Lanchester 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

| LANCHESTER NEIGHBOURHOOD PLAN – SUBMISSION VERSION | | |
|--|-------------------------|---|
| Agent/ Contact | Organisation Details | Comments |
| Jules Brown | Historic England | We welcome the content of the publication draft plan so far as it affects our interests. We made a number of comments on the pre-submission draft plan in August 2019. We are pleased that these have been taken into account and have no further comments to make. |
| Matt Verlander - Avison | National Grid | An assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines. |
| | | National Grid has identified that it has no record of such assets within the Neighbourhood Plan area. |
| James Taylor - Lichfields | Dere Street Homes | Whilst our client supports many objectives in the plan, there are a number of areas where there is concern, as detailed below. |
| | | Housing Need |
| | | Objective 1 — HOUSING 'To meet the housing needs of the Parish in order to contribute to a strong and flourishing community, whilst protecting the essential qualities and attributes of the area'. |
| | | The Neighbourhood Plan has not allocated any sites for residential development, as it is considered: |
| | | "Housing needs have been fully met at the County level in the County Durham Plan, with Paragraph 1.19 [of the CDP] confirming that 'as the Plan allocated sufficient sites to meet housing needs for the county it does not set out housing requirements for designated neighbourhood areas". |
| | | While Objective 1 states that Housing should 'meet the needs of the parish', this is immediately contradicted by not allocating any housing sites, therefore concluding that there is no housing need in Lanchester over the plan period until 2034, this is not the case. |
| | | Demand for family housing in Lanchester is high due to its short commuting times to Durham City and desirability of the location coupled with excellent facilities and schools. Whilst there is good churn within existing stock (indicating a good market area) there is simply not enough of the right type of housing for families, with a typically ageing population often living in larger properties as there are no options to move. Equally younger people with families who have left the village and wish to |

return but can't access housing at the right price point because the supply economics works against them.

No primary research has been undertaken into the housing need of the area, qualitative and quantitative data if undertaken would demonstrate both housing need and opportunities in this area. Lanchester is the only village within a High Value viability area in the Central Delivery Area and there is clear market demand for homes in Lanchester, shown by having 5 housebuilders over the last 5 years promoting their various sites and land interests.

The draft Neighbourhood Plan considers no allocations to be a justified approach, as the need is being satisfied at County level. Dere Street Homes do not consider that the minimum requirement of housing is flexible enough to respond to changes in housing delivery through the Plan period. Dere Street Homes raise concerns about the Plan's ability to provide additional housing, services and facilities should these sites not be delivered as expected. The draft Neighbourhood Plan restricts the ability to provide housing in the north west of the County, and in the highest viability area of Central Durham, should current housing commitments not be delivered.

Settlement Boundaries

POLICY LNP1: The Boundary and Setting of Lanchester Village Policy LNP1 refers to the defined Settlement Boundaries shown on the Proposal Maps for Lanchester.

The Policy States "Land outside the settlement boundary will be treated as open countryside and development proposals will not be supported unless they are specifically allowed for in the NPPF and they accord with the policies of the Development Plan."

This policy is at odds with the NPPF, is overly restrictive and does not allow flexibility to adapt to change which is a core requirement of plan making as set out at NPPF paragraph 11.

The NPPF promotes a more flexible approach to settlement growth, setting out at Paragraph 16 that:

"Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable; [...]"

Whilst the NPPF expects emerging Plans to identify land where development would be inappropriate and does not explicitly preclude the inclusion of development boundaries, it does not specify that emerging Plans define settlement boundaries and does not require Plans to preclude development at the edge of a settlement.

The Neighbourhood Plan must also align with the County Durham Plan in order to be found sound, which is currently going through examination in public. Policy 6 of the County Durham Plan relates to Development on Unallocated Sites in the Built-Up Area. Policy 6 states:

"The development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either (i) within the built-up area; or (ii) outside the built-up area but well-related to a settlement will be permitted provided the proposal accords with all relevant development plan policies and:

- a. is compatible with, and is not prejudicial to, any existing, allocated or permitted use of adjacent land;
- b. does not contribute to coalescence with neighbouring settlements;
- c. does not result in the loss of open land that has recreational, ecological or heritage value, or contributes to the character of the locality which cannot be adequately mitigated or compensated for;
- d. is appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement and the significance or setting of heritage assets;
- e. highway safety or have a severe residual cumulative impact on network capacity;
- f. has good access by sustainable modes of transport to relevant services and facilities both within the settlement to which it relates and beyond whilst taking into account that opportunities to access sustainable transport will vary in rural areas. In these circumstances development will be required to exploit any opportunities to make the location more sustainable;
- g. does not result in the loss of a settlement's last community building, or essential service or facility unless it has been demonstrated that it is no longer viable;
- h. minimises vulnerability and provides resilience to impacts arising from climate change, including but not limited to, flooding; and
- i. where relevant, makes as much use as possible of previously developed (brownfield) land."

Following the Policy being debated at Examination in Public, the following criteria has been proposed as a Main Modification:

j. the settlement boundary is not defined in a Neighbourhood Plan.

Should provision "J" of draft Policy 6 be accepted, there would be no scope for any development outside of settlement Boundaries. Policy LNP1 classifies all land outside of Settlement Boundaries as 'Open Countryside'.

Development in the Open Countryside is only acceptable in the Country Durham Plan through Policy 10, as his allows for development through Policy 6, therefore the imposition of Settlement Boundaries combined with Policy 6 Part J would render any residential development outside of the Settlement Boundary of Lanchester impossible.

When combined with the identified housing need discussed above, and the requirement for flexibility for housing provision, the imposition of Settlement Boundaries would be unjustified and a short-term measure with no consideration for the future evolution of the village.

The plan has not been positively prepared, as the settlement boundaries are restrictive to prevent any growth rather than being based on an evidence of specifically housing need and the foresight to allow flexibility going forward. Other positively prepared Neighbourhood Plans within the County embed flexibility and align with future housing needs, for example the Oakenshaw and Greater Aycliffe NPs foresee windfall sites but plan for older persons, affordable housing and give design criteria to guide new development accepting development can occur on land adjoining the settlement if managed correctly. As drafted presently the Lanchester neighbourhood plan will only serve to exacerbate the supply imbalance in the housing market and resultant housing need.

Conclusions

Further analysis should be undertaken to quantify the housing need now and, in the future, with positive steps taken to create an enduring neighbourhood plan.

An allocation(s) for residential development would allow controlled growth of the

| | licating windfall sites or guiding the size, design and scale of such development gned with community needs. cording to the Coal Authority records within the Neighbourhood Plan area there |
|---|--|
| pro min | e recorded risks from past coal mining including; mine entries, recorded and obable unrecorded coal workings at shallow depth, surface mining activity and ne gas sites. wever, it is noted that the Neighbourhood Plan does not propose to allocate any es for future development and on this basis we have no specific comments to make. |
| Allie Hesketh NFU UK Vol Pro wit the cor pay sup cor bus to we to res rol cha uni rur we Ou 'A s thr loc env Wi You nei of s you reg ter | agriculture is an international and national market, driven by trade and subject to atile prices. Farmers must juggle necessary food production with public good bysion, whilst complying with complex and stringent regulations and competing the the weather. But further to this, as you touch on briefly in your plan, with leaving a European Union, the farming community face even greater challenges over the ming years. With changes to farm support systems, the phase out of direct yments, and uncertain market/trading opportunities – farming businesses need the oport of their Neighbourhood Plan more than ever. Farming businesses will need to a sider the resources available to them, and look at new ways of developing their sinesses so that they can grow and remain competitive. This might include the need modernise existing agricultural buildings or build new ones for farm productivity, lfare, food security, energy generation or to meet changing regulations etc. Further this the opportunity to diversify is an incredibly important tool for farmers to incompose the productivity of opportunity to diversify is an incredibly important tool for farmers to incompose the appropriate of farming, and how care needs to be taken to avoid necessary restrictions on farm businesses, looking to "support a strong and diverse all economy, including farming, tourism and other land-based rural businesses" a licome statement and one that should be held as a local priority. It vision for Lanchester is: Sustainable rural community underpinned by an innovative rural economy and a iving farming and food industry. A profitable local agricultural industry supports all livelihoods, underpins sustainable and healthier communities, and enhances the vironmental assets that are vital to the county's prosperity.' It your help, Lanchester's farming community can achieve this vision, by: 1. Strengthening its farming businesses helping them to build profitability, adaptability and resilience — especially in a time of such uncertainty and change 2. Cr |

Your plan covers the need to conserve our great British countryside, and as custodians of the countryside, we believe farmers are best placed to do this; balancing food production with public good provision. However, farming businesses need to be profitable to ensure they can look after our farmed environment, and I would ask that you bear in mind that every farm is different and so public good provision should be tailored individually.

With regard to specific elements of the plan, I would reference your "Guide to significant aspects of local character"- Agricultural buildings (page 39). We strongly advise against such restrictions on agricultural building development, especially with regard to material composition or colour, going beyond what we believe is reasonable for a neighbourhood plan to dictate. Farm buildings should be developed around aspects including promoting animal health and welfare, efficiency, productivity, reducing the impact on the environment and ultimately cost. All the listed restrictions could substantially increase development costs with little gain or regard for what is practical, and have a detrimental impact on farming businesses and even animal health.

On page 13, you state that "Potential threats to landscape character and habitat are changes in agricultural practices leading to loss of heathland..." would you be able to evidence this statement with regard to modern day techniques and practice? With reference to your section on page 47: Net Gain, we would ask that this exclude agricultural developments. Given Agriculture's unique position as public good providers, including flood alleviation, carbon sequestration and biodiversity, and its complex inter-linking with everyday business function, farm developments should be exempt.

Your plan also looks at green space and infrastructure within the Neighbourhood area. If any agricultural land were to be included under any such designation within this plan, all land managers and owners involved must be consulted on these from the start alongside any other potential restrictions that could be put in place on land. These designations could have serious implications for farming businesses, causing major limitations to a business' adaptability in this ever-changing climate and economy. The council should not underestimate the effects of this. However we welcome your call to increase rural connectivity including better broadband and mobile coverage, and know your farming residents would benefit tremendously from such actions.

In addition to the plan policies and points highlighted above, we would see your plan to additionally include the following key priorities (not in order of priority) for farms:

- 1. Farming families have to adapt and upgrade their farms and homes; there needs to be suitable and affordable housing for retiring farmers, their successors and farm workers
- 2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient
- 3. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available

Food production is a key priority for economic growth both nationally, but also importantly in such a rural area. In the Government white paper 'Local Growth: realising every place's potential' the Government makes clear that the first priority "is to return the nation's economy to health". This includes creating "the conditions that will help business and gets the economy growing" and includes supporting farming enterprises so vital to the rural economy as well as enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Promoting diversification is in line with the National Planning Policy Framework (NPPF). It provides that local authorities should support a prosperous rural economy, enabling farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. "Decision -makers at every level should seek to approve applications for sustainable development where possible". In the NPPF the government also makes a number of very important statements relating to the development of renewable energy. Paragraph 147 states that 'The planning system should support the transition to a low carbon future in a changing climate.... and support renewable and low carbon energy and associated infrastructure'. Renewable energy represents an important opportunity for farms to reduce their energy bills and contribute towards net zero, a national ambition, as well as creating revenue that can help support farming activity.

We have developed some principles which we believe will help Lanchester shape any activity in the area and to help guide any work. These are:

- Food security is a crucial issue both now and in the future, and any actions
 must not undermine domestic food production, especially if this may result in
 exporting our environmental issues and our carbon footprint to other areas of
 the globe by relying on imported food produced to lower standards than our
 own.
- We should look to increase farm productivity and decrease impact on the environment.
- The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives.
- Farmers need to be able to afford to be custodians of the future environment, and supported in providing public goods specific to their farm.
- Meet the needs of a diverse rural population and ensure equality of opportunity.
- Maintain and enhance the areas natural asset base.
- Support sustainable growth in the rural economy
- Sustainable farming will support the wider community.
- Farmers need to carry out their work with minimum regulatory burden, the
 planning system needs to ensure it acts to provide them with an efficient, cost
 effective service.
- Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment
- Encourage links between rural areas and urban centres.

Jacob Mangha m

Gladman Developments Ltd

Legal Requirements

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 DNP must meet are as follows:

- (a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.
- (d) The making of the order contributes to the achievement of sustainable development.
- (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).
- (f) The making of the order does not breach, and is otherwise compatible with, EU obligations.
- (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.

National Planning Policy Framework and Planning Practice Guidance

The National Planning Policy Framework (the Framework) 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.

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 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

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13 September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan

is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan (PPG Reference ID: 41-009-20160211). This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

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 adopted Development Plan relevant to the preparation of the DNP is the saved policies of the Derwent District Local Plan, adopted in 1997.

Emerging Local Plan

Durham County Council is currently in the process of undertaking a new local plan which will provide an updated plan period to the year 2035. The emerging plan was submitted to the Secretary of State for Examination in Public in June 2019, for which hearing sessions are currently underway. The Council is still in the latter stages of plan preparation and it is therefore important that the DNP allows for flexibility to respond positively to changes in circumstance which may arise over the course of the plan period. The need for flexibility is particularly important as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'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).

Durham Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the DNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the DNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

Policy LNP1 – The Settlement Boundary of Lanchester

This policy defines the settlement boundary for Lanchester and sets out how development proposals outside the settlement boundary should be considered. Gladman object to the use of settlement limits in circumstances, such as this, which 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 settlement limits to arbitrarily restrict suitable development from coming forward on the edge of settlements would not accord with the positive approach to growth required by the Framework.

Whilst the submitted Local Plan does not provide a housing requirement for the Lanchester Neighbourhood Plan this position may change during the examination of the Local Plan. Gladman are aware of objections around the housing requirement of the emerging Local Plan and as such it may be appropriate for this policy to be drafted more permissively. Gladman suggest that this policy should therefore be worded more flexibly in the interim in accordance with Paragraphs 11 and 16(b) of the NPPF (2019) and the requirement for policies to be sufficiently flexible to adapt to rapid change.

Accordingly, Gladman consider that the above policy should be modified to allow for this flexibility and it is considered that the LNP would be better served by a criteria-based approach consistent with the requirements of national policy and the following wording is put forward for consideration:

"The neighbourhood plan will take a positive approach to new development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Development proposals that accord with the policies of the Development Plan and the Neighbourhood Plan will be supported particularly where they provide:

- New homes including market and affordable housing; or
- Opportunities for new business facilities through new or expanded premises; or
- Infrastructure to ensure the continued vitality and viability of the neighbourhood area.

Development proposals that are considered sustainable and well related to the existing settlement will be supported provided that the adverse impacts do not significantly and demonstrably outweigh the benefits of development."

Indeed, this approach was taken in the examination of the Godmanchester Neighbourhood Plan. Paragraph 4.12 of the Examiner's Report states:

"...Policy GMC1 should be modified to state that "Development ... shall be focused within or adjoining the settlement boundary as identified in the plan". It should be made clear that any new development should be either infill or of a minor or moderate scale, so that the local distinctiveness of the settlement is not compromised. PM2 should be made to achieve this flexibility and ensure regard is had to the NPPF and the promotion of sustainable development. PM2 is also needed to ensure that the GNP will be in general conformity with the aims for new housing development in the Core Strategy and align with similar aims in the emerging Local Plan."

Policy LNP2 – The Design of New Development

The above policy sets out a range of design principles which development proposals should seek to meet. While the government has shown support for development to incorporate good design principles, Gladman would note that the Framework also states:

'To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.'

Whilst Gladman recognise the importance of high-quality design, in accordance with the requirements of the Framework above, design policies should not aim to be overly prescriptive and require some flexibility in order for schemes to respond to site specifics and the character of the local area. In essence. There will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles. Policy LNP4B – Landscape Improvement and Policy LNP4C – Landscape Features Gladman suggest it may be useful to merge these two policies together so that it is clearly displayed that whilst the beginning of a development proposal would seek to avoid any adverse impact on the local landscape qualities and where this is unavoidable suitable mitigation should be put in place to compensate. Policy LNP4D - Important Views The policy seeks to identify several areas within the parish that are deemed to be important views, this policy will seek to prejudice the delivery of sustainable development proposals from coming forward. The emphasis of this policy is on the 'protection' of the landscape/ views of the surrounding area rather than seeking to integrate new sustainable development opportunities within the existing landscape and character of the local area. To pass such a high bar any such views identified for protection there should be demonstrable physical attributes that elevate its importance out of the ordinary, rather than seeking to protect views of the open countryside due to their pleasant sense of place. This policy must allow a decision maker to come to a view as to whether particular locations contain physical attributes that would 'take it out of the ordinary' rather than selecting views which may not have any landscape significance and are based solely on community support. Gladman therefore suggest this element of the policy is deleted. 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 requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the DNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team. Matthew Natural Natural England does not have any specific comments on this draft neighbourhood Dean England David Resident With reference to the proposed Lanchester Neighbourhood Plan proposal I should like Smith to add my representations as follows: I believe that the proposed plan does provide a good balance between the need of providing new developments and the need for conserving and maintaining the character and attractive setting of Lanchester. I strongly support the proposal of a settlement boundary which I feel will allow sustainable new developments within a designated area whilst helping to maintain the attractive rural setting which surrounds the proposed settlement boundary. I feel that it is important that any new developments within the settlement boundary are in keeping with the nature and character of existing buildings and structures within this boundary.

The proposed plan recognises the vital importance of maintaining and protecting the extensive heritage assets of the parish and its future role in attracting both visitors and commerce. It recognises the mainly rural nature of the parish and the benefits this rural environment brings to the parish.

The policies set out in the plan will help to ensure the protection of green spaces and important landscape features whilst allowing sustainable development in keeping with the rural nature of the parish.