

County Council

23 October 2019

**Adoption of the Sedgefield
Neighbourhood Plan**



Report of Spatial Policy

Ian Thompson, Director of Regeneration and Local Services

**Councillor Carl Marshall, Cabinet Portfolio Holder for Economic
Regeneration**

Electoral division(s) affected:

Sedgefield

Purpose of the Report

- 1 To formally adopt ('make') the Sedgefield Neighbourhood Plan.

Executive summary

- 2 The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Sedgefield Town Council, with support from the County Council, have produced a neighbourhood plan which has undergone a successful examination.
- 3 On Thursday 12 September, a referendum was held into the Sedgefield Neighbourhood Plan. 92.86% of all votes were in favour of the Neighbourhood Plan. This report advises that the Sedgefield Neighbourhood Plan should be made (adopted) by the County Council and form part of the statutory development plan. The statutory development plan comprises of a collection of documents that set out a Local Planning Authority's policies for the development of land in their area. The development plan includes documents such as the adopted local plan and any existing neighbourhood plans.

Recommendation

4 It is recommended that:

i) Council make (adopt) the Sedgefield Neighbourhood Plan so that it forms part of the Council's statutory development plan.

Background

- 5 The 2011 Localism Act introduced measures for local communities to prepare neighbourhood development plans. A detailed legislative framework for undertaking neighbourhood planning was set out in the Neighbourhood Planning Regulations 2012. To date two neighbourhood plans have been made (Great Aycliffe and Whorlton and Westwick), while around 10 further plans remain under preparation.
- 6 A neighbourhood plan, once adopted, forms part of the statutory development plan and sits alongside the Local Plan. Should planning permission be sought in areas covered by an adopted neighbourhood plan, the application must be determined in accordance with both the neighbourhood plan and the local plan.
- 7 There are a number of legally prescribed stages that need to be undertaken in preparing a neighbourhood plan. The plan needs to be subject to examination by an independent examiner. The independent examiner will assess whether the proposed plan meets the 'basic conditions'. The basic conditions are that the proposed neighbourhood plan i) has regard to national policies, ii) contributes to the achievement of sustainable development, iii) is in general conformity with the development plan for the area; and iv) does not breach and is otherwise compatible with EU obligations. Subject to a positive examination outcome, the plan proceeds to a referendum. Where a neighbourhood plan is successful at referendum, and the local planning authority is satisfied that EU and human rights obligations have been met, it is a legal requirement to bring the plan into force as soon as reasonably practicable.
- 8 The Neighbourhood Planning Regulations 2012 and the Planning and Compulsory Purchase Act 2004 require local planning authorities to make (adopt) a plan that has been supported at referendum within eight weeks of the day after the referendum.

Sedgefield Neighbourhood Plan

- 9 The Sedgefield Neighbourhood Plan (the Neighbourhood Plan) relates to the whole of the Sedgefield Town Council parish area and is entirely within County Durham. Sedgefield Town Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 9 April and 23 May 2018.
- 10 Following the submission of the Sedgefield Neighbourhood Plan and supporting documents to the Council in October 2018, The County Council consulted upon the Plan for a six-week period from 19 October to 30 November 2018, in accordance with Regulation 16. A re-run of this consultation was required, however, as a required document was

not made available during the consultation period. A second consultation took place for a six-week period, from 19 February to 30 April 2019.

- 11 The Examiner's report was formally issued on 3 June 2019. The Examiner concluded that the Neighbourhood Plan met all of the basic conditions subject to a number of modifications. Following the necessary modifications, the Neighbourhood Plan proceeded to referendum which was held on Thursday 12 September 2019. It was declared that 92.86% of votes (from a turnout of 1023 people, or 25.8% of the electorate) were in favour of the Sedgefield Neighbourhood Plan.
- 12 The Examiner considered the issue of Human Rights and concluded that the proposed Neighbourhood Plan did not raise any issues under the European Convention and the Human Rights Act 1998.

Conclusion

- 13 The Sedgefield Neighbourhood Plan sets out new policy requirements for Sedgefield Parish, which will form part of the development plan and have weight in planning decision making. It has received the support of the local community. In accordance with the legal duty placed upon the Council, it is recommended that the Sedgefield Neighbourhood Plan is formally made (adopted) by the Council to become part of the statutory development plan.

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Appendix 1: Implications

Legal Implications

The Neighbourhood Planning Regulations 2012 and the Planning and Compulsory Purchase Act 2004 require local planning authorities to make a plan that has been supported at referendum within eight weeks of the day after the referendum.

Finance

There will be no financial implications from adopting the neighbourhood plan.

Consultation

The Sedgefield Neighbourhood Plan has been subject to statutory consultation requirements of the Town and Country Planning England – the Neighbourhood Planning (General) Regulations 2012.

Equality and Diversity / Public Sector Equality Duty

The Examiner's report confirmed that the plan meets the Basic Conditions and would appear to have neutral or positive impacts on groups with protected characteristics.

Climate Change

The Sedgefield Neighbourhood Plan supports development in the town centre, protects open and green spaces and promotes sustainable transport. Therefore, the plan is supportive of taking steps to combat climate change.

Human Rights

Human Rights considerations are considered within the main body of the report.

Crime and Disorder

None identified.

Staffing

None identified.

Accommodation

None identified.

Risk

The council has a legal duty to adopt the Neighbourhood Plan and if the recommendations are not implemented the council will be in breach of this.

Procurement

None identified.