



Sedgefield Neighbourhood Plan

Durham County Council Decision Statement (Regulation 18(2))

Summary

1. Following an independent examination undertaken by written representations, Durham County Council now confirms that the Sedgefield Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
2. This Decision Statement will be available on the council's website and at County Hall, Durham. A copy of the statement will also be available on Sedgefield Town Council's website and at their office.

Background

3. On 16th August 2013, Durham County Council formally designated the Sedgefield Neighbourhood Area. This area relates to the whole of the Sedgefield Town Council parish area and is entirely within the Local Planning Authority Area. Sedgefield Town Council Parish is the designated qualifying body for the Plan.
4. A first draft of the Neighbourhood Plan underwent examination in 2016. However, following receipt of the Examiner's Report the Town Council elected to withdraw that draft of the Plan. Following a redraft, the Town Council undertook pre-submission consultation on the 'new' Plan, in accordance with Regulation 14, between 9th April and 23rd May 2018.
5. The Sedgefield Neighbourhood Plan and supporting documents were Submitted to the County Council in October 2018. The County Council consulted upon the Plan for a six-week period from 19th October to 30th November 2018, in accordance with Regulation 16. A re-run of this consultation was required, however, as the basic conditions statement was not made available during the consultation period. This second consultation took place for a six-week period, from 19th February to 2nd April 2019.
6. The Council, with the consent of Sedgefield Town Council, appointed Robert Bryan MRTPI to examine whether the Neighbourhood Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Neighbourhood Plan should proceed to a referendum.

7. The Examiner's Report was formally submitted on 3rd June and recommended a number of modifications (set out in Annex 1) so that the Sedgefield Neighbourhood Plan is able to comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified can be submitted for referendum.

Recommendations, Decisions and Reasons

8. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority 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 Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).
9. Having considered the recommendations made in the examiner's report, and the reasons for them, Durham County Council has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990.
10. To meet the requirements of the Localism Act 2011, a referendum will be held in the area formally designated as the Sedgefield Neighbourhood Area.
11. The date on which the referendum will take place is Thursday 12th September 2019.

Stuart Timmiss (Head of Development and Housing)

18 July 2019

Annex 1: Schedule of Examiner's Recommendations

Ref no.	Recommended modifications	Reason for modification	Examiner's recommendation accepted	Further Modifications required
1	<p>Add the following below the list of Regulation 14 submissions in the Consultation Statement on page 102 of the Plan:</p> <p><i>“Following the Regulation 14 consultation exercise, representatives of Sedgefield Town Council and Durham County Council met on 06.06.18. They considered the submissions listed above and agreed to make some minor changes to the draft plan ahead of it being presented to the town council for adoption and then submission to the county council. Sedgefield Town Council wrote to each correspondent who had made a submission to the Regulation 14 consultation, to acknowledge their contribution and respond to their suggestions/comments, either highlighting any changes that would be made as a result, or explaining and justifying the reasons why changes would not be made. Copies of the letters can be found in the evidence folder (Add a PDF of letters to the evidence folder and include a link).”</i></p> <p>Amend the Kildrummy (Sedgefield) Ltd. representation on page 102 as follows: <i>“Broadly supportive of the Plan’s policies but would like to see references to the specific number of acceptable housing in the Town removed, and an update to the Built Up Area Boundary Map to remove an area identified as Employment Land (by Durham County Council), currently the site of the Pactiv business.”</i></p>	<p>The Consultation Statement should analyze public comments at the formal consultation stage and explain, where relevant, whether they merit an amendment to the draft Plan. During the examination the examiner noted that the regulation 14 responses were referred to but not analysed. The Town Council subsequently confirmed its response to these comments in the form of copies of replies to the representors. The examiner studied the Town Council’s responses and is of the view that adequate alterations were made to the draft Plan. The Consultation Statement should, however, be amended to reflect the Town Council’s responses.</p> <p>The Kildrummy (Sedgefield) representation summary on page 102 needs correcting for clarity purposes.</p>	Yes	No

2	<p>On page 9, point iv. alter “area” to “areas”.</p> <p>In paragraph 1.17 on page 11, delete the following from the final sentence: “which exceeds the total that was allocated in the draft County Durham Plan that was later withdrawn.”</p>	<p>Amendment required to aid clarity.</p> <p>During the examination the Town Council confirmed there is a discrepancy in the comment in the last sentence of paragraph 1.17 on the number of new homes granted planning permission and the comparison with the total proposed in the draft County Durham Plan. This should be corrected.</p>		
3	<p>In the section “Community Action, Green Spaces” on page 21 reword the introductory sentence to paragraph 1.52 as follows: “The Town Council is keen to protect green spaces which are valuable community assets for recreation and ecology. A number of spaces are identified below as important to the community and where the Town Council will seek to promote and protect them. This is not a formal planning policy but rather an aspiration. Depending on the individual attributes of these spaces there may be statutory national or local planning policies operated by Durham County Council which lend weight to their protection.”</p>	<p>The proposed protection of a list of green spaces is not in the format of a planning policy in the Plan and is not evidenced in an appropriate manner to justify a planning policy. However, it is acceptable as a community aspiration.</p> <p>The examiner is satisfied that this section can be included in the Plan but it should be made more clear that these matters are not planning policies. The examiner has not made further recommendations or suggested modifications, as community aspirations are not matters which relate to basic conditions.</p>	Yes	No
4	<p>Replace all references to “built development” with the term “development”.</p> <p>Alter the italicized text in policy G1a as follows: “For the purposes of this policy the term development includes new build, changes of use and extensions but not householder development.”</p>	<p>The use of the term “built development” in the context of this policy and policy G1b relating to “Built Development outside the Built-up Area boundary” is confusing. Whilst the examiner appreciates that the text of both policies G1a and G1b cross-refer to national guidance, it is considered that use of the term to encompass change of use is inappropriate and confusing and it would be more in line with</p>	Yes	No

	<p><i>Development within the Built-up area Boundary will be supported providing it accords with national and local planning policies.</i></p> <p>In the Policy Justification section third paragraph delete “subdivisions, intensifications”.</p> <p>Insert a new paragraph after the first paragraph on page 23, as follows: <i>“The boundary has also been drawn to accommodate the proposed expansion of NetPark a major employment site for science and technology enterprises in the northern part of the village. This expansion has been approved by Durham County Council.</i></p> <p><i>The NPPF in paragraph in section 6 encourages the development of a strong competitive economy and appropriate business and industrial development is encouraged within the built-up area boundary. Saved policies in the Sedgefield Borough Local Plan also direct appropriate scale of business and industry to the town and there is potential for this to continue in future local plans.</i></p> <p>Delete the hyphens from the first paragraph on page 23.</p> <p>In the penultimate sentence in the second paragraph on page 23, after “field at the entrance to the community” insert “, at the junction of Beacon Lane and Stockton Road,”</p> <p>In the third bullet point in paragraph three on page 23, add the site descriptions to the SHLAA references.</p>	<p>national guidance to use the general term “development”.</p> <p>The term “intensifications” is imprecise and unnecessary given the reference to “subdivisions” which covers the same type of development.</p> <p>This section should include explanation of planned development at NetPark in the interests of clarifying the reasoning behind the built- up area boundary. This is major strategic development affecting the town and has significance in determining the built-up area boundary. The policy justification should also refer to the NPPF and the saved policies of the SBLP, which encourage economic development in appropriate locations within the town</p> <p>In the italicized policy text the reference to conversion is unnecessary as it is covered by change of use.</p> <p>There are some textual alterations required to make the policy and the justification more clear.</p>		
5	<p>In policy G1b replace all references to “built development” (apart from “built development boundary”) with the term “development”.</p>	<p>The policy affirms that development outside the built-up area boundary will be determined in accordance with national and local policy. However the</p>	Yes	No

	<p>Alter the policy text as follows: <i>“Development will be supported where it meets national and local policy requirements.</i></p> <p><i>The NPPF and strategic local plan policies allow certain relatively small-scale development that protects the character of the countryside. Other development, which can justify a rural location including dwellings for agricultural workers, farm diversification and recreation and tourism development may also be allowed.</i></p> <p><i>In the case of proposals for affordable rural exception housing proposals it must be demonstrated that: (Retain all the four bullet points, listed in the policy). (Retain the remainder of the policy text relating to employment development).”</i></p> <p>Add the following new third paragraph in the Policy Reason section on page 25: <i>“The policy is in conformity with the general restraint and landscape protection policies in the NPPF which aim to promote sustainable development in the countryside. These policies seek a balance between environmental protection and enhancement and providing for local housing needs, rural employment and facilities to provide for sustainable communities.”</i></p> <p>Delete the last sentence of paragraph two on page 25 and place it as the first sentence to the existing paragraph three (regarding policy E4) on page 25.</p>	<p>explanation of permissible development is in some cases wrong and in others confusing.</p> <p>In the interests of clarity the policy text should signpost the fundamental aspects of national and local policy that are relevant. It is not possible to encompass all the relevant policies but the Plan should reference the main thrust behind the relevant policies.</p> <p>The policy is nebulous in that it singles out affordable rural exception housing when other forms of housing can be acceptable such as those demonstrating agricultural need or the need for a rural location. It is appropriate for the plan to specify criteria for the acceptance of affordable rural exception housing but it should be made clear in the Policy Reason section that other forms of housing are acceptable.</p> <p>The reason for the policy should refer more broadly to the national planning context and the saved SBLP policies to demonstrate more clearly there is compliance with basic conditions.</p>		
6.	<p>Insert a further sentence at the end of the text of policy H1, as follows: <i>“The provision of this type of accommodation may be overridden if it can be demonstrated with evidence there is no further demand for the level of accommodation required by the policy.”</i></p>	<p>The policy should be qualified by a requirement to demonstrate need for this type of accommodation. There is a clear case of need on present evidence but this could change over the time period of the Plan. The examiner recommends a degree of flexibility be introduced to provide for this.</p>	Yes	No

7.	<p>In the text of policy H2 alter the reference to density as follows: <i>“; deliver a density of housing that is appropriate for the local setting and historic character but where these issues are not predominant makes effective use of land;”</i></p> <p>In the Policy Reason section delete paragraph “56” and replace with “124”. Also add the following sentence to the end of the section: <i>“However, in accordance with the NPPF there is a need to achieve the efficient use of land on appropriate sites where the site is relatively self-contained or there are not prevailing issues of local character to be considered.”</i></p>	<p>The reference to density considerations is skewed too much towards assimilation and matching that of surrounding development at the expense of the NPPF advice, in paragraphs 122 and 123, on making effective use of land and achieving appropriate densities. The policy text and reason should be adjusted to reflect this.</p>	Yes	No
8.	<p>Alter the first sentence of the text to policy R1, as follows: <i>“Development for indoor and outdoor recreation and sport facilities will be supported subject to conformity with statutory planning policies including those in this Plan”.</i></p> <p>In the text of policy R1, delete the last sentence, which begins “Projects will not be permitted”.</p>	<p>Some built recreational facilities are inappropriate in certain locations, particularly outside the built-up area. There should therefore be qualification that these proposals should also conform to other statutory policies including those in this Plan.</p> <p>Whilst there is a specific demand for recreation facilities for young people the policy should encourage facilities, indoor or outdoor for all demographic groups in accordance with national guidance to provide for health and well-being. The policy should be amended to reflect this. It is however, acceptable in the Policy Justification section to highlight a particular issue with the need for young persons facilities.</p> <p>The requirement that projects will not be supported that cannot demonstrate strong evidence of demand in order to</p>	Yes	No

		fill a gap in provision may be difficult to demonstrate or quantify and is beyond the remit of planning decision-making, which should be essentially based on land use and environmental parameters. Also, it may be contrary to the basic aims of the NPPF to provide inclusive facilities. This element of the policy should be deleted. Furthermore, it is not possible to define what is an acceptable level of community support.		
9.	Alter the text of policy E1 as follows: <i>“Development should enhance the visual and spatial characteristics of the Plan area. In particular development should respect significant views of designated and non-designated heritage assets and views referred to in the Sedgefield Conservation Area Appraisal. These views should be protected from significant intrusive development which has a demonstrable impact on the character of the heritage asset or area.”</i>	<p>The phrase in the first sentence of the policy text that new development should be “successfully integrated” is rather vague and is effectively repeated in the second sentence of the policy. This repetition should be avoided in the interests of concise policies in accordance with the national planning practice guidance.</p> <p>The reference in the policy text to “conserve established significant views” is too vague. It is not clear how the impact on a view is conserved or indeed where these views are. The policy does not take into account NPPG advice that policies should have “sufficient clarity that a decision maker can apply it consistently and with confidence”. The Sedgefield Conservation Area Appraisal can be an appropriate reference to identify significant views and provide the policy with a robust evidence base.</p>	Yes	No
10.	Alter the text of policy E2 as follows:	Minor textual alterations are required to make the policy clearer and more flexible, in accordance with NPPG advice.	Yes	No

	<i>“When open space is provided it shall be integrated with the public footpath network and, where possible with other areas of community use.”</i>			
11.	<p>Alter the text of policy E3 as follows: <i>“Development within gardens in the conservation area (as identified on the map in Appendix 3 on page 38) will be resisted unless it is small- scale, which does not have a significant impact on the character of the area or the setting of heritage assets.”</i></p>	<p>The term “sub-division” is imprecise and could be difficult to apply in decision- making. The appropriate term is “development”. The term “village core” is not defined which may cause confusion in interpreting the policy. The evidence indicates it is appropriate to relate the policy to the conservation area.</p> <p>Some minor development (sub-division) may be acceptable for pragmatic reasons to achieve wider benefits. The policy should be re- worded more flexibly.</p>	Yes	No
12.	<p>Alter the policy text as follows: <i>“Proposals which affect designated and non- designated heritage assets will be considered in relation to the National Planning Policy Framework, which seeks to protect them subject to certain criteria.”</i></p> <p>In the “Policy Reason” section insert an extra sentence at the end of the section, as follows: <i>“The NPPF section “Proposals affecting heritage assets” contains detailed advice in the manner in which proposals will be considered as they relate to both designated and non-designated heritage assets. The Conservation Area Appraisal makes reference to certain non-designated heritage assets within the Conservation Area. There may also be other non- designated heritage assets identified outside the conservation area”</i></p>	<p>The policy does not fully take into account the nuances of NPPF guidance. In certain circumstances of <i>less than substantial harm to heritage assets</i>, this has to be weighed against the public benefits of securing a viable optimum use for a building. Also, in the case of non-designated heritage assets “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.</p> <p>The policy text be amended to refer directly to the NPPF and the Conservation Area Appraisal.</p>	Yes	No