

# **LANCHESTER NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Durham County Council  
into the examination of the  
Lanchester Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI

NPIERS Independent Examiner

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## 1.0 Summary

- 1.1 The Lanchester Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Lanchester, outlying hamlets and the surrounding countryside.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies on a Policies Map, to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - Clarification of the wording of policies including specifying that sites are shown on the Policies Map;
  - Clarification to the supporting text;
  - The preparation of summary reports setting out information on the Locally Valued Heritage Assets and Viewpoints; and
  - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Lanchester Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Lanchester Neighbourhood Plan.
- 2.2 The Parish of Lanchester lies 8 miles to the west of the city of Durham and 5 miles south of Consett. The village of Lanchester is situated in a broad valley in the foothills of the north Pennines. The westernmost part of the parish lies within the North Pennines Area of Outstanding Natural Beauty. At 2011 there were 4054 people living in 1891 households.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Lanchester Neighbourhood Plan (LNP) by Durham County Council with the consent of Lanchester Parish Council in February 2020. I do not have any interest in any land that may be affected by the LNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

### Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph

8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
  3. the making of the neighbourhood plan 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);
  4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
  5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
    - o Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that 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.
- 2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

- 2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the

responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the LNP 2019 – 2034.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening statement for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.12 In view of the current restrictions on travel due to Coronavirus, I have not undertaken a site visit to the Plan area.

## **Legislative Requirements**

### **Qualifying Body**

- 2.13 The neighbourhood plan making process has been led by Lanchester Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.14 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

### **The Plan Area**

- 2.15 The Neighbourhood Plan area is co-terminus with the parish of Lanchester. The area was designated by Durham County Council on 24 July 2014 as a Neighbourhood Area. Paragraph 2.9 of the Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.16 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

## Plan Period

- 2.17 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan and text within the Plan shows the date 2019 - 2034.

## Excluded Development

- 2.18 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

## Development and use of land

- 2.19 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. The LNP policies are compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.20 The Basic Conditions Statement confirms all the above points and I am satisfied therefore that the LNP satisfies all the legal requirements set out in paragraph 2.4 above.

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.21 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.22 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.23 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 2.24 The NPPF of February 2019 (as amended) is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019.
- 2.25 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.26 Table 1 of the Basic Conditions Statement includes comments on how the policies of the LNP have had regard to national policy and guidance. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

### **Basic Condition 2 - Contributes to sustainable development**

- 2.27 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.28 Table 2 of the Basic Conditions Statement highlights how the LNP has sought to deliver the three arms of sustainable development and shows that the policies of the LNP focus on delivering the environmental arm.
- 2.29 I am satisfied that the Plan contributes to the delivery of the environmental arm of sustainable development and therefore meets this Basic Condition.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.30 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan relevant to the area comprises the saved policies of the Derwentside Local Plan, adopted in 1997. The County Council is progressing the County Durham Plan (CDP) which is well advanced and was submitted in June 2019 and is currently undergoing examination. The hearings were conducted between October and December 2019. It is expected that the Local Plan will be adopted in 2020.
- 2.31 Table 3 of the Basic Conditions Statement assesses the LNP policies against the relevant saved policies of the Derwentside Local Plan and the policies of the emerging CDP. The Basic Conditions Statement notes that the preparation of the LNP and work on preparing the CDP have taken place in tandem. Over this period, ongoing collaborative working with the County

Council has ensured that the two plans have remained closely aligned and complementary to each other.

- 2.32 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies. Policy numbers referred to are from the emerging pre-submission draft CDP dated January 2019.

#### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.33 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.34 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (Durham County Council) that the plan is not likely to have “significant effects.”
- 2.35 A screening opinion was carried out by Durham County Council on the draft LNP in January 2019. The results of this are contained in a document entitled ‘Lanchester Neighbourhood Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report’. The Report stated that its purpose was ‘to determine whether the draft LNP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004’.
- 2.36 The Screening Report concluded in Table 2 that ‘SEA is not required’. The reason for this conclusion was as follows:
- “The draft Plan does not allocate land for development and its policies seek to provide better protection and enhancement of local character, locally valued heritage, landscapes and biodiversity. Therefore, the Lanchester Neighbourhood Plan is not considered likely to have a significant (adverse) effect on the environment”.*
- 2.37 The HRA Screening Assessment assesses the likely significant effects of the Plan’s policies on five Natura 2000 sites and concluded in paragraph 4.6 that:
- “4.6 Following the preliminary screening assessment it can be concluded that all policies within the LNP can be eliminated from further Likely Significant Effects screening and Appropriate Assessment as they will have no negative effects on the relevant Natura 2000 sites and the policies as drafted seek to protect the natural and built environment.”*

- 2.38 However, in order to ensure that the LNP policies do deliver the desired outcomes for the sustainability and environmental protection/enhancement of the neighbourhood area paragraph 5.2 of the Screening Statement recommended that they are subject to monitoring to ensure a review of the Plan can be triggered in the event of non-delivery of outcomes or undesired or unintended consequences. The Monitoring and Review section of the LNP sets out the basis for future monitoring work.
- 2.39 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the screening reports. Historic England and the Environment Agency confirmed the conclusions of the SEA and HRA assessments that there were unlikely to be significant environmental effects from the proposed plan. Their responses are included in Table 4 of the SEA / HRA Screening report.
- 2.40 Paragraphs 3.22 – 3.23 of the Basic Conditions Statement acknowledged that the Reg 16 Submission stage LNP contains revisions to the Reg 14 draft version that was assessed by Durham County Council for the purposes of carrying out their SEA and HRA screening exercise. The County Council has reviewed these revisions and considered that the findings of their original January 2019 assessment are unchanged in respect of its conclusions on both SEA and HRA.
- 2.41 I am satisfied that the SEA and HRA screening opinions have been carried out in accordance with the legal requirements.
- 2.42 Concerning Human Rights, paragraph 3.24 of the Basic Conditions Statement states that:
- “The LNP is fully compliant with European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention. The accompanying Consultation Statement sets out the comprehensive processes followed in terms of community involvement.”*
- 2.43 From my review of the Consultation Statement, I have concluded that the LNP has had appropriate regard to Human Rights.
- 2.44 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the LNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

### **Consultation on the Neighbourhood Plan**

- 2.45 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

- 2.46 Consultation on the preparation of LNP began in January 2015 with the Early Engagement Questionnaire. The questionnaire asked some general questions about likes, dislikes, ideas and concerns about living or working in the Parish. It asked what changes or improvements people would like to see in Lanchester Parish. This community engagement identified key themes and issues that could be further investigated to develop the Neighbourhood Plan.
- 2.47 The questionnaire was promoted through the Parish Council website, Parish Council notice board, articles in the Parish Council newsletter in November 2014 and articles in the community newsletter Village Voice in November 2014, December 2014 and January 2015. The Questionnaires could be picked up from key community locations or downloaded from the Parish Council website. In addition, the questionnaire was hand delivered to the outlying hamlets, businesses in the village and posted out to the farming community and rural dwellings. Approximately 80 community organisations were identified and were all contacted and questionnaires passed to them. A total of 205 questionnaires were returned representing 448 individuals. Feedback on the results of the questionnaire was carried out during June 2015 through a series of drop in events at various locations in the parish.
- 2.48 The second stage consultation was a topic based questionnaire which was distributed in February 2016. This sought views on a draft vision and objectives under 7 key topic areas capturing the key messages from the earlier engagement. The questionnaire also asked some focused questions under each topic. Questionnaires were hand delivered to all houses and businesses in the village and posted out to hamlets, rural dwellings and rural businesses. The questionnaire was available to complete on-line. In addition, a supply of questionnaires was available at the Post Office, Library and Community Centre. The questionnaire was promoted through the Parish Council website, Parish Council notice board, articles in the Parish Council newsletter in November 2015 and February 2016 and articles in the Village Voice newspaper in November 2015, January 2016 and February 2016. Letters were distributed to the two Primary Schools. On 20 February an open day event was held at the Methodist Church. 307 completed questionnaires were returned.
- 2.49 Feedback to the community was provided through the Village Voice Newspaper, Parish Council newsletter and the Parish Council website. In addition a display of the questionnaire results were displayed for 4 weeks at Lynwood House and the Library. In March 2017 a drop in session was held at Lynwood House to update residents on Neighbourhood Plan progress.
- 2.50 The consultations highlighted the significance of the heritage of the parish. During 2015, the preparation of the Lanchester Conservation Area Appraisal was undertaken by community volunteers with consultation on the draft Appraisal in February 2016.
- 2.51 The Lanchester Community Heritage Audit was commissioned by Lanchester Parish Council late in 2015, to complement the emerging Neighbourhood

Plan. A group of community volunteers were trained to undertake the audit to describe and record all assets. The Lanchester Community Heritage Audit was launched at an event on 18 March 2017.

- 2.52 The LNP Working Group has made information available on the progress of the Plan throughout. The Parish Council website has a Neighbourhood Plan page with links to all key documents. There have been 15 articles published in the Village Voice and 18 articles published in the Parish Council quarterly newsletters.
- 2.53 The Pre-Submission consultation on the draft LNP took place for 6 weeks between 24 June - 9 August 2019 in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 and the Localism Act 2011. The Consultation Statement sets out details of the organisations consulted and the responses received. All households and businesses in the parish received notification of the consultation. A display of information was also made available. Twenty four responses were received during the consultation period. They have been recorded in Appendix 5 of the Consultation Statement, together with the responses and amendments to the final Plan document.
- 2.54 The Regulation 16 consultation on the Submission draft Plan was carried out by Durham County Council between 6 January and 17 February 2020. Nine responses were received.
- 2.55 It is clear from the evidence presented to me in the Consultation Statement, that extensive consultation has been carried out during the preparation of the LNP. The Plan makers have chosen to focus the LNP on safeguarding and enhancing the environmental assets with considerable support from the community in the preparation of the supporting evidence on the Conservation Area Appraisal, Audit of Local Heritage Assets and Landscape Assessment.
- 2.56 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.57 This report is the outcome of my examination of the Submission Draft Version of the LNP. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by Durham County Council.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that *“a policy 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. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area”*. I will consider this requirement as I examine each policy.
- 3.5 The LNP is focused on environmental policies and does not include policies on housing, business or transport matters. This approach accords with national guidance which makes it clear that neighbourhood plans are not obliged to contain policies addressing all types of development. The PPG explains that *“the specific planning topics that a neighbourhood plan covers is for the local community to determine”*. Policies should be for the development and use of land; any wider community aspirations should be set out as a separate document of annex and it should be made clear that they do not form part of the statutory development plan.
- 3.6 The community is to be congratulated on the amount and quality of the work that they have undertaken in identifying and assessing the local heritage assets, the landscape quality and viewpoints. My recommendations are made to ensure that the relevant policies are clearly worded to designate the areas and sites selected and the background evidence reports are presented in a way that will enable plan users to easily access the relevant evidence on the designated sites and areas.
- 3.7 The Plan is on the whole clearly presented with policies addressing the settlement boundary and setting of Lanchester village, design, historic environment, green infrastructure, landscape value, landscape features,

biodiversity and geodiversity and local views. The policies are clearly distinguishable from the supporting text by surrounding boxes with a blue shaded background. For increased clarity the policy text could be emboldened. It would be helpful to plan users if the paragraphs of the background text were numbered. I make a number of recommendations to improve the clarity of the wording of the policies and their justifications.

- 3.8 The Plan contains 12 Maps some are of the whole parish and some are inset maps of Lanchester village. None of the maps are titled as the Policies Map and it is not clear therefore which maps provide background information and which relate to the policies. Policies Map(s) should be created to show the sites and areas identified in the Policies. The maps should be referenced from the text of the Plan, and the key on each Policies Map should indicate the relevant policies. In view of the amount of information and degree of overlap of these areas it may be necessary to present each layer of information separately.
- 3.9 The Policies Maps should only show the designated areas within the plan area. Where sites in adjacent parishes are shown to provide a context for a designation in the parish (for example Maps 4, 9, 11 and 12) these should be clearly titled as contextual or background information and placed in an appendix. Only the extent of the designated area within the plan area should be shown on the Policies Map
- 3.10 Five of the maps contain details of the Heritage Audit. The locations of the Locally Valued Heritage Assets are indicated in a diagrammatic manner by coloured circles. As the background documents do not show the boundaries of the properties, it will be difficult for the maps to be interpreted accurately and consistently by decision makers. It is therefore recommended that the boundaries of the properties and sites referred to are shown on a map at sufficient detail to enable decision makers to determine whether proposals will impact on relevant properties or sites.

**Recommendation 1: Improve the mapping of the Plan by:**

**Show the designations and areas referred to in policies on Maps 1, 4, 5, 8, 9, 10, 11 and 12 on a Policies Map(s). Annotate the keys to the maps to link sites and locations to the relevant policies.**

**Move Maps 2 and 3 to an Appendix.**

**Move Maps 6 and 7 to the new summary Local Valued Heritage Asset Report (recommended under Policy LNP3) and show the location and boundaries of each site in sufficient detail to enable the property / site to be identified.**

**Maps showing contextual sites and areas outside the plan area (Maps 4, 9, 11 and 12) should be included within the background justification to the relevant policy in the plan or in an appendix and clearly titled as**

such. Only the sites within the Plan area should be shown on the Policies Map.

Consider numbering the paragraphs of the background justification.

References to map numbers in the Policies and text should be updated.

## The Neighbourhood Plan

### Introduction – Parish Information

- 3.11 The introductory sections of the Plan are lengthy and set out a considerable amount of information with illustrations explaining the history and environmental assets in the plan area. The information is in the main contained in the Heritage Audit Final Report. It would be more appropriate to summarise the key points relevant to the Plan's policies and the issues facing the Plan area in the plan itself and provide a link to the Heritage Audit Report to enable the Plan to focus in the policies themselves.

**Recommendation 2: Revise the Parish Information Section to only include a summary of the key points and issues facing the Plan area.**

- 3.12 The section entitled "Community Consultation and Evidence Base" summarises the consultation that has taken place during the preparation of the Plan and list the studies that have been prepared as part of the work in preparing the Plan.

### Strategic Context

- 3.13 It would be helpful include a section in the Introduction to set out the strategic context for the LNP to include a paragraph or two summarizing the approach in the adopted and emerging Local Plans towards the future development of the plan area. It would be particularly useful to set out the strategic approach to the scale of housing, business and transport development that is envisaged for the plan area. I have noted the Statements on pages 50 – 52, however these do not provide any indication of what the CDP is proposing for the parish. It would also be helpful to plan users to provide links to relevant strategic policies that provide the framework for the subject.
- 3.14 The recommended text will supersede that on page 31 under Policies which includes some inaccuracies.

**Recommendation 3: Include a new section before the Vision and Objectives titled Strategic Context:**

***"Once passed at a local referendum, the Lanchester Neighbourhood Plan will be formally made by Durham County Council and form part of the development plan for Lanchester Parish alongside the strategic policies set down in the local plan.***

***“The current adopted local plan for the area is the Derwentside Local Plan (1997). The County Durham Plan is currently under examination. It will replace the Derwentside Local Plan when it is formally adopted in 2020. The County Durham Plan does not allocate any housing, business or transport development within the Parish. Any proposals will be limited to windfall development.***

***“The Lanchester Neighbourhood Plan therefore provides the local community with a powerful tool to guide the long term future of Lanchester and its surrounding countryside for the period to 2034. The Plan contains a vision for the future of Lanchester Parish and sets out clear planning policies to realise this vision.”***

**Delete the two paragraphs on page 31 under the heading Policies.**

### **Vision and Objectives**

- 3.15 The Vision and Objectives have been developed and tested through community consultation. There are seven objectives and it is noted that those for Housing, Business & Employment, Transport & Travel and Community Assets are to be delivered through the policies in the CDP and there are no specific policies in the LNP to deliver these objectives.
- 3.16 The purpose of a plan’s objective is to identify the priorities or direction for the Plan. They are the starting point for developing the policies. Where there are no policies in the Plan that will deliver a specific objective, it is not relevant to the Plan and should be deleted.

**Recommendation 4: Delete Objectives 1, 5, 6 and 7 on page 1 and 30.**

**Revise the paragraph under Objective 7 to read: “*During the preparation of the LNP the community identified the importance of the following matters:***

**“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.**

**“Business and Employment: To support local employment opportunities within Lanchester and the provision of shops and services to meet the needs of those who live, work in and visit the area. To support a strong and diverse rural economy, including farming, tourism and other land-based rural businesses which respect the special qualities and character of the countryside.**

**“Transport & Travel: To reduce the detrimental effects of traffic and parking pressures, whilst seeking to cater for a range of modes of transport and travel to better meet the needs of those living, working in and visiting the Parish.**

**“Community Assets To identify and protect community assets in the Parish in order to sustain and promote a strong and flourishing community.**

***“There are no specific policies on housing, business and employment, transport and travel and community assets in the LNP and it is not appropriate to set out these matters as objectives of the Plan. Development proposals relating to these topics will be considered using national planning policy and the policies of the adopted Derwentside Local Plan, the emerging County Durham Plan and the policies in this Neighbourhood Plan. Statements on Business & Employment and Transport & Travel can be found on pages 50 and 51 of this plan.”***

## **The Policies**

- 3.17 Consideration should be given to whether the list of policies on page 31 is necessary. It is suggested that the list on page 2 will serve as an index and it would be helpful to users of the Plan to include page numbers.

**Recommendation 5: Delete the list of policies on page 31.**

### **Policy LNP1 The Boundary and Setting of Lanchester Village**

- 3.18 The policy defines the settlement boundary for Lanchester village and supports development within the settlement boundary that accords with the Development Plan. Development in the countryside outside the settlement boundary will only be supported where it accords with the NPPF and policies of the Development Plan.
- 3.19 Policy 6 of the emerging CDP provides the framework for considering unallocated sites in built up areas. New development proposals falling outside of built up areas will be considered against emerging CDP Policy 10 Development in Countryside. Policy 11 makes provision for the development of Rural Housing and Employment Exception Sites.
- 3.20 Paragraph 4.111 in the justification to Policy 6 explains that *“For the purposes of this policy, a site will be considered to be within the built up area if it is within a settlement boundary that is defined in a Neighbourhood Plan or is contained within the main body of existing built development of any other settlement.”*
- 3.21 The settlement boundary has been drawn by updating that shown in the Derwentside Local Plan to include a site which has received planning permission.
- 3.22 A representation has been made stating that Policy LNP1 is at odds with the NPPF, is overly restrictive and does not allow flexibility to adapt to change. It considers that the imposition of a settlement boundary would be unjustified

with no consideration for the future evolution of the village. The representation requests that further work be undertaken to quantify the housing need now, and in the future, and suggests an allocation for residential development to allow controlled growth of the settlement and to ensure that housing provision matched the demographic needs of the community.

- 3.23 A further representation objects to the use of a settlement boundary and proposes revised wording for the policy to allow for flexibility.
- 3.24 Durham County Council has confirmed that the emerging CDP allocates sufficient sites to meet housing need for the county and that the emerging CDP supports the identification of settlement boundaries in neighbourhood plans under Policy 6.
- 3.25 I am satisfied that the policy accords with the national and strategic policies on development and that it will help to deliver the policies in the emerging Local Plan which make provision for the definition of a settlement boundary around the built up area of Lanchester village. I make no recommendations to modify the policy, the boundary or the supporting text.

### **Policy LNP2 Design of New Development**

- 3.26 The policy sets out general requirements on the design of new development and requires developers to demonstrate how they have had regard to local design guidance including those prepared by the community during the preparation of the LNP.
- 3.27 Emerging CDP Policy 30 sets out the requirements for Sustainable Design. It is considered that the LNP and its supporting guidance sets out locally specific design details that will help to describe and identify the local character of the area to deliver criterion a) of Policy 30: *“to contribute positively to an area’s character, identity, heritage significance, townscape and landscape features, helping to create and reinforce locally distinctive and sustainable communities.”*
- 3.28 Moreover, paragraph 5.300 of the emerging CDP states that *“Development needs to be carefully planned to ensure important features and characteristics are protected and enhanced. The layout and design of new developments must be based on a thorough understanding of a site and its wider context.”*
- 3.29 Policy LNP2 states that built development will be permitted if it meets all five criteria. The NPPF paragraph 2 states that *“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”* The decision making authority will consider the policies of the development plan as a whole as well as other material considerations in determining planning applications. A Neighbourhood Plan cannot determine whether a particular form of development will or will not be permitted. A recommendation is proposed to avoid this form of wording.

- 3.30 Criterion a) refers to the development responding to the local vernacular and “materiality. It is not clear what this term refers to and it is recommended that it should be revised to refer to “materials”.
- 3.31 Criterion d) of Policy LNP2 requires a minimum of 25% of dwellings on sites of 4 or more dwellings to be designed to increase the housing options for older people. This sets a higher standard and lower threshold than emerging CDP Policy 15 on Housing Need which seeks a contribution towards meeting the needs of the county’s ageing population of a minimum of 10% of private or intermediate housing on sites of over 10 units. There is provision for 100% of accommodation to meet M4(2) Category 2 - Accessible and adaptable dwellings; and a minimum of 25% of accommodation to meet M4(3) Category 3 - Wheelchair User Dwellings. No evidence has been provided to justify the higher standard sought other than that there is a higher percentage of older people living in the Plan area than nationally. It is recommended therefore that criterion d) should be revised to state that the mix of housing should be in accordance with the CDP policies.
- 3.32 A representation has been made stating that 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 area.
- 3.33 I consider that the wording of the policy subject to the recommended modifications will be sufficiently flexible and provide locally specific guidance on the character of the area.

**Recommendation 6: Revise Policy LNP2 as follows:**

**Revise the first line of Policy LNP2 to read: “*Proposals for built development should demonstrate that the following criteria have been taken into account:*”**

**Revise criterion a) to read: “Positively responds to the local vernacular, *materials* and landscape features including....**

**Revise criterion d) to read: “.....an ageing population *in accordance with the policies in the County Durham Plan.*” Delete the second sentence “A minimum requirement ...older people.”**

**Policy LNP3 Historic Environment**

- 3.34 This policy sets out the framework for considering development proposals that will impact on the significance and setting of a non-designated heritage asset which are to include those identified as Locally Valued Heritage Assets on the unnumbered table on page 43 of the LNP. The policy adds little to the emerging CWLP Policy 45 apart from identifying Locally Valued Heritage Assets. Paragraph 5.469 of the CDP adds that **n**eighbourhood plans can identify any buildings and spaces that are considered worthy of local

designation. It is recommended that a reference to the policy in the CDP on Non-designated Heritage Assets should be included in the supporting text.

- 3.35 Durham County Council has confirmed that they do not operate a formal procedure for designating local lists of non-designated heritage assets. Instead, non-designated assets are identified within neighbourhood plans which include specific policies in line with national guidance. The policy could be revised to identify the sites in Table X (page 43) as Locally Valued Heritage Assets. A paragraph should be added to explain the status of the sites in the list.
- 3.36 Maps 4 and 5 show Parks, Gardens and Designed Landscapes of Local Interest. Durham County Council has confirmed that they have approved this list which includes five sites wholly within the plan area and that at Greencroft which has a small area within the parish but is mainly outside the plan area. It is noted that the policy identifies Woodlands Hall grounds as a Locally Valued Heritage Asset; however, it is considered that this is unnecessary as the site is designated in the list of Parks, Gardens and Designed Landscapes of Local Interest.
- 3.37 During the preparation of the LNP, the community undertook an audit of heritage assets in the plan area with the support of the North East Civic Trust. 170 assets were appraised from which a list of 32 properties and sites were selected as Locally Valued Heritage Assets and listed in a table on page 43 of the LNP. The sites are shown diagrammatically using coloured circles on Maps 4 and 5. There are three background evidence reports: the detailed assessment in the Gazetteer, a report of photographs of most of the sites and the final Heritage Audit Report which presents an illustrated history of the parish through the sites and buildings assessed.
- 3.38 The section on Policy Explanation and Guidance on page 42 of the LNP states that the most significant assets have been selected for inclusion in the Table under the policy. There is, however, no explanation in the plan or in the background documents as to the reasons for selecting the assets chosen.
- 3.39 It is difficult for a Plan user to find the relevant information on the significance of a particular site or to identify its precise location or to determine the setting of the site. All information that will be needed by decision makers in assessing development proposals that may affect the properties. To assist in the interpretation of Policy LNP3 and understanding the significance of each property I am recommending that a separate report is collated setting out the details of those buildings and features that have been selected under Policy LNP3. This should include a description of the property, its heritage significance and the assessment from the gazetteer together with a map showing the location and boundaries of the site and photographs. It should also include the reasons for selecting the site.

- 3.40 I have concerns about the inclusion of Natural Heritage sites and Parks and Gardens of Local Interest and recommended that they should be deleted from the list of Locally Valued Heritage Assets.
- a) The village green is protected as a registered village green. It is identified on the Green Infrastructure map as Accessible Natural Greenspace. Its significance is therefore already recognised.
  - b) The oak trees would be more appropriately protected through a Tree Preservation Order.
  - c) Dora's Wood is owned by the Woodland Trust and was planted as a community woodland in 2001; there is full public access to the site. It is identified on the Green Infrastructure map as Accessible Natural Greenspace. Its significance is therefore already recognised.
  - d) The Woodland Hall grounds is included under Paths, Routes and Landscapes. This designed parkland has been included on a listing by Durham County Council as a Park and Garden of Local Interest. Its significance is therefore already recognised.
- 3.41 It is recommended that these sites should be deleted from the Table on page 43.

**Recommendation 7: Revise Policy LNP3 as follows:**

**Add the following to the wording of the policy: “*The properties and sites in Table X (page 43) are identified as Locally Valued Heritage Assets.*”**

**The third paragraph on page 42 should be revised to read: “*Table X identifies the LVHA’s. Site location maps and further details of each LVHA are set out in the LVHA summary report (give full title of collated evidence report). Full details of all the sites included in the audit can be found in the Lanchester .....document 3. Where a development proposal may affect a non-designated heritage asset, the provisions of Policy LNP3 will be applied in addition to the requirements of the Heritage Policy in the CDP.*”**

**A paragraph should be added to the supporting text to Policy LNP3 explaining the status of the LVHA sites and noting that they are mapped as planning constraints by Durham County Council. In addition reference to the Local List of Parks, Gardens and Designed Landscapes prepared by Durham County Council should be added to the background text.**

**Delete the following sites from the Table on Page 43: Village green (LCHA number 76), oak trees (LCHA number 106), Dora’s Wood (LCHA number 79), Woodland Hall grounds (LCHA number 19).**

**A separate report should be collated setting out the details of those buildings and features that have been selected under Policy LNP3 as Locally Valued Heritage Assets. This should include a description of the**

property, its heritage significance and the assessment from the Heritage Audit gazetteer together with a map showing the location and boundaries of the sites, photograph and the reasons for selecting the site/property. Reference to the collated summary report with the site maps should be included in the supporting text.

## Green Spaces and the Rural Environment

### Policy LNP4A Green Infrastructure

- 3.42 The introduction to the policy includes a map showing the open spaces that have been mapped in the County Durham Open Space Needs Assessment. The policy wording does not refer to the map or address the safeguarding or enhancement of the sites.
- 3.43 Policy 27 in the CDP expects development to maintain and protect, and where appropriate improve, the county's green infrastructure network. It also addresses the loss of green spaces and the provision or improvement of green spaces and rights of way.
- 3.44 One of the purposes of the neighbourhood plans is to provide locally specific information that would assist in interpreting strategic policies. There is an opportunity to use this policy to provide local information on the open spaces in the plan area and to highlight any proposals that would be supported for their enhancement. To improve the clarity of the wording of the Policy for plan users I am recommending that it be revised to refer to the safeguarding and enhancement of the sites in accordance with national and strategic policies.
- 3.45 The first part of the policy on Green Infrastructure is a general statement and adds nothing to the emerging strategic Policy CDP Policy 27. I am therefore recommending that it be deleted.
- 3.46 Durham County Council has confirmed that the key to the map contains a comprehensive list of all the typologies recorded across the county and not just those recorded in the parish. To improve the clarity of the map it is recommended that the key is revised to show only those typologies present in the Plan area. The sites should be plotted on the Policies Map.

#### **Recommendation 8: Revise Policy LNP4A as follows:**

**Add a new paragraph entitled "Safeguarding and Enhancement of Green Infrastructure" - "*The open spaces shown on the Policies Map shall be safeguarded and enhanced in accordance with national and strategic policies. Development proposals that would result in their loss or harm will only be supported where they satisfy the policies of the development plan.*"**

**Delete the sub-section of the Policy entitled "Green Infrastructure"**

**Include the green infrastructure of the Plan area shown on the map on page 44 of the Plan on the Policies Map with a key reflecting the typologies present.**

### **Policy LNP4B Landscape Value**

- 3.47 The Plan makers have prepared a report reviewing the evidence on landscape value to consider whether to identify an area of high landscape value. The Lanchester Parish Landscape of High Value is shown on Map 9. The area is co-terminus with that identified by Durham County Council as areas of Higher Landscape Value.
- 3.48 Saved Policy EN6 requires development to pay particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals. Policy 40 of the emerging CDP sets out a positively worded policy to manage development in areas of higher landscape value. Policy LNP4B is however negatively worded and does not help interpret the strategic policy. I am recommending modifications to designate the area and to better reflect the strategic policy approach.

#### **Recommendation 9: Revise Policy LNP4B to read:**

***“The Lanchester Parish Landscape of High Value is designated as an Area of Higher Landscape Value and identified on the Policies Map.***

***“Development proposals that may impact on the Lanchester Parish Landscape of High Value should demonstrate that they have taken account of the Lanchester Landscape Value Assessment and will not have an unacceptable adverse impact on the landscape character. Proposals will be considered against the relevant policies of the CDP.”***

**Revise the title of Policy LNP4B to “Lanchester Parish Landscape of High Value”**

**Revise the last paragraph above Policy LNP4B to read: “The LPLHV is shown on the Policies Map. The landscape assessment is set out in the “Lanchester Landscape Value Assessment Report.”**

### **Policy LNP4C Landscape Features**

- 3.49 The policy seeks to safeguard and enhance landscape features including trees, woodland, hedgerows and stone walls and requires suitable mitigation for any that are lost.
- 3.50 Saved Policy EN11 safeguards trees. Policy 41 of the emerging CDP sets out the policy framework for safeguarding trees, woodland and hedgerows and considers mitigation measures.

- 3.51 Policy LNP4C also recognises the importance of stone boundary walls as a local landscape feature. It is recommended therefore that the policy be revised to consider proposals that would affect trees, woodland and hedgerows against the CDP policy and to add in the policy approach to safeguarding stone boundary walls. An explanation may be added to the justification to explain the circumstances where new boundary walls would be appropriate.
- 3.52 A representation has been made that proposes that Policies LNP4B and 4C should be combined. I make no recommendation to this effect.

**Recommendation 10: Revise Policy LNP4C as follows:**

**“- Retention – development proposals should seek to safeguard and enhance existing valued landscape features for their aesthetic, biodiversity and heritage values. *Proposals affecting trees, woodland and hedgerows should be considered against the relevant policy of the CDP. Stone boundary walls shall be retained as far as possible on their current alignment. Any new boundary walls constructed as part of the development proposals shall be constructed of stone similar to that used locally and shall be of a similar walling design and bonding.*”**

**Additional text may be added to the justification to explain the circumstances where new stone boundary walls would be appropriate.**

**Policy LNP4D Biodiversity and Geodiversity**

- 3.53 The policy sets out a framework for the conservation of habitats, species and protected sites and promotes improved water quality and net gains for biodiversity. The justification lists 6 Local Wildlife Sites which are shown on Map 10 where they are referenced by numbers but not linked to the names of the sites in the justification to Policy LNP4D. The justification also refers to a number of sites of semi-natural ancient woodland, Dora’s Wood planted in 2001 and some historic parkland. It is not clear what their status is as sites of biodiversity interest. The key to Map 10 indicates areas of ancient woodland but the locations of Dora’s Wood and the historic parkland are not shown. The Lanchester Wildlife Audit (2011) provides a comprehensive audit of wildlife from published sources listing the Local Wildlife Sites, roadside verges and other areas with particular species. There are no maps of the sites referred to in the Audit.
- 3.54 The third point of the policy refers to protected sites of national importance. Durham County Council has confirmed that there are no nationally designated sites in the Plan area, although there is one adjacent to the western boundary of the parish. Proposals that impact on this site will be considered against national and strategic policies. It is recommended that reference to sites of national importance is deleted.

- 3.55 The third point of the policy states that “*Development should not result in unsustainable increases in recreational use.*” I consider that this statement is not clear and would be difficult to interpret consistently. I have asked the Qualifying Body how they intend that this aspect of the policy should be interpreted. They have stated that they are seeking to avoid development close to valuable biodiversity sites by agreeing a suitable buffer distance around the site depending on the particular characteristics of the site, the nature of the development and national guidance. They are also seeking to ensure that developments do not deliberately create new access points, car parking or walking routes onto such sites in order to avoid adverse impacts from an increased number of visitors to the site.
- 3.56 A modification is proposed to include additional text in the justification to improve the clarity of this part of the policy to better reflect the plan makers intentions.
- 3.57 A representation has been made that the fifth point of the policy on Net Gain should exclude agricultural development. However, no substantial reasons have been presented as to why development on farms should be exempt from this requirement. They generally have the potential to contribute to enhanced biodiversity on a scale appropriate to the development.
- 3.58 Saved Policy EN10 and emerging Policy 41 protect ancient woodlands. Emerging CDP Policy 42 provides the policy framework for the consideration of development proposals that may impact on sites of biodiversity and geodiversity importance. Policy 44 sets out the policy approach to conserving Local Wildlife Sites. It is considered that Policy LNP4D accords with these policies.
- 3.59 There is a wealth of background information about the biodiversity interest of sites in the plan area in the audit report. However, some sites referred to in the audit and in the justification to the policy are not shown on Map 10. Unless there are concerns about confidentiality of sites, it would be helpful to plan users and to ensure consistency in the interpretation of this policy to identify and name all sites that are to be considered under Policy LNP4D on the Policies Map and to link the key in the map to the Policy.

**Recommendation 11: Revise Policy LNP4D as follows:**

**Delete “national and” from the third bullet point of the policy section “Protected sites conservation”.**

**Add the following text to the justification to explain how the final sentence of the third bullet point of the policy is to be interpreted:**

***“A suitable buffer distance around local biodiversity sites shall be agreed depending on the particular characteristics of the site, the nature of the development and national guidance. Development proposals should avoid creating adverse impacts on local wildlife sites from an***

***increased number of visitors to the site and should not create new access points, car parking or walking routes onto such sites.”***

**Identify and name all sites that are to be considered under Policy LNP4D on the Policies Map. Ensure that the text in the justification to the policy is consistent with the sites shown on the Policies Map.**

### **Policy LNP4E Local Views**

- 3.60 Viewpoints within the village, on its edge and in the surrounding countryside were assessed as part of the Audit of Heritage Assets. Seventeen viewpoints were assessed as being ‘exceptional’ or ‘considerable’ and these have been selected for inclusion under Policy LNP4E. The Qualifying Body has confirmed that all the viewpoints are publicly accessible.
- 3.61 Whilst the assessment of the value of a viewpoint is a subjective exercise, considerable time and thought has been given by the community volunteers in assessing the significance of these views. It would be helpful to plan users if the relevant information on the selected viewpoints were collated into separate report on viewpoints to include the significant features of each view, a more detailed map of each location showing arcs of the viewpoint and photographs.
- 3.62 The policy is worded to require development to protect and where possible to enhance the valued community views. It is difficult to require development proposals to protect a view. A representation has been made that suggests that to do this, there should be demonstrable physical attributes that elevates its importance out of the ordinary, rather than seeking to protect views due to their pleasant sense of place.
- 3.63 The usual policy wording is to ask developers to demonstrate that their proposal would not have a significant adverse impact on the view. I have recommended modifications to the wording of this policy to this effect.
- 3.64 The term ‘community views’ usually refers to the views of the community to a consultation questionnaire. To avoid confusion in the wording of this policy, it is suggested that the term ‘views’ or ‘viewpoints’ is used.
- 3.65 The 17 viewpoints are listed on page 49 of the Plan. However the text in the justification on page 47 is confusing as it refers to three areas covering 8 viewpoints and refers to the LHA reference numbers. Once the information has been collated into a separate report it is suggested that this text could be simplified to describe the key views from each location. The titles of the viewpoints should be checked to be more explicit to their location eg view 16 should say “View south and west from (name of location)”.

#### **Recommendation 12: Revise Policy LNP4E as follows:**

**Replace the text of the policy with “*The viewpoints shown on the Policies Map and listed in Table X are particularly sensitive and***

***developers are required to demonstrate that the proposal will not have a significant adverse impact on these publicly accessible views.”***

**Revise the names of the viewpoints so that they are more descriptive of their location. Number the Table of Views.**

**A separate background report should be collated setting out the details of the viewpoints. This should include a description of the location of the viewpoint and the main features of the views incorporating the assessment from the gazetteer together with a detailed map showing the location of the site and the arcs of the views together with photographs.**

**A brief summary of the main views from each viewpoint should be included in an Appendix.**

**The third paragraph under the heading Local Views should be revised to read: “The Lanchester Community Heritage Audit (2017) identified 17 views assessed as ‘exceptional’ or ‘considerable’. These 17 views are listed in *Table X below and a summary of the locations and main features is set out in Appendix XX*. The Local Views Assessment Report contains full details of the viewpoints with location maps and photographs.”**

**Delete the summary points 1-3 on pages 47 – 48.**

### **New Policies**

- 3.66 A representation has been made by the NFU that suggests the Plan should address:
- the need for suitable and affordable housing for retiring farmers, their successors and farm workers;
  - Developing farming enterprises to meet the needs of food security through modernisation; and
  - Developing renewable energy to meet the needs of the farm.
- 3.67 The Qualifying Body has commented that they have been proactive in contacting landowners and rural businesses in the preparation of the LNP. No adverse comments were received from them. The NFU did not respond to the earlier pre-submission consultation.
- 3.68 The plan makers may have been able to address these concerns if they had been brought to their attention at an earlier stage of the plan preparation. However, it is considered that there is sufficient guidance in national and strategic policy on development in the countryside to consider any local proposals should they come forward.

## Statements

- 3.69 This section sets out comments on Business & Employment and Transport & Travel. It is noted that the plan makers have decided to rely on the policies of the CDP in respect of these subject areas.
- 3.70 However the section includes comments under Transport & Travel about community aspirations to seek higher levels of car parking within developments to take into account higher levels of car ownership in the parish. An aspiration is included that at least one parking space per bedroom should be provided within the curtilage of each dwelling.
- 3.71 The status of the aspiration about increased parking standards is unclear. In view of the limited evidence to support the aspiration, it would not be appropriate to include it as a policy of the Plan. It is suggested that it should be set out as a Community Aspiration and removed from the Statement Section.

**Recommendation 13: Include a new section headed Community Aspiration and include text on a review of parking standards.**

***“The Parish Council will work with Durham County Council Highways with a view to reviewing the parking standards for residential development in the Parish to a level of one parking space per bedroom to be provided in curtilage.”***

**Move the text from the Statements section on parking standards to the justification for the Community Aspiration**

## Monitoring and Review

- 3.72 I make no comments on this section.

## 4.0 Referendum

- 4.1 The Lanchester Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area; and
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Durham County Council that the Lanchester Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the Durham County Council on 24 July 2014.

## 5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Lanchester Neighbourhood Plan Submission Draft Version 2019- 2034
- Lanchester Neighbourhood Plan Basic Conditions Statement October 2019
- Lanchester Neighbourhood Plan SEA / HRA Screening Statement October 2019
- Lanchester Neighbourhood Plan Consultation Statement October 2019
- Lanchester Community Heritage Audit Final Report March 2017, Gazetteer and Photographs
- Lanchester Landscape Value Report 2018
- Lanchester Design Statement 2019
- National Planning Policy Framework 2019
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Derwentside Local Plan, 1997
- Pre - Submission Draft Durham Local Plan submitted on 29 May 2019

## 6.0 Summary of Recommendations

**Recommendation 1: Improve the mapping of the Plan by:**

**Show the designations and areas referred to in policies on Maps 1, 4, 5, 8, 9, 10, 11 and 12 on a Policies Map(s). Annotate the keys to the maps to link sites and locations to the relevant policies.**

**Move Maps 2 and 3 to an Appendix.**

**Move Maps 6 and 7 to the new summary Local Valued Heritage Asset Report (recommended under Policy LNP3) and show the location and boundaries of each site in sufficient detail to enable the property / site to be identified.**

**Maps showing contextual sites and areas outside the plan area (Maps 4, 9, 11 and 12) should be included within the background justification to the relevant policy in the plan or in an appendix and clearly titled as such. Only the sites within the Plan area should be shown on the Policies Map.**

**Consider numbering the paragraphs of the background justification.**

**References to map numbers in the Policies and text should be updated.**

**Recommendation 2: Revise the Parish Information Section to only include a summary of the key points and issues facing the Plan area.**

**Recommendation 3: Include a new section before the Vision and Objectives titled Strategic Context:**

***“Once passed at a local referendum, the Lanchester Neighbourhood Plan will be formally made by Durham County Council and form part of the development plan for Lanchester Parish alongside the strategic policies set down in the local plan.***

***“The current adopted local plan for the area is the Derwentside Local Plan (1997). The County Durham Plan is currently under examination. It will replace the Derwentside Local Plan when it is formally adopted in 2020. The County Durham Plan does not allocate any housing, business or transport development within the Parish. Any proposals will be limited to windfall development.***

***“The Lanchester Neighbourhood Plan therefore provides the local community with a powerful tool to guide the long term future of Lanchester and its surrounding countryside for the period to 2034. The Plan contains a vision for the future of Lanchester Parish and sets out clear planning policies to realise this vision.”***

**Delete the two paragraphs on page 31 under the heading Policies.**

**Recommendation 4: Delete Objectives 1, 5, 6 and 7 on page 1 and 30.**

**Revise the paragraph under Objective 7 to read: “*During the preparation of the LNP the community identified the importance of the following matters:***

**“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.**

**“Business and Employment: To support local employment opportunities within Lanchester and the provision of shops and services to meet the needs of those who live, work in and visit the area. To support a strong and diverse rural economy, including farming, tourism and other land-based rural businesses which respect the special qualities and character of the countryside.**

**“Transport & Travel: To reduce the detrimental effects of traffic and parking pressures, whilst seeking to cater for a range of modes of transport and travel to better meet the needs of those living, working in and visiting the Parish.**

**“Community Assets To identify and protect community assets in the Parish in order to sustain and promote a strong and flourishing community.**

***“There are no specific policies on housing, business and employment, transport and travel and community assets in the LNP and it is not appropriate to set out these matters as objectives of the Plan. Development proposals relating to these topics will be considered using national planning policy and the policies of the adopted Derwentside Local Plan, the emerging County Durham Plan and the policies in this Neighbourhood Plan. Statements on Business & Employment and Transport & Travel can be found on pages 50 and 51 of this plan.”***

**Recommendation 5: Delete the list of policies on page 31.**

**Recommendation 6: Revise Policy LNP2 as follows:**

**Revise the first line of Policy LNP2 to read: “*Proposals for built development should demonstrate that the following criteria have been taken into account:*”**

**Revise criterion a) to read: “Positively responds to the local vernacular, *materials* and landscape features including....**

**Revise criterion d) to read: “.....an ageing population *in accordance with the policies in the County Durham Plan.*” Delete the second sentence “A minimum requirement ...older people.”**

**Recommendation 7: Revise Policy LNP3 as follows:**

**Add the following to the wording of the policy: “*The properties and sites in Table X (page 43) are identified as Locally Valued Heritage Assets.*”**

**The third paragraph on page 42 should be revised to read: “*Table X identifies the LVHA’s. Site location maps and further details of each LVHA are set out in the LVHA summary report (give full title of collated evidence report). Full details of all the sites included in the audit can be found in the Lanchester .....document 3. Where a development proposal may affect a non-designated heritage asset, the provisions of Policy LNP3 will be applied in addition to the requirements of the Heritage Policy in the CDP.*”**

**A paragraph should be added to the supporting text to Policy LNP3 explaining the status of the LVHA sites and noting that they are mapped as planning constraints by Durham County Council. In addition reference to the Local List of Parks, Gardens and Designed Landscapes prepared by Durham County Council should be added to the background text.**

**Delete the following sites from the Table on Page 43: Village green (LCHA number 76), oak trees (LCHA number 106), Dora’s Wood (LCHA number 79), Woodland Hall grounds (LCHA number 19).**

**A separate report should be collated setting out the details of those buildings and features that have been selected under Policy LNP3 as Locally Valued Heritage Assets. This should include a description of the property, its heritage significance and the assessment from the Heritage Audit gazetteer together with a map showing the location and boundaries of the sites, photograph and the reasons for selecting the site/property. Reference to the collated summary report with the site maps should be included in the supporting text.**

**Recommendation 8: Revise Policy LNP4A as follows:**

**Add a new paragraph entitled “Safeguarding and Enhancement of Green Infrastructure” - “*The open spaces shown on the Policies Map shall be safeguarded and enhanced in accordance with national and strategic policies. Development proposals that would result in their loss or harm will only be supported where they satisfy the policies of the development plan.*”**

**Delete the sub-section of the Policy entitled “Green Infrastructure”**

**Include the green infrastructure of the Plan area shown on the map on page 44 of the Plan on the Policies Map with a key reflecting the typologies present.**

**Recommendation 9: Revise Policy LNP4B to read:**

***“The Lanchester Parish Landscape of High Value is designated as an Area of Higher Landscape Value and identified on the Policies Map.***

***“Development proposals that may impact on the Lanchester Parish Landscape of High Value should demonstrate that they have taken account of the Lanchester Landscape Value Assessment and will not have an unacceptable adverse impact on the landscape character. Proposals will be considered against the relevant policies of the CDP.”***

**Revise the title of Policy LNP4B to “Lanchester Parish Landscape of High Value”**

**Revise the last paragraph above Policy LNP4B to read: “The LPLHV is shown on the Policies Map. The landscape assessment is set out in the “Lanchester Landscape Value Assessment Report.”**

**Recommendation 10: Revise Policy LNP4C as follows:**

***“- Retention – development proposals should seek to safeguard and enhance existing valued landscape features for their aesthetic, biodiversity and heritage values. Proposals affecting trees, woodland and hedgerows should be considered against the relevant policy of the CDP. Stone boundary walls shall be retained as far as possible on their current alignment. Any new boundary walls constructed as part of the development proposals shall be constructed of stone similar to that used locally and shall be of a similar walling design and bonding.”***

**Additional text may be added to the justification to explain the circumstances where new stone boundary walls would be appropriate.**

**Recommendation 11: Revise Policy LNP4D as follows:**

**Delete “national and” from the third bullet point of the policy section “Protected sites conservation”.**

**Add the following text to the justification to explain how the final sentence of the third bullet point of the policy is to be interpreted:**

***“A suitable buffer distance around local biodiversity sites shall be agreed depending on the particular characteristics of the site, the nature of the development and national guidance. Development proposals should avoid creating adverse impacts on local wildlife sites from an increased number of visitors to the site and should not create new access points, car parking or walking routes onto such sites.”***

**Identify and name all sites that are to be considered under Policy LNP4D on the Policies Map. Ensure that the text in the justification to the policy is consistent with the sites shown on the Policies Map.**

**Recommendation 12: Revise Policy LNP4E as follows:**

**Replace the text of the policy with *“The viewpoints shown on the Policies Map and listed in Table X are particularly sensitive and developers are required to demonstrate that the proposal will not have a significant adverse impact on these publicly accessible views.”***

**Revise the names of the viewpoints so that they are more descriptive of their location; number the Table of Views.**

**A separate background report should be collated setting out the details of the viewpoints. This should include a description of the location of the viewpoint and the main features of the views incorporating the assessment from the gazetteer together with a detailed map showing the location of the site and the arcs of the views together with photographs.**

**A brief summary of the main views from each viewpoint should be included in an Appendix.**

**The third paragraph under the heading Local Views should be revised to read: *“The Lanchester Community Heritage Audit (2017) identified 17 views assessed as ‘exceptional’ or ‘considerable’. These 17 views are listed in Table X below and a summary of the locations and main features is set out in Appendix XX. The Local Views Assessment Report contains full details of the viewpoints with location maps and photographs.”***

**Delete the summary points 1-3 on pages 47 – 48.**

**Recommendation 13: Include a new section headed Community Aspiration include text on a review of parking standards.**

***“The Parish Council will work with Durham County Council Highways with a view to reviewing the parking standards for residential development in the Parish to a level of one parking space per bedroom to be provided in curtilage.”***

**Set out the justification for the aspiration from the Statements section.**