

# EXAMINER'S REPORT

## THE SEDGEFIELD PLAN

### Neighbourhood Plan for Sedgefield

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## ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

DCC – Durham County Council.

HRA - Habitats Regulation Assessment.

NDP- Neighbourhood Development Plan

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

The Plan - The Neighbourhood Development Plan under examination.

SBLP- The Sedgefield Borough Local Plan (SBLP)

## INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Town Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by Durham County Council (DCC) in consultation with the Town Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Town Council and DCC. I and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If DCC puts the plan forward to a referendum

and it then receives the support of over 50% of those voting, then the Plan will be “made” by it as the Local Planning Authority.

## BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

### Documents submitted for the examination

The Sedgefield Plan Neighbourhood Development Plan, 2018-2033, Adopted by Qualifying Body 10/9/18. The Plan contains the Basic Conditions Statement, Strategic Environmental Assessment screening opinion, Habitat Regulations Report screening opinion and Consultation Statement.  
Regulation 16 Representations 2019 as attached to emails from DCC of 18/2/19 and 2/4/19.

### Local and National Policies and relevant evidence

Saved policies of the Sedgefield Borough Local Plan (adopted October 1996)  
The NPPF, July 2018 is the relevant version for this Plan, as the re-submitted version to DCC was after 24/1/19<sup>1</sup>,  
National Planning Practice Guidance (NPPG).

### Further Documents considered during the examination

“Sedgefield Neighbourhood Plan Examination, A Report Sedgefield Neighbourhood Plan Examination, A Report to Durham County Council” by Independent Examiner, Nigel McGurk BSc (Hons) MCDM, BA. MRTPI, June 2016,  
Sedgefield Conservation Area Appraisal, May 2016.  
County Durham Plan, “Rational for Housing Allocations”, 2019.  
County Durham Plan, “County Durham Housing Need and Residual for Allocation Evidence Paper”, 2019.  
County Durham Plan, “Spatial Strategy Justification”, 2019.  
Response to examiner’s questions and various responses in relation to regulation 14 representations contained in three attachments to an email from DCC to the examiner of the 13/5/19.

## THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). This is the second examination of this Plan. The first examination report was issued in June 2016 after which the Town Council decided to withdraw that version of the Plan to attend to various issues raised by the examiner.

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<sup>1</sup> See para. 214 of the NPPF, July 2018

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on 10<sup>th</sup> May, 2019 and assessed the implications of the proposed Plan as part of the examination.

## PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters<sup>2</sup>:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, Sedgefield Town Council. The Plan area relates to the whole Parish and the designated area was approved by DCC on the 23/9/2013.

14. In accordance with the regulations<sup>3</sup>, the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2018-2033). It does not relate to more than one neighbourhood area.

## CONSULTATION

15. The Consultation Statement, attached as appendix to the submission Plan explains in detail the manner in which the public, developers and statutory bodies were involved in the development of the Plan.

16. The Plan has been prepared from 2013 and led by a steering group consisting of members of the Town Council and local residents. Residents were actively invited onto the steering group and its specialist topic groups.

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<sup>2</sup> Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> Neighbourhood Planning (General) Regulations 2012

17. The group interacted with the wider public informed throughout the process by a series of questionnaires to all households in the Plan area to establish opinion on matters to be dealt with and emerging policies. There were six public open consultation meetings held in the Parish Hall. Separate meetings were held with landowners, developers to establish their preferred development options. The Town Council was kept informed by the steering group.

18. Information on the emerging plan was made available in the Town Council offices, the library, Ceddesford Hall, articles in “The Sedgefield Extra” and the Sedgefield Plan website.

19. At all stages the views, opinions and suggestions were collated and leaflets were distributed to households to publicise the public meetings.

20. Surveys to elicit public opinion were carried out by Public Knowledge Ltd. in early 2014, generating a response rate of 24% of all households. Further surveys were carried out of school children and local businesses.

21. The first version of the draft Plan was presented to a public meeting on the 11 & 12<sup>th</sup> August 2014. Amendments were made in discussion with DCC Planning Department and a further iteration presented to the community on 16/12/14. Further amendments were made in 2015 to take account of issues arising from the examination of the County Durham Local Plan being prepared by DCC. The public were kept informed particularly via articles in “The Sedgefield Extra”.

22. The formal 6 week statutory consultation<sup>4</sup> was carried out in May and June 2015. Further amendments resulted and the public were again consulted in a 6-week formal consultation from November 2015 to January 2016.

23. The Plan was submitted for examination in 2016 and in his report of June 2016 the examiner recommended it proceed to referendum subject to modifications. In view of the examiner’s recommendations regarding the need to amend housing policy 1 “Built Up Area Boundary” and a number of planning applications for major housing development and an appeal decision to allow a major housing development at Eden Drive the Town Council decided to modify the Plan. The public were kept informed of the process via articles on the Plan website, “The Sedgefield News” and “the Sedgefield Extra”.

24. The Town Council adopted a new Plan in February 2017 and a health check of this was carried out by DCC. In April and May 2018 a formal public consultation<sup>5</sup> was carried out on the modified Plan. Some revision to policies was carried out and the

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<sup>4</sup> under regulation 14 of the Neighbourhood Planning (General) Regulations 2012

<sup>5</sup> under regulation 14 of the Neighbourhood Planning (General) Regulations 2012

Plan submitted to DCC, which carried out the final formal public consultation<sup>6</sup> from February to April 2019.

25. 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 I 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. I have studied the Town Council's responses and consider adequate alterations were made to the draft Plan. The Consultation Statement should, however, be amended to reflect the Town Council's responses.

26. The Kildrummy (Sedgefield) representation summary on page 102 also needs correcting in order to be clearer.

27. I am satisfied that the "Consultation Statement", demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

#### **RECOMMENDATION 1**

**Add the following below the list of Regulation 14 submissions in the Consultation Statement on page 102 of the Plan:**

**"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)."**

**Amend the Kildrummy (Sedgefield) Ltd. representation on page 102 as follows; "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."**

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<sup>6</sup> under regulation 16 of the Neighbourhood Planning (General) Regulations 2012

## BASIC CONDITIONS

28. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.<sup>7</sup> This element of the examination relates to the contents of the Plan.

29. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e). The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

30. The Town Council has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

## SUSTAINABLE DEVELOPMENT

31. The Town Council submits in the Basic Conditions Statement that the Plan complies with the NPPF, which ensures the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

32. In economic terms, the Plan seeks to support the development of the town centre, allows for appropriate economic development within the built-up area and supports rural-based economic activity in the countryside.

33. In the social respect, the Plan supports the supply of housing including affordable particularly for elderly people in accordance with the needs of the community. Existing and future community facilities including open and green spaces and playing fields are protected and encouraged in new development, which promotes health and well-being.

34. In its environmental role the Plan promotes sustainable transport. It also promotes the local distinctiveness of the area through design policies and recognises

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<sup>7</sup> Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)



the significance of the protection of built heritage assets. The Plan also requires that open spaces be provided which are accessible to the community.

35. I accept that the policies in the Plan meet the claims referred to in the Statement. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

#### EU OBLIGATIONS, STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) HABITATS REGULATION ASSESSMENT (HRA) and HUMAN RIGHTS REQUIREMENTS

36. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law. Key directives are the Strategic Environmental Assessment Directive<sup>8</sup> and the Habitats and Wild Birds Directives<sup>9</sup>. These require that consideration should be given to the need for an SEA to assess any significant environmental impacts and /or an appropriate HRA to assess any impact on a site/habitat recognised as protected under European legislation<sup>10</sup>.

37. The Plan must also take account of the requirements to consider human rights.

38. The Town Council employed consultants to submit a screening assessment of the need for an SEA. This has been done in accordance with the government's "A Practical Guidance to the Strategic Environmental Assessment Directive", 2006 issued by the Office of the Deputy Prime Minister.

39. The conclusion is that an SEA is not required. The assessment sets out that the Plan is in conformity with the already established development framework and focuses on the design of future development. I note that the built-up area boundary effectively contains development within the established built form of the village apart from an extension to incorporate the extant Eden Drive planning permission. There are no statutory environmental designations in the Plan area and the policies provide protection for heritage assets and areas of high environmental value. Furthermore, provision of accessible open space is encouraged.

40. I note that in their regulation 16 responses DCC and the statutory consultees Historic England, Natural England and the Environment Agency have not expressed objections to the SEA screening opinion.

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<sup>8</sup> Article 3(5) of Directive 2001/42/EC

<sup>9</sup> European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

<sup>10</sup> Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

41. The submitted HRA screening opinion assesses whether the Plan's policies are likely to have a significant effect on any qualifying species or designated wildlife habitat (Natura 2000 & Ramsar sites). It demonstrates the lack of linkages through a known pathway, and the considerable geographical distances between all the designated sites in relation to the Sedgefield Neighbourhood plan area. It also points out that the Plan does not allocate sites for further development, beyond existing commitments and is, therefore, unlikely to increase impact on these designated sites as a result of extra recreational activities. Further more, the distance of the designated sites favours use of other sites for informal recreation, which are of lesser habitat status.

42. It is concluded an HRA is not required. I note Natural England and DCC accept that view. I accept the HRA screening opinion conclusions.

43. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. Article 1 of the First Protocol of the Convention states that no one can be deprived of possessions except in the public interest and subject to the conditions provided by law and by the general principles of international law. The Plan does not go beyond the limits established in planning law.

44. Article 6 protects the right to a "fair hearing" I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Public responses have been taken into account in a satisfactory manner during the processing of the Plan.

45. Article 14 protects rights and freedoms set out in the Convention in order to avoid discrimination of any individual or sector of society. I can find no evidence of discrimination.

46. I am satisfied the Plan conforms to European Union obligations.

#### CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

47. The Town Council states in the "Basic Conditions Statement" that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

48. The Statement demonstrates in detail in Table 1 how the Plan conforms to the underpinning principles of sustainability in the NPPF, which I accept above in paragraphs 31-35. It also submits that it conforms to the essential NPPF requirement that it is "succinct", "up-to-date" and provides a "positive vision". I agree the Plan achieves this as it promotes development in a positive manner in accordance with the latest evidence and advice, particularly that provided by DCC.

49. I broadly accept the submissions in the Basic Conditions Statement that it conforms with the NPPF. However, in some instances I have recommended modifications to ensure the Plan's policies are drafted in a manner, which have more

clarity and are succinct in accordance with the guidance in the NPPF and National Planning Practice Guidance (NPPG)<sup>11</sup>.

50. it is necessary that the policies are in general conformity with local strategic planning policies. DCC has confirmed to the Town Council which of the saved policies in the Sedgefield Local Plan are strategic.

51. The Basic Conditions Statement analyses the Plan in relation to each of the strategic saved Local Plan policies. This demonstrates that the Plan is in general conformity with these policies. The development strategy in the Plan is in conformity with that established in the Local Plan and planning commitments made since it was adopted. The Built-up Area boundary accommodates the requisite quantum of development and the Plan responds to local housing needs with the encouragement of older persons housing. Protection is given to heritage assets with principles in the Local Plan and the conservation area designation.

52. There are, however, some amendments required to the supporting text and modifications to policies in order that the Plan can be in general conformity with the strategic policies in the Local Plan. I refer to these in detail below.

53. The Plan has taken appropriate regard to the emerging County Durham Local Plan and the associated reasoning and evidence in accordance with the NPPG<sup>12</sup>. This Local Plan is at a relatively early stage of preparation having just undergone consultation prior to submission for public examination later this year. In accordance with advice in the NPPG there is therefore no requirement to conform to any draft policies but the Neighbourhood Plan has acknowledged the evidence associated with the emerging Local Plan, where appropriate, as referred to below.

## RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

### General Matters

54. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation.

55. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of

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<sup>11</sup> NPPG Paragraph: 041 Reference ID: 41-041-20140306

<sup>12</sup> NPPG Paragraph: 009 Reference ID: 41-009-20160211

particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

56. In some cases due to the specific and detailed nature of a representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of the representation by name.

57. A recurring theme in the report is the need to highlight and cross-refer to the NPPF and/or local strategic policies to provide the appropriate context for Plan policies.

58. A further issue is the need for policies to be drafted with appropriate clarity. The National Planning Practice Guidance (NPPG)<sup>13</sup> requires that *“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”*. I have therefore suggested some modifications in the interests of greater clarity and meeting this guidance.

59. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections

## INTRODUCTION

60. This adequately sets out the geographical, historical and planning policy context for the Plan.

## OBJECTIVES of the “THE SEDGEFIELD PLAN”

61. 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.

## RECOMMENDATION 2

**On page 9, point iv. alter “area” to “areas”.**

**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.”**

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<sup>13</sup> NPPG Paragraph: 041 Reference ID: 41-041-20140306

## COMMUNITY ACTION and GREEN SPACES

62. 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.

63. I am satisfied that this section can be included in the Plan but it should be made more clear that these matters are not planning policies. I have not made further recommendations or suggested modifications, as community aspirations are not matters, which relate to basic conditions.

### RECOMMENDATION 3

**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.”**

### POLICY G1a- BUILT DEVELOPMENT WITHIN THE BUILT-UP AREA BOUNDARY

64. This policy sets the development strategy for all types of development within the Plan area. The Built-up Area boundary is to a large extent based on existing residential planning permission commitments, which amount to 448 homes and is considered sufficient to meet the local housing needs, The Town Council have used an average annual build rate of 30 dwellings to determine that the 448 dwellings is sufficient provision during the Plan period.

65. Whilst the emerging County Durham Local Plan is not a factor in determining whether the Plan is in general conformity with local strategic policies the evidence behind the emerging Plan is relevant. This sets out a local housing needs across the county and in the County Durham Plan “Rationale for Housing Allocations”, 2019, it is indicated that housing needs as they relate to Sedgfield can be satisfied by reliance on existing planning permissions and windfall development.

66. DCC has stated the “draft plan would not have an adverse impact on the delivery of the overall strategy of the County Durham Plan” and not objected to the built-up area boundary.

67. I agree with DCC that 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

68. There are some textual alterations required to make the policy and the justification more clear.

69. I consider that 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. I appreciate that the text of both policies G1a and G1b cross-refer to national guidance but I consider use of the term to encompass change of use is inappropriate and confusing and it would be more in line with national guidance to use the general term “development”.

70. In the italicized policy text the reference to conversion is unnecessary as it is covered by change of use.

71. The term “intensifications” is imprecise and unnecessary given the reference to “subdivisions” which covers the same type of development.

72. Kildrummy Sedgefield Ltd. submitted a representation at regulation 14 stage that there should be recognition of the residential development potential of land at Salters Lane. Given this land is within the built-up area boundary I do not consider it necessary to highlight the potential of this site for residential development. This would elevate the status of this land above that of other sites for no particular reason. Furthermore, there is no evidence to demonstrate that the site conforms to other national and local policies whereby it would be suitable for residential development.

#### **RECOMMENDATION 4**

**Replace all references to ‘built development’ with the term “development”.**

**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.**

**Development within the Built-up area Boundary will be supported providing it accords with national and local planning policies.”**

**In the Policy Justification section third paragraph delete “subdivisions, intensifications”.**

**Insert a new paragraph after the first paragraph on page 23, as follows;**

**“ 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.**

**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.”**

**Delete the hyphens from the first paragraph on page 23.**

**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,**

**In the third bullet point in paragraph three on page 23, add the site descriptions to the SHLAA references.**

#### **POLICY G1b – BUILT DEVELOPMENT OUTSIDE THE BUILT- UP AREA BOUNDARY**

73.The policy affirms that development outside the built-up area boundary will be determined in accordance with national and local policy. However the explanation of permissible development is in some cases wrong and in others confusing.

74.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.

75.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.

76.Livin has suggested in the consultation response that the policy should specify the proportion of market housing required to support affordable housing. I am satisfied this is not necessary as the policy clearly requires that proposals must demonstrate the acceptability of the proportion of market housing on viability grounds

77.I consider that the policy reference to “employment development” takes into account the guidance in the NPPF paragraphs 83 and 84 with respect to the promotion of a prosperous rural economy. Furthermore, it conforms to the saved SBLP policies IB4 “Development of large Single User Industrial or Business Sites”,

IB12 “Operation of Small businesses from Home” and IB13 “Extensions to Industrial and Business Premises”.

78. 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. There is a reference to the green wedge to the south of Sedgefield which in isolation seems disproportionate given a large part of it is eroded by the built-up area boundary based on planning permission commitments

79. I do not accept the representations from Gladman Developments Ltd. that the policy is contrary to national guidance as it precludes sustainable development from the area outside the built-up area boundary. The overall strategy of the Plan allows sufficient development to provide for local needs in sustainable locations but precludes all but essential development from the countryside in the interests of the preservation of the landscape character and achieving the sustainable siting of development.

## **RECOMMENDATION 5**

**In policy G1b replace all references to “built development” (apart from “built development boundary”) with the term “development”.**

**Alter the policy text as follows;**

**“Development will be supported where it meets national and local policy requirements.**

**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.**

**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)”**

**Add the following new third paragraph in the Policy Reason section on page 25.**

**“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.”**



**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.**

#### POLICY H1- OLDER PERSONS HOUSING

80.The policy has taken into account guidance in the NPPF, paragraph 61 that account must be taken of the need to provide housing for older persons. The community survey, January 2014 provides evidence that there is a significant proportion of older persons in the Plan area and consultation responses indicate support for more homes for older persons.

81.The policy establishes a threshold of 10 units as a viable limit for the application of this policy, which has the support of DCC on the basis of appropriate evidence.

82.The policy is flexibly worded to allow a range of dwelling types to satisfy the need.

83.Gladman Developments Ltd. has a concern that 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. I recommend a degree of flexibility be introduced to provide for this.

#### **RECOMMENDATION 6**

**Insert a further sentence at the end of the text of policy H1, as follows;  
“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.”**

#### POLICY H2- DESIGN STYLE and DENSITY of HOUSING

84.The policy echoes advice in the NPPF regarding the encouragement of locally distinctive design. The policy is rather light on specific design guidance but the policy justification refers in some detail to specific local characteristics and I am satisfied that the policy provides some extra emphasis to the design guidance in the NPPF and saved policies in the SBLP.

85.However, I am concerned that 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.

86.The Policy Reason section reference to the NPPF paragraph needs to be updated to reflect the July 2018 version.

## **RECOMMENDATION 7**

**In the text of policy H2 alter the reference to density as follows;  
“; 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;”**

**In the Policy Reason section delete paragraph “56” and replace with “124”.  
Also add the following sentence to the end of the section  
“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.”**

### **POLICY T1- CYCLING and WALKING ACCESS**

87.This policy is firmly in line with the NPPF’s encouragement of sustainable means of transport.

88.I have no proposed modifications.

### **POLICY R1- RECREATIONAL FACILITIES**

89.This policy is largely in accord with the NPPF in section 8, which encourages provision of recreational facilities to promote the health and well being of communities.

90.The policy provides relatively extensive support for this type of development, which is acceptable, but some built recreational facilities are inappropriate in certain locations, particularly outside the built-up area. There should be qualification that these proposals should also conform to other statutory policies including those in this Plan.

91.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.

92.The requirement that projects will not be supported that cannot demonstrate strong evidence of demand in order to 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.

## RECOMMENDATION 8

**Alter the first sentence of the text to policy R1, as follows;**

**“ Development for indoor and outdoor recreation and sport facilities will be supported subject to conformity with statutory planning policies including those in this Plan”.**

**In the text of policy R1, delete the last sentence, which begins “Projects will not be permitted ....”.**

## POLICY E1 VISUAL and SPATIAL IMPACT

93.The policy reaffirms NPPF advice regarding achieving good design in section 12 and generally supports saved SBLP policies, which provide detailed design parameters.

94.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 (nppg)<sup>14</sup>.

95.The reference in the policy text to “conserve established significant views” is rather 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<sup>15</sup> that policies should have “sufficient clarity that a decision maker can apply it consistently and with confidence”. The Sedgefield Conservation Area Appraisal highlights important views into and within the conservation area, including St Edmund’s Church, which is specifically noted in the “Policy Justification”. This document can be an appropriate reference to identify significant views and provide the policy with a robust evidence base.

## RECOMMENDATION 9

**Alter the text of policy E1 as follows;**

**“ 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.”**

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<sup>14</sup> Paragraph: 041 Reference ID: 41-041-20140306

<sup>15</sup> Paragraph: 041 Reference ID: 41-041-20140306

## POLICY E2- ACCESSIBLE OPEN SPACES

96.Saved SBLP policies L1"Provision of Open Space Including Standards" sets out standards for provision of open space. Saved policy L2 "Open space in Housing development" establishes a threshold of schemes of 10 or more dwellings, when this will be required and provision is based on the latest Open Space Needs Assessment. Certain design standards are set out including sizes for formal and informal play areas.

97.The proposed policy is effectively seeking to ensure that such space is integrated with other community uses and has good access. This is in accordance with good design principles referred to in the SBLP saved policy D1 "General Principles for the Layout and Design of New Development".

98.The policy is acceptable subject to minor textual alterations to make it clearer and more flexible in accordance with nppg advice<sup>16</sup>.

### **RECOMMENDATION 10**

**Alter the text of policy E2 as follows;**

**“ When open space is provided it shall be integrated with the public footpath network and, where possible with other areas of community use.”**

## POLICY E3 – SUB-DIVISION of EXISTING GARDENS

99.This policy is in accordance with NPPF policies to conserve and enhance the historic environment and saved policies in the SBLP, E18 " Preservation and Enhancement of Conservation Areas" and E19 "Development Affecting Listed Buildings". In particular the policy is consistent with the NPPF paragraph 70, which advises consideration of the need for policies to resist "inappropriate development of residential gardens".

100.The term "sub-division" is imprecise and could be difficult to apply in decision-making. The appropriate term is "development". Similarly 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.

101.Some minor development (sub-division) may be acceptable for pragmatic reasons to achieve wider benefits. The policy should be re-worded more flexibly.

### **RECOMMENDATION 11**

**Alter the text of policy E3 as follows;**

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<sup>16</sup> Paragraph: 041 Reference ID: 41-041-20140306

**“ 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.”**

#### **POLICY E4 - LISTED BUILDINGS, SCHEDULED MONUMENTS and HERITAGE ASSETS**

102.The policy takes into account the NPPF guidance in paragraphs 197 and 198 to protect heritage assets. However the policy does not fully take into account the nuances of NPPF guidance. In certain circumstances of less than substantial harm to heritage assets, 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”*.

103.There is value in the policy as in the Policy justification there is a reference to the Conservation Area Character Appraisal, which includes details of non-designated heritage assets.

104.I recommend that the policy text be amended to refer directly to the NPPF. and the Conservation Area Appraisal.

#### **RECOMMENDATION 12**

**Alter the policy text as follows;**

**“ 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.”**

**In the “Policy Reason” section insert an extra sentence at the end of the section, as follows;**

**“ 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”**

#### **SUMMARY**

105.I have completed an independent examination of the Neighbourhood Development Plan.

106.The Town Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning

Regulations 2012.

107. I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

108. Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012, as amended by the 2018 Regulations)

109. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

110. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

111. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

112. I am therefore pleased to recommend that the “The Sedgefield Plan”, Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.

