



Durham City 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 Durham City Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.
2. - This Decision Statement will be available on the County Council's website and at County Hall, Durham. A copy of the statement will also be available on Durham City Parish Council's website.

Background

3. - 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.
4. - The Durham City Neighbourhood Plan and supporting documents were Submitted to the County Council in October 2019. The County Council consulted upon the Plan for a six-week period from 6th January 2020 to 17th February 2020, in accordance with Regulation 16.
5. - The Council, with the consent of Durham City Parish Council, appointed Tony Burton 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 14th July 2020. The Report includes 57 recommended modifications. These modifications are required to enable the Neighbourhood Plan to meet the 'basic conditions' and proceed to referendum. A further 14 optional modifications are included in the report. While these are not essential for the Plan to meet the Basic Conditions, they improve the clarity of the Plan and the County Council have elected to incorporate these modifications as well. The table in Annex 1 sets out all recommended modifications (M1 onwards) and optional modifications (OM1 onwards).

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 Durham City Neighbourhood Area. -
10. Recent regulatory changes linked to the Coronavirus Act (2020) mean that no elections or referendums can take place until 6 May 2021 (including neighbourhood planning referendums). These provisions are to be kept under review and may be amended or revoked in response to changing circumstances. A further notice will therefore be published when a date has been set for the referendum for the Durham City Neighbourhood Plan.

Stuart Timmiss (Head of Development and Housing)

Dated: 30 July 2020

ANNEX 1

Examiner's recommended modifications to Durham City Neighbourhood Plan

Recommendation	Section	Summary of Recommendation
OM1	Mapping	Provide a link to a suitable map which depicts the boundary of the neighbourhood area at an appropriate scale (Proposals Map 1).
OM2 and OM3	Cover	Confirm the period of the Plan on the front cover as 2020-2035. Delete "Proposal" on front cover.
OM4 OM5	Mapping	Provide a link from the neighbourhood plan website to the maps using that provided in paragraph 4.4. of the Plan: http://npf.durhamcity.org.uk/the-plan/maps Provide a link alongside each Proposals Map to the relevant online Proposals Map.
M1	Mapping	Review the online Proposals Maps to ensure they accurately depict the boundaries for relevant Plan policies.
OM6	Terminology/Numbering	In the Contents: <ul style="list-style-type: none"> • Replace "Master Plans" with "Masterplans" in title of Policy S2 • Replace "100" with "101" in page number for Proposals Map 7 • o Replace "114" with "111" in page number for Map 6
OM7	Document Library	Include the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report in the documents available on the neighbourhood plan website.
M2	Policy S1	Amend Policy S1 to: <ul style="list-style-type: none"> • Replace "must, where relevant," with "should, where relevant and appropriate," • Delete "and enhancing" in section d) • Add "or otherwise manage flood risk," after "necessary" in section j) • Delete "and" at end of section l and add "and" to end of section m)

OM8	Figure 1	Replace the NPPF extract in Figure 1 with paragraph 148 of most recent NPPF.
M3 M4 M5	Policy S2	<p>Amend Policy S2 to:</p> <ul style="list-style-type: none"> • Replace the first sentence with “The preparation of a masterplan or other appropriate design and development framework for all major development sites is supported prior to consideration of a planning application for the site.” • Replace “must” with “should” in the second sentence • Replace “it adds” with “development proposals add” in section b) • Delete “especially those with special needs” in section f) <p>Amend the title of Policy S2 to add “or other design and development frameworks”</p> <p>Insert at beginning of paragraph 4.28 “The masterplan or other appropriate design and development framework should be prepared by the local planning authority and/or applicant.”</p>
M6	Policy H1	<p>Amend Policy H1 to:</p> <ul style="list-style-type: none"> • Replace “are required to” with “should” and delete the second “to” in the first sentence • Replace “must” with “should” in the first line and the second and third paragraphs • Replace “taking account” with “demonstrating account has been taken” in section a) • Add “where appropriate” after “World Heritage Site” in the second line of paragraph 3
OM9 OM10	Policy H1	<p>Provide evidence on the location and/or criteria for “lost views” and “new views and vistas” in the supporting justification.</p> <p>Address the error in numbering of paragraphs between 4.44 and 4.45.</p>
M7	Policy H2	<p>Amend Policy H2 to:</p> <ul style="list-style-type: none"> • Delete “special interest and” in the first paragraph. • o Delete “the designated assets and” in the last paragraph.

M8	Policy H3	<p>Amend Policy H3 to:</p> <ul style="list-style-type: none"> • Replace “must” with “should, where appropriate,” in the first paragraph • Insert “appropriate and” after “where” in second line of second paragraph • Replace “enhancing” with “making a positive contribution to” in section a) • o Delete “vernacular” in sections d) and e)
M9	Policy H4	Delete Policy H4
M10	Policy G1	<p>Replace Policy G1 with the following:</p> <p>“Development proposals which avoid the loss of existing green assets (as defined in paragraphs 4.70, 4.71 and Table 1) with significant recreational, heritage, cultural, ecological, landscape or townscape value will be supported.</p> <p>Where the loss of green assets of significant value is unavoidable then, where appropriate, alternative equivalent provision should be provided on-site or off-site where this is not viable or practicable.</p> <p>Development proposals which provide additional green assets that address deficiencies within Our Neighbourhood will be supported.</p> <p>Any new or replacement green assets should be appropriate to the context, having regard to the landscape, townscape and ecology of the locality and where appropriate the setting of heritage assets.</p> <p>Development proposals should have regard to the local distinctiveness, character, quality and biodiversity of existing public rights of way and those proposals which connect to, improve or extend the Public Rights of Way network and improve its accessibility will be supported.</p> <p>Development proposals that impact on green corridors should maintain or enhance their functionality and</p>

		<p>connectivity and avoid significant harm to ecological connectivity.</p> <p>Development proposals that improve existing green corridors or create green corridors on-site that connect to or improve existing green corridors shall be supported.</p> <p>Development proposals that provide net gains for biodiversity by restoring, recreating or creating wildlife habitats, particularly for locally protected and priority species, will be encouraged and supported.</p> <p>Development proposals should avoid significant harm to features of geological value.</p> <p>Development proposals that avoid loss of or restrictions to access to the banks of the River Wear and retain existing Public Rights of Way, green corridors or dark corridors will be supported.</p> <p>Development proposals which provide additional pedestrian access points to the banks of the River Wear that are desirable in relation to public safety, ecology and heritage will be supported. Where appropriate, development proposals next to the banks of the River Wear should incorporate a public route along the riverbank which creates a footpath, green corridor and cycle route in that order of priority and avoids any significant impact on existing heritage or green assets.</p> <p>Development proposals incorporating new lighting should be designed to minimise any ecological impact and avoid significant harm to existing dark corridors.”</p>
<p>OM11 OM12 OM13</p>	<p>Policy G1</p>	<p>Retitle and amend Policy G1 and the supporting text to reference blue as well as green infrastructure throughout.</p> <p>Provide details of sources of information for the existing network of public rights of way, green corridors, dark corridors and the Emerald Network in the supporting text,</p>

		<p>including by direct reference to the 2018 Assessment of open spaces in Our Neighbourhood.</p> <p>Include the definition of the “banks of the River Wear” in the supporting text.</p>
M11	Mapping	Amend the online map to align with the Proposals Map for Local Green Spaces.
M12 M13	Policy G2/Mapping	<p>Replace Policy G2 with the following:</p> <p>“The following areas (shown on Proposals Map 2) are designated as Local Green Space where inappropriate development should not be approved except in very special circumstances:</p> <ol style="list-style-type: none"> 1. River Wear Corridor in the areas of Peninsular Woodlands, the Racecourse and the Sands 2. Observatory Hill 3. Bow Cemetery 4. Clay Lane 5. Flass Vale and North End allotments 6. St Margaret’s Cemetery and allotments 7. Durham Light Infantry (DLI) grounds 8. Maiden Castle Wood, Great High Wood, Hollinside Wood and Blaid’s Wood 9. Neville’s Cross battlefield.” <p>Amend Proposals Map to show each of these designations as Local Green Space and ensure the online map is consistent with the Proposals Map.</p>
M14 M15 M16 M17	Policy G3/Mapping	<p>Amend Policy G3 to:</p> <ul style="list-style-type: none"> • Replace “proposed” with “identified” in the first line • Insert “significant” before harm in the third paragraph • Delete the fourth paragraph • Separate Houghall and Maiden Castle into separate sites and renumber the Policy and Proposals Map accordingly <p>Amend Proposals Map 3 to show the full neighbourhood area and the public rights of way or pavement links to Houghall and Aykley Heads.</p>

		<p>Delete the sentence in the supporting text beginning “This policy does not confer extra designations on these sites.....” on page 68.</p> <p>Include reference to the 2018 Assessment of open spaces in Our Neighbourhood as evidence for identifying the sites on the basis that they are the only such sites connected by public rights of way or pavements in the neighbourhood area.</p>
M18 M19	Policy G4/Mapping	<p>Amend Policy G4 to:</p> <ul style="list-style-type: none"> • Add “as shown in Proposals Map 4” after “Our Neighbourhood” in the first paragraph and after “Cross” in the second paragraph • Add “sustain, conserve and” at beginning of subsections a) and c) <p>Revise Proposals Maps 4 and 5 to be consistent with the County Durham Local Plan.</p>
M20 M21 M22 M23 M24	Policy E1/Mapping	<p>Amend Policy E1 as follows “Proposals for development of B1a and B1b uses will be supported at the Aykley Heads site shown in Proposals Map 5 where these are in accordance with a masterplan or other design and development framework prepared under Policy S2.”</p> <p>In paragraph 4.138 delete “Details of this site (shown in Proposals Map 5) are as follows.</p> <ul style="list-style-type: none"> • Site E1.1: The Aykley Head Business Park” <p>In paragraph 4.138 replace “and design brief” with “or other design and development framework”.</p> <p>In paragraph 4.140 replace text before “Aykley” with “An Environmental Impact Assessment will need to be undertaken of any proposed development which is likely to have significant effects on the environment at” and delete the penultimate sentence beginning “The Environmental Assessment”.</p> <p>In paragraph 4.146 replace “allocated” with “identified” in the second line.</p>

<p>M25 M26 M27</p>	<p>Policy E2/Mapping</p>	<p>Amend Policy E2 to insert:</p> <ul style="list-style-type: none"> • “as shown in Proposals Map 5” after “Quarter)” • “people with disabilities,” after “people,” in the last line <p>In paragraph 4.143 delete “Details of the site (shown in Proposals Map 5) is as follows:</p> <ul style="list-style-type: none"> • Site E2.1: Fowler’s Yard This” and insert “Fowler’s Yard” <p>In paragraph 4.144 delete “In respect of a further site shown on Proposals Map 5:</p> <ul style="list-style-type: none"> • Site E2.2: Blagdon Depot • The Neighbourhood Plan recognises this” and insert “Blagdon Depot is a”
<p>M28</p>	<p>Mapping</p>	<p>Amend Proposals Map 5 to:</p> <ul style="list-style-type: none"> • Align the online and printed versions • Delete reference to “Blagdon Depot” and “Durham Science Park” • Renumber “Aykley Heads” as E1 and “Fowlers Yard” as E2 • Show Aykley Heads as a single parcel of land
<p>M29 M30 M31 M32</p>	<p>Policy E3/Mapping</p>	<p>Amend Policy E3 as follows:</p> <ul style="list-style-type: none"> • Replace “Durham City centre core retail area” with “Durham City Centre” in first sentence • Replace “Primary Frontage” with “Primary Retail Frontage” throughout • Delete sections a), d), e), f) and g) • Insert “A1 retail”, before “A2” in section b) [reordered as section a] <p>Amend title of Proposals Map 6 to “City Centre Boundary and Primary Retail Frontage”, rename the boundaries shown in the key as “City Centre” and “Primary Retail Frontage”.</p> <p>Provide a justification for the location of the Primary Retail Frontage in the supporting text, including referencing the Durham County Council document cited above and including it in the References.</p> <p>Amend the supporting text to consistently use the terms “City Centre” and “Primary Retail Frontage” throughout.</p>

OM14	Policy E3	Delete reference to the 24 January 2013 Ministerial statement in paragraph 4.157.
M33	Policy E4	Amend Policy E4 to replace “prove” with “appropriate evidence”.
M34	Policy E5	Amend Policy E5 to: <ul style="list-style-type: none"> • delete section d) • replace “significant” with “positive” in section e)
M35 M36	Policy E6	Amend Policy E6 to: <ul style="list-style-type: none"> • delete the first sentence • delete “in all cases a condition of consent is imposed” and “to restrict continuous accommodation so that it” in subsection c) <p>Replace “must” with “should” in paragraph 4.164.</p>
M37 M38 M39 M40	Policy D1/Mapping	Replace Policy D1 as follows “Proposals for housing development on the following sites, as shown on Proposals Map 7, will be supported: <ul style="list-style-type: none"> o Main Street USA o The Avenue The conversion of existing buildings for residential use will be supported.” <p>Delete the “Possible” sites from Proposals Map 7.</p> <p>Provide details of the process through which the sites were identified and publish the results of the call for sites in the online evidence base.</p> <p>Make consequential changes to paragraphs 4.184 to 4.188 consistent with these modifications, including deletion of references to sites being allocated.</p>
M41 M42 M43	Policy D2/Mapping	Delete Policy D2 <p>Amend Proposals Map 8 to align the site allocations with those in the emerging Durham County Local Plan.</p> <p>Make consequential changes to the supporting text which address this modification.</p>

M44 M45	Policy D3	Delete Policy D3 Make consequential changes to the supporting text which address this modification.
M46 M47	Policy D4	Amend Policy D4 to: <ul style="list-style-type: none"> • Replace “must” with “should” in the first and second paragraphs • Replace “of more than 10 housing units, or of more than 0.4 hectares” with “where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more” • Replace “are” with “includes” after “requirement” in the first paragraph and delete “or” at the end of each of the four subsequent bullets • Delete the second paragraph beginning “If this is not feasible” • Delete “and which also require planning permission” in the fifth paragraph • Delete from “Housing for younger people with disabilities” to end of Policy Delete paragraph 4.197
M48	Policy D5	Amend Policy D5 to: <ul style="list-style-type: none"> • Replace “must” with “will be required to” in the first paragraph • Replace “of more than 10 housing units, or of more than 0.4 hectares” with “where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more” • Replace the second sentence of the second paragraph with “Where it can be justified by the developer, or it is considered by the local planning authority that it is the most appropriate course of action, off-site contributions in lieu of on-site provision will be accepted for affordable housing located within or adjacent to Our Neighbourhood.”
M49	Policy D6	Amend Policy D6 to: <ul style="list-style-type: none"> • Replace “that need planning consent, must” with “should” in the first paragraph

		<ul style="list-style-type: none"> o Replace the second paragraph with “New residential development should meet the Building for Life 12 standards provided for in County Durham Building for Life Supplementary Planning Document (2019)”
M50 M51	Policy T1	<p>Amend Policy T1 as follows:</p> <ul style="list-style-type: none"> • Replace the first paragraph with “Development proposals should be supported by evidence of how they contribute to sustainable transport accessibility and design where appropriate.” • In the third paragraph delete “be made to” • In the fourth paragraph delete “By following best practice”, replace “will include” with “should include, where appropriate”, and delete “exceeding 20mph” <p>In paragraph 4.244 delete “It will not be acceptable for”, replace “merely to” with “should” and replace “must” with “should also”.</p>
M52	Policy T2	<p>Amend Policy T2 to:</p> <ul style="list-style-type: none"> • Replace “must” with “should” in section d) • Add “and” at end of section d) • Delete section f) • Retitle section g) as “Additional parking controls” and replace with “Where a proposed development will generate a significant increase in demand for on street parking that requires new or amended parking controls these can be funded through developer contributions.”
M53	Policy T3	<p>Amend Policy T3 to:</p> <ul style="list-style-type: none"> • Insert “, where appropriate,” before “mobility aids” in in the second line • Replace “must” with “should” in section a) • Replace “Where storage is provided communally for a number of dwelling units the travel plan should include a commitment to” with “Where there is provision for communal storage for a

		<p>number of dwellings and a travel plan is required then this should consider”</p> <ul style="list-style-type: none"> • Delete “must accord with current best practice guidance, with appropriate solutions depending on the” with “should accord with” in section c)
M54 M55	Policy C1	<p>Amend Policy C1 to:</p> <ul style="list-style-type: none"> • delete section b) and replace section d) with “do not harm the overall viability of facilities within the neighbourhood area” • delete “New” in the second sub-heading • remove bold from third sub-heading • delete “enhances and” in section i) <p>Delete paragraph 4.295.</p>
M56	Policy C2	Amend Policy C2 to delete “enhances and” in section f).
M57	Policy C3	Amend Policy C3 to read “Development proposals which would result in the loss of a valued community facility for which there is demonstrable demand should make equivalent alternative provision within or adjacent to Our Neighbourhood.”