

Cotherstone Parish
Neighbourhood Plan 2020-2035
BASIC CONDITIONS STATEMENT



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Prepared for Cotherstone Parish Council by Shaun Hanson MRTPI, Planning Advice Plus



Woodside, Ovington, Richmond,
North Yorkshire DL11 7BW
t: 01833 627924
e: shaun@planningadviceplus.co.uk
w: www.planningadviceplus.co.uk

1.0 INTRODUCTION

- 1.1 In accordance with Regulation 15(1)(d) of The Neighbourhood Planning (General) Regulations 2012, this Statement has been prepared to accompany the Submission Draft of the Cotherstone Parish Neighbourhood Plan (hereinafter also referred to as the 'NP', 'Neighbourhood Plan' or 'Plan').
- 1.2 Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 requires that the Neighbourhood Plan must –
- 1) have regard to national policies and advice contained in guidance issued by the Secretary of State (sub-section a);
 - 2) contribute to the achievement of sustainable development (sub-section d);
 - 3) be in general conformity with the strategic policies contained in the development plan for the area (sub-section e);
 - 4) be compatible with EU obligations (sub-section f);
 - 5) meet prescribed conditions and comply with prescribed matters (sub-section g).
- 1.3 Part 3 of this Statement sets out how the Neighbourhood Plan meets each of the above Basic Conditions.

2.0 LEGISLATIVE REQUIREMENTS

- 2.1 Before assessing the Basic Conditions, this section addresses the various other requirements of legislation associated with the Neighbourhood Plan.

The Qualifying Body

- 2.2 The process of making the Neighbourhood Plan has been led by Cotherstone Parish Council. This is a 'qualifying body' under the Neighbourhood Planning legislation, which entitles them to lead the plan making process.
- 2.3 This satisfies the requirements set out in the Localism Act (2011) and in Section 61F(1) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

The Neighbourhood Plan Area

- 2.4 The Neighbourhood Area to which the Neighbourhood Plan relates covers the whole of the Parish of Cotherstone in County Durham and the boundary of that Area is co-terminus with the Parish boundary. The extent of the Neighbourhood Area is shown on page 3 of the Neighbourhood Plan. This was designated as a Neighbourhood Area by Durham County Council on 3rd February 2015.
- 2.5 This satisfies the requirements set out 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.

The Neighbourhood Plan

2.6 The Cotherstone Parish Neighbourhood Plan is a Neighbourhood Plan setting out policies in relation to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004.

The Plan Period

2.7 The lifespan of the Neighbourhood Plan is 2020 to 2035. This mirrors the Plan period for the County Durham Plan, which was adopted in October 2020 and which confirms (at paragraph 1.3) that it ‘provides the policy framework for the county up to 2035’.

Excluded Development

2.8 The Neighbourhood Plan does not include provision for any excluded development as set out in Section 61K of the Town and Country Planning Act 1990.

The Neighbourhood Plan and the Neighbourhood Area

2.9 The Neighbourhood Plan relates only to the Cotherstone Neighbourhood Area and no other area, and there are no other Neighbourhood Plans relating to this Area.

2.10 In light of the information in Paragraphs 2.7 to 2.9 above, the Neighbourhood Plan meets the requirements of Section 38B(1) and (2) of the Planning and Compulsory Purchase Act 2004.

3.0 BASIC CONDITIONS

BASIC CONDITION 1: HAVING REGARD TO NATIONAL POLICY

3.1 National Planning Practice Guidance states: ‘A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan ... take account of national policy and advice.’ (Paragraph: 070 Reference ID: 41-070- 20190509).

3.2 The Neighbourhood Plan contains 7 policies. These have been set out in Table 1 below and are considered in turn against national policy as set out in the National Planning Policy Framework (NPPF) and, where relevant, national Planning Practice Guidance (PPG).

Note – applicable equally to all 7 policies of the Neighbourhood Plan are paragraphs 28 and 29 of the NPPF, in that the policies are each designed to manage development in a way that reflects the local community’s vision for the area, without undermining the strategic policies for the area.

Table 1 – How each policy in the Neighbourhood Plan has regard to national policy and guidance

POLICY CNP1: THE SETTLEMENT BOUNDARY OF COTHERSTONE
<p>This policy defines a settlement boundary to the village of Cotherstone, dividing the built up extent of the village from the countryside adjoining and surrounding it.</p> <p>By working in tandem with other policies in the NP (and the County Durham Plan), the CNP1 policy provides the umbrella mechanism to ensure that new development does not take place outside the settlement boundary where it will be harmful to the qualities and attributes of that countryside setting. These attributes encompass both landscape/visual values and heritage values, as set out in the explanatory text to the policy.</p> <p>In particular, with its policy linkages CNP1 therefore plays an essential ‘conserving’ role in seeking to protect these values. In so doing, it helps implement sections 15 and 16 of the NPPF (Conserving and enhancing the natural and historic environment respectively).</p> <p>More broadly, the policy accords with the NPPF (paragraphs 13 and 65) by reflecting and supporting the spatial development strategy of the adopted County Durham Plan (hereafter abbreviated to ‘CDP’), whilst at the same time providing a locally specific mechanism to shape and direct development at the neighbourhood level.</p> <p>Further details of the relationships between CNP1 and the strategic policies of the CDP are set out under Basic Condition 3 of this Statement.</p>
POLICY CNP2: LOCALLY VALUED HERITAGE ASSETS
<p>This policy provides a means of identifying a number of non-designated heritage assets in the Plan area and seeking that they be properly recognised, conserved and enhanced in development proposals. The term used for these in the Plan is ‘Locally Valued Heritage Assets’, or LVHA’s for short.</p> <p>The policy supports and implements section 16 of the NPPF (Conserving and enhancing the historic environment). In particular, paragraph 184 recognises that <i>‘Heritage assets range from sites and buildings of local historic value to those of the highest significance..’</i></p> <p>For those of local historic value, Planning Practice Guidance (PPG) confirms that <i>‘there are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes..’</i> (Paragraph: 040 Reference ID: 18a-040-20190723).</p> <p>The paragraph goes on to note that <i>‘irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence’</i>.</p> <p>In the case of the 18 LVHA’s in Policy CNP2, the supporting text to the policy confirms that each of them were identified by means of <i>‘established and recognised methodologies promoted by Historic England and Civic Voice’</i>. The Plan includes a summary table of the assessment outcomes for the LVHA’s within its Appendix.</p> <p>This also implements Planning Practice Guidance which states <i>‘Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader</i></p>

strategic heritage policies into action at a neighbourhood scale' (Paragraph: 005 Reference ID: 18a-005-20190723).

In turn, the policy implements NPPF paragraph 13 by supporting strategic policy relating to the historic environment in the CDP. This is covered further in this Statement under Basic Condition 3.

POLICY CNP3: SETTLEMENT BOUNDARIES WITH SPECIAL HERITAGE SIGNIFICANCE

This policy links closely with Policy CNP1 in that it provides an additional 'layer' to the settlement boundary of Cotherstone by identifying those parts of it which have special heritage significance. The supporting text to the policy explains that the context for it is the Locally Valued Heritage Asset LVHA1 (the back lanes and medieval field system) identified under policy CNP2.

As with CNP2, the policy supports and implements section 16 of the NPPF (Conserving and enhancing the historic environment).

This also provides a close fit to Planning Practice Guidance which states '*Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale'* (Paragraph: 005 Reference ID: 18a-005-20190723).

In turn, the policy implements NPPF paragraph 13 by supporting strategic policy relating to the historic environment in the CDP. This is covered further in this Statement under Basic Condition 3.

POLICY CNP4: LOCAL GREEN SPACES

This policy identifies and designates a number of sites as Local Green Spaces (LGS's), which the policy then seeks to protect and enhance because of their importance to the local community and for their respective functions and values as open space.

This policy, and the process followed to identify the LGS sites is fully in accordance with paragraphs 99 and 100 of the NPPF. The supporting text to the policy confirms that the sites were assessed in accordance with criteria set out in paragraph 100 of the NPPF and that a summary table of the assessment outcomes is provided in the Plan's Appendix.

Planning Practice Guidance reiterates that '*Local Green Space designation is for use in Local Plans or Neighbourhood Plans'* (Paragraph: 006 Reference ID: 37-006-20140306).

In the case of the 10 LGS sites in Policy CNP4, the policy implements NPPF paragraph 13 by supporting strategic policy relating to green infrastructure in the County Durham Plan. This is covered further in this Statement under Basic Condition 3.

More broadly, the policy helps support and implement section 8 of the NPPF (Promoting healthy and safe communities) and also, given the various attributes of the identified sites, sections 15 and 16 (Conserving and enhancing the natural and historic environment respectively).

POLICY CNP5: VALUED VIEWS

Policy CNP5 provides a means of identifying and safeguarding a number of viewpoints in and around Cotherstone which provide attractive perspectives of the village and the open countryside

surrounding it. These viewpoints capture the quintessential character and history of the village and its landscape setting.

This helps implement Paragraph 127(c) of the NPPF, which requires that planning policies ensure that developments are *'sympathetic to local character and history, including the surrounding built environment and landscape setting'*.

A context for CNP5 is also found in paragraph 170(a) of the NPPF, which confirms the role of the planning system in *'protecting and enhancing valued landscapes...in a manner commensurate with their statutory status or identified quality in the development plan'*.

In the case of the 9 Valued Views in Policy CNP5, the policy implements NPPF paragraph 13 by providing a locally specific way of supporting strategic policy relating to landscape protection in the County Durham Plan. This is covered further in this Statement under Basic Condition 3.

POLICY CNP6: BUSINESS AND EMPLOYMENT

This policy provides a composite way of promoting and facilitating a flourishing local economy.

This proactively implements section 6 of the NPPF (Building a strong, competitive economy).

In particular, the policy includes provisions which directly mirror the NPPF's requirements for supporting a prosperous rural economy as set out in its paragraph 83 (a) to (d).

The policy also implements NPPF paragraph 13 by supporting strategic policies relating to the economy in the County Durham Plan. This is covered further in this Statement under Basic Condition 3.

POLICY CNP7: DESIGNING FOR BEAUTY, CHARACTER AND SENSE OF PLACE

The final policy of the Plan sets out what is required in respect of the design of new development in order to achieve *'beauty, character and sense of place'*.

The policy is accompanied by a detailed set of design guidance and codes which serve as an essential interpretive tool to part b) of the policy (reinforcing the character and sense of Cotherstone).

This approach finds a solid context in national policy and guidance.

Beginning with the NPPF, paragraphs 125-127 stress the key role that Plans can play in setting out design expectations for new development. Neighbourhood Plans are identified as having a particularly important role *'in identifying the special qualities of each area and explaining how this should be reflected in development'* (paragraph 125).

PPG likewise confirms that *'neighbourhood plan making is one of the key ways in which local character and design objectives can be understood and set out'* (Paragraph: 004 Reference ID: 26-004-20191001).

Forming part of PPG, the National Design Guide provides a strong and comprehensive foundation of guidance on all aspects of design, but adds that *'More specific guidance and codes can then be locally formulated to meet the priorities of local communities'* (paragraph 35)

Lastly, the National Model Design Code confirms at paragraph 20 that *'Neighbourhood planning groups may choose to produce their own design codes or guides as part of the neighbourhood plan process'*.

In turn, the policy implements NPPF paragraph 13 by supporting strategic policy relating to sustainable design in the County Durham Plan. This is covered further in this Statement under Basic Condition 3.

BASIC CONDITION 2: CONTRIBUTING TO ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

3.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

3.4 Achieving sustainable development means the planning system has three interdependent objectives, relating to the economy, society and the environment. These are identified in paragraph 8 of the NPPF as follows –

- *'an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'.*

3.5 Paragraph 9 of the NPPF gives clear advice on how plans should contribute to these sustainability objectives: *'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.*

3.6 Paragraph 13 then clarifies the role of neighbourhood plans in attaining sustainable

development: *‘Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies’*. Paragraph 29 of the Framework adds that: *‘Neighbourhood plans can shape, direct and help deliver sustainable development, by influencing local planning decisions as part of the statutory development plan’*.

3.7 Against this context, the table below examines how the Neighbourhood Plan contributes to each of the three dimensions of sustainability.

Table 2 – How the Neighbourhood Plan contributes to the achievement of sustainable development

ECONOMIC SUSTAINABILITY:
<p>The Neighbourhood Plan includes a specific policy (CNP6) on Business and Employment.</p> <p>In fulfilment of the objective associated with it*, the policy has been formulated to create a context for a range of economic activity and employment opportunities in the Parish without harming its valued environment or the quality of life of those that live, work in, or visit it.</p> <p>In so doing, it therefore clearly contributes to the economic objective of sustainable development,</p> <p><i>*‘To promote a vibrant local economy by supporting home working, self-employment and other rural based businesses (including tourism) which respect their setting and the nature of neighbouring uses’.</i></p>
SOCIAL SUSTAINABILITY:
<p>The social objective of sustainable development is encompassed in the NP’s vision for <i>‘a place with the facilities, amenities and opportunities to help support a thriving and cohesive community’</i>.</p> <p>Whilst no specific provision is made for new housing, Policy CNP1 (and its associated objective) provides a mechanism for supporting it subject to it satisfying national, County and NP policies.</p> <p>Aside from this, the Neighbourhood Plan includes policies which specifically promote social sustainability.</p> <p>Policies CNP2 to CNP5 (and their associated objectives) collectively identify and seek to protect those aspects of the environment which are valued by the local community and help support their wellbeing (namely the heritage resources, green open spaces and attractive landscape and townscape vistas of the area).</p> <p>Meanwhile, Policy CNP6 specifically supports the development of facilities and services which cater for visitors and the local community.</p> <p>Lastly, the NP has an objective and policy (CNP7), guidance and codes to promote a well-designed built environment, which NPPF paragraph 124 identifies as <i>‘a key aspect of sustainable development’</i>.</p>

ENVIRONMENTAL SUSTAINABILITY:

The Neighbourhood Plan proactively seeks to protect and enhance the environment of the Parish.

Indeed, this is its overriding focus.

This reflects the special qualities of the village, its setting and the wider Parish.

This environmental focus has also been the result of the clear priorities and aspirations expressed by the community as the Plan was prepared.

The Plan achieves this environmental dimension of sustainability through every one of its policies –

- Policy CNP1 – by seeking to protect the countryside setting of the village (in tandem with other NP/CDP policies) and ensure that development does not compromise any of the attributes and qualities of it;
- Policies CNP2 to CNP5 - by seeking to protect locally identified heritage assets, green spaces and valued views for the positive contributions they make to the environment of the Parish;
- Policy CNP6 – by seeking to ensure that development of local business does not adversely impact upon the quality of the environment;
- Policy CNP7 (and associated guidance and codes) - by setting out standards of design to help achieve development which is beautiful and reinforcing of local character and sense of place, thereby making a positive contribution to the environment of the area.

BASIC CONDITION 3: CONFORMITY WITH STRATEGIC LOCAL POLICY

3.8 Basic Condition 3 requires that the Neighbourhood Plan must be ‘in general conformity’ with strategic local policy. National Planning Practice Guidance¹ explains what this means:

‘When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy.*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.*
- *the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.’*

¹ Paragraph: 074 Reference ID: 41-074-20140306

3.9 National Planning Practice Guidance² explains that the fulfilment of Basic Condition 3 ‘addresses strategic policies no matter where they appear in the development plan’.

3.10 It goes on to provide guidance³ on how to determine whether a policy is a strategic policy in a development plan, including -

- *‘whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy*
- *whether the local plan or spatial development strategy identifies the policy as being strategic’*

3.11 The adoption of the CDP in 2020 means that it is now the single reference point for the strategic policies of the Council, superseding the saved policies of the former Teesdale Local Plan. This is confirmed in Table 15 of Appendix B of the CDP. In accordance with NPPF paragraph 21, the CDP also includes a list of its strategic policies (Appendix A). For ease of reference, this list is replicated at the end of this Statement in Appendix 1.

3.12 The assessment of conformity with the CDP’s strategic policies is set out in Table 3 below. This deals in turn with each of the 7 policies of the Neighbourhood Plan, identifying the relevant associated CDP strategic policy (or policies) and providing a commentary in terms of their conformity with those policies.

Table 3 – How the Neighbourhood Plan conforms with strategic local policy

POLICY CNP1: THE SETTLEMENT BOUNDARY OF COTHERSTONE
<p><u>Relevant Strategic Policies of the CDP:</u></p> <ul style="list-style-type: none">• Policy 1: Quantity of New Development• Policy 6: Development on Unallocated Sites• Policy 10: Development in the Countryside

² Paragraph: 075 Reference ID: 41-075-20190509

³ Paragraph: 076 Reference ID: 41-076-20190509

Conformity and Commentary:

Policy CNP1 conforms firstly with CDP policy 1 in terms of that Plan having fully met housing and employment needs. The CDP confirms at Paragraph 1.9 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'*

Turning to CDP policy 6, the settlement boundary is consistent with the CDP's glossary definition of 'built-up area'⁴ referred to in that policy. Indeed, policy 6 expressly gives a legitimacy and context to the definition of settlement boundaries in NP's⁵. By supporting the principle of development within the settlement boundary, CNP1 also conforms with policy 6.

For development outside the settlement boundary, CNP1 provides added detail to CDP policies 6 and 10, covering development on unallocated sites and in the countryside respectively.

Both of these policies include a cross reference to the policies and provisions of NP's to qualify how they should apply and operate.

In turn, by working in tandem with other relevant policies of the NP and CDP⁶, policy CNP1 provides support and locally specific detail to CDP policies 6 and 10.

For CDP policy 6, CNP1 serves to qualify the application of criteria 'b', 'c' and 'd' of that policy. It does this by articulating that development is constrained outside the settlement boundary by virtue of other policies which come into operation there to safeguard the character and setting of the village and the heritage and visual/landscape attributes which contribute to it.

For CDP policy 10, CNP1 similarly qualifies the operation of that policy given that land outside the settlement boundary is 'countryside', as confirmed in the CDP's definition of 'built up area' (see footnote 4 below). More specifically, the policies which come into play outside the settlement boundary serve to add detail to criteria l) and o) of policy 10.

POLICY CNP2: LOCALLY VALUED HERITAGE ASSETS

Relevant Strategic Policies of the CDP:

- Policy 6: Development on Unallocated Sites
- Policy 10: Development in the Countryside
- Policy 44: Historic Environment

Conformity and Commentary:

Policy 44 is the principal policy in the CDP dealing with the historic environment. This refers to non-

⁴ Defined in the CDP as *'.. land contained within the main body of existing built development of a settlement or is within a settlement boundary defined in a Neighbourhood Plan. Areas falling outside this definition will be regarded as countryside'*.

⁵ It is of relevance to note that the Inspector's Report on the Examination of the County Durham Plan stated at para 330 that *'... there is no need for the [County Durham] Plan to set out a housing requirement figure for any of the designated neighbourhood areas as referred to in national policy. Furthermore, it also justifies policy 6 (as modified) allowing neighbourhood plans to protect land outside development limits from development proposals on unallocated sites'*.

⁶ See schematic maps 1-7 following paragraph 4.7 of the NP

designated as well as designated heritage assets. In particular, the supporting text to the policy states that *'Neighbourhood Plans can identify any buildings or spaces that are considered worthy of local designation'* (paragraph 5.450).

Policy CNP2 does precisely this by setting out a locally identified set of heritage assets (LVHA's), thereby directly supporting and complementing Policy 44.

CNP2 also indirectly supports CDP policies 6 and 10 which deal with development on unallocated sites and the countryside respectively. It does this by identifying a locally valued heritage asset (LVHA1) adjoining the settlement boundary of Cotherstone which will assist in the interpretation and application of part c) of policy 6 and parts l) and o) of policy 10.

POLICY CNP3: SETTLEMENT BOUNDARY WITH SPECIAL HERITAGE SIGNIFICANCE

Relevant Strategic Policies of the CDP:

- Policy 6: Development on Unallocated Sites
- Policy 10: Development in the Countryside
- Policy 44: Historic Environment

Conformity and Commentary:

Like CNP2, policy CNP3 also supports and complements CDP policy 44 by identifying parts of the settlement boundary of Cotherstone which have special heritage significance (these mirror the interface of LVHA1 with the settlement boundary). As the boundaries/areas in question fall within the designated Conservation Area, CNP2 aids the interpretation and application of Policy 44 by identifying specific aspects of heritage significance and sensitivity within it.

Also like CNP2, CNP3 indirectly supports CDP policies 6 and 10 in the same manner described above.

POLICY CNP4: LOCAL GREEN SPACES

Relevant Strategic Policies of the CDP:

- Policy 26: Green Infrastructure

Conformity and Commentary:

Policy CNP4 finds its most direct link in the CDP to Policy 26, which sets out a strategy for green infrastructure, defined in the CDP as *'a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities'*.

Like CDP Policy 26, policy CNP4 seeks to protect green spaces to help maintain and widen their various roles.

However, the CDP approach is generic rather than site specific. Conversely, by actually identifying specific sites for protection through a systematic LGS assessment process, CNP4 adds a more 'finer grain' and locally specific focus to the CDP approach.

This will both conform with the CDP policy 26 and strengthen its effectiveness.

POLICY CNP5: VALUED VIEWS

Relevant Strategic Policies of the CDP:

- Policy 10: Development in the Countryside
- Policy 39: Landscape

Conformity and Commentary:

Policy CNP5 links most closely with policy 39 of the CDP, which deals with the landscape. In particular, by identifying and safeguarding the most important views within and around the village, it adds weight and legitimacy to its status as an identified 'Area of Higher Landscape Value' in the CDP. It also adds a locally specific detail to aid the application of the CDP policy by pre-identification of the village's most important views.

Given that most of the identified views in CNP5 are of the countryside setting of the village, the policy also aids the interpretation of Policy 10 of the CDP, dealing with Development in the Countryside. In particular, criteria o) of that policy seeks to ensure that new development does not '*impact adversely upon the setting, townscape qualities, including important vistas ...of a settlement*'.

POLICY CNP6: BUSINESS AND EMPLOYMENT

Relevant Strategic Policies of the CDP:

- Policy 7: Visitor Attractions
- Policy 8: Visitor Accommodation
- Policy 10: Development in the Countryside
- Policy 27: Utilities, Telecommunications and other Broadcast Infrastructure

Conformity and Commentary:

The principal policy in the CDP dealing with the rural economy is policy 10 (Development in the Countryside). The policy opens with a reference to '*relevant policies within an adopted neighbourhood plan*'. Policy CNP6 is one such policy. It complements and supports policy 10 by providing a locally specific articulation of the various elements that promote a flourishing local economy. These include supporting -

- business and employment generally (corresponding to subsection b) of policy 10);
- farming and other land based rural businesses (corresponding to subsections a) and c) of policy 10);
- home working (corresponding to subsection k) of policy 10);

CNP6 also sets out the important caveats to this 'in principle' support, thereby complementing policy 10's 'General Design Principles for all Development in the Countryside'.

The part of CNP6 which supports 'tourism and visitor businesses, facilities and services' finds a context in policies 7 and 8 of the CDP, dealing with visitor attractions and visitor accommodation respectively. The more detailed provisions of those policies are complemented in CNP6 which simply articulates a broad brush message of support to this sector of the economy, subject to the caveats mentioned in the preceding paragraph.

Lastly, the part of CNP6 which supports improved broadband and telecommunications is complementary to policy 27 of the CDP dealing with Utilities, Telecommunications and other Broadcast Infrastructure. This is particularly acknowledged as an aim for rural areas in the CDP, with paragraph 2.8 of that Plan noting that *‘The ongoing roll out of broadband provides a significant opportunity for new industries and businesses to locate in rural areas and for home working to become a viable option too’*.

POLICY CNP7: DESIGNING FOR BEAUTY, CHARACTER AND SENSE OF PLACE

Relevant Strategic Policies of the CDP:

- Policy 6: Development on Unallocated Sites
- Policy 29: Sustainable Design

Conformity and Commentary:

Policy 29 is the principal policy to promote high quality sustainable design in the CDP.

Policy CNP7 supports this by setting out the ‘Cotherstone-specific’ aspects of good design in detailed guidance and codes. In particular, this will allow for a more effective and successful application of criteria a) of policy 29 by setting out a clear framework (ie – the guidance and codes) by which that criteria can be assessed.

It is noted, in the interests of completeness, that CNP7 (and associated guidance/codes) will also provide the same ‘aid to interpretation’ in respect of criteria d) of CDP policy 6.

BASIC CONDITION 4 – COMPATIBILITY WITH EU OBLIGATIONS

3.13 The fourth Basic Condition is that a Neighbourhood Plan must be compatible with European Union obligations (as incorporated into UK law), in order to be legally compliant. Key obligations 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.

Strategic Environmental Assessment (SEA)

3.14 Regulation 15 of the Neighbourhood Planning Regulations (as amended) requires either that a Strategic Environmental Assessment (SEA) report is submitted with a Neighbourhood Plan or a determination is provided from the responsible authority (Durham County Council) that the Plan is not likely to have ‘significant environmental effects’ and accordingly does not require an environmental assessment.

3.15 A screening opinion has been carried out by Durham County Council on the Cotherstone Parish Neighbourhood Plan. The results of this are contained in a Council document dated July 2021 and entitled *‘Cotherstone Parish Neighbourhood Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report’*.

- 3.16 The introduction to that report sets out its first purpose. This is to determine whether the draft NP 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.
- 3.17 Table 2 at the beginning of the report sets out the conclusions of the screening opinion in respect of SEA, which confirms that *'SEA is not required'*. The reason for this conclusion is as follows:

'Cotherstone Parish Neighbourhood Plan does not allocate land for development and its policies seek to provide protection of rural character and setting, local green spaces, valued views and non-designated heritage assets along with ensuring that the design of new development contributes positively toward local character, and that appropriate business and employment development is supported. Therefore, the Neighbourhood Plan is not considered likely to have a significant adverse effect on the environment'.

Habitats Regulations Assessment (HRA)

- 3.18 Paragraph 1.1 of the screening report states that its second purpose is to determine whether the NP requires an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA) in accordance with the Habitats Directive, Birds Directive and the Conservation of Habitats and Species Regulations 2018 (as amended). An Appropriate Assessment is required when likely significant effects to European protected wildlife sites, known as Natura 2000 sites, are predicted to occur as a result of implementing a plan or project either on its own or in combination with other plans, projects or existing activities.
- 3.19 Table 3 of the report sets out the conclusions of the County Council's HRA screening process which are that: *'The Neighbourhood Plan will not incur likely significant effects to Natura 2000 sites. Appropriate Assessment is not required'*. The reason for this conclusion was that: *'the policies within the Plan set development limits and criteria for testing proposals only'*.
- 3.20 Lastly, Table 4 of the report sets out the comments of statutory consultees in respect of the SEA and HRA screening assessment, including Historic England, the Environment Agency and Natural England and none of these dispute the County Council's opinions as set out in the screening report.
- 3.21 A copy of the County Council's screening summary, containing each of these tables is included in this Statement at Appendix 2.

European Convention on Human Rights (ECHR)

- 3.22 The NP 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.

BASIC CONDITION 5 – MEETING PRESCRIBED CONDITIONS

- 3.23 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) adds a further basic condition for Neighbourhood Plans in addition to those set out in the primary legislation; namely that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).
- 3.24 The position in respect of this has been examined through the screening assessment findings of the competent authority (Durham County Council), which are set out in paragraphs 3.18 and 3.19 and Appendix 2 of this Statement.

4.0 CONCLUSION

- 4.1 In light of the evidence provided in this Statement, it is concluded that the Cotherstone Parish Neighbourhood Plan fully meets the Basic Conditions as set out in the Neighbourhood Planning (General) Regulations 2012 (as amended).

APPENDICES

APPENDIX 1: LIST OF STRATEGIC POLICIES IN THE 2020 COUNTY DURHAM PLAN

Policy 1	Quantity of Development
Policy 2	Employment Land
Policy 3	Aykley Heads
Policy 4	Housing Allocations
Policy 5	Durham City's Sustainable Urban Extensions
Policy 6	Development on Unallocated Sites in the Built Up Area
Policy 9	Retail Hierarchy and Town Centre Development
Policy 10	Development in the Countryside
Policy 11	Rural Housing and Employment Exception Sites
Policy 12	Permanent Rural Workers' Dwellings
Policy 15	Addressing Housing Need
Policy 16	Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation
Policy 17	Sites for Travellers
Policy 20	Green Belt
Policy 22	Durham City Sustainable Transport
Policy 23	Allocating and Safeguarding Transport Routes and Facilities
Policy 25	Developer Contributions
Policy 26	Green Infrastructure
Policy 27	Utilities, Telecommunications and Other Broadcast Infrastructure
Policy 29	Sustainable Design
Policy 34	Wind Turbine Development
Policy 35	Water Management
Policy 36	Water Infrastructure
Policy 37	Durham Heritage Coast and Wider Coastal Zone
Policy 38	North Pennines Area of Outstanding Natural Beauty
Policy 39	Landscape
Policy 41	Biodiversity and Geodiversity
Policy 42	Internationally Designated Sites
Policy 43	Protected Species and Nationally and Locally Protected Sites
Policy 44	Historic Environment
Policy 45	Durham Castle and Cathedral World Heritage Site
Policy 46	Stockton and Darlington Railway
Policy 47	Sustainable Minerals and Waste Resource Management
Policy 48	Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites
Policy 49	Primary Aggregates Provision
Policy 50	Locational approach to the future supply of primary aggregates

Policy 51	Meeting Future Aggregates Requirements
Policy 52	Brick Making Raw Materials
Policy 53	Surface Mined Coal and Fireclay
Policy 54	Natural Building and Roofing Stone
Policy 56	Safeguarding Mineral Resources
Policy 57	The Conservation and Use of High Grade Dolomite
Policy 58	Preferred Areas for Future Carboniferous Limestone Working
Policy 59	Strategic Area of Search to the South of Todhills Brickworks
Policy 60	Waste Management Provision
Policy 61	Location of New Waste Facilities

APPENDIX 2: DURHAM COUNTY COUNCIL SEA & HRA SCREENING ASSESSMENT SUMMARY

Screening Summary

Table 1 Summary of Neighbourhood Plan

Details of Neighbourhood Plan	
Name of Neighbourhood Plan	Cotherstone Parish Neighbourhood Plan 2020-2035
Geographic Coverage of the Plan	Cotherstone Parish (approx 3,260 hectares)
Key topics / scope of Plan	Protection of rural character and setting. Protection and enhancement of heritage assets, green spaces and valued views. Supporting appropriate business and employment development and the establishment of design standards, codes and guidance.

Table 2 Summary of SEA Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Nadia Wetherell - Sustainability and Climate Change Officer
Date of assessment	December 2020
Conclusion of assessment	SEA is not required
Reason for conclusion	Cotherstone Parish Neighbourhood Plan does not allocate land for development and its policies seek to provide protection of rural character and setting, local green spaces, valued views and non-designated heritage assets along with ensuring that the design of new development contributes positively toward local character, and that appropriate business and employment development is supported. Therefore, the Neighbourhood Plan is not considered likely to have a significant adverse effect on the environment.
Name and job title of officer approving screening opinion	Stephen McDonald - Principal Low Carbon Economy Officer
Date of approval	December 2020
Date of final screening document	July 2021

Table 3 Summary of HRA Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Nadia Wetherell - Sustainability and Climate Change Officer
Date of assessment	December 2020
Conclusion of assessment	The Neighbourhood Plan will not incur likely significant effects to Natura 2000 Sites. Appropriate Assessment is not required. However, additional wording should be added to policy CNP6 (Business and Employment) to recognise and safeguard Natura 2000 sites.
Reason for conclusion	The policies within the Plan set development limits and criteria for testing proposals only
Name and job title of officer approving screening opinion	Tammara Morris Hale - Senior Ecologist
Date of approval	December 2020
Date of final screening document	July 2021

Table 4 Summary of Consultation

Statutory Consultee	Summary of Comments
Historic England	No specific response on the SEA screening opinion in the letter dated 12th March 2021. However, in their comments, Historic England welcome the draft Plan and approach taken to protecting and enhancing the Historic Environment. No concerns in relation to the impact of the Plan on the environment are raised.
Environment Agency	In relation to those matters within our remit, we do not think that there are any environmental impacts which will be so significant to require an SEA.
Natural England	<p>SEA It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan. Natural England agree with the conclusion of the SEA screening report.</p> <p>HRA Natural England agrees with the conclusions of the screening assessment, that the Plan will not adversely affect the integrity of any European or International site, and note that the Plan does not allocate land for development.</p>