

Full Council

20 July 2022

Adoption of Cotherstone Parish Neighbourhood Plan



Report of Geoff Paul, Interim Head of Regeneration, Economy and Growth

Councillor Elizabeth Scott, Cabinet Portfolio Holder for Economy and Partnerships

Electoral division(s) affected:

Barnard Castle West Ward

Purpose of the Report

- 1 To formally 'make' (adopt) Cotherstone Parish Neighbourhood Plan.

Executive summary

- 2 The parish council for Cotherstone have produced a neighbourhood plan which has passed independent examination in 2021.
- 3 On Thursday 7 July 2022 a referendum was held for this neighbourhood plan and it was overwhelmingly approved by voters. The Council must now make the Plan so that it formally becomes part of the statutory development plan for the Neighbourhood Area.

Recommendation

- 4 Council is recommended to agree that:
 - (a) The Cotherstone Parish Neighbourhood Plan is formally made (adopted) by the Council to become part of the statutory development plan; and
 - (b) The Head of Legal and Demographic Services be authorised to take all necessary steps to affect the adoption of the Cotherstone Parish Neighbourhood Plan including the publicity requirements contained in the Neighbourhood Planning (General) Regulations 2012

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 (General) Regulations 2012. To date the Council have made eight Neighbourhood Plans: Whorlton and Westwick, Great Aycliffe, Sedgfield, Witton Gilbert, Durham City, Lanchester, Oakenshaw and Cassop cum Quarrington. A number of further plans remain under preparation.
- 6 To meet the relevant statutory requirements, a referendum was held in Cotherstone Parish Neighbourhood Area on the 7 July 2022.
- 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 (by the 2nd September in this instance).

Cotherstone Neighbourhood Plan

- 9 The Cotherstone Parish Neighbourhood Plan relates to the whole of the Cotherstone parish area. The group have progressed the Plan through the statutory consultation stages and the examination ran from September to November 2021. This was undertaken using written representations. The final report was formally submitted to the County Council on 23 February 2022.
- 10 The Examiner concluded that the Neighbourhood Plan met all of the statutory requirements however a number (4) 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 90.63% of votes (from a turnout 160 people, or 29% of the electorate) were in favour of the Neighbourhood Plan.

Next Steps

- 11 A formal Decision Statement will be issued in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations

2012. This will be published on the Council's website and installed in appropriate locations such as County Hall and the Parish Council Office in the neighbourhood plan area. Copies will also be sent to those who have commented on the plans.

Conclusion

- 12 This Neighbourhood Plan sets out new policy requirements for Cotherstone Parish Neighbourhood Area. When made it will form part of the development plan. The modified plan has received the support of the local community at referendum. It is therefore the case that the Cotherstone Parish Neighbourhood Plan must be 'made' (adopted) by the County Council to become part of the statutory development plan.

Background papers

Cotherstone Parish Neighbourhood Plan

<https://www.durham.gov.uk/media/38566/Cotherstone-Neighbourhood-Plan-Referendum-version/pdf/CotherstoneParishNeighbourhoodPlan.pdf?m=63789166585627000>

Declaration of result for the area:

<https://www.durham.gov.uk/media/40312/Declaration-of-Result-Cotherstone-Neighbourhood-Planning-Referendum-07-July-2022/pdf/Declaration-of-Result-Cotherstone-Neighbourhood-Planning-Referendum-07-July-2022.pdf?m=637928802606600000>

Examiner's Report for the Plan:

https://www.durham.gov.uk/media/37386/Cotherstone-Parish-Neighbourhood-Plan-examiner-s-report/pdf/Cotherstone_Parish_Neighbourhood_Plan_examiner's_report.pdf?m=637819950055000000

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Appendix 1: Implications

Legal Implications

The Neighbourhood Planning (General) 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. The decision to adopt the plan is also subject to a right of legal challenge.

Finance

There will be no financial implications from making the neighbourhood plan unless the making of the neighbourhood plan is legally challenged.

Consultation

The 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 Neighbourhood Plan Policies aim to protect valued local green spaces and promote more sustainable design.

Human Rights

Human Rights implications have been carefully considered. It is not considered that there will be any unlawful interference with any person's human rights and insofar as there might be any interference, such interference is considered to be justified and proportionate having regard to the public benefit arising out of an adopted neighbourhood plan. The Neighbourhood Plan has been considered by an independent examiner in accordance with national law and it is considered that the public interest in adopting the plan outweighs any impacts upon private rights.

Crime and Disorder

None identified.

Staffing

None identified.

Accommodation

None identified.

Risk

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

Procurement

None identified.