



## **WHORLTON VILLAGE NEIGHBOURHOOD PLAN (2015 – 2035)**

### **DECISION STATEMENT – PROCEEDING TO REFERENDUM**

**[Town and Country Planning England – The Neighbourhood Planning (General) Regulations 2012 Reg. 18 – Paragraph 2]**

#### **1. Purpose**

Following the examination of the Whorlton Village Neighbourhood Plan, this delegated report considers and makes recommendations on the modifications to the Whorlton Village Neighbourhood Plan which have been proposed by the Independent Examiner ('Examiner') in his report, including whether to proceed to referendum and the area for the referendum.

#### **2. Background**

Regulation 18 of The Neighbourhood Planning (General) Regulations 2012 (as amended) requires the County Council to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a Neighbourhood Plan. The Regulations provide that where the Council disagrees with the Examiner's report re-consultation is required.

Pursuant to the Durham County Council Constitution and the Council's internal delegations the decision is made by the Head of Planning and Assets.

#### **2. Overview of plan preparation**

2.1. The Whorlton Village Neighbourhood Plan (the Neighbourhood Plan) relates to the Neighbourhood Area that was designated by the County Council on 10<sup>th</sup> August 2014. This area relates to an area of the village that coincides with the Whorlton Village Conservation Area from the Teesdale Local Plan and is entirely within the Local Planning Authority Area. Whorlton and Westwick Parish Council is the designated qualifying body for the Plan.

2.2. Whorlton and Westwick Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 29<sup>th</sup> June and 10<sup>th</sup> August 2015.

2.3. Following the submission of the Whorlton Village Neighbourhood Plan and supporting documents to the County Council in December 2015 the Neighbourhood Plan was consulted upon for a six-week period starting on 24<sup>th</sup> January 2016, and representations were invited in accordance with Regulation 16. The consultation ended on 15<sup>th</sup> February 2016.

### **3. Independent examination**

3.1. The Council, with the consent of Whorlton and Westwick Parish Council, appointed Terry Raymond Heselton BA (Hons), Dip TP, MRTPI to undertake the independent examination of the Whorlton Village Neighbourhood Plan and to prepare a report of his findings and recommendations.

3.2. The Examiner decided to deal with the Neighbourhood Plan via written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area.

3.3. The Examiner's report dated March 2017 was formally submitted on 14<sup>th</sup> March 2017. The Examiner has concluded that the Neighbourhood Plan meets all of the statutory requirements subject to a number of modifications to ensure that it meets the four 'Basic Conditions'. Subject to making these modifications he has recommended that the plan should proceed to referendum, and that the voting area should correspond with the whole of the Whorlton and Westwick Parish Area.

3.4. Having considered the findings of the Examiner's report the Parish Council has accepted all of the proposed modifications to the Whorlton Village Neighbourhood Plan.

The County Council must be satisfied that subject to those modifications as set out in Annex 1 the plan:

- meets the Basic Conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990;
- is compatible with the Convention Rights; and,
- complies with the provision made by or under 61E(2), 61J and 61L of the said Act .

3.4. In light of practical issues Whorlton and Westwick Parish Council have agreed to an extension to the date for when Durham County Council will make its formal decision on the acceptability Examiner's recommendations, in line with the Neighbourhood Planning (General) and Regulations 2012.

**4. Acceptability of Examiners Recommendations**

4.1. Annex 1 below outlines the Plan Modifications made to the Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in response to each of the Examiner’s recommendations. In summary along with some amendments to policies the Examiner has recommended that the Neighbourhood Plan should proceed to a referendum subject to the modifications being made, and that the referendum area should be the whole of Whorlton and Westwick Parish area.

The Plan once modified and if accepted by the County Council must proceed to Referendum within 56 days. Arrangements can be made for the referendum to be held on Thursday 29th June 2017.

Having considered each of the recommendations made by the Examiner in his report and the reasons for them, it is considered that the Examiner’s recommendations are reasonable and should be accepted by the County Council. In such an instance the provision relating to the need for re-consultation would not be triggered.

**5. Recommendation**

1. That a Decision Statement is issued to Whorlton & Westwick Parish Council as the Qualifying Body confirming that the Whorlton Village Neighbourhood Plan as modified can proceed to a referendum which covers the whole of the Whorlton & Westwick Parish area.

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**Stuart Timmiss (Head of Planning and Assets)**

**Dated**.....

## **Annex 1: Schedule of Proposed Plan Modifications and DCC decision**

**WVNP** = Whorlton Village Neighbourhood Plan (Submission Draft);

**PM** = Examiner's Plan Modification Recommendations

<b><u>PM Ref no.</u></b>	<b><u>Modifications Recommended by the Examiner to the Submission Draft of the Whorlton Village Neighbourhood Plan</u></b>	Examiners recommendation accepted	Further Modifications required
<b>1a</b>	Delete 'County Local Plan (CDP)' in line 10 of paragraph 2.1 on page 4 and insert 'the strategic policies contained in the development plan for the area'	Yes	No
<b>1b</b>	Delete 'item 6' in line 1 of paragraph 2.3	Yes	No
<b>1c</b>	Delete 'enhancing or maintaining' in line 2 of paragraph 2.3 and insert 'enhance or maintain'	Yes	No
<b>1d</b>	Delete paragraph 2.4 on page 4 and number the following paragraph (which is without a paragraph number) as paragraph 2.4	Yes	No
<b>1e</b>	Insert 'which' after '2011 Census' in line 3 of paragraph 3.1 on page 6 and substitute 'identified' for 'only, at' after 'Whorlton Parish'	Yes	No
<b>1f</b>	Substitute 'Whorlton village' for 'the Parish' in line 4 of paragraph 3.1.	Yes	No
<b>1g</b>	Delete 'village' in line 1 of paragraph 3.5 and insert 'Plan area'	Yes	No
<b>1h</b>	Delete '18 "listed" buildings/structures grade 2 and one,' after 'contains' in line 1 and insert 'one scheduled monument, Whorlton Bridge, and 18 grade II listed buildings/structures'.	Yes	No
<b>1i</b>	Delete 'graded 2*' after 'Whorlton suspension bridge' in line 2 of paragraph 3.5 and insert 'is also grade II* listed'.	Yes	No
<b>2a</b>	Substitute 'below' for 'belpw' in line 2 of paragraph 1 on page 3.	Yes	No
<b>2b</b>	Substitute 'Whorlton' for 'Whorlon' in line 2 of paragraph 4 on page 3.	Yes	No
<b>2c</b>	Substitute 'Conservation Area' for 'conservation Area' in paragraph 2 (e Historic England) on page 8.	Yes	No
<b>3a</b>	Delete the reference to a housing target in Policy WP1, including the reference to re-assessing future need at the half term of the Plan.	Yes	No
<b>3b</b>	Insert 'for infilling and small scale residential development within the existing built up area of Whorlton village' after 'Permission will be granted'	Yes	No
<b>3c</b>	Delete criterion 'd')	Yes	No
<b>3d</b>	Insert a new criterion 'd)' as follows 'is not on an area of undeveloped land, including residential curtilage, that contributes to the character of the village'	Yes	No
<b>3e</b>	Delete 'Starter' after 'will be given to affordable' in line 10 and delete 'for the first time buyers under 40' after 'homes'.	Yes	No

<b>4a</b>	Delete Policy WP2 (Housing Allocation)	Yes	No
<b>4b</b>	Incorporate an explanation in the supporting text to Policy WP1 (Housing Provision) to the effect that the Plan does not promote specific sites for development and that in addition to the criteria set out in Policy WP1 proposals will also be expected to address flood risk issues, including sequential testing of sites if, appropriate.	Yes	No
<b>5</b>	Insert 'adversely' after 'significantly' in criterion b) in Policy WP3, and change 'affects' to 'affect'.	Yes	No
<b>6</b>	Insert 'wherever feasible' after 'All new dwellings should' in line 1 of Policy WP4.	Yes	No
<b>7a</b>	Delete 'all' after 'heritage assets such as' in line 2 of Policy WP5, and delete 'etc' after 'Whorlton Beck' in line 3.	Yes	No
<b>7b</b>	Delete the second part of Policy WP5 from 'Inappropriate development .....' onwards, and incorporate an explanation in the accompanying text about the different approaches required by national planning policy when considering the impact of development proposals on designated and non-designated heritage assets.	Yes	No
<b>7c</b>	Incorporate a reference in the accompanying text to Durham County Council's Historic Environment Records (HER), which contain information about the archaeology, historic buildings and structures in the Plan area and provide the starting point for conserving and enhancing heritage assets in the area.	Yes	No
<b>7d</b>	Clarify in the accompanying text which buildings/structures listed in the policy are designated heritage assets and which are considered to be non-designated assets and explain the difference between designated heritage assets which are protected through specific legislation (such as listed buildings and conservation areas) and non-designated heritage assets, with reference to the Planning Practice Guidance. <sup>32</sup>	Yes	No
<b>7e</b>	Insert '(where these are not within the curtilage of a listed building)' after 'stone walls' in line 4 of paragraph 7.5.1	Yes	No
<b>7f</b>	Delete 'will have no adverse effect on the natural habitats within the area' in line 1 of paragraph 7.5.6 and insert 'is not likely to have any significant environmental effects', including effects on European Protected Sites'.	Yes	No
<b>7g</b>	Delete 'to consider the preparation of' in line 1 of paragraph 7.5.8 and insert 'in conjunction with' and	Yes	No

	delete 'including review the NP and Conservation Area boundaries.' in line 2 and insert 'and review of Neighbourhood Plan boundaries.'		
<b>7h</b>	Insert a new sentence 'Durham County Council will be responsible for any future review of the Conservation Area boundaries.' at the end of paragraph 7.5.8.	Yes	No
<b>8a</b>	Insert 'adversely' after 'does not significantly' in criterion a. of Policy WP6.	Yes	No
<b>8b</b>	Delete references to litter bins, street lighting and bus links from the policy and incorporate these as aspirations in the accompanying text.	Yes	No
<b>8c</b>	Insert an additional paragraph as follows 'Where necessary developers will be expected to enter into a planning obligation with the Local Planning Authority to deliver improved amenity facilities in the village resulting from the additional needs generated by the development'.	Yes	No