

**Adoption of Durham City, Lanchester
and Oakenshaw Neighbourhood Plans**

Report of Corporate Management Team

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Electoral division(s) affected:

Durham South, Nevilles Cross, Elvet and Gilesgate, Belmont, Lanchester, Willington and Hunwick

Purpose of the Report

- 1 To formally 'make' (adopt) Durham City, Lanchester and Oakenshaw Neighbourhood Plans.

Executive summary

- 2 The parish councils for Durham City, Lanchester and Greater Willington and the Oakenshaw Community Association, have produced neighbourhood plans which have all passed independent examination in 2020.
- 3 On Thursday 6 May 2021 a referendum was held for each of these neighbourhood plans. All three plans were overwhelmingly approved by voters and the Council must now make them so that they formally become part of the statutory development plan for those areas.

Recommendation

- 4 Council is recommended to agree:
 - (a) that the Durham City Neighbourhood Plan (Appendix 2) is formally made (adopted) by the Council to become part of the statutory development plan;
 - (b) that the Lanchester Village Neighbourhood Plan (Appendix 3) is formally made (adopted) by the Council to become part of the statutory development plan;

- (c) that the Oakenshaw Neighbourhood Plan (Appendix 4) is formally made (adopted) by the Council to become part of the statutory development plan; and
- (d) that the Head of Legal and Demographic Services be authorised to satisfy the necessary publicity requirements of the Neighbourhood Planning (General) Regulations 2012 in respect of Durham City, Lanchester and Oakenshaw Neighbourhood Plans.

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 the Council have made four Neighbourhood Plans: Whorlton and Westwick, Great Aycliffe, Sedgefield, and Witton Gilbert. A number of further plans remain under preparation.
- 6 To meet the requirements of the Localism Act 2011, a referendum was held in each of the three neighbourhood areas on the 6 May 2021. Referendums would have taken place earlier for each of the plans, however regulatory changes linked to the Coronavirus Act (2020) meant that no elections or referendums could take place before this date.
- 7 A neighbourhood plan, once made, becomes part of the statutory development plan which includes the County Durham Plan and is used for determining planning applications.
- 8 Neighbourhood Plans must be prepared in accordance with legislation, which sets down a number of key stages including statutory consultations and 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 it is a legal requirement to bring the plan into force within eight weeks of the day after the referendum.

Durham City Neighbourhood Plan

- 9 The Durham City Neighbourhood Plan (Appendix 2) relates to the whole of the Durham City parish area. The neighbourhood planning process was begun prior to the creation of City of Durham Parish Council and was initiated by Durham City Neighbourhood Forum, which was designated in January 2014. Work commenced on a formal draft of the Plan, however, the creation of City of Durham Parish Council in May 2018 meant it became the Qualifying Body for undertaking neighbourhood planning. The new parish area did not exactly match that of the previously agreed neighbourhood area, however a public consultation on aligning the neighbourhood area to the new parish area concluded in January 2019 and supported the approach.
- 10 The group has progressed the Plan through the statutory consultation stages and the examination ran from March to July 2020. This was undertaken using written representations. The final report was formally submitted to the County Council on 14 July 2020.

- 11 The Examiner concluded that the Neighbourhood Plan met all of the statutory requirements however a number (57) of recommended modifications (along with 14 optional modifications) were needed to enable the Plan to satisfy the 'Basic Conditions' and proceed to referendum. These were carried out and the Plan was sent to referendum. It was declared that 85.6% of votes (from a turnout of 5,030 people, or 38.46% of the electorate) were in favour of the Durham City Neighbourhood Plan.

Lanchester Neighbourhood Plan

- 12 The Lanchester Neighbourhood Plan (Appendix 3) relates to the whole of Lanchester parish area. The area was designated in May 2014. The group has progressed the Plan through the statutory consultation stages and the examination ran from February to April 2020. This was undertaken using written representations. The final report was formally submitted to the County Council on 14 April 2020.
- 13 The Examiner concluded that the Neighbourhood Plan met all of the statutory requirements however a number (13) of recommended modifications were needed to enable the Plan to satisfy the 'Basic Conditions' and proceed to referendum. These were carried out and the Plan was sent to referendum. It was declared that 89.28% of votes (from a turnout of 1,660 people, or 50.08% of the electorate) were in favour of the Lanchester Neighbourhood Plan.

Oakenshaw Neighbourhood Plan

- 14 The Oakenshaw Neighbourhood Plan (Appendix 4) covers the village of Oakenshaw and surrounding farmsteads. It falls within Greater Willington parish area. The area was designated in November 2015. The group has progressed the Plan through the statutory consultation stages and the examination ran from May to August 2020. This was undertaken using written representations. The final report was formally submitted to the County Council on 3 August 2020.
- 15 The Examiner concluded that the Neighbourhood Plan met all of the statutory requirements however a number (70) of recommended modifications were needed to enable the Plan to satisfy the 'Basic Conditions' and proceed to referendum. These were carried out and the Plan was sent to referendum. It was declared that 73.1% of votes (from a turnout of 197 people, or 53.38% of the electorate) were in favour of the Oakenshaw Neighbourhood Plan.

Next Steps

- 16 Formal Decision Statements are issued in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012. These

are published on the Council's website and, subject to venues reopening as planned, installed in appropriate locations such as County Hall and Parish Council Offices in the neighbourhood plan areas. Copies will also be sent to those who have commented on the plans.

Conclusion

- 17 These Neighbourhood Plans set out new policy requirements for Durham City, Lanchester and Oakenshaw neighbourhood areas. When made, they will form part of the development plan and have weight in determining planning applications. The Council has previously accepted the Examiner's recommendations and the modified plans have received the support of local communities at referendum. It is therefore the case that the Durham City, Lanchester and Oakenshaw Neighbourhood Plans must be 'made' (adopted) by the County Council to become part of the statutory development plan.

Background papers

Declaration of referendum result for each neighbourhood plan:

<http://www.durham.gov.uk/article/25482/Neighbourhood-planning-referendum-results-6-May-2021>

Examiners Reports for each neighbourhood plan:

<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 making the neighbourhood plans.

Consultation

The Neighbourhood Plans have 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 reports confirmed that the Plans all meet the Basic Conditions and would appear to have neutral or positive impacts on groups with protected characteristics.

Climate Change

All three documents have also been subject to Strategic Environmental Impact Assessment (SEA) which considers the plans' impacts on climate change. In addition, the Durham City neighbourhood plan includes objectives and policies which have reference to climate change both in terms of mitigation and adaptation. Oakenshaw neighbourhood plan also includes an environment objective which also includes reference to mitigation and adaptation to climate change. The SEA for the Lanchester neighbourhood plans also concluded that as it seeks to provide better protection and enhancement of local character, locally valued heritage, landscapes and biodiversity it is not considered likely to have a significant adverse effect on the environment.

Human Rights

None identified.

Crime and Disorder

None identified.

Staffing

None identified.

Accommodation

None identified.

Risk

The Council has a legal duty to make each neighbourhood plan and if the recommendations are not implemented the Council will be in breach of this.

Procurement

None identified.