

Examination of CcQ Neighbourhood Plan - responses to Examiner’s Questions

Note 1 - The following table is broken up into separate sections dealing with each of the substantive points requiring a response. In each case the Examiner’s observations or questions are first (in grey shaded rows), followed by the QB’s response (in blue shaded rows)

Note 2 - For ease of reference, the context of the Examiner’s observations are in black font, with the specific points to respond to being in red font.

EXAMINER’S OBSERVATIONS/QUESTIONS:	QUALIFYING BODY’S RESPONSE:
<p>Policy CCQ1 – I understand the clear community aspiration in respect of protecting rural character and providing for the separation of settlements.</p> <p>Policy 6 of the Durham Local Plan sets out a supportive framework for sustainable development outside settlements, subject to the protection afforded by well-defined criteria. The requirements of Local Plan Policy 6 apply “except where a settlement boundary has been defined in a neighbourhood plan.” The Neighbourhood Plan does not define settlement boundaries.</p> <p>Policy CCQ1 does not support any development in the Protected Rural Setting that would “lead to a reduction in rural character...or diminish the role it plays in maintaining the separateness...” Please can you point me to information in respect of why Policy CCQ1 is in general conformity with Local Plan Policy 6.</p>	<p>‘The Neighbourhood Plan does not define settlement boundaries’ -</p> <p>The approach taken in the NP is to define the important rural gaps between settlements rather than the settlement edges themselves. These are identified in the NP as ‘Protected Rural Settings’ (PRS). There are therefore no defined settlement boundaries as such (at least Policy CCQ1 does not expressly use this term). However, the PRS areas clearly have edges, which in effect equate to settlement boundaries as they coincide with the edges of settlements - Parkhill being the clearest example.</p> <p>PRS’s represent a more innovative, locally tailored approach which responds to the specific circumstances of the Parish’s settlements.</p> <p>In the event, it is important to note that the lack of specific reference to settlement boundaries does not create any tension between Policy CCQ1 and Policy 6 of the County Durham Plan (CDP), notwithstanding the latter’s reference to a ‘settlement boundary ... defined in a neighbourhood plan’.</p> <p>The fact remains that Policy CCQ1 is a NP-level policy of restraint that qualifies and adds detail to the operation of Policy 6 in the same way that a settlement boundary policy would. As a context, it is relevant to note the findings of the County Durham Plan Inspector on this matter. In his Report, he stated that Policy 6 would facilitate development ‘on unallocated sites in or well related to all of the 200 or so settlements in the county that are not restricted by Green Belt or policies in a neighbourhood plan’ (paragraph 74). Policy CCQ1 is an example of just such a policy.</p>

'Please can you point me to information in respect of why Policy CCQ1 is in general conformity with Local Plan Policy 6'

This is examined on pages 8 and 9 of the Basic Conditions Statement, which explains how CCQ1 is in general conformity with not just Policy 6 (Development on Unallocated Sites), but also Policy 1 (Quantity of New Development) and Policy 10 (Development in the Countryside).

This is copied below for ease of reference -

Policy CCQ1 conforms firstly with CDP policy 1 in terms of that Plan having fully met housing and employment needs. The CDP confirms at Paragraph 1.9 that 'As the Plan allocated sufficient sites to meet housing needs for the county it does not set out housing requirements for designated neighbourhood areas'.

The edges of the Protected Rural Settings are also consistent with the CDP's glossary definition of 'built-up area'.

Secondly, CCQ1 sets out a locally specific policy of restraint which both supports and provides added detail to CDP policies 6 and 10, covering development on unallocated sites and in the countryside respectively.

The Protected Rural Setting policy is consistent with Policy 6 because it provides support and detail in relation to criteria 'b', 'c' and 'd' of that policy by articulating why development would be constrained in the PRS (coalescence, character, scale, function, form and setting).

Attention is also drawn to relevant observations on this matter by the Inspector in his Examination of the CDP. At paragraph 330 of his Report he notes –

'there is no need for the [County Durham] Plan to set out a housing requirement figure for any of the designated neighbourhood areas as referred to in national policy. Furthermore, it also justifies policy 6 (as modified) allowing neighbourhood plans to protect lands outside development limits from development proposals on unallocated sites'.

Policy CCQ1 is likewise consistent with CDP Policy 10 in terms of the broad scope of that policy, but particularly in terms of providing an additional local focus to its sub-sections –

l) which seeks to prevent development giving rise to unacceptable harm to the various qualities of the countryside;

- m) which seeks to ensure that development in the countryside does not 'result in the merging or coalescence of neighbouring settlements';
- o) which seeks to prevent development impacting 'adversely upon the setting, townscape qualities, including important vistas, or form of a settlement'.

It should be added that Policy CCQ1 was developed in close collaboration with Durham County Council in parallel with the development and final modifications to the policies of the CDP.

On the specific issue of clarifying the policy's conformity with Policy 6, this was the subject of an email exchange with them on 30/09/2020. The following is an extract from the Council's response which confirms their position -

'I have discussed this one in the past with teammates and the consensus was that while CCQ1 does not set down a settlement boundary per se it would have the same effect.

The Protected Rural Setting is consistent with Policy 6 because it provides support and the detail in relation to criteria 'b', 'c' and 'd' – i.e. it articulates why development would be constrained in the PRS (coalescence, character, scale, function, form and setting).

Notwithstanding above, given the CCQ NP will follow the CDP – CCQ1 would precede over Policy 6 in any event'.

Finally, there are two further points which are worth adding.

The first is just to note that the requirement of 'general conformity' does not equate to slavish adherence to local plan policies, but conformity with the strategic objectives of the local plan as a whole illustrated by its strategic policies. The strategic framework for County Durham is solidly in place in the up to date and adopted CDP. This facilitates the delivery of development necessary to meet strategic objectives and requirements, leaving the path clear for Neighbourhood Plan policies to add detail and nuance to the strategic policies, which CCQ1 effectively achieves in respect of CDP Policy 6.

The second is to highlight that the approach in CCQ1 is similar to many other

	<p>examples of NP-level policies, which have been made including, (in County Durham), Policy GANP E2 of the Great Aycliffe NP which identifies Areas of Separation to maintain settlement identities, preserve rural character and prevent coalescence.</p> <p>For reference, a table of other similar NP policies has been appended to the end of this document (see Appendix 1 on p.8-10).</p>
<p>Also, the phrases “lead to a reduction in rural character...or diminish the role it plays...” have the potential to appear ambiguous, subjective and open to wide interpretation. Is there information you can point me to that provides clarity in respect of how these phrases should be interpreted, for example by a decision maker or an applicant?</p>	<p>The reference to <u>rural</u> character of PRS land provides a consistency with the name and specific focus of the policy. This was a conscious change from the Pre-Submission draft wording which had utilised the term <u>open</u> character. More details are in Appendix 5 of the Consultation Statement, which includes a detailed commentary on this issue. The areas identified as PRS lie outside the built up extent of settlements and therefore equate to ‘countryside’ (or rural) in planning policy terms. Reference to maintaining this rural or countryside character is consistent with the County Durham Plan, which employs similar wording in its policies eg - Policies 7 and 8 (dealing with Visitor Attractions and Visitor Accommodation respectively) refer to respecting ‘the character of the countryside’, whilst Policy 10 (Development in the Countryside) seeks to ensure that development does not give rise to unacceptable harm to the ‘intrinsic character’ of the countryside.</p> <p>Having said that, the reference to there being ‘a reduction in rural character’ or diminution ‘of the role it plays’ is expanded upon in the supporting explanation to the policy.</p> <p>A separate question (3 rows down) asks for a definition of the essential roles which the PRS plays. Attention is drawn to the response to this, which provides a comprehensive understanding of what the policy seeks to safeguard.</p>
<p>Also, re: the final sentence of Policy CCQ1, I find this sentence quite difficult to understand - is there any detail you can provide in respect of what “proposal for built development connected to such uses that needs to be located within the PRS land” might be?</p>	<p>This is fully explained in paragraph 4.18 which identifies appropriate PRS uses (agriculture, horticulture, forestry, outdoor leisure uses, wildlife reserves and other appropriate open space uses). The policy recognises that built development will from time to time be required in connection with those uses and will thus need to be located within the PRS land.</p>
<p>Also, is there information you can point me to in respect of a definition of the “essential roles which the PRS land plays”?</p>	<p>A full explanation is in paras 4.15 and 4.16 of the NP. In summary, these identify the following roles for the PRS -</p> <ul style="list-style-type: none"> • Providing a rural setting to settlements

	<ul style="list-style-type: none"> • Maintaining their separate individual identities • Preventing their coalescence with each other and with neighbouring settlements • Providing a backdrop to the built-up environment which is intrinsically valuable in visual and landscape terms • Framing longer distance views of important landscape features such as the magnesium limestone escarpment in the east of the Parish, which is identified as an Area of Higher Landscape Value (AHLV) in the County Durham Plan • (Land east of Parkhill) - providing a rural buffer to the protected Local Wildlife Site at Coxhoe Ponds, which is also identified in the Neighbourhood Plan as a Local Green Space <p>So essentially, Policy CCQ1 is seeking to maintain these specific qualities and roles and resist development which would lead to a reduction or diminution of them. Conversely, it seeks to encourage uses which will maintain and where possible enhance them.</p>
<p>Policy CCQ2 – I would be interested in the Parish Council’s views on the representations made in respect of proposed areas of Local Green Space LGS4 and LGS11.</p>	<p>LGS4 - the QB’s response is contained in Appendix 5 of the Consultation Statement, copied below for ease of reference -</p> <p>LGS4 - request noted, but consider that inclusion of the areas within the LGS designation is strongly justified for reasons given for the site in Appendix 1 of the NP. Also noted that retention of these well-wooded areas would align with, and implement, County Durham Plan (Policy 41)*</p> <p>*NB - This has since been renumbered as Policy 40 in the adopted County Durham Plan</p> <p>LGS11 - comments on specific matters raised as below:</p> <p>‘As it is private land, our client wishes for this site to be excluded from Local Green Spaces’ -</p> <p>The fact that the woodland is in private ownership is not a barrier to LGS designation (Ref - PPG Paragraph: 019 Reference ID: 37-019-20140306)</p>

	<p>‘It is not considered that it has recreational value to the public in its entirety’ -</p> <p>There are two points to make in response. One is simply that the site does clearly have recreational value given its well-used bridleway and footpath. The other is that the site possesses a number of other values in addition to recreation. Indeed, reference to Appendix 1 of the NP identifies that the site is one of only two LGS’s that warrant a ‘score’ for every one of the potential LGS values (these being its beauty, its historic value, its recreational value, its tranquillity and its wildlife). A detailed assessment was undertaken for this (and all other) LGS and this fully explains each of these values.</p> <p>It is firmly concluded that the site fully warrants identification as a Local Green Space because of its values and the fact that it is demonstrably special to the local community (which has incidentally grown significantly following the recent new housing development immediately to the south of the site).</p> <p>Finally, the same point should also be made as for LGS4 - that protection of these well-wooded areas would align with, and implement, County Durham Plan Policy 40.</p>
<p>Policy CCQ3 – Please can you point me to information in respect of how “long term conservation” should be interpreted (as opposed to just “conservation.”)</p>	<p>This is simply a recognition that development that is best for a heritage asset is development that will secure its conservation <u>in the long term</u>. This reflects PPG advice that ‘sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation’ (Paragraph: 015 Reference ID: 18a-015-20190723).</p> <p>In addition, the PPG recognises that an example of development that is of benefit to a heritage asset includes ‘securing the optimum viable use of a heritage asset in support of its long term conservation’ (Paragraph: 020 Reference ID: 18a-020-20190723).</p>
<p>Policy CCQ4 – I have no specific queries on this Policy, but I would be interested in the Parish Council’s views on representations to the effect that the wording of the Policy appears subjective and open to wide interpretation.</p>	<p>It is firstly noted that the representation which makes this claim at the same time acknowledges that ‘Further explanation and justification is listed on pages 45 and 46 of the CCQNP, cross- referenced against the National Design Guide, and which seeks to clarify the content of the policy and how it should be</p>

interpreted and assessed’.

The explanation and clarification to interpret the policy is therefore provided (as the representation acknowledges).

It is however important to stress that it is provided at a level which is commensurate and proportionate to the circumstances and characteristics of the Parish. This is explained further in the NP in the preamble to the policy from paragraph 6.20 onwards. Paragraph 6.24 summarises that the policy approach ‘needs to be less about lengthy prescriptive details or site-specific requirements and more about broad themes to help tackle the shortcomings of previous development and help people feel a pride, wellbeing and connection with their environment’

These broad themes are then expressed in the 4 criteria of the policy, followed by further explanation and interpretation of them, cross referenced to the relevant provisions of the National Design Guide. The signposting to the NDG represents the most appropriate approach for the policy to take given the context explained in the above paragraph.

This reflects and implements the most up to date national position on the subject of design and the anticipated further elaboration of this in the National Model Design Code*. It is noted that there are further changes currently in the pipeline to the NPPF which also build upon the findings of the Building Better Building Beautiful Commission recommendations to achieve well-designed, beautiful and safe places. The language and wording used in the policy is in alignment with these proposed changes.

*Footnote

Since the CCQNP was drafted, the National Model Design Code has been published, along with its accompanying Guidance Notes. It is acknowledged Policy CCQ4 could therefore potentially be updated with inclusion of an appropriate cross reference to it as appropriate.

Responses to representations made during Regulation 16 consultation

Cassop-cum-Quarrington Parish Council have prioritised their attention upon the matters raised by the Examiner in the preceding pages.

It is however noted that there is also an opportunity more generally to respond to any of the representations made during Regulation 16 consultation.

It is not proposed to do this on an individual basis. This is because, aside from the neutral/supporting representations, the vast majority are from interested parties in the Parish with landholdings falling within one of the areas identified in the NP as Protected Rural Settings. It is therefore more appropriate to deal with them collectively.

Some of these have sought to raise concerns or objections to policy CCQ1, whilst others have sought alterations to the extent of the PRS land identified in Policies Map 1, with most of these requests being overtly to facilitate future development.

In the case of Policy CCQ1, the NP itself, along with responses to the Examiner's questions above, provides a clear account of its justification and fulfilment of Basic Conditions.

In the case of the identified PRS land on Policies Map 1, the landowner representations individually and collectively serve to provide yet further proof and evidence of their vulnerability to development pressure and hence their validity for inclusion as PRS. This indeed forms the very hub of the NP's main 'raison d'être', as expressed in its Vision and Objectives as follows -

VISION = '.... The rural setting around and between our settlements will be protected and enhanced....'

OBJECTIVE = 'To carefully manage new development to ensure that the rural setting around and between settlements is protected and enhanced'

APPENDIX 1

Re: CCQ NP (Policy CCQ1)

Other NP examples of Green/Rural/Settlement Gap or Zone/Area of Separation Policies:

NEIGHBOURHOOD PLAN / POLICY	ADDITIONAL OBSERVATIONS/COMMENTS
GREAT AYCLIFFE NP:	
<p>Policy GANP E2 Aycliffe Village Areas of Separation –</p> <p>In order to maintain the distinct identity of Aycliffe Village an Area of Separation between Aycliffe Village and Newton Aycliffe will be maintained. Proposals which would result in the further coalescence of built development within the Area of Separation will not be permitted.</p>	
THURCASTON & CROPSTON NP:	
<p>Policy T&C12: Zones of Separation –</p> <p>To retain the physical and visual separation between the Villages, the following areas of open land between:</p> <p>The built-up areas of Thurcaston and Cropston and the Anstey parish boundary; The built-up areas of Cropston and Rothley; and The built up areas of Thurcaston and Cropston</p> <p>will be designated as Zones of Separation as shown on the Proposals Map.</p> <p>Development proposals in the identified gaps between villages should be located and designed to maintain, and wherever possible, enhance the separation of the villages.</p>	<p>NB – the context of this NP area has much similarity with CCQ in as far as the Zone of Separation lies outside the NA. It is explained in the NP as follows –</p> <p>The consultation also revealed that residents strongly wish to see the preservation of the area of green space between Thurcaston and the built-up part of Leicester. This plays an important role in maintaining the identity and history of these distinct communities, and prevents Thurcaston being subsumed into the greater Leicester city conurbation. While the concerned area of land lies outside of the Parish, and therefore the rules governing the preparation of a neighbourhood plan means that the Plan cannot specifically designate it as a Zone of Separation, the Parish Council would like to emphasise the important role and function it plays, and the strength of local opinion that it should remain in open use to retain the physical and visual separation between Leicester and Thurcaston.</p>

NEIGHBOURHOOD PLAN / POLICY	ADDITIONAL OBSERVATIONS/COMMENTS
BERSTED NP:	
<p>Policy ES3: Protecting the Strategic Gap –</p> <p>Development within the Strategic Gap as defined in Appendix D will not be supported. Development for essential infrastructure will be granted in special circumstances, where the benefit outweighs any harm, and it can be demonstrated there are no reasonable alternative sites available.</p>	
HURSTPIERPOINT & SAYERS COMMON PARISH NP:	
<p>Policy C3: Local Gaps and Preventing Coalescence –</p> <p>“Development will be permitted in the countryside provided that it does not individually or cumulatively result in coalescence and loss of separate identity of neighbouring settlements, and provided that it does not conflict with other Countryside policies in this Plan. Local Gaps between the following settlements define those areas covered by this policy: Hurstpierpoint and Hassocks; Sayers Common and Albourne; Hurstpierpoint and Albourne; Hurstpierpoint and Burgess Hill.</p>	<p>As part of the Examination of the HSCNP, the Examiner considered whether the Policy met the Basic Conditions.</p> <p>Set out below is an extract of the Examiner’s Report in respect of Policy C3: “Mid Sussex Local Plan Policy C3 identifies areas of countryside that are particularly vulnerable to development pressure, but which have an important function with regards protecting local character.</p> <p>Neighbourhood Plan Policy C3 permits development in the countryside, subject to it not resulting in coalescence or the loss of identity of neighbouring settlements. This approach is in general conformity with Mid Sussex Local Plan Policy C3. Further to testing and robust consultation, it reflects the local community’s strong support for the vision for the Neighbourhood Area, which seeks to retain a “village feel” and sense of place. This has regard to the Framework, which gives communities direct power to develop a shared vision for their neighbourhood.</p> <p>The policy contributes to the achievement of sustainable development by protecting local character and supporting appropriate development.</p> <p>No modifications are proposed.”</p>

NEIGHBOURHOOD PLAN / POLICY	ADDITIONAL OBSERVATIONS/COMMENTS
HASSOCKS NP:	
<p>Policy 1: Local Gap Local Gaps have been defined and will be safeguarded between:</p> <p><i>a.</i> Keymer/Hassocks and Ditchling; <i>b.</i> Keymer/Hassocks and Hurstpierpoint; and <i>c.</i> Keymer/Hassocks and Burgess Hill. As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements. Development will be supported within the Local Gap where:</p> <p>1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or</p> <p>2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.</p>	<p>Noted that the policy received objections from (among others) Gladmans who stated that –</p> <p>Representations consider this a strategic policy beyond the remit of Neighbourhood Plans that would have the effect of imposing an almost blanket restriction on development around Hassocks.</p> <p>It is considered it would effectively offer the same level of protection as Green Belt land without undertaking the necessary exceptional circumstances test for the designation of new areas of Green Belt.</p> <p>Notwithstanding this, the policy was maintained into the final version of the NP, albeit with some re-wording</p>
DITCHLING, WESTMESTON & STREAT NP:	
<p>Policy CONS 7: Protect important gaps between settlements</p> <p>“Development proposals for new development in the gap separating Ditchling and Hassocks/ Keymer and Burgess Hill, either individually or cumulatively, will only be supported where they conserve and where possible enhance the open landscape character of the gap, and do not reduce the physical gap between settlements. This will be informed by the South Downs Integrated Landscape Character Assessment and relevant local landscape character assessments.”</p>	<p>As part of the Examination of the DWSNP, the Examiner considered whether the Policy met the Basic Conditions.</p> <p>With respect to CONS 8, the Examiner advised:</p> <p>The policy and its supporting text are appropriate. An amendment to the last sentence of the policy is desirable in the interests of clarity.</p> <p>I Recommend: amend the final sentence of the policy to refer to the “South Downs Integrated Landscape Character Assessment and relevant local landscape character assessments”.</p>