete 'with an abundance of play and recreational facilities.' in lines 1 and 2.
- d) Insert '*The Durham County Council*' before 'the Open Space Needs Assessment', and insert '*(January 2010)*' before 'shows there is', in line 2.

- 6.92 Subject to the above modifications the policy meets the Basic Conditions.

- 6.93 **Policy GANP CH4 (Protecting Heritage Assets)** aims to conserve and enhance designated heritage assets by requiring new developments to avoid any adverse impacts on listed buildings, scheduled monuments and Aycliffe Village Conservation Area.

- 6.94 This is consistent with SBLP Policy E18 (Preservation and Enhancement of Conservation Areas) and national planning policy which recognises the importance of sustaining and enhancing heritage assets so that they can contribute toward the quality of the built environment and toward the quality of life that can be enjoyed by this and future generations, two of the key aspects of sustainable development.

- 6.95 As drafted, however, the requirement in the policy for proposals to avoid any adverse impacts on heritage assets is unrealistic and impractical since all proposals must have some degree of adverse impact. Since the policy is intended to control the potential impacts of development on heritage assets an alternative approach could be to include a test as to whether a proposal has a 'significant effect' or an 'unacceptable adverse impact'.

- 6.96 While I appreciate that decision makers would still be required to make a judgement as to whether an impact is considered significant or unacceptable I consider this to be a more realistic approach.

- 6.97 In commenting on the Plan **Durham County Council** suggest that the reference to 'conserve' in line 2 of the policy should be changed to 'preserve' in line with national policy. While there are numerous references to 'conserving and enhancing the historic environment' in the NPPF as

Local Planning Authorities must take into account the desirability of preserving listed buildings and preserving or enhancing conservation areas when considering proposals for development there is a case for both expressions.

- 6.98 On balance as ‘conservation’ is defined in the NPPF as the process of maintaining and managing change to a heritage asset, while Policy CH4 is concerned with ‘protecting heritage assets’, I consider reference to ‘preserve’ would be more appropriate.
- 6.99 I also agree with **Durham County Council** that ‘affecting’ is a more appropriate expression than ‘interfering with’ in line 6 of the policy.
- 6.100 Finally, in order to future proof the policy I recommend removing reference to the current list of Listed Buildings which may be subject to a future review.

### **Recommendation 09**

- a) **Substitute ‘*preserve*’ for conserve’ in line 2 of Policy GANP CH4.**
- b) **Insert ‘*significant*’ after ‘avoid any’ in line 4.**
- c) **Delete ‘the’ before ‘Heritage Assets’ and delete ‘listed on page 13 and 14 of the GANP’ in line 4**
- d) **Substitute ‘*affecting*’ for interfering with’ in line 6.**

- 6.101 Subject to the above modifications the policy meets the Basic Conditions.
- 6.102 **Policy GANP E1 (Green Corridors)** supports the retention and enhancement of green corridors by resisting development proposals that would destroy or impair the integrity of road corridors, old railway lines, cycleways and other pockets of open space and natural/semi natural wildlife habitats.
- 6.103 Policy GANP E1 has regard to national planning policy by protecting and enhancing the natural and local environment and promoting pedestrian and cycle movements as an alternative to the motor car. Maximising non-car based transport and improving the environment in which people live and work supports the creation of healthy, inclusive communities and also contributes to the social and environmental aspects of sustainable development.
- 6.104 The policy generally conforms with extant local strategic policy by ensuring that new development safeguards footpath and cycleway networks (SBLP Policy T1- Footpaths and Cycleways in Towns and Villages), existing railway lines (SBLP Policy T3 – Safeguarding Railway Lines), and Recreational Routes (SBLP Policy L10 – Recreational Routes).
- 6.105 While the policy meets the Basic Conditions greater clarity could be achieved by cross referencing the policy to Appendix D and as suggested by **Durham County Council** ‘Wildlife Corridors’ in the legend should be

changed to 'Green Corridors' for consistency.

- 6.106 The policy should also clarify that it applies to interlinked pockets of open space in comparison with amenity open spaces and recreational areas that are protected by Policy GANP CH3.

#### **Recommendation 10**

- a) **Insert 'as defined in Appendix D' after 'tree lined avenues' in line 2 of Policy GANP E1.**
- b) **Insert 'interlinked' before 'pockets of open space' in line 4.**
- c) **Change 'Wildlife' to 'Green' in the legend accompanying Appendix D**

- 6.107 **Policy GANP E2 (Aycliffe Village Green Wedges)** is intended to protect the countryside setting and separate identity of Aycliffe Village by maintaining the open character of land to the north and south of the village which is identified as 'Green Wedge' on the accompanying (E2) Proposals Map.
- 6.108 The proposed designations complement an existing area of Green Wedge identified in the SBLP (Policy E4) to the south west of Aycliffe Village.
- 6.109 Policy GANP E2 has regard to national policy by responding to local character and history and aiming to reinforce a strong sense of place. This is consistent with the environmental dimension of sustainable development.
- 6.110 In considering whether the policy satisfies the Basic Conditions I am required to consider an objection submitted on behalf of the **Church Commissioners** on the basis that
- There is insufficient evidence and justification for the policy
  - Aycliffe village is a relatively sustainable location close to employment opportunities and should accommodate some future growth
  - As the overall housing target for Great Aycliffe has yet to be established it is inappropriate to incorporate Green Wedges to limit future growth
  - Green Wedges should be examined as part of the emerging Local Plan within the context of strategic growth.

#### Comments

- 6.111 The policy reflects the genuine concerns of local residents that future growth in Aycliffe Village may result in the coalescence of the village and Newton Aycliffe.
- 6.112 However while the aim of preventing further coalescence is a reasonable aspiration in its own right as previously noted in paragraphs 6.11 – 6.14 above the introduction of a blanket restriction on development by identifying additional 'Green Wedge' land would effectively pre-empt decisions about the future scale and location of development to be made

through the Local Plan process. Since the Plan is relying on the County Durham Plan to address identified housing need including allocating land for future development it follows that the Neighbourhood Plan must be sufficiently flexible to support that process, and not introduce undue restrictions.

- 6.113 In the short term although Green Wedge policy is intended to safeguard the setting of towns and villages it is now established case law that such policies have a dual role in regulating housing land supply and that in circumstances where there is not a five year supply of housing land (as is currently the case in County Durham) the policy would be considered out of date.
- 6.114 I am also mindful of the fact that while the meadows to the north and south of the village are specifically identified in the supporting Heritage and Character Assessment as areas which should be retained in order to provide a buffer with other development, there is no suggestion that they exhibit the quality to be worthy of protection in their own right in line with the NPPF (paragraph 109).
- 6.115 I therefore recommend that the policy should focus on preventing further coalescence by safeguarding an 'area of separation' without restricting the scope for some future limited growth, a concept which I note is advocated by the Church Commissioners.
- 6.116 A consequential change is required to the title of Proposals Map E2, the clarity of which would benefit from the addition of a legend.
- 6.117 Further modification to the policy wording is required to bring it in line with national policy by deleting reference to a 'presumption against development' in the third paragraph of the policy since there are now no presumptions in national planning policy other than a presumption in favour of sustainable development.
- 6.118 In addition as the text in paragraph 2 of the policy provides background information rather than informing the decision making process it should be removed from the policy and incorporated in the accompanying justification. Additional consequential changes are required to the justification to reflect the recommended policy changes and the fact that the first sentence in the justification is incomplete.

#### **Recommendation 11**

- a) Change 'Green Wedges' to 'Area of Separation' in the title of Policy GANP E2.**
- b) Delete 'The' at the beginning of the policy and insert '*In order to maintain the distinct identity of Aycliffe Village an Area of*', and delete the remainder of paragraph 1 after 'will be maintained'.**
- c) Delete paragraph 2, incorporate the text in the accompanying justification, and change 'The green wedges' to '*The Areas of Separation*'**
- d) Delete 'There will be a presumption against any' at the**

**beginning of paragraph 3 and insert ‘ *Proposals which would result in the further coalescence of*’**

- e) Delete ‘Green Wedge’ at the end of paragraph 3 and insert ‘Area of Separation will not be permitted’.**
- f) Insert ‘an Area of Separation will be maintained’ after ‘Newton Aycliffe and Aycliffe Village’ in line 2 of the justification.**
- g) Change ‘Green Wedges’ to ‘Area of Separation’ in the title of Proposals Map E2 and incorporate a map legend.**

6.119 Subject to the above modifications the policy meets the Basic Conditions.

6.120 **Policy GANP E3 (Conservation Area of Aycliffe Village)** requires proposals affecting the conservation area to be accompanied by a design statement demonstrating how the conservation area will be sustained and enhanced.

6.121 The policy has regard to national planning policy by seeking to sustain and enhance heritage assets so that they can contribute toward the quality of the built environment and toward the quality of life that can be enjoyed by this and future generations, two of the key aspects of sustainable development.

6.122 It also complements SBLP Policy E18 (Preservation and Enhancement of Conservation Areas).

6.123 Two minor changes are required to ensure the policy wording fully reflects Planning Practice Guidance and legislative terminology.

6.124 First, reference to ‘sustains and enhances’ should be changed to ‘preserves and enhances’ to be consistent with, and for the reasons set out in my previous recommended changes to Policy GANP CH4 (Protecting Heritage Assets) above.

6.125 Second, reference to ‘design statements’ should be changed to ‘heritage statements’. Although both ‘design and access statements’ and heritage statements’ may apply to development affecting conservation areas as ‘design and access statements’ apply to a narrower range of development types, and heritage statements are specifically required to demonstrate how development would impact on the conservation area, ‘heritage statements’ are more appropriate.

#### **Recommendation 12**

- a) Change ‘sustains’ to ‘preserves’ in line 2 of Policy GANP E3.**
- b) Change ‘design statement’ in lines 3 and 4 to ‘heritage statement’.**

6.126 Subject to these minor changes the policy meets the Basic Conditions.

6.127 **Policy GANP E4 (Existing Tree Retention and Removal) and Policy**

**GANP E5 (Protection of Existing Trees Within New Development)** are intended to protect existing trees, minimise the loss of trees affected by development and where appropriate to require compensatory planting and/or tree protection during construction.

- 6.128 **Policy GANP E4** aims to ensure that new development retains existing trees, including groups of trees and tree lined avenues. Where tree removal is justified compensatory on site replacement planting at a minimum ratio of two for one will be required, or off site replacement in the case of groups of trees.
- 6.129 **Policy GANP E5** is concerned with ensuring that existing trees are fully integrated into the design of new development and that provision is made to safeguard them during construction.
- 6.130 The retention of established woodland and trees, and new tree planting, contributes toward biodiversity, local amenity, and health and well being objectives in national planning policy. Both policies are also consistent with SBLP Policy E15 (Safeguarding of Woodlands, Trees, and Hedgerows).
- 6.131 However I have reservations about the amount of duplication between the policies and the clarity of some of the policy intentions. For example while Policy GANP E5 is intended to safeguard trees through the design of development and use of site management techniques paragraph 1 and paragraph 3 also deal with tree retention in principle which is already addressed in Policy GANP E4.
- 6.132 I therefore recommend strengthening Policy GANP E4 by replacing paragraph 1 with paragraph 3 from Policy GANP E5 which has more precise wording, and clarifying the meaning of paragraph 2.
- 6.133 I further recommend clarifying the meaning of paragraph 1 of Policy GANP E5 and simplifying paragraph 2 which unfortunately suffers from the fact that part of the wording appears to be missing.

### **Recommendation 13**

- a) **Replace paragraph 1 in Policy GANP E4 with paragraph 3 in Policy GANP E5, and delete the paragraph from Policy GANP E5.**
- b) **Delete ‘New developments that propose a net loss of trees’ at the beginning of paragraph 2 in Policy GANP E4 and insert ‘Where tree removal is justified proposals’**
- c) **In paragraph 1 of Policy GANP E5 substitute ‘safeguard’ for retain’, and ‘appropriate, by integrating’ for ‘possible, and integrate’, and insert ‘and protecting them during construction’, after ‘into the design’**
- d) **Delete ‘and a method statement’ in line 3 of paragraph 2**
- e) **Delete ‘the constraints’ in lines 3/4 of paragraph 2**
- f) **Delete ‘and those influencing from neighbouring sites, including the highway. Therefore the trees identified’ in lines 4/5 of paragraph 2.**

- 6.134 Subject to the above modifications both policies meet the Basic Conditions

### Housing

- 6.135 This group of policies is intended to manage proposals for both large scale (defined as 30 or more dwellings) and small scale/infill developments (less than 30 dwellings), and to address local priorities such as promoting schemes catering specifically for older persons and those in need of affordable housing, mitigating problems associated with inadequate off street parking, and ensuring that proposals are accompanied by appropriate infrastructure/service provision and designed to increase energy efficiency.
- 6.136 **Policy GANP H1 (In-fill Developments and Small Sites)** aims to ensure that small scale residential development is well related to existing development and respects the character of the locality.
- 6.137 The policy reflects the general intention of national planning policy to promote designs which respond to and make a positive contribution to local character, and create visually attractive environments, key aspects of the environmental dimension of sustainable development.
- 6.138 It is also consistent with SBLP Policy H17 which is concerned with backland and infill development.
- 6.139 **Durham County Council** suggest that the policy would be more effective and clearer if the opening sentence referred to 'permission will be granted within the built up area.....' I assume on the assumption that development outside the built up area would be unacceptable. However, as the requirement in sub clause 3 for development to be 'well contained' complements the provisions in SBLP Policy H1 for new housing to be either substantially surrounded by housing or not to lead to an extension into the countryside, I do not consider that this is necessarily the case, although the circumstances in which development may be acceptable are likely to be very limited.
- 6.140 The policy, which therefore applies to both infill development within the built up area and small scale development on the edge of existing settlements, meets the Basic Conditions and no modifications are required.
- 6.141 **Policy GANP H2 (Dwellings Appropriate to the Needs of Residents)** requires development of four or more dwellings to ensure that a minimum of 25% of (1,2 and 3 bed) dwellings meet Building for Life 12 Standard and Building Regulation requirements in order to meet the Code for Sustainable Homes, unless this would undermine the viability of the scheme.
- 6.142 The policy promotes a sustainable approach to the design and layout of new housing including high standards of energy and resource efficiency.



- 6.143 Although there are no comparable local strategic policies the policy complements the suit of design policies in the SBLP which are concerned with, inter alia, the arrangement of buildings and how they relate to the surrounding area, achieving energy efficiency objectives and designing for personal safety and accessibility.
- 6.144 In considering whether the policy satisfies the Basic Conditions I have taken into account comments submitted by **Durham County Council** and the **Church Commissioners** who point out that the Code for Sustainable Homes has been formally withdrawn by Government and replaced by minimum standards aimed at achieving accessible and adaptable homes through the Building Regulations.
- 6.145 I am also mindful of the fact that no justification has been put forward for either the four dwelling or 25% thresholds. In addition the Building for Life 12 Standard (BfL12) cannot be applied to a proportion of a proposed development as it is intended to create a quality standard for whole schemes to ensure that schemes are integrated into their surroundings, and satisfy a range of objectives including create a sense of place and providing a mix of house types. BfL12 is also an industry standard and I would question whether it is appropriate to impose such a standard on all schemes as suggested by **Durham County Council**.
- 6.146 I am therefore left with a dilemma. On the one hand the desirability of delivering homes that are suited to the changing needs of local residents, particularly an ageing population, remains a reasonable objective. On the other hand the policy, as drafted, does not provide a practical basis for achieving this objective.
- 6.147 In these circumstances I tend to agree that the alternative approach suggested by the **Church Commissioners** based on requiring 10% of homes on schemes of 10 or more dwellings to be suitable for older people provides a more realistic basis for increasing the housing options for older people.
- 6.148 As increasing the housing options for older people overlaps with the provisions of Policy GANP H7 (Bungalow Provision) I recommend that Policy GANP H2 be deleted and the scope of Policy GANP H7 be expanded to cover all types of older persons accommodation.

#### **Recommendation 14**

- a) **Delete Policy GANP H2 and widen the scope of Policy GANP H7 by incorporating reference to older persons accommodation as well as bungalow provision, and make consequential changes to the Justification (See Recommendation 17 below).**

- 6.149 **Policy GANP H3 (Parking Standards for New Residential Development)** proposes minimum standards for off road parking in connection with new residential development.

- 6.150 The policy complements SBLP Policy D3 (Design for Access) by aiming to ensure that residential development schemes make adequate provision for parking to prevent serious traffic problems.
- 6.151 It also reflects national planning policy consistent with a Ministerial Statement<sup>28</sup> which confirms that local parking standards should only be imposed where there is clear and compelling justification and that maximum standards should be avoided. While national guidance is aimed at local planning authorities there is no reason why neighbourhood plans should not establish their own local parking standards for residential and other forms of development.
- 6.152 However while Policy GANP H3 is intended to ensure that new development does not exacerbate existing on street car parking and related highway problems no particular evidence or justification has been put forward for the specific car parking standards proposed.
- 6.153 While I am mindful of the fact that the proposed standards are similar overall to those previously adopted by Durham County Council in 2014, they differ in a number of respects. For example the County Council standards do not treat a garage as a parking area in the calculation on the basis that these are often used for storage purposes, while garages are specifically included within the parking requirements set out in the policy. In addition the County Council Standards which require slightly less 'in curtilage' provision for certain dwelling sizes, offset this by requiring the provision of 'off street non allocated spaces' for visitors, whereas there is no provision for visitor parking in the proposed Neighbourhood Plan standards.
- 6.154 As a result I have some concerns that the policy will not significantly increase the amount of off street parking overall in new residential developments above the level that would be provided through current County Council standards. In some cases, for example in the case of 4 bedroom properties with double garages and 5 bedroom properties it would be significantly less if counting a garage as a parking space.
- 6.155 However it is not my role to test the soundness of the policy and since neither the Local Highway Authority nor the development industry have raised objections I am satisfied that on balance it meets the Basic Conditions and no modifications are required.
- 6.156 **Policy GANP H4 (Parking Mitigation)** aims to increase the likelihood of new garages being used for parking rather than storage purposes by increasing the minimum size of single and double garages to be provided in new residential development.
- 6.157 This is consistent with the objective in national planning policy and in SBLP Policy D3 (Design for Access) of ensuring that residential development

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<sup>28</sup> Secretary of State for Communities and Local Government (Parking; helping local shops and avoiding congestion) March 25, 2015

schemes make adequate provision for off street parking, to prevent serious traffic problems.

- 6.158 Although **Durham County Council** consider their current standards are adequate and generally accepted by the development industry I am mindful of the fact that car sizes are increasing, particular in connection with the popularity of SUV's. In this respect National Car Parks have recently indicated that they will be increasing the size of their car parking spaces at a number of locations.
- 6.159 While the provision of larger garages will not necessarily reduce the amount of on street parking and associated traffic problems, evidence from the Town Councils survey, as referred to in the accompanying justification, demonstrates the increased likelihood of the garages being used to garage cars.
- 6.160 I agree with the **County Council** however that there is also an increased risk of increased garage dimensions affecting the viability of sites. This can be addressed by requiring developers to produce evidence to that effect.

#### **Recommendation 15**

**Incorporate an additional paragraph in Policy GANP H4 as follows**  
***'Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the viability of the scheme, either in terms of financial viability or lack of market demand. The developer will be required to demonstrate, to the Planning Authority's satisfaction that this is the case'.***

- 6.161 Subject to the above modification the policy meets the Basic Conditions.

#### **Policy GANP H5 (Provision of In-Curtilage Parking and Storage)**

- 6.162 The policy is intended to ensure that where proposals do not include the provision of a garage(s) alternative provision is made for 'in-curtilage' parking and bicycle parking/storage.
- 6.163 This is consistent with the objective in national planning policy and in SBLP Policy D3 (Design for Access) of ensuring that residential development schemes make adequate provision for off street parking to prevent serious traffic problems and to promote sustainable means of travel. These are key attributes of the environmental and social dimensions of sustainable development.
- 6.164 The policy therefore meets the Basic Conditions and no modifications are required.
- 6.165 **Policy GANP H6 (Securing Energy Efficient Homes)** reflects one of the core principles in national planning policy to move to a low carbon future by encouraging the incorporation of energy efficiency in the design of new

buildings. It also accords with SBLP Policy D1 (General Principles for the Layout and Design of New Developments) by assisting in achieving energy conservation objectives.

- 6.166 The reference to the Code for Sustainable Homes is however out of date as this has been withdrawn by Government as pointed out by the **Church Commissioners, Durham County Council and LIVIN**. Reliance is now placed on the Building Regulations to ensure a satisfactory standard of energy conservation and incorporation of renewable energy measures.
- 6.167 In addition to correcting this oversight I also recommend strengthening and widening the scope of the policy to be consistent with previously recommended changes to Objective 5f.
- 6.168 The reference to Design and Access Statements should also be qualified with the phrase 'where this is required' as Design and Access Statements are only required for major developments and certain types of development in conservation areas.

#### **Recommendation 16**

- a) **Replace the first sentence in paragraph 1 of Policy GANP H6 with '*Developments should be designed to achieve the highest possible energy efficiency standard*'.**
- b) **Insert '*where this is required*' after 'Design and Access Statement' in line 2.**

- 6.169 Subject to the above modifications the policy meets the Basic Conditions.

#### **Policy GANP H7 (Bungalow Provision)**

- 6.170 By requiring the provision of a specific proportion of bungalows the policy reflects the additional emphasis given to the housing needs of older people through recent changes to Planning Policy Guidance<sup>29</sup>. This is consistent with one of the key objectives in national planning policy to widen the choice of housing in order to create sustainable, inclusive and mixed communities.
- 6.171 However while the recently updated Strategic Housing Market Assessment identifies an existing shortfall in older persons accommodation, particularly bungalow provision, across the County, a specific figure is not provided in relation to the number of bungalows (or other types of accommodation) that are required over the emerging Local Plan period. .
- 6.172 In the absence of specific projections two contrasting views have been put forward.
- 6.173 The **Church Commissioners** consider that since the future housing requirement as a whole has not yet been determined it is not appropriate to

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<sup>29</sup> Planning Practice Guidance para 021 Ref ID: 2a-021-20150326

- estimate the proportions of different house types that may be required
- 6.174 In contrast **Durham County Council** suggest there is enough evidence in the SHMA to justify a 10% proportion of bungalows which is considered to be a more reasonable balance between risk and need in this untested market.
- 6.175 While testing the soundness of policies and supporting evidence is outside the scope of this examination I am required to make a judgement as to whether the Plan meets the Basic Conditions, including whether there is proportionate and robust evidence to support policies.
- 6.176 In this respect I am mindful of the fact that the **Church Commissioners** in commenting on Policy GANP H2 have suggested that 10% of new properties on schemes of 10 or more dwellings should be designed to cater for older persons, including level access flats, bungalows, sheltered housing, and extra care schemes. As referred to in my previous Recommendation 14 in relation to Policy GANP H2, widening the scope of the policy will facilitate the provision of a wider range of accommodation types for older people although I acknowledge that this may reduce the number of bungalows provided.
- 6.177 Consequential changes are required to the accompanying Justification. I also agree with Durham County Council that the policy could also be future proofed by removing the date reference to the Housing Market Assessment in paragraph 3 of the Justification.

#### **Recommendation 17**

- a) **Change the title of Policy GANP H7 to '*Housing for Older People*'**
  - b) **Delete '*seek 10% bungalow provision on all housing sites of 10 or more dwellings*' in paragraph 1 and insert '*require 10% of new dwellings on sites of 10 or more dwellings to meet the needs of older people, including bungalows*'.**
  - c) **Make consequential changes to the accompanying Justification**
  - d) **Delete '*was updated in 2106 and*' in paragraph 3 of the Justification.**
- 6.178 Subject to the above modifications the policy meets the Basic Conditions.
- 6.179 **Policy GANP H8 (Affordable Housing)** supports the provision of affordable housing on schemes of 10 or more dwellings provided this meets a defined local need, contributes to the affordable and social rented needs of residents and is in accordance with other Plan policies.
- 6.180 By encouraging the provision of affordable housing the policy reflects the emphasis in national planning policy of supporting the creation of inclusive and mixed communities, including the needs of particular groups. This is one of the key attributes of the social dimension of sustainable

development. There are no equivalent local strategic policies.

- 6.181 While it is clear from the accompanying Justification that the policy is intended to boost the supply of affordable housing this is not translated into the Policy wording which refers only to ‘supporting’ the provision of affordable housing. As such this does not meet the requirement in Planning Practice Guidance for neighbourhood plans to be deliverable<sup>30</sup>.
- 6.182 I therefore recommend strengthening the policy wording to require proposals to take account of identified affordable housing need. It is not however appropriate for me to recommend an affordable housing target as no evidence is available to inform this and there has been no opportunity for interested parties to comment on such a target.
- 6.183 A further change is required to bring the threshold used in the policy in line with current government policy, as set out in the Planning Practice Guidance, which precludes affordable housing contributions being sought from residential schemes of 10 dwellings or less<sup>31</sup>.
- 6.184 The reference to demonstrating whether a scheme is needed or not is not relevant to viability considerations. A reference to whether it is justified in viability terms would be more appropriate.

### **Recommendation 18**

- a) **Replace the first sentence of Policy GANP H8 with ‘Proposals for 11 or more dwellings will be required to provide an element of affordable housing taking account of identified affordable housing need, subject to the following criteria’.**
- b) **Replace ‘justify’ with ‘demonstrate’ and replace ‘would not be needed’ with ‘is not justified’ in the final sentence.**

- 6.185 Subject to the above modifications the policy meets the Basic Conditions.

### **Policy GANP H9 (Provision of Facilities and Services)**

- 6.186 The provision of infrastructure, mitigating the impacts of development and providing services and facilities that reflect a community’s needs are fundamental principles embedded in national planning policy and are key attributes of sustainable development.
- 6.187 Policy GANP H9 generally conforms with SBLP Policy D8 (Servicing and Community Requirements of New Development) in this respect.
- 6.188 However as it may not always be necessary or practical for schemes to contribute toward infrastructure and service provision the policy should be qualified by reference to ‘where appropriate’. This particularly applies to smaller schemes where viability considerations may need to be taken into

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<sup>30</sup> Planning Practice Guidance para 005 Ref ID: 41-005-20140306

<sup>31</sup> Planning Practice Guidance para 031 Ref ID: 23b-031-20161116

account.

### **Recommendation 19**

**Replace ‘All’ at the beginning of Policy GANP H9 with ‘Where appropriate’.**

- 6.189 Subject to the above modification the policy meets the Basic Conditions.
- 6.190 **Policy GANP AV1 (Enhanced Bungalow Provision) and Policy GANP AV2 (Garden Provision)** are concerned with establishing basic requirements in connection with the potential future development of **land adjacent to Woodham Community College**. This includes ensuring that the development caters specifically for the accommodation needs of older people and recognises that the provision of smaller or community gardens may be appropriate. In view of the risk of surface water flooding a flood risk assessment is also required.
- 6.191 The policy reflects the additional emphasis given to the housing needs of older people through recent changes to Planning Policy Guidance<sup>32</sup>. This is consistent with one of the key objectives in national planning policy to widen the choice of housing in order to create sustainable, inclusive and mixed communities. It is also consistent with some of the core principles set out in the NPPF in relation to flood risk and the conservation of the natural environment.
- 6.192 However in the light of previously considered representations in relation to Policy H7 (Bungalow Provision) I have reservations about the inclusion of a 20% target for bungalow provision, as no justification is provided for this.
- 6.193 Since the landowner (**Durham County Council**) is prepared to accept that a 10% requirement, rather than 20%, represents a reasonable balance between risk and need in this untested market, I consider that a minimum target of 10% is the most realistic way of achieving some bungalow provision on the site.
- 6.194 I also agree with **Durham County Council** that in view of the previously identified risk of surface water flooding the incorporation of a Sustainable Urban Drainage System would be appropriate. This may also contribute toward the objective of providing a buffer between the development and Woodham Burn to help safeguard nature conservation resources.

### **Recommendation 20**

- a) Substitute ‘A minimum of 10%’ for ‘20%’ in line 1 of Policy GANP AV1, and make consequential changes to the Justification.**

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<sup>32</sup> Planning Practice Guidance para 021 Ref ID: 2a-021-20150326

**b) Insert ‘and Sustainable Urban Drainage Systems incorporated as appropriate’ after ‘need to be undertaken’ in line 2.**

- 6.195 Subject to the above modifications the policies meet the Basic Conditions.
- 6.196 **Policy GANP DB1 (Large Scale Development Requirements)** aims to ensure that large scale developments are of a high design quality which reflects the character of the local area. The policy also establishes a number of key requirements in relation to car parking, tree planting, infrastructure and service provision and the avoidance of flooding.
- 6.197 Policy GANP DB1 reflects a number of national planning policy objectives in relation to design, healthy communities and addressing climate change, and generally conforms with design principles established in extant SBLP Design Policies, namely; D1, D2, D3, D5 and D8. The promotion of good design principles, sustainable transport and green and safe environments will ensure that future housing developments contribute to the social and environmental dimensions of sustainable development.
- 6.198 A small number of changes are required to improve the clarity of the policy and to ensure consistency with other policies.
- 6.199 First as no explanation is provided as to what is meant by the expression ‘to achieve a village feel which characterises the remainder of the Parish’ in sub clause 1, I suggest that this is replaced with a straightforward reference to ensuring development respects the character of the local area.
- 6.200 Second, the first paragraph in the policy should be removed from the policy and incorporated in the Justification as this comprises explanatory text which does not inform the decision making process.
- 6.201 Third, as pointed out by **Durham County Council** it is important that the precise wording of individual sub clauses, which repeats other policies, is consistent with those policies. This applies to sub clause 4 and sub clause 7. In order to simplify the policy and reduce the amount of repetition I recommend that sub clauses 3, 4, 5, and 7, are replaced with a single sub clause indicating that proposals also need to meet the requirements of other policies.
- 6.202 For clarification I reject the objections made by Durham County Council in relation to sub clause 3 and sub clause 5 for the reasons stated in considering Policies GANP H3 and GANP H4 above.

**Recommendation 21**

- a) **Delete paragraph 1 of Policy GANP DB1 and incorporate the text in the accompanying Justification.**
- b) **Replace the first sentence of paragraph 1 with the following ‘Proposals for 30 dwelling or more should be in keeping with the character of the local area’.**
- c) **Delete sub clauses 3, 4, 5 and 7 and insert a new sub clause**



***‘Proposals should also meet the requirements of other policies, particularly Policy GANP H3 in relation to parking provision, Policy GANP H4 in relation to garage sizes, Policy GANP H5 in relation to bicycle parking or storage and Policy GANP H9 in relation to making provision for infrastructure and services’.***

6.203 Subject to the above modifications the policy meets the Basic Conditions.

## **Retail**

- 6.204 **Policy GANP R1 (Economic Retail Viability for Betting Offices and Pay Loan Shops)** aims to maintain the vitality and viability of the town centre and local centres by restricting the number of betting offices and pay day loan shops (defined in the Use Classes Order as sui generis uses) which might otherwise create a proliferation of non retail uses. While this has regard to national planning policy by promoting a competitive shopping environment and also generally reflects the intentions of extant SBLP shopping policies to promote and protect town centres I have two reservations about the clarity and practicability policy.
- 6.205 First, it is not clear whether sub clause 1 is intended to define a limit on the proportion of betting office/pay day loan shops (and/or other commercial units) that may be acceptable or whether it is intended to restrict the number in the town centre to three units and one unit in local centres. Paragraph 2 in any case would not apply to local centres as the limit is intended to be one unit.
- 6.206 Second, while the policy would undoubtedly provide a precise mechanism for assessing whether future proposals are acceptable or not no evidence has been produced to justify why the proposed ‘3 unit’ and ‘1 unit’ limits are appropriate such as evidence of recent retail losses and trends, potentially vulnerable units, impact on vitality etc. Neither on the evidence of my site inspection carried out as part of the examination does there appear to be an existing proliferation of either betting offices or pay day loan shops in either the town centre or any of the four local centres.
- 6.207 Where policies such as Policy GANP R1 introduce specific thresholds, standards, or ‘quantifiable mechanisms’, it is important that they are supported by ‘proportionate and robust evidence’ to explain the intention and rationale of the policies in line with PPG guidance<sup>33</sup>.
- 6.208 While I understand the Town Councils desire to restrict the number of non retail uses in order to maintain a diverse range of shops, as drafted the policy is impractical and potentially discriminatory, and is inadequately justified. I therefore have no option but to recommend its deletion.

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<sup>33</sup> Planning Practice Guidance para 040 Ref ID: 41-040-20140306

## **Recommendation 22**

### **Delete Policy GANP R1.**

- 6.209 **Policy GANP R2 (Safeguarding the Retail Function and Character of the Local Centres)** aims to prevent the loss of retail uses in local centres where this would undermine the retail function and character of the centre. Changes to non retail use which have an adverse impact on traffic flow, road safety, local amenity and increase pressure on parking availability to an unacceptable level will not be permitted.
- 6.210 By protecting the retail function of local centres and avoiding increased road safety risks and/or significant harm to local amenity the policy reflects the national planning policy objective to help promote healthy and sustainable communities. There are no equivalent local strategic policies.
- 6.211 My only reservation concerns the practicability of the proposed tests in sub clause 2 as to whether a proposal is harmful to local amenity or adversely impacts on traffic flow, since arguably any proposal will have some degree of adverse impact. A more realistic approach would be for decision makers to assess whether a proposal has a 'significant effect' or an 'unacceptable adverse impact'. This would be consistent with the approach taken in sub clause 3 in considering the impact on parking availability.
- 6.212 In addition sub clause 4 should be deleted consistent with my previous recommendation to delete Policy GANP R1.

## **Recommendation 23**

- a) In sub clause 2 replace 'adversely impact the' with '*have an unacceptable adverse impact on*', and replace 'harm' with '*have an unacceptable adverse impact on*'
- b) Delete sub clause 4.

- 6.213 Subject to the above changes the policy meets the Basic Conditions.
- 6.214 **Policy GANP R3 (Supporting Local Job Opportunities)** supports proposals for economic growth and the development of employment activities, particularly those that will diversify the local economy and create high quality jobs and/or enhance local skills.
- 6.215 This is a positive policy which fills the void in extant local strategic policy by promoting economic growth rather than managing proposals for development, although as it does not incorporate specific measures or targets it is difficult to see how it will deliver economic development.
- 6.216 While there are no equivalent local strategic policies the policy reflects the emphasis in national planning policy on building a strong competitive economy. Facilitating economic growth is one of the key attributes of

sustainable development.

- 6.217 The policy therefore meets the Basic Conditions and no modifications are required.

### **Parking and Traffic**

- 6.218 **Policy GANP T1 (Parking Impacts on Existing Infrastructure)** is intended to ensure new development makes adequate provision for off-street parking and access for residents, visitors, and delivery vehicles, and does not generate additional on street parking which would have a detrimental effect on road safety or the character of the area.
- 6.219 The policy reflects the emphasis in national planning policy of promoting healthy communities by ensuring development creates safe and accessible environments, and enhances the quality of life.
- 6.220 It generally conforms with extant SBLP policies by focusing on the access needs of users (Policy D2), ensuring adequate car parking to prevent serious traffic problems (Policy D3), and meeting the servicing requirements of development (Policy D8).
- 6.221 My only reservation concerns the practicability of the proposed test in line 2 as to whether a proposal has an adverse impact on the character of an area, since arguably any proposal will have some degree of adverse impact. A more realistic approach would be for decision makers to assess whether a proposal has a 'significant effect' or an 'unacceptable adverse impact'. This would be consistent with my recommended change to Policy GANP R2 above.
- 6.222 Subject to this modification the policy meets the Basic Conditions.

### **Recommendation 24**

**Replace 'adversely impact on' with '*have an unacceptable adverse impact on*' in line 2 of Policy GAN T1.**

- 6.223 **Policy GANP T2 (Design Finish for Off-Street Parking in Visually Sensitive Areas)** requires geo-grid or similar permeable materials to be used where proposals for off-street parking affect existing green spaces.
- 6.224 The policy complements Policy GANP CH3 which facilitates the use of existing open space for off street parking in appropriate circumstances.
- 6.225 By ensuring that grass remains the dominant finish and by minimising flood risk the policy reflects the emphasis in national planning policy of ensuring that development respects the character of its surroundings and does not increase the risk of flooding elsewhere.
- 6.226 While **Durham County Council** suggest that the policy may prove difficult to deliver due to future maintenance issues, I do not consider that is

necessarily the case.

- 6.227 However, although the intention is to allow natural on site drainage to continue, in view of the possibility of future water logging and other problems occurring in connection with the use of the site for car parking, I agree it would be prudent to ensure that proposals are subject to a flood risk assessment and SuDs incorporated in the design if appropriate.

### **Recommendation 25**

***Insert an additional sentence in Policy GANP T2 ‘Consideration should be given to changes to flood risk as a result of increased parking provision and a flood risk assessment should be undertaken and SuDS incorporated if appropriate’.***

- 6.228 Subject to the above modification the policy meets the Basic Conditions.

### **Policy GANP T3 (Cycle Provision and Walking Routes)**

- 6.229 The policy is intended to ensure that major and significant new development caters for pedestrians and cyclists by providing new footpaths and cycleways, or upgrading existing routes. Wherever possible these should connect to schools and shops.
- 6.230 Policy GANP T3 has regard to national planning policy by promoting pedestrian and cycle movements as an alternative to the motor car, which also supports the creation of healthy, inclusive communities. Maximising non car based transport and increasing opportunities relaxation and improved wellbeing contributes to the social and environmental aspects of sustainable development.
- 6.231 The policy generally conforms with SBLP Policies T1, D1 and D3 which require the design of new development to make appropriate provision for new footpaths and cycleways including connections to schools shops and places of employment.
- 6.232 As drafted however the policy may be unworkable since there is no explanation as to what is meant by ‘major and significant development’.
- 6.233 I am mindful of the fact that Policy GANP DB1 in the housing section of the Plan applies specifically to proposals for 30 or more dwellings which are described as large scale proposals. Using that threshold would however mean non residential forms of development such as employment related or retail would not be expected to contribute toward provision of footpaths and cycleways.
- 6.234 Other policies apply to proposals for 10 or more dwellings, which corresponds with the definition of major residential development commonly used for development management purposes<sup>34</sup> although no reference is

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<sup>34</sup> Town and Country Planning (Development Management Procedure) (England) Order 2010

made to this in the Plan. As the statutory definition of major development includes a 1,000 square metres floorspace threshold for non residential forms of development (and also specifies minimum site areas for both residential and non residential forms) I suggest that is the most appropriate definition to use, subject to providing an explanation in the accompanying Justification.

- 6.235 However while it is reasonable to expect large scale developments to incorporate new cycleway and footpath routes, I would question whether this is appropriate or even practical in the case of schemes as small as 10 dwellings. In such circumstances a financial contribution may be more appropriate although in considering planning applications decision makers may also need to address viability issues.
- 6.236 I have considered whether the introduction of different thresholds would overcome this difficulty, but in the absence of specific evidence and because interested parties have only had the opportunity to comment on the Plan proposals as published this would be inappropriate. I therefore suggest the words 'where appropriate' should be incorporated in the first part of the policy. I appreciate this weakens the policy to a degree but without this qualification I am not confident that the policy could be applied in a consistent or meaningful way.
- 6.237 Finally in line 2 of the policy reference is made to providing either footpaths or cycle routes, although I see no reason why proposals should not cater for both cyclists and pedestrians. I therefore recommend the policy should be strengthened in this respect.
- 6.238 Consequential changes are required to the remainder of the policy and to reflect my recommended changes to Policy GANP CIL 1 (Developer Contributions) which is considered later in my report.

#### **Recommendation 26**

- a) **Delete 'and significant' in line 1 of Policy GANP T3, and incorporate an explanation of the definition of 'major development' in the accompanying Justification.**
  - b) **Insert 'where appropriate' after 'proposals must', in line 1**
  - c) **Insert '*or contribute toward*' after 'provide' in line 1.**
  - d) **Substitute '*and*' for 'or' in line 2**
  - e) **Delete the remainder of the first sentence in Policy GANP T3 from 'through the site' onwards and insert '*New routes may be provided within the site and/or off site depending on local circumstances and should wherever appropriate connect to local schools and shops, and maintain or improve access to the countryside*'.**
  - f) **Insert '*Alternatively*' at the beginning of the second sentence.**
- 6.239 Subject to the above modifications the policy meets the Basic Conditions.

## Renewable Energy

- 6.240 The Plan supports community led energy efficiency projects such as heat and/or electricity generation and reducing energy use (**Policy GANP EE2**) where these meet local needs and provide a positive local benefit, and promotes energy production/energy efficiency for domestic use (**Policy GANP EE1**) and to meet the needs of business (**Policy GANP EE3**). In all cases proposals must be in accordance with the Character and Heritage Assessment and Green Spaces policies of the Plan.
- 6.241 The policy has regard to national planning policy by supporting the move to renewable and low carbon energy sources, while taking account of a range of local character and amenity considerations and therefore contributes to the achievement of the economic, social and environmental dimensions of sustainable development.
- 6.242 By assisting in energy conservation objectives they also generally conforms with SBLP Policy D1 (General Principles for the Layout and Design of New Developments).
- 6.243 My only reservation concerns the requirement in Policy GANP EE3 to consider the impact of development on the scale, character and amenity of the immediate area without explanation as to how these considerations should be taken into account. As referred to previously policies which are intended to control the impacts of development should be judged in relation to whether there would be unacceptable impacts or not.
- 6.244 I also have a slight concern about the inclusion of a cross reference to the Great Aycliffe Heritage and Character Assessment in the policies as with the passage of time this document could become out of date and may be superseded by another character assessment (see my previous comments in relation to Policy GANP CH1 - Landscape Character and Townscape).
- 6.245 In order to future proof the Plan an alternative approach would be to refer to the most up to date Assessment available at the time of considering a proposal. However as the Assessment has been prepared specifically to inform the Plan and as it was made available for scrutiny and comment I do not recommend a modification in this respect. I am also mindful of the fact that the Plan is intended to be reviewed every five years (paragraph 7 in the Executive Summary) which will provide an opportunity to update the Assessment if necessary.
- 6.246 For greater clarity and consistency with previous recommendations the policies should refer to the 'principles established in the Great Aycliffe Character and Heritage Assessment 2015', and incorporate an explanation in the Justification about the purpose of the Assessment.

## Recommendation 27

- a) In Policies GANP EE1, GANP EE2 and GANP EE3 change the reference to the 'Character and Heritage Assessment' to the

***‘principles established in the Great Aycliffe Character and Heritage Assessment 2105 and with the’, and incorporate an explanation about the purpose of the Assessment in the accompanying Justification.***

- b) In Policy GANP EE3 insert ‘*There are no unacceptable impacts on*’ at the beginning of sub clause 2 and delete ‘has been considered’.**

6.247 Subject to the above modifications the policies meet the Basic Conditions.

### **Community Infrastructure Levy (CIL)**

6.248 **Policy GANP CIL1 (Developer Contributions)** requires developments to provide new onsite facilities/infrastructure or contribute to offsite provision through a combination of planning conditions, legal agreements or a CIL taking viability into account. It is also intended to ensure that local priorities and aspirations are taken into account when considering the allocation of funding secured through developments.

6.249 The provision of infrastructure, mitigating the impacts of development and providing services and facilities that reflect a community’s needs are fundamental principles embedded in national planning policy and key attributes of sustainable development. The policy also generally conforms with local strategic policy aimed at meeting the servicing requirements of development and contributing toward offsetting the costs imposed by development on the local community (SBLP Policy D8 – Servicing and Community Requirements of New development.).

6.250 Although the policy establishes four specific priorities linked to other policies in the Plan I do feel an opportunity has been lost to identify a wider range of opportunities and aspirations that could be kept under review and added to if necessary, for example by linking the policy to a separate appendix, particularly as priorities and funding mechanisms may change over time. However as the Plan is intended to be reviewed every five years (paragraph 7 in the Executive Summary) this will provide an opportunity to update the priorities which are embedded in the policy if necessary.

6.251 I agree with **Durham County Council** that the reference to ‘ensuring the Town Council is consulted on applications at pre application stage’ should be removed from the preamble to the policy as there is no requirement for Local Planning Authorities to involve other parties in pre application discussions which are currently treated in confidence and there are no plans to change this procedure.

6.252 The first sentence in paragraph 2 of the policy introduces a separate topic concerned with encouraging developments to maintain or improve access to the countryside which is unrelated to the remainder of the policy. As this links with Policy GANP T3 (Cycle Provision and Walking Routes) I recommend the scope of Policy GANP T3 be expanded to include access

- to the countryside, and the reference be deleted from Policy GANP CIL 1.
- 6.253 As there is also an element of uncertainty over when/if Durham County Council may have a CIL in place this should be clarified in paragraph 2 of the policy.
- 6.254 In addition, the first sentence of paragraph 3 is superfluous as it duplicates, and partly contradicts paragraph 2 of the policy and the accompanying Justification (by only referring CIL) and should therefore be deleted.

### **Recommendation 28**

- a) **Delete ‘the Town Council is consulted in advance at the pre-consultation development proposal stage and to set’ in paragraph 3 in the preamble to Policy GANP CIL 1, insert ‘*are taken into account particularly the four priorities identified in Policy GANP CIL 1*’, after ‘said monies’, and make a consequential change to paragraph 3 of the accompanying Justification.**
  - b) **Delete the first sentence of paragraph 2 in Policy GANP CIL 1 and incorporate reference to maintaining or improving access to the countryside in Policy GANP T3.**
  - c) **Insert ‘*if*’ after ‘Community Infrastructure Levy (CIL)’ in line 5 of paragraph 2, and insert ‘*in the future*’ after ‘Durham County Council’.**
  - d) **Delete ‘Funds collected under the provisions of the Community Infrastructure Levy will be targeted in the following ways’ at the beginning of paragraph 3.**
- 6.255 Subject to the above modifications the policy meets the Basic Conditions.

## **7.0 Conclusions and Formal Recommendations**

### Referendum

- 7.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the four ‘Basic Conditions’.
- 7.2 Although there are a number of modifications the essence of the policies would remain, providing a framework, for managing future development proposals and protecting and enhancing the local environment.

**I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to Referendum.**



Voting Area

- 7.3 I am also required to consider whether the Referendum Area should be extended beyond the Great Aycliffe Neighbourhood Area.
- 7.4 As the impact of the policies, both collectively and individually, is likely to have minimal impact on land and communities outside the defined Neighbourhood Area I consider the Neighbourhood Area to be appropriate. No evidence has been submitted to suggest that this is not the case.

**I therefore recommend that the Neighbourhood Plan should proceed to a Referendum based on the Neighbourhood Area as approved by Durham County Council on 14 February 2013.**

## **Declaration**

In submitting this report I confirm that

- 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 Plan and
- I possess appropriate qualifications and have 42 years experience in planning and development, including development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner     Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated            28 November 2016

**Appendix 1 :**

**List of Documents referred to in connection with the examination of the Great Aycliffe Neighbourhood Development Plan**

- Submission Version of the Great Aycliffe Neighbourhood Plan (July 2016)
- Basic Conditions Statement (July 2016)
- Consultation Statement and Appendices 1-8 (July 2016) incorporating the Great Aycliffe Heritage and Character Assessment Final Report prepared by Aecom (November 2015)
- National Planning Policy Framework
- National Planning Practice Guidance
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General ) Regulations (2012) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- County Durham Plan: Issues and Options (June 2016)
- 'Saved' policies in the Sedgefield Borough Local Plan (adopted October 1996)
- Durham County Council Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report (June 2016)
- County Durham Issues and Options Stage Strategic Housing Market Assessment (Part 1) 2016
- Durham County Council Parking and Accessibility Guidelines 2014
- Nine representations received during the Regulation 16 Publicity period.

I also accessed Durham County Council's planning policy website pages and Great Aycliffe Town Council's website pages during the course of the examination.