



Report of Corporate Management Team

Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Carl Marshall, Cabinet Portfolio Holder for Economic Regeneration

Electoral division(s) affected:

Esh and Witton Gilbert Division

Purpose of the Report

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

Executive summary

- 2 The Localism Act 2011 introduced a right for communities to draw up neighbourhood plans. Witton Gilbert Parish Council, with support from Durham County Council, have produced a neighbourhood plan which has undergone a successful examination.
- 3 On Thursday 7 November 2019, a referendum was held into the Witton Gilbert Neighbourhood Plan. 88% of all votes were in favour of the Neighbourhood Plan. This report advises that the Witton Gilbert Neighbourhood Plan should be made (adopted) by Durham County Council and form part of the statutory development plan.

Recommendation

- 4 It is recommended that the Witton Gilbert Neighbourhood Plan is formally made (adopted) by the Council to become part of the 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 three Neighbourhood Plans have been made (Great Aycliffe, Whorlton and Westwick and Sedgefield), while around 9 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. 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 a plan that has been supported at referendum within eight weeks of the day after the referendum.

Witton Gilbert Neighbourhood Plan

- 9 The Witton Gilbert Neighbourhood Plan (the Neighbourhood Plan) relates to the whole of the Witton Gilbert parish area and is entirely within County Durham. Witton Gilbert Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 and refined the Plan accordingly thereafter.
- 10 Following the submission of the Witton Gilbert Neighbourhood Plan and supporting documents to the County Council in November 2018, the County Council consulted upon the Plan for a six-week period from 17 January 2019 to 4 March 2019 in accordance with Regulation 16. Upon the close of this consultation the Plan was then the subject of an independent examination.
- 11 The Examiner's report was formally submitted on 10 July 2019. The Examiner concluded that the Neighbourhood Plan meets all of the statutory requirements subject to a number of modifications to ensure

that it meets the four 'Basic Conditions'. Following the necessary modifications, the Plan proceeded to referendum which was held on Thursday 7 November 2019. It was declared that 88% of votes (from a turnout of 466 people, or 23 % of the electorate) were in favour of the Witton Gilbert Neighbourhood Plan.

Conclusion

- 12 The Witton Gilbert Neighbourhood Plan sets out new policy requirements for Witton Gilbert Parish, which will form part of the development plan and have weight in planning decision making. The council has previously accepted the Examiners findings and support for the Plan subject to modifications. The modified plan has received the support of the local community. It is recommended that the Witton Gilbert Neighbourhood Plan is formally 'made' (adopted) by the county council to become part of the statutory development plan.

Background papers

Witton Gilbert Neighbourhood Plan

Declaration of result

Examiners Report

<http://www.durham.gov.uk/article/18184/Neighbourhood-planning-what-s-happening->

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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 Witton Gilbert 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 Plan has been prepared in the context of the existing Local Plan for the area which has been the subject of sustainability appraisal. The independent examiner has also confirmed that the Plan meets the required basic conditions which include conformity with national planning policy which includes the Climate Change agenda.

Human Rights

None identified.

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.