

## Delegated Decision

10 September 2020

### Pre-submission Public Consultation - Cassop-cum-Quarrington Neighbourhood Plan



## Report of Regeneration, Economy and Growth

Stuart Timmiss Head of Development & Housing

### Electoral division(s) affected:

Cassop-cum-Quarrington.

### Purpose of the Report

1. This report provides an update on the Cassop-cum-Quarrington Neighbourhood Plan to:
  - ) advise on any issues raised by the pre-submission draft Cassop-cum-Quarrington Neighbourhood Plan;
  - ) agree **Durham** County Council's response as the Local Planning Authority; and
  - ) set down the next steps for the neighbourhood plan.

### Executive summary

2. Cassop-cum-Quarrington Parish Council have published their pre-submission draft neighbourhood plan for consultation. The regulations require at least a six-week public consultation, however, given the current restrictions connected to Covid-19 this has been extended to eight weeks, alongside additional measures to aid access to the consultation process. The consultation runs from 20 July 2020 to 14 September 2020.
3. The neighbourhood plan contains four policies. These identify a protected rural setting around Bowburn and Parkhill, important local heritage assets and local green spaces and a policy on design quality. The neighbourhood plan is backed up by a range of evidence base documentation.
4. As the Local Planning Authority, Durham County Council has a 'duty to support' the group in its plan making activity. The Parish Council's neighbourhood plan working group have liaised closely with council officers in the preparation of this plan over several years. The group have incorporated many of the council's suggested changes. There are,

however, some matters of difference and some areas where improvements can be made to the neighbourhood plan which are detailed below. These will be formally submitted to the Parish Council to allow them to be considered amending their neighbourhood plan.

5. Following the close of the current consultation the Parish Council will prepare their final Submission draft neighbourhood plan. This draft of the neighbourhood plan will be subject to a further formal consultation, this time run by Durham County Council. A further report will be prepared at this stage to agree Durham County Council's response and to update members on progress and next steps.

### **Recommendation**

6. It is recommended that the attached comments are submitted to Cassop-cum-Quarrington Parish Council as Durham County Council's formal response to the consultation on the neighbourhood plan.

## Background

7. The current consultation has been organised by the Parish Council. Officers have worked closely with the group in helping to shape the neighbourhood plan via regular attendance at meetings and providing feedback on draft content.
8. In preparing the current consultation draft plan the group have undertaken a series of public consultations. Durham County Council has also undertaken a 'health check' on a draft of the neighbourhood plan. This check incorporated the views of relevant specialists. A Durham County Council screening of a draft of the neighbourhood plan has concluded that it would be unlikely to create significant environmental effects. Officers are therefore of the view that SEA and Appropriate Assessment (a stage within HRA) are not required, however, the Environment Agency, Historic England and Natural England have been asked to confirm this through the pre-submission consultation. To date feedback has been received from the Environment Agency which confirms that they support the conclusion that SEA and Appropriate Assessment (a stage within HRA) are not required.
9. In considering the pre-submission draft Durham County Council need to ensure the neighbourhood plan accords with the 'Basic Conditions'. These require neighbourhood plan to contribute to the achievement of sustainable development, have regard to national policy and guidance and to be in general conformity with adopted strategic local planning policies. It will be within the examiner's key role to consider any conflicts within the context of the Basic Conditions when the plan reaches that stage.
10. Legislative changes have confirmed that neighbourhood planning consultations can continue to be undertaken given current restrictions, however, local planning authorities are required to consider what suitable methods are needed to ensure they remain fair and inclusive. Normally, formal consultations need to run for a minimum of six weeks, however, this has been extended due to ongoing restrictions connected to Covid-19. This consultation therefore lasts for eight weeks and ends on 14 September 2020.
11. Further arrangements have been put in place for this consultation. As well as extending the consultation period, Durham County Council have provided additional support to the Parish Council in relation to printing, collections and deliveries of hard copies of plans and comments for people who are shielding. The Parish Council themselves have provided a telephone contact for queries on the neighbourhood plan.

## Scope of the Draft Plan

12. The neighbourhood plan covers the period 2020 to 2035. It includes the following policies:

) **CCQ1 – Protected Rural Settings**

The development of land around Bowburn and Parkhill will not be supported where it will lead to a reduction in the open character of the Protected Rural Setting (PRS) or reduce the separation between settlements. Officers have some concerns with the wording of policy which may make it inflexible in operation, while a small area of land, currently identified within the PRS, is part of the Integra site and will need to be removed. Further details are detailed in Appendix 2.

) **CCQ2 – Local Green Spaces**

Identifies 17 local green spaces which will be protected from development unless very special circumstances can be demonstrated to show that the community benefits outweigh the harm. Durham Council's Corporate Property and Land team have confirmed that they have no objection to the majority of the Local Green Spaces identified on council land as they are not identified for an alternative service delivery use. However, there are concerns with land identified at John Hare's Wood which is identified employment land in the County Durham Plan and the council therefore suggest this should be removed. There are some minor boundary amendments required for the Bowburn Park Local Green Space. Further details are detailed in Appendix 2.

) **CCQ3 – Locally Valued Heritage Assets**

Identifies six locally valued heritage assets where development should seek to ensure the long-term conservation of the asset and avoid harm to the significance and setting. This policy mirrors national policy which would apply to the consideration of any future development impacting upon any non-designated heritage asset. Bowburn Infant School is identified which is a Durham County Council asset. The school was designed by a noted architect and forms a key element of Bowburn Conservation Area. While there are plans to merge this school with the junior school, which will mean that the Infants School building becomes surplus to requirements, the approach set down in the neighbourhood plan is consistent with the council's statutory duty to preserve and enhance the CA while undertaking planning duties in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990. The school forms a key

element of Bowburn Conservation Area which is also on the 'at risk' register. The council have agreed with Historic England to provide a strategy to address this risk. The Assets team are aware of the school's status as a non-designated heritage asset. There are, however, some concerns over the mapping of the school in the plan which it is suggested should be amended.

- ) **CCQ4 – Achieving Beautiful and Successful Development**  
Seeks to deliver beauty and successful place-making. Officers have some concerns about the clarity of the policy for decision-making purposes and recommend the Parish Council consider some minor amendments as detailed in Appendix 2.

### **Robustness of the Neighbourhood Plan for Future Decision Taking**

13. Upon adoption, a neighbourhood plan becomes part of the statutory development plan for the area that it covers. The Cassop-cum-Quarrington neighbourhood plan will therefore be a significant planning policy document. The following checks are therefore of relevance:

- ) **Whether the draft plan has been adequately informed by SA/SEA**  
A screening opinion has been undertaken by Durham County Council. This concludes that the Cassop-cum-Quarrington neighbourhood plan is not likely to create significant environmental issues. Subject to confirmation by statutory undertakers (Environment Agency, Natural England and Historic England) it is considered that SEA and Appropriate Assessment (a stage within HRA) are not required.

- ) **Evidence base**  
The group have carried out informal consultation events and have prepared 'Topic Papers' to justify their policies. Assessments have been undertaken to identify each of the non-designated heritage assets and local green spaces.

- ) **Clarity of policies**  
The policies of the neighbourhood plan will impact upon Durham County Council as decision maker, asset holder and stakeholder in matters including regeneration and long-term sustainability of the parish. The neighbourhood plan will also have an impact upon businesses, developers and residents. It is critical, therefore, that the policies, are clear, unambiguous and do not give rise to unintended negative consequences.

- ) **Effective consultation**

The group have sought to engage the community, landowners and businesses, interest groups, and, statutory consultees throughout the process.

### **Implications upon Sustainability**

14. The draft neighbourhood plan provides an important opportunity to provide a suite of focused and more locally-specific policies to compliment those in the County Durham Plan. This provides an opportunity for managing the continued sustainability of the area, for example by protecting the rural setting of Bowburn and through policies which require good design, while identifying important local heritage assets and local green spaces.

### **Implications on Existing and Emerging Policy and Other Council Strategies**

15. The draft plan would not have an adverse impact on the delivery of the overall strategy of the County Durham Plan, however, some minor amendments are recommended as detailed above and in Appendix 2.

### **Next Steps**

16. Durham County Council are required to submit their representations to the Parish Council by 14 September 2020.
17. The group have the opportunity to amend their plan in light of feedback received through the consultation. The neighbourhood plan will then advance to submission stage where Durham County Council host a further public consultation and make arrangements for the independent examination. As part of the submission consultation Durham County Council can submit any outstanding concerns for consideration through the examination.
18. Upon adoption, a neighbourhood plan becomes part of the statutory development plan for the area it covers. Its purpose should be to supplement the existing local plan for the area which comprises of the 'saved' policies of the City of Durham Local Plan until such a time that the County Durham Plan is adopted. As the neighbourhood plan will form part of the starting point upon which planning decisions are reached it is critical that Durham County Council seeks to continue to offer its support to the Parish Council, whilst at the same time, setting down any concerns and opportunities for improvement through the formal public consultation process.

## Conclusion

19. Officers have worked with the group to ensure that the neighbourhood plan is consistent with local and national guidance. However, there remain some minor areas where officers consider that changes are required to improve the neighbourhood plan and ensure alignment with strategic planning policies and the assets strategy of Durham County Council. These are detailed within Appendix 2 and will form the basis of the council's formal representation to the Parish Council.

## Background papers

- ) Cassop-cum-Quarrington [Neighbourhood Plan](#) (and associated supporting documentation)

## Other useful documents

- ) None.

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## Author(s)

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## **Appendix 1: Implications**

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### **Legal Implications**

Legal opinion and advice has been provided during the preparation of the plan. Following a further round of formal consultation, the neighbourhood plan will be subject to examination. Following a successful referendum, the plan will become part of the development plan.

### **Finance**

None at this stage.

### **Consultation**

Legislative changes have confirmed that neighbourhood planning consultations can continue to be undertaken given current restrictions, however, local planning authorities are required to consider what suitable methods are needed to ensure they remain fair and inclusive. Normally, formal consultations are required to run for a minimum of six weeks, however, this has been extended due to ongoing restrictions connected to Covid-19 to eight weeks. The next consultation stage will be the submission consultation which Durham County Council will undertake.

### **Equality and Diversity / Public Sector Equality Duty**

Equality and diversity has been considered however this proposal is not expected to impact either positively or negatively on any particular group.

### **Climate Change**

Potential benefits given the policies aim to protect valued local green spaces, the setting of Bowburn and promote more sustainable design..

### **Human Rights**

None.

### **Crime and Disorder**

None.

### **Staffing**

The council will need to continue to provide support to the Parish Council as the plan progresses through examination.

### **Accommodation**

None.

**Risk**

None.

**Procurement**

None.

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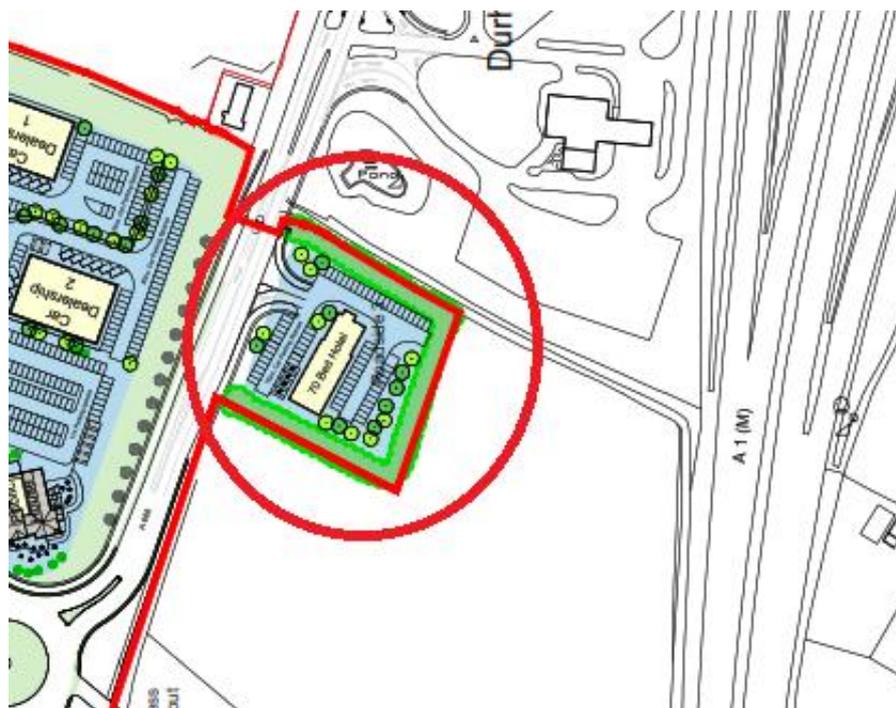
## Appendix 2: Response to Cassop-cum-Quarrington Parish Council

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<b>Policy / Section</b>	<b>Suggested Amendment</b>
Section 2 (Page 19)	<p>Under paragraph 2.44 the Plan sets down current permissions for residential development in the plan area. There is potential for two additional schemes to be added to this list which are currently pending consideration - 40 dwellings under DM/20/00895/OUT and an additional 21 dwellings under DM/19/02248/FPA.</p> <p>Providing these are approved within the plan period, it is recommended that the Parish Council consider this change which will potentially improve the accuracy of the Plan.</p>
Policy CCQ1 – Protected Rural Setting	<p>The County Council are supportive of the intention to maintain the ‘separateness of settlements’ as set down in Policy CCQ1. However, the policy focusses on protection of the ‘open character’ and ‘open qualities’ of land contained within the Protected Rural Setting (PRS). This sets a high bar for considering the impacts of built development in the PRS, akin to Green Belt policy but without the equivalent evidence base, which could potentially curtail certain forms of development that might otherwise be acceptable in a countryside setting. It is therefore recommended that the policy instead refers to ‘rural character’ and ‘rural qualities’ of the PRS, which would provide a similar level of protection from urbanising development while providing more flexibility for decision makers.</p> <p>The PRS boundary requires a minor amendment to remove land which is part of the existing commitment at the Integra site, which extends to the eastern side of the A688 just south of the services. This amendment will ensure the policy is applied correctly.</p> <p>Map below shows the area for removal from PRS highlighted area (ringed red) and the identified PRS (blue):</p>



Map below shows the approved area in the Integra Masterplan (ringed red):



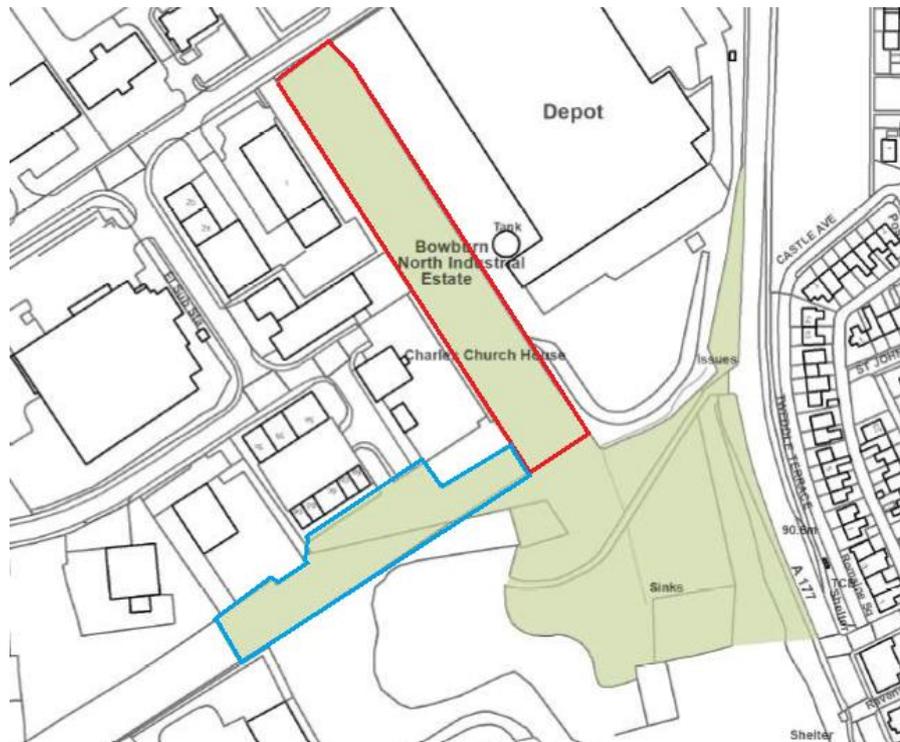
Policy CCQ2  
(Local Green  
Spaces)

The Council have concerns about the following areas which are identified as Local Green Space in the draft Plan.

LGS4 (John's Hare Wood)

Land within proposed LGS4 is allocated for employment use in the County Durham Plan and potentially required for future expansion of the adjacent businesses. The site highlighted red is within council ownership, while the

site highlighted blue is within private ownership. It is requested that the highlighted sites are removed from the proposed LGS:



#### LGS9 (Bowburn Park)

The northern boundary of this site is not drawn accurately. The boundary needs to be amended to remove a small area of land which now has permission for a new access for the school.

Map below shows the Local Green Space in green with the inaccurate boundary highlighted red:

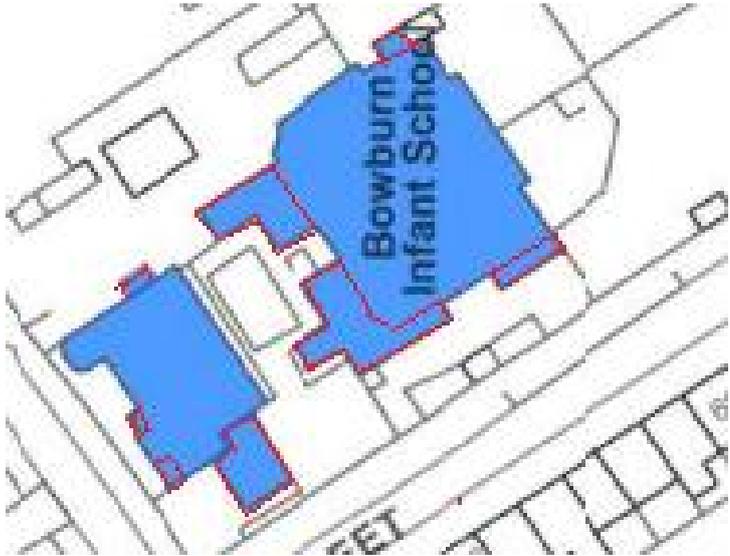


To this end the Plan may consider mapping of biodiversity resources. A Green Infrastructure Plan may be useful showing how and where development can improve and/or create greenspaces and corridors for people and nature.

The Plan may also consider addressing enhancement of existing wildlife areas and potential to include buffer zones / protected areas around wildlife sites to maintain ecological linkages.

Policy CCQ3 LVHA1 (Bowburn – Bowburn School, Wylam Street)

The council have concerns about the detailed mapping of Bowburn School, which is identified as a Locally Value Heritage Asset (LVHA) in the neighbourhood plan. The Plan appears to include some newer additions (identified in red) which detract from the significance of the asset and should not be included within the LVHA. The Plan also omits some original ancillary sheds which may have importance to the setting of the school and may be considered for retention as part of any future redevelopment of the site. It is therefore recommended that further work is undertaken to accurately identify LVHA1.



Policy CCQ4

The Council are supportive of the overall ambitions of this Policy, however, there are some concerns around its application, despite the explanatory table provided under paragraph 6.35. The Parish Council may wish to include some visual examples to aid clarity.

In terms of the individual criteria, for example, it may be difficult for decision-makers to ensure ‘delight and wellbeing’ which is included under criteria (a). The table suggests this could be via the ‘creative integration of natural features into development, both for beauty and wellbeing reasons, but also in their own right for supporting and enhancing biodiversity’. However no further illustration is provided which may make it difficult to achieve this requirement.

	<p>Under criteria (c) there is a requirement to improve the negative qualities of a site and its setting. It is considered that this may be difficult to achieve in relation to the setting, which may include third party land and property outside of the influence of the applicant. A caveat may therefore be added stating that this element of the policy would only apply 'where appropriate'.</p>
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