

## Sedgefield Neighbourhood Plan

### Reg.16 Consultation Responses

**Representations received by Durham County Council as part of Regulation 16 Submission Draft publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act**

<b>SEDGEFIELD NEIGHBOURHOOD PLAN – SUBMISSION VERSION</b>		
<b>Agent</b>	<b>Organisation Details</b>	<b>Comments</b>
Jules Brown	Historic England	<p>As the public body that champions England’s historic environment, we are pleased to offer our comments.</p> <p>I am pleased that many of the comments we made on the pre-submission draft (which were based on comments made on earlier versions of the plan) have now been acted on. I am still concerned there are a few anomalies and missed opportunities, as previously raised. For example, I am concerned that Policy H2 or its supporting text do not set out the good design principles, local characteristics and appropriate materials to which development would be required to respond. Paragraph 125 of the National Planning Policy Framework (NPPF) says neighbourhood plans can play an important role in identifying the special qualities of the area and explain how this should be reflected in development. Paragraph 041 of the Planning Practice Guidance (PPG) says neighbourhood plan policies should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which they have been prepared.</p> <p>In particular, development of Policies E1 and E4 is welcome. There may still be some confusion. For example, Objective (iv) still refers to only one conservation area when references elsewhere have been changed to reflect the presence of two in the neighbourhood area, and the one referenced in the objective is not accurately named. Reference to the recently adopted character appraisal for Sedgefield Conservation Area is welcome, as this does set out the significance of the designation against which impact of potential harm can be judged under this policy. However, as no adopted appraisal exists for Hardwick Park Conservation Area, and the plan suggests it is an important asset, more evidence could have been provided on its significance to allow implementation of Policy E4. The same is true of the other heritage assets the policy covers, including the two registered parks and gardens and the listed buildings. As I set out in my letter of 23 May, Policy E4 could use evidence gathered on heritage assets to set out specific themes, characteristics or features to be protected, or it could set out what measures would be acceptable to mitigate the impact of development that higher level policy might allow. I remain concerned that evidence may not yet be robust enough. For example the document “Doc 12034 Conservation Area and Heritage Assets 17 Nov 14” seen in the evidence base at <a href="http://www.thesedgefieldpan.co.uk">www.thesedgefieldpan.co.uk</a>, whilst identifying listed buildings, does not assess the characteristics, including in their settings, that make them significant.</p>
Melanie Lindsley	The Coal Authority	<p>The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.</p>

		<p>As you will be aware the Neighbourhood Plan area lies within the current defined deep coalfield. However the Neighbourhood Plan area does not contain any surface coal resources or recorded risks from past coal mining activity at shallow depth.</p> <p>On this basis the Coal Authority has <b>no specific comments</b> to make on the Neighbourhood Plan.</p>
Richard Agnew	Gladman Developments Ltd	<p><b>Legal Requirements</b></p> <p>Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the SNP must meet are as follows:</p> <p>(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.</p> <p>(d) The making of the order contributes to the achievement of sustainable development.</p> <p>(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p> <p>(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.</p> <p>(g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.</p> <p><b>National Planning Policy Framework</b></p> <p>On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published the Revised National Planning Policy Framework (NPPF2018). This publication forms the first revision of the Framework since 2012 and implements changes that have been informed through the Housing White Paper, The Planning for the Right Homes in the Right Places consultation and the draft NPPF2018 consultation. This version was itself superseded on the 19<sup>th</sup> February 2019, when MHCLG published a further revision to the NPPF (2019) which implements further changes to national policy, relating to the Government’s approach for Appropriate Assessment as set out in Paragraph 177, clarification to footnote 37 and amendments to the definition of ‘deliverable’ in Annex 2.</p> <p>Paragraph 214 of the Framework makes clear that the policies of the previous Framework will apply for the purpose of examining plans where they are submitted on or before 24<sup>th</sup> January 2019. It is unclear if the SNP was submitted before this date therefore this response has been prepared against the revised NPPF (2019).</p> <p><b>National Planning Policy Framework and Planning Practice Guidance</b></p> <p>The National Planning Policy Framework (NPPF2019) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.</p> <p>At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to</p>

neighbourhood plans.

The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.

The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.

Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.

Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

#### **Planning Practice Guidance**

It is clear from the requirements of the Framework that neighbourhood plans should be prepared in conformity with the strategic requirements of the wider area as confirmed in an adopted development plan. The Framework requirements have now been supplemented by the publication of Planning Practice Guidance (PPG).

On 11<sup>th</sup> February 2016, the Secretary of State (SoS) published a series of updates to the neighbourhood planning chapter of the PPG. In summary, these update a number of component parts of the evidence base that are required to support an emerging neighbourhood plan.

On 19<sup>th</sup> May 2016, the Secretary of State published a further set of updates to the neighbourhood planning PPG, providing clarity on the measures a qualifying body should take to review the contents of a neighbourhood plan where the policy evidence base becomes less robust. As such it is considered that where a qualifying body intends to undertake a review of the neighbourhood plan, it should include a policy relating to this intention which includes a detailed explanation outlining the qualifying body's anticipated timescales in this regard.

Further, the PPG makes clear that neighbourhood plans should not contain policies restricting housing development in settlements or preventing other settlements from being expanded.

#### **Relationship to Local Plans**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan.

The development plan that covers the Sedgefield Neighbourhood Plan area and the development plan which the SNP will be tested against is the Sedgefield Borough Local Plan, adopted in 1996 with policies saved in 2007.

The County Council are working on a new Local Plan for the County of Durham having consulted on a PreSubmission version of the Plan between January and March 2019. Whilst the Council's proposed spatial approach is clearly set out, the plan is yet to be subject to examination in public and may be subject to change. As such Gladman consider it necessary to ensure sufficient flexibility is established in the SNP policies, ensuring that the plan and the area can respond to the changes as the examination progresses. This degree of flexibility is required to ensure that the SNP is capable of being effective over the duration of its plan period and not ultimately superseded by s38(5) of the Planning and Compulsory Purchase Act 2004, which states that:

"if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be)."

#### **Sedgefield Neighbourhood Plan**

This section highlights the key issues that Gladman would like to raise with regards to the content of the SNP as currently proposed. It is considered that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend a series of alternative options that should be explored prior to the Plan being re-submitted for Independent Examination.

#### **Policy G1b: Built Development outside the Built-up Area Boundary**

Policy G1b sets out the circumstances that development beyond the Built-up Area Boundary will be supported, effectively only supporting rural exception schemes. Gladman object to the use of built-up area boundaries where the use of such a mechanism would preclude otherwise sustainable development from coming forward. The Framework is clear that development which is sustainable should go ahead without delay. The use of a built-up area boundary to preclude otherwise sustainable development from coming forward does not accord with the positive approach to growth required by the Framework and is contrary to basic condition (a).

Gladman suggest a more flexible approach is considered towards development adjoining the development limit, where demonstrably sustainable development would be supported. This element of flexibility is important because the SNP is progressing at a time when future housing needs of the Country remain uncertain until endorsed through the examination of the emerging Local Plan.

#### **Policy H1: Older Persons Housing**

This policy seeks for 10% of dwellings on sites of 10 or more units to be suitable for an ageing population. Whilst this is something that is to be supported this should not necessarily be a policy requirement for all development proposals. Housing for an ageing population is increasing in importance nationally and whilst a policy setting out support for this type of housing, this should be set out in a flexible manner not an explicit policy requirement without robust evidence such as an assessment of need.

#### **Conclusions**

Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic

		<p>requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the Sedgefield Neighbourhood Plan as currently proposed with the requirements of national planning policy and the strategic policies for the wider area.</p>
<p>Marion Williams</p>	<p>Environment Agency</p>	<p>The Plan is very light on references to the natural environment. Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at:  <a href="http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/lit_6524_7da381.pdf">http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/lit_6524_7da381.pdf</a></p> <p>The below checklist takes you through the issues we consider in reviewing your Plan. We aim to reduce flood risk, while protecting and enhancing the water environment. We recommend Completing this to check whether we are likely to have any concerns with your Neighbourhood Plan at later stages.</p> <p><b>Flood Risk</b>  Your Neighbourhood Plan should conform to national and local policies on flood risk:</p> <ul style="list-style-type: none"> <li>• National Planning Policy Framework – para.100</li> </ul> <p>‘Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.’</p> <p>We are pleased to see that development in your Neighbourhood Plan area has been directed to areas of lowest risk of flooding. This is consistent with the aims of national planning policy and the emerging policies in the County Durham Local Plan. If you are aware that any of the sites have previously suffered flooding or are at risk of other sources of flood risk such as surface water or groundwater flooding we recommend you seek the advice of Durham County Council. We note that the Sports Field to the east of Station Road is highlighted on 3.33 page 63.</p> <p><b>Wastewater Treatment</b>  NWL have stated that Sedgefield exceeds foul drainage capacity after a further 300 homes are completed, with units at Brakes farm accounted for. No work is planned to upgrade the system before 2020.</p> <p>Surface water comprises the greatest proportion of volume in a combined sewer therefore removing it can have the beneficial effect of reducing the flow arriving at the STW, freeing up headroom within the sewer system. Surface water can be managed on sites with Sustainable Urban Drainage System (SUDS) instead of being directed to a public sewer. We would recommend that any proposed housing site should be designed to mimic natural catchment processes using a sustainable drainage approach i.e. SUDS. Mimicking natural catchment processes will help to limit surface water on the site and increase the sewer capacity.</p> <p><b>Water Management</b>  In February 2011, the Government signalled its belief that more locally focussed decision making and action should sit at the heart of improvements to the water environment. This is widely known as the catchment-based approach and has been adopted to deliver requirements under the Water Framework Directive. It seeks to:</p> <ul style="list-style-type: none"> <li>• deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and</li> <li>• to encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.</li> </ul>

		<p>Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the environment.</p> <p>The following website provides information that should be of use in developing your Neighbourhood Plan. It refers to the Bright Water Landscape Partnership's project to preserve and enhance riverside habitats and historic sites across the catchment of the River Skerne <a href="https://durhamwt.com/durham-wildlife-trust-delivers-most-exciting-project-to-date/">https://durhamwt.com/durham-wildlife-trust-delivers-most-exciting-project-to-date/</a></p> <p><b>Community Infrastructure Levy</b> We would recommend that environmental infrastructure, including habitat enhancements, water storage areas, and green space, is taken into account when looking to fund local infrastructure.</p>
Ellen Bekker	Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made..</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p> <p>However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan.</p>
Laura Kennedy	Northumbrian Water	<p>We are pleased to note that the steering group have reached this detailed stage in the preparation of the Plan and are using this opportunity to influence development in the neighbourhood plan area through developing local policies.</p> <p>In our role as statutory water and sewerage undertaker, we have reviewed the Plan in detail and considered its content in light of our previous comments and engagement at the preceding stages of the Plan consultation. It is considered that, at this stage, we would have no additional comments to make.</p> <p>We congratulate the steering group on the production of the Sedgefield Neighbourhood Plan and look forward to its progression towards adoption.</p>
Andrew Kitchen	Livin	<p><b>Policy G1b</b> Livin acknowledges the proposals for development outside the BUAB and welcome the need for market housing to demonstrate that this is essential to support the viable delivery of affordable housing. However, there is no clear reference to the proportion of affordable housing requirement within Policy G1b and Livin feels that this should be included.</p> <p><b>Policy H1</b> Livin is pleased to see acknowledgement of the rapidly ageing population in Sedgefield and the need for suitable housing and services to support older people to remain independent and active in this community.</p> <p>We welcome the requirement for all housing schemes of 10 or more units to provide at least 10% older persons housing, however we question the suitability of flats within the town as demand for these is minimal.</p>

		<p>We recognise the need for older persons homes to be built to the Lifetime Homes standard and confirm that accessibility and future adaptability of homes is essential.</p> <p>Additionally, we question if there is sufficient land available for development within the town centre radius to build older person’s accommodation. Furthermore we would welcome clarification as to whether older person’s accommodation would be welcomed outside of this radius if the development was within range of other retail or older person’s service provision.</p> <p><b>Policy T1</b> We acknowledge the need to encourage cycling and walking, and to minimise the use of private cars in order to promote healthy communities, however we would suggest that a reference is made to ensure that adequate off street car parking provision is made for all new developments.</p>
<p>Hannah Lorna Bevins</p>	<p>National Grid</p>	<p><b>Assets in your area</b> National Grid has identified the following high voltage overhead powerlines and high-pressure gas transmission pipelines as falling within the Neighbourhood area boundary:</p> <p><b>Electricity Transmission</b></p> <ul style="list-style-type: none"> <li>• 4TF Route - 400kV two circuit route from Norton substation in Stockton on Tees to Hawthorn Pitt substation in Durham</li> <li>• XC Route - 275kv two circuit route from Norton substation in Stockton on Tees to Spennymoor substation in Durham</li> <li>• ZXC Route - 400kv two circuit route from Norton substation in Stockton on Tees to Spennymoor substation in Durham</li> </ul> <p><b>Gas Transmission</b></p> <ul style="list-style-type: none"> <li>• FM13 - Cowpen Bewley to Bishop Auckland</li> <li>• FM13 - Bishop Auckland to Yafforth</li> </ul> <p>From the consultation information provided, the above overhead powerlines and gas transmission pipelines do not interact with any of the proposed development sites.</p> <p><b>Gas Distribution – Low / Medium Pressure</b> Whilst there are no implications for National Grid Gas Distribution’s Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network, please contact <a href="mailto:plantprotection@cadentgas.com">plantprotection@cadentgas.com</a></p>