



Witton Gilbert 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 Witton Gilbert 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 Witton Gilbert Parish Council's website and at their office.

Background

3. On 18th November 2013, Durham County Council formally designated the Witton Gilbert Neighbourhood Area. This area relates to the whole of the Witton Gilbert parish area and is entirely within the Local Planning Authority Area. Witton Gilbert Parish Council is the designated qualifying body for the Plan.
4. The Witton Gilbert Neighbourhood Plan and supporting documents were Submitted to the County Council on 30th November 2018. The County Council consulted upon the Plan for a six-week period from 17th January 2019 to 4th March 2019, in accordance with Regulation 16.
5. The Council, with the consent of Witton Gilbert Parish Council, appointed Rosemary Kidd 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 formally submitted on 10th July 2019 and recommended 14 modifications (set out in Annex 1) so that the Witton Gilbert Neighbourhood Plan is able to comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified can be submitted for 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 Witton Gilbert Neighbourhood Area.
10. The date on which the referendum will take place is Thursday 7th November 2019.

Stuart Timmiss (Head of Development and Housing)

20.09.2019

Dated.....

ANNEX 1

Schedule of Examiners proposed modifications to Witton Gilbert Neighbourhood Plan.

Recommendation 1:

Improve the clarity of the Policies Map, Inset Map and Local Green Spaces Map. Revise the Policies Map and village Inset Map to show the sites referred to in the policies with links to the relevant policy in the key.

Check the text and paragraph numbering of references to the NPPF.

Decision: Modification ACCEPTED

Recommendation 2:

Revise the second paragraph under section 7.1.4 to read:

“This section provides an overarching framework for the sustainable development of the Plan area. The plan contains specific planning policies on.....”

Decision: Modification ACCEPTED & Plan amended

Recommendation 3:

Revise Policy 1 as follows:

Delete “and/or where the proposal relates to the following:” from the second paragraph of Policy 1 and delete criteria a) to e) and sub-criteria a) and b).

Delete the first sentence of the final paragraph “Proposals must not.... objectives of the Neighbourhood Plan.”

Delete the following from paragraph 4 of the justification: “and this policy recognises that these sites may come forward in the future.”

Delete paragraph 5 of the justification. (These sites may come forward...).

Delete the second sentence of paragraph 6 (The exceptions cited...).

Delete paragraph 7 of the justification.

Revise paragraph 8 to read: “...respects the amenity of residents, *safeguards and conserves the natural environment and built heritage* and ensures”

Decision: Modification ACCEPTED & Plan amended

Recommendation 4:

Revise Policy 2 as follows:

Revise criterion a) to read “.... scale, *density*, architecture.....”

Revise punctuation and numbering of criteria. Revise reference to criterion a) in section 7.3.4.

Revise the second sentence of paragraph 4 of section 7.3.5 to read: “.... indicated that *site H1 may be suitable for 100% affordable or social housing and site H2 would be suitable for a mixed tenure development including a proportion of affordable housing in accordance with the strategic policy.*”

Decision: Modification ACCEPTED & Plan amended

Recommendation 5:

Revise Policy 3 as follows:

Revise the first paragraph to read: “*On sites of 10 or more dwellings, 10% of the dwellings shall be provided as dwellings suitable for older people. Appropriate house types considered suitable to meet this requirement include.*”

Delete the second and third paragraphs of Policy 3 concerning M4(2) standards.

Change the final sentence of the fifth paragraph of section 7.3.7 into a Community Action. Revise the final sentence to read: “*The Parish Council will encourage DCC to include a policy on the optional Building Regulations Requirement M4(2) in its emerging Local Plan.*”

Decision: Modification ACCEPTED & Plan amended

Recommendation 6:

Revise Policy 4 as follows:

Revise the title of the Policy to “*Development of land to the south of Front Street, Witton Gilbert (site H2)*”

Revise the first paragraph to read “Residential development on land to the south of Front Street will be supported where it.”

Revise criterion a) to read: “takes account of the Design Brief set out in

Appendix A;”

Revise criterion b) to read “*conserves and enhances the special character of the historic zone*”.

Revise the first paragraph of section 7.3.9 to read: “Encouraging development *on site H2 to the south of Front Street* will help.....”

Add the following to the end of the fourth paragraph of section 7.3.9: “*Regards will need to be had to the existence of water mains and public sewers which cross this site.*”.

Decision: Modification ACCEPTED & Plan amended

Recommendation 7:

Revise Policy 5 as follows:

Revise criterion c) to read “...development *conserving* features...”

Include a new Community Action “*The Parish Council will seek to identify further the features and characteristics of the Historic Zone that contribute to its significance, in order to better protect them in the future*”.

Decision: Modification ACCEPTED & Plan amended

Recommendation 8:

Revise Policy 6 as follows:

Delete “Development should be designed to achieve the highest possible energy efficiency standards” from the first paragraph.

Revise the second sentence of the first paragraph of the policy to read:

“Design should contribute positively to place-making *and sustainable design* and should be developed in response to a robust analysis of *the character of the built environment and local landscape character*.”

Replace “It must;” in the first paragraph with “It should:”.

Delete from criterion b) “by incorporating passive design measures to improve energy efficiency of heating, cooling, ventilation and lighting.”

Delete criterion c).

Delete “any development proposals should” from criterion d).

Add a paragraph to the justification to give examples of measures that can be used to promote energy efficiency and the generation of renewable and low carbon energy.

Correct the punctuation in accordance with paragraph 3.9.

Decision: Modification ACCEPTED & Plan amended

Recommendation 9:

Include the following after the first sentence in the first paragraph of 7.6.6 *"The area is designated as ancient semi-natural woodland and protected as such by strategic policies."*

Decision: Modification ACCEPTED & Plan amended

Recommendation 10:

Revise Policy 9 as follows:

Revise the title of the Policy to "Protection of Local Green Spaces *and Local Amenity Areas*."

Revise the final paragraph of the policy to read: *"The Local Green Space and Local Amenity Areas shall be safeguarded and enhanced as open spaces for recreation and amenity. Inappropriate development that is harmful to the Local Green Space will not be supported except in very special circumstances."*
The examples may be included in the justification to explain how the policy should be interpreted.

Add a new paragraph to the policy: "The following areas shall be safeguarded as "Local Amenity Areas" list sites G3, G6, G7, G8, G12 and G15." Delete these sites from the list of Local Green Spaces.

Decision: Modification ACCEPTED & Plan amended

Recommendation 11:

Revise Policy 10 as follows:

Revise the first paragraph to read: "Proposalscommunity value of the *following community* assets..... supported, subject to any developments being in accordance with the *policies of the development plan*."

Delete "Current".

Delete "Witton Gilbert Allotments"

Revise the second paragraph to read: "*Proposals that would result in the loss of the last public house or last retail shop in the village will only be supported where they include a robust justification to demonstrate:*

Revise criterion a) to read "*It can be demonstrated that the commercial use of the property as a public house or retail shop is no longer financially viable;*"

Number the community assets and show on the Policies Map / Inset Map.

Decision: Modification ACCEPTED & Plan amended

Recommendation 12:

Delete Policy 11.

Move the key issues from section 7.9.3. to section 5.

Set out Community Actions on traffic calming, speed reduction measures and road safety.

Decision: Modification ACCEPTED & Plan amended

Recommendation 13:

Revise the title of Policy 12 to "Broadband".

Delete "either in terms of financial viability or lack of market demand for these products" from the policy.

Decision: Modification ACCEPTED & Plan amended

Recommendation 14:

Revise Policy 14 as follows:

Revise the first paragraph to read: "... proposals will be *supported* for.... office and / or B1 uses,.....

Revise criterion b) to read: "*it is demonstrated that*"

Revise criterion c) to refer to "*the development plan*" instead of "this Plan".

Decision: Modification ACCEPTED & Plan amended

