



## **Oakenshaw 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 Oakenshaw 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 Greater Willington Town Council's website.

#### **Background**

3. The Neighbourhood planning process was initiated by Greater Willington Town Council on behalf of Oakenshaw Community Association in September 2015 and since then officers have worked closely with Oakenshaw Community Association in helping to shape the neighbourhood plan.
4. The Oakenshaw Neighbourhood Plan and supporting documents were Submitted to the County Council in February 2020. The County Council consulted upon the Plan for a six-week period from 9<sup>th</sup> March 2020 – 24<sup>th</sup> April 2020, in accordance with Regulation 16.
5. The Council, with the consent of Greater Willington Town Council and Oakenshaw Community Association, 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.
6. The Examiner's Report was received on 3rd August 2020. The Report includes a number of recommended modifications. These modifications are required to enable the Neighbourhood Plan to meet the 'basic conditions' and proceed to referendum. The table in Annex 1 sets out all recommended modifications.

#### **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 Oakenshaw 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 Oakenshaw Neighbourhood Plan.

**Stuart Timmiss (Head of Development and Housing)**

**Dated: 8 December 2020**

## ANNEX 1

### Examiner's recommended modifications to Oakenshaw Neighbourhood Plan

Policy	Examiner Recommendations
<b>Introductory Section – Section 6</b>	<ul style="list-style-type: none"> <li>- Page 3, delete reference in Contents to Section 6.0</li> <li>Delete section 6.0</li> </ul>
<b>Section 1</b>	<ul style="list-style-type: none"> <li>- Page 4 and 5, delete second paragraph and last sentence of third paragraph (“This Consultation...process.” “...We also invite...2035”)</li> </ul>
<b>Paragraph 1.2.2.2</b>	<ul style="list-style-type: none"> <li>- Page 5, change title to “Consultation”</li> </ul>
<b>Page 9</b>	<ul style="list-style-type: none"> <li>- Change fifth line on page 9 to “...non-designated heritage asset...”</li> </ul>
<b>Page 12 Para 1.5</b>	<ul style="list-style-type: none"> <li>- Page 12, Para 1.5, change second sentence to “This Neighbourhood Plan meets statutory requirements and forms part of the development plan used for determining planning applications.”</li> </ul>
<b>Page 13 Para 1.5.3</b>	<ul style="list-style-type: none"> <li>- Page 13, Para 1.5.3 change last sentence to “The ONP should be considered as a whole and be read in conjunction with national and local planning policies.”</li> </ul>
<b>Page 14</b>	<ul style="list-style-type: none"> <li>- Page 14, change first line to “Amongst other things, the Neighbourhood Plan, which has emerged through local activity, aims to protect and improve green...”</li> <li>- Page 14, Para 1.6.1, change first sentence to “...formulate the following overall vision for the Oakenshaw Neighbourhood Plan:”</li> <li>Para 1.6.1, last sentence, change to “...community and embracing of...”</li> </ul>
<b>Page 15</b>	<ul style="list-style-type: none"> <li>- Delete last sentence on page 15 (“Chapter 6.0...Policy.”)</li> </ul>
<b>Policy ONP ENV1 – Maintaining the Open Rural Character and Areas of Separation</b>	<p>Amend policy as follows:</p> <ul style="list-style-type: none"> <li>- Change the first sentence of Policy to “New development will be focused within the Oakenshaw Settlement Boundary, as defined on the ONP Proposals Map (Figure 4). Sustainable development proposals within the settlement boundary will be supported.”</li> <li>- Delete the remainder of the Policy and replace with “Development must respect the character and appearance of the Sensitive Areas shaded in light green on the Proposals Map and retain Oakenshaw’s qualities as a distinct linear settlement surrounded by open countryside. The enhancement of the Neighbourhood Area’s biodiversity, green corridors and environmental quality will be supported.”</li> </ul>

	<ul style="list-style-type: none"> <li>- Change the plan on page 17 to show “Local Green Space” designations, the “Additional Car Parking” allocation and “Local Plan Settlement Boundary” only</li> <li>- Figure 4 Legend, change “Village Character / Environmental Asset Protection Area” to “Sensitive Areas”</li> <li>- Figure 4, delete Valued View references and arrows</li> <li>- Page 21, change second sentence of first para of supporting text to “This approach provides for sustainable growth in Oakenshaw, for which there is no current housing allocation.”</li> <li>- Page 21, delete third para of supporting text (“This...views.”) which refers to an emerging policy, which may or may not be adopted in its current form, and elements of the Policy recommended for deletion</li> <li>- Page 21, five lines up from bottom of page, change to “...land east of the village is considered to be particularly important...”</li> <li>- Page 21, last sentence, change to “The Sensitive Areas around the settlement include areas rich in biodiversity. Sensitive Areas are locally valued for, amongst other things, supporting wildlife, providing green corridors, reducing noise and pollution, encouraging recreation and contributing to the settlements distinctive and separate identity. Strong settlement...begins.”</li> <li>- (delete final sentence (“All three...Assessment.”))</li> </ul>
<p><b>Policy ONP ENV2 – Local Green Spaces</b></p>	<ul style="list-style-type: none"> <li>- Change Policy ONP ENV2 to: “The areas shown on Figure (Proposals Map) and Figure 5 (Local Green Space) are designated for protection as Local Green Space. Within Local Green Space, the management of development will be consistent with that for development within Green Belts.”</li> <li>- Figure 4 Legend, change to “Local Green Space” (delete reference to “in Village and Nature Reserve” which appears confusing)</li> <li>- Figure 4 Key, replace “1. 2. 3.” (which does not accord with the Figure) with “LGS1. LGS2. LGS3.” This will enable clearer identification of each Local Green Space on the Proposals Map</li> <li>- Create a new plan, “Local Green Space.” This should be at a scale which allows for the clear and precise identification of the boundaries of each area of Local Green Space so that there can be no confusion.</li> <li>- Page 22, first line of supporting text, delete “the CDP 2019 (Policy 27) and”</li> </ul>
<p><b>Policy ONP ENV3 – Green Infrastructure and Natural Landscape</b></p>	<ul style="list-style-type: none"> <li>- Change Policy ONP ENV3 to: “Development must respect the Neighbourhood Area’s distinctive landscape character (as described in the County Durham Landscape Character Assessment 2008) and should not result in the loss of, or damage to, hedgerows, trees or other forms of biodiversity value. Should the removal of a tree or group of trees be</li> </ul>

	<p>demonstrated to be necessary, such trees should be replaced with a similar number of trees in an appropriate nearby location, using native disease resistant species. The planting and/or enhancement of trees and hedgerows and net gains in biodiversity will be supported.”</p> <ul style="list-style-type: none"> <li>- Page 23, delete from fourth line of supporting text “...CDP 2019 (Policy 27)...”</li> <li>- Page 23, line 6 of supporting text, change to “...hedgerows and encourage the planting of more trees...nearby location, although this is not ideal as habitat that is destroyed can take a long time to re-establish.”</li> <li>- Page 24, end supporting text on line 3 of second para, “...agricultural fields close to the village.” Delete “Development on the...stage of development.” which reads as though it is a policy requirement (but it is not).</li> </ul>
<p><b>Policy ONP H1 – Small Scale Housing Development</b></p>	<ul style="list-style-type: none"> <li>- Change Policy ONP H1 to “Infilling and small-scale (less than 30 dwellings) residential development within the settlement boundary will be supported where it: <ol style="list-style-type: none"> <li>1. is of high quality design;</li> <li>2. respects local character, including the linear form of the settlement and its rural character and setting;</li> <li>3. respects residential amenity</li> <li>4. is not in an area of flood risk</li> </ol> </li> <li>- New homes should be energy efficient and the incorporation of renewable energy measures, including solar panels will be supported, as will the development of homes with zero carbon emissions.”</li> <li>- Pages 25 and 26, change from last line on page 25, to “Policies the ONP will, as part of the development plan, help to provide the basis for considering windfall proposals in the Neighbourhood Area. The Neighbourhood Plan seeks to encourage opportunities to respond positively...consultation (see key issues below).”</li> <li>- Page 26, change bullet point 1. To “New housing should take account of the rate of build over the last 10 years (approximately 15 to 20 houses) and be proportionate...”</li> <li>- Page 28, delete second para (“Housing development...objectives identified above.”)</li> <li>- Page 29, delete final para, which is not an adopted Durham County-wide policy requirement and which conflicts with national policy.</li> </ul>
<p><b>Policy ONP H2 – Large Scale Housing Development Requirements</b></p>	<ul style="list-style-type: none"> <li>- Change the first line of Policy ONP H2 to “Large scale proposals for 30 dwellings within the settlement boundary will be supported where:”</li> <li>- Change the numbering of the five criteria that follow from 2-6 to “1 – 5”</li> <li>- Delete criteria 7 and 8. Add new criteria “6. All housing development will be required to provide</li> </ul>

	<p>affordable housing in accordance with development plan policy.”</p> <ul style="list-style-type: none"> <li>- Page 31, change line two to “...boundary whilst maintaining the linear form of the village. This...”</li> <li>- Page 31, delete first sentence of second para and replace with “The ONP aims to ensure that any new development in Oakenshaw is of high quality design and contained within the existing settlement boundary. Dwellings built...”</li> <li>- Page 31, fourth para, delete last sentence (“A proportion...policy 15.”)</li> <li>- Page 32, delete first para (“NPPF 19...developments.”)</li> </ul>
<p><b>Policy ONP H3 – Housing Development Outside of the Existing Settlement Boundary of Oakenshaw</b></p>	<ul style="list-style-type: none"> <li>- Delete POLICY ONP H3</li> <li>- Delete supporting text on pages 32 and 33</li> </ul>
<p><b>Policy ONP H4 – Community Led Housing Provision for Older or Disabled People</b></p>	<ul style="list-style-type: none"> <li>- Policy ONP H4, change to “The development of level access community-led housing development designed to meet the social housing needs of older and/or disabled people will be supported.” (delete rest of Policy)</li> <li>- Page 33, change first para of supporting text to “This ONP Policy refers to a specific need in Oakenshaw. The Census data...public consultations. In addition to Policy ONP H4, the OCA has an aspiration to build centrally...networks. The OCA’s aims in this regard are set out below.”</li> <li>- Provide a new sub-heading, “Community Action - New Community Homes”</li> <li>- Below heading add sentence “This Community Action is not a Neighbourhood Plan Policy but sets out an important local aspiration to deliver new community homes, to be led by the OCA.”</li> <li>- Below this, add the text from line three of second para on page 34 to end of the third para (“A community led development...and commuted sums.”)</li> </ul>
<p><b>Policy ONP H5 – Parking Standards for New Residential Development</b></p>	<ul style="list-style-type: none"> <li>- Change Policy ONP H5 to “New residential development must provide off-road parking, taking into account the type and mix of the development and the need to prevent increases in on-road parking to the detriment of highway safety. All new dwellings must provide electric vehicle plug-in points and provision for cycle parking or storage.”</li> <li>- Change title of Policy to “Car Parking and Provision for Electric Vehicles and Cycles”</li> <li>- Page 35, second para, change second line to “...should provide for off-road parking commensurate with the scale and type of housing provided. Cycling and electric vehicles provide for sustainable forms of</li> </ul>

	<p>transport and the Policy seeks to encourage more sustainable patterns of movement by ensuring that new housing provides for these.” (delete rest of para)</p> <ul style="list-style-type: none"> <li>- Page 35 delete third para of text (“Housing...1.4.”)</li> <li>- NB, delete footnotes on page 35</li> </ul>
<p><b>Policy ONP VC.1 – Community Hub</b></p>	<ul style="list-style-type: none"> <li>- Change the wording of Policy ONP VC.1 to “The development of a Community Hub in Oakenshaw will be supported. The Community Hub should be located in an easily accessible location within the settlement boundary, with safe and convenient access for all users and it should be designed to respect local character, residential amenity and highway safety.”</li> <li>- Replace last sentence of supporting text (“There is more...feasibility study”) with “The Town Council and Community Association will seek to identify an appropriate location for a Community Hub further to detailed feasibility work.”</li> </ul>
<p><b>Policy ONP VC.2 – Community Use of the Field West of New Row</b></p>	<ul style="list-style-type: none"> <li>- Change title of Policy ONP VC.2 to “Community Use of LGS2, ‘The Green’”</li> <li>- Change Policy ONP VC.2 to “The development of community facilities and services at LGS2 (known as ‘the green’) will be supported, including, where very special circumstances can be demonstrated, the development of a new Community Hub”.</li> <li>- Change start of second para on page 40 to “This Policy recognises that the appearance and use of ‘the green’ would be improved by landscaping, improving drainage, enhancing the wildlife habitat and fencing the field to prevent vehicles driving over it and...picnics. In addition, the Policy also recognises that the Oakenshaw community would benefit significantly from the provision of a multi-use hub building, providing indoor space linked to outdoor play and seating areas. The Policy is therefore supportive of the development of a Community Hub at LGS2 subject to meeting the national planning policy requirement in respect of demonstrating very special circumstances for new development in a Local Green Space.”</li> </ul>
<p><b>Policy ONP Econ 1 – Home-based working and rural diversification</b></p>	<ul style="list-style-type: none"> <li>- Change the wording of Policy ONP Econ 1 to “The diversification of agricultural and other land based rural businesses and small-scale development to accommodate home working and businesses run from the home will be supported, subject to it being demonstrated that development would respect local character, residential amenity and highway safety.”</li> <li>- Change the title of the Policy to “Home based working and rural diversification”</li> <li>- Page 43, supporting text, delete last sentence (“This policy...building.”)</li> <li>- Page 44, top of page, change to “Some types of extensions, garden offices and workshops within...”</li> </ul>

	<ul style="list-style-type: none"> <li>- Page 44, line 5, change to “The Policy seeks to ensure that new development is compatible with...the built environment. Other factors to be taken into account will include highway safety matters, such as safe access and car parking and respecting the residential amenity of neighbours. This could include paying attention to the positive benefits of tranquility and preventing undue noise and disturbance.”</li> <li>- Page 44, delete paras two and three of supporting text (“Within the...rural character.”)</li> </ul>
<p><b>Policy ONP Econ 2 – Improving Digital Connectivity</b></p>	<ul style="list-style-type: none"> <li>- Change first para of Policy to “The digital economy is important to Oakenshaw and the provision of sympathetically designed telecommunications infrastructure that respects local character and residential amenity will be supported.”</li> <li>- Change second para of Policy to “New telecommunications masts or antennae should be located outside the settlement boundary.”</li> <li>- Change line three of the first para of supporting text to “...connections. Subject to the requirements of Policy ONP Econ 2, there is general support for the erection of a new...NPPF 19 (Section 10).”</li> <li>- Delete second paragraph of supporting text (“The ONP...5.293).”</li> </ul>
<p><b>Policy ONP Econ 3 – Tourism Development</b></p>	<ul style="list-style-type: none"> <li>- Change Policy ON Econ 3 to “Small scale tourism development, including dedicated holiday accommodation, a café, improvements to public pathways and the provision of nature trails, will be supported.</li> </ul> <p>The conversion of barns into holiday accommodation will be supported where development respects local character, residential amenity and highway safety. The development of new and/or improved public rights of way, including the provision of interpretation boards, improved surfacing, signage and access for all users, will be supported in the following locations:</p> <ol style="list-style-type: none"> <li>1. Between the old railway to the east and historic public rights of way continuous with Park View;</li> <li>2. On Stockley Lane between the nature reserve and the old railway line to the east;</li> <li>3. Between Oakenshaw and Willington.”</li> </ol> <ul style="list-style-type: none"> <li>- Delete last para of supporting text on page 47 (“ONP...infrastructure) which refers, unnecessarily, to emerging policy amongst other things.</li> </ul>
<p><b>Policy ONP Econ 4 – Community Renewable Energy and Enterprise Projects</b></p>	<ul style="list-style-type: none"> <li>- Change ONP Econ 4 to: “Development of renewable community energy development, district heating systems, solar farm, new or replacement wind turbines and new green energy technologies will be supported where they: <ol style="list-style-type: none"> <li>1. Demonstrate community support; and</li> </ol> </li> </ul>



	<p>2. Generate income for the benefit of the community; and</p> <p>3. Respect local character and residential amenity, also taking into account, where appropriate, cumulative landscape and visual impacts. The development of new community facilities will be supported.”</p> <ul style="list-style-type: none"><li>- Page 48 of supporting text, delete from third line “...in accordance with CDP 2019 Policy 35: Wind Turbine Development” (which is not an adopted policy)</li></ul>
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