

Delegated Decision

June 2021

Progression of Cassop-cum-Quarrington Neighbourhood Plan to referendum

Ordinary Decision



Report of the Director of Regeneration, Economy and Growth

Electoral division(s) affected: Coxhoe

Purpose of the Report

1. The purpose of this report is:
 - To advise of the outcome of the independent examination of the Cassop-cum-Quarrington Neighbourhood Plan (LNP) that has been formally submitted by Cassop-cum-Quarrington Parish Council to Durham County Council;
 - To consider the examiners proposed modifications; and
 - To agree whether the Cassop-cum-Quarrington Neighbourhood Plan should proceed to referendum.

Executive summary

2. The Cassop-cum-Quarrington Neighbourhood Plan and supporting documents were Submitted to the County Council on 19 December 2020. The County Council consulted upon the Plan from 22 January 2021 to 19 March 2021.
3. The Council, with the consent of Cassop-cum-Quarrington Parish Council, appointed Nigel McGurk to examine whether the Neighbourhood Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Neighbourhood Plan should proceed to a referendum.
4. The Examiner's Report was received on 9 June 2021. The report concludes that the Neighbourhood Plan meets all of the statutory requirements, however a number of modifications are required to ensure the Plan conforms to the "basic conditions". Subject to making these modifications, the examiner recommends that the plan should proceed to referendum, and that the voting area should correspond with the designated Cassop-cum-Quarrington Neighbourhood Area.

5. Officers do not disagree with any of the recommendations. The Neighbourhood Plan working group have also confirmed that they have no grounds to disagree with the Examiner's Report.
6. A formal 'Decision Statement' should normally be issued within 5 weeks of receipt of the Report, unless otherwise agreed with the Parish Council. To meet the requirements of the Localism Act 2011, a referendum will be held in the area formally designated as the Cassop-cum-Quarrington Neighbourhood Area within 56 working days of publishing the Decision Statement. The proposed date on which the referendum will take place is Thursday 23 September 2021 which is within this timeframe.

Recommendation

7. It is recommended that:
 - i. The examiners modifications are accepted;
 - ii. The county council issues the relevant Decision Statement and Basic Conditions Notice to Cassop-cum-Quarrington Parish Council; and
 - iii. The modified Cassop-cum-Quarrington Neighbourhood Plan proceeds to referendum.

Background

8. The neighbourhood planning area was designated in July 2014, covering the whole Parish area. 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.
9. The group have subsequently progressed the Plan to the Submission stage. The examination ran from March to June 2021. The examiner was recruited by the County Council through NPIERS (a government endorsed 'pool' of suitably qualified and experienced professionals).
10. The Examiner confirmed that the plan could be examined through written representations procedure and that a public hearing was not necessary. The final report was formally submitted to the County Council on 9 June 2021.
11. The report has subsequently been shared with the Parish Council and placed on the Council's website.

Outcome of the Independent Examination

12. The examiner has concluded that the Neighbourhood Plan meets all of the statutory requirements, however modifications are required to ensure the Plan meets the "basic conditions". Subject to making these modifications, the examiner recommended that the plan should proceed to referendum, and that

the voting area should correspond with the designated Cassop-cum-Quarrington Neighbourhood Area.

Recommended Changes

13. A total of 23 individual recommended modifications are set out within the examiner's report. These modifications are required to enable the Neighbourhood Plan to meet the 'basic conditions' and proceed to referendum; they are included in Appendix 2.
14. The examiner identified that while the Plan accords with the general aims of local and national policy, alterations are required to achieve better consistency and to ensure greater clarity for decision making purposes.
15. Having considered the recommendations it is considered that the objectives of the resulting plan would not be undermined. Also, the policies would be improved and allow easier implementation through the development management process.
16. The recommendations are considered to be reasonable and justified. It is not considered that there are any grounds to oppose the examiner's recommendations.

Next Steps and Issues Arising

17. The County Council must consider the examiner's report and decide whether to accept the findings contained within it. As detailed, officers accept the modifications as recommended.
18. Subsequently, a formal 'Decision Statement' (Appendix 3) should normally be issued within 5 weeks of the date of receipt of the Report (14 July), unless otherwise agreed with Cassop-cum-Quarrington Parish Council.
19. To meet the requirements of the Localism Act 2011, a referendum will be held in the area formally designated as the Cassop-cum-Quarrington Neighbourhood Area. This should be held within 56 working days of issuing the Decision Statement. In order to meet this requirement, it is proposed to hold the referendum on 23 September 2021.
20. Electoral services estimate the cost for the referendum at around £10,000. Officers will submit a claim for £20,000 in Neighbourhood Grant monies following the publication of the Decision Statement, which will help towards the cost and provide a surplus fund if it is needed for other neighbourhood plan referendums elsewhere in the County.

21. The plan is a significant policy document with long term implications for decision making. Once the council has issued the 'Decision Statement', the plan can be given more weight in the development management process as a material planning consideration. If 'made' by DCC (following a referendum) the plan will form part of the statutory development plan for the area and will have full weight in the decision-making process.

Next steps

22. This neighbourhood plan as submitted meets the specific tests set down by central government known as 'Basic Conditions'. The neighbourhood plan as modified will be the subject of a public referendum which will ultimately determine whether the plan should be accepted. A successful outcome will mean that the county council adopt the neighbourhood plan and it forms part of the development plan for the area.

Options

23. No options have been identified regarding this matter.

Main implications

24. Upon adoption, a neighbourhood plan becomes part of the statutory development plan for the area that it covers, alongside the County Durham Plan.

Conclusion

25. It is considered that the examiners modifications are acceptable. The County Council should therefore issue the Decision Statement to confirm that the Cassop-cum-Quarrington Neighbourhood Plan can proceed to referendum on 23 September 2021.

Contact: Stuart Carter

Tel: 03000 261909

Appendix 1: Implications

Legal Implications – Legal opinion and advice has been provided during the preparation of the plan. No issues have been identified at this stage.

Consultation – None

Equality and Diversity / Public Sector Equality Duty – Equality and diversity have been considered but this proposal is not expected to impact either positively or negatively on any particular group.

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 to a referendum.

Accommodation – None

Risk – None

Procurement – None

Climate Change – Potential benefits given positive policies which promote protection for importance green spaces and heritage assets.

Appendix 2: Examiner’s recommended modifications to Cassop-cum-Quarrington Neighbourhood Plan

The table below sets down the recommended modifications detailed in the examiner’s report.

Policy or Section	Summary of Recommendation
Headers and footers	Change the headers to each page to “Cassop-cum-Quarrington Neighbourhood Plan 2020-2035” and delete the footer date reference (or replace with reference to month/year the Neighbourhood Plan was made)
Introductory Section	Delete Paragraphs 1.22, 1.23 and 1.23 (both Paras 1.23)
Policy CCQ1: Protected Rural Settings	<p>Change the second paragraph of Policy CCQ1 to “Development which maintains and where possible, enhances, the rural character of PRS land will be supported. Development within the PRS will be assessed according to its impacts upon the rural character and essential roles which the PRS land plays.”</p> <p>Change second word on second line of Policy CCQ1 to “on”</p> <p>Delete “Symbolic Rural Gaps” plan on page 24 and delete “Protected Rural Setting Context” plan on page 27</p> <p>Delete last sentence of Para 4.2 and delete Para 4.3</p> <p>Para 4.9, delete everything after the first sentence and replace with “The PRS is shown on Policies Map 1.”</p> <p>Delete Paras 4.10 to 4.14</p> <p>Para 4.15, end of first line, change “an” to “a”</p> <p>Para 4.15, change last line to “...identified on Policies...”</p>
Policy CCQ2: Local Green Spaces	<p>Policy CCQ2, for clarity and consistency, taking into consideration other recommendations set out in this Report, change the first sentence to “The sites listed below and identified in parts 1 to 17 of Policy Map 2 are designated as areas of Local Green Space.”</p> <p>Policy CCQ2, delete the second sentence and the second paragraph and replace with “The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.”</p> <p>Delete that part of LGS4 on land allocated for employment use</p> <p>Para 5.4, last line, change to “...list or on a map.”</p> <p>Para 5.11, change last sentence to “...Space is restricted in...”</p>

	Delete Paras 5.12 and 5.13
Policy CCQ3: Locally Valued Heritage Assets	Change the first paragraph of Policy CCQ3 to “The Locally Valued Heritage Assets listed below and identified in parts 1 to 6 of Policy Map 3 will be conserved in a manner appropriate to their significance. Enhancement of the significance of heritage assets and/or their settings will be supported. LVHA1: Bowburn...”
Policy CCQ4: Achieving Beautiful and Successful Development	Change the second sentence of Policy CCQ4 to “In order to achieve this, proposals should consider the following maxims (described in further detail in the supporting text below): a) Development...” Para 6.29, change to “Accompanying this, the National Model Design Code (2021) provides detailed guidance on the production of design codes, guides and policies to promote successful design. The Code follows on from the findings of the Building...2020.” Para 6.32, delete “(anticipated)” Table in Para 6.35, remove green shading from the box (to avoid confusion with the Policy itself)
General	Update the Contents, including paragraph and page numbering to take into account the recommendations contained in this Report



Cassop-cum-Quarrington Neighbourhood Plan

Durham County Council Decision Statement (Regulation 18(2))

Summary

1. Following an independent examination undertaken by written representations, Durham County Council now confirms that the Cassop-cum-Quarrington Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
2. This Decision Statement will be available on the council's website and at County Hall, Durham. A copy of the statement will also be available on Cassop-cum-Quarrington Parish Council's website.

Background

3. Durham County Council formally designated the Cassop-cum-Quarrington Neighbourhood Area in July 2014. This area relates to the whole of the Cassop-cum-Quarrington parish area and is entirely within the Local Planning Authority Area. Cassop-cum-Quarrington Parish Council is the designated qualifying body for the Plan.
4. The Cassop-cum-Quarrington Neighbourhood Plan and supporting documents were Submitted to the County Council on 19 December 2021. The County Council consulted upon the Plan for an eight-week period from 22 January 2021 to 19 March 2021, in accordance with Regulation 16.
5. The Council, with the consent of Cassop-cum-Quarrington Parish Council, appointed Nigel McGurk MRTPI to examine whether the Neighbourhood Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and whether the Neighbourhood Plan should proceed to a referendum.
6. The Examiner's Report was received on 9 June 2021. The Report included 23 individual recommended modifications which are set out below. These are required to enable the Neighbourhood Plan to meet the 'basic conditions', and other relevant statutory provisions, and proceed to referendum.

Recommendations, Decisions and Reasons

7. The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner, made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

8. Having considered the recommendations made in the examiner's report, and the reasons for them, Durham County Council has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990.
9. To meet the requirements of the Localism Act 2011, a referendum will be held in the area formally designated as the Cassop-cum-Quarrington Neighbourhood Area on the 23 September 2021.

Geoff Paul (Interim Head of Development and Housing)

Dated: 14 July 2021

ANNEX 1

Examiner's recommended modifications to Cassop-cum-Quarrington Neighbourhood Plan

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