

# **CASSOP-CUM-QUARRINGTON NEIGHBOURHOOD PLAN 2020-2035**

Cassop-cum-Quarrington Neighbourhood Plan Examination  
A Report to Durham County Council

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

June 2021



**Contents**

**1, Summary**

**2, Introduction**

**3, Basic Conditions and Development Plan Status**

**4, Background Documents and the Cassop-cum-Quarrington Neighbourhood Area**

**5, Public Consultation**

**6, The Neighbourhood Plan: Introductory Section**

**7, The Neighbourhood Plan: Policies**

**8, The Neighbourhood Plan: Other Matters**

**9, Referendum**

## **1. Summary**

- 1 Subject to the recommendations within this Report, made in respect of enabling the Cassop-cum-Quarrington Neighbourhood Plan to meet the basic conditions, I confirm that:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
  
- 2 Taking the above into account, I find that the Cassop-cum-Quarrington Neighbourhood Plan meets the basic conditions<sup>1</sup> and I recommend to Durham County Council that, subject to modifications, it should proceed to Referendum.

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<sup>1</sup> It is confirmed in Chapter 3 of this Report that the Cassop-cum-Quarrington Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## 2. Introduction

### The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Cassop-cum-Quarrington Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by the Neighbourhood Plan Steering Committee on behalf of Cassop-cum-Quarrington Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Durham County Council.
- 5 The Neighbourhood Plan would then form part of the development plan and as such, it would be used to determine planning applications and guide planning decisions in the Cassop-cum-Quarrington Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development.”*

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed in Paragraph 2.2 on page 1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Cassop-cum-Quarrington Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 2.9 on page 2 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Cassop-cum-Quarrington Neighbourhood Area and that there is no other neighbourhood plan in place in the Cassop-cum-Quarrington Neighbourhood Area.

- 9 All of the above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2019) and Planning Practice Guidance (2014).

#### Role of the Independent Examiner

- 10 I was appointed by Durham County Council to conduct the examination of the Cassop-cum-Quarrington Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have eight years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
  - that the Neighbourhood Plan, as modified, should proceed to Referendum;
  - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Cassop-cum-Quarrington Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

16 A neighbourhood plan must specify the period during which it is to have effect.

17 The front cover of the Neighbourhood Plan refers to the plan period as "2020 – 2035."

18 In addition, Paragraph 2.1 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan states that the:

*"...lifespan of the Neighbourhood Plan is 2020 until 2035. This mirrors the Plan period for the County Durham Plan..."*

19 Taking the above into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

20 Further to the above, just a courtesy note that the header to each page of the submitted Neighbourhood Plan refers to "Submission Draft" and the footer to each page includes the date reference "November 2020" and I recommend:

- **Change the headers to each page to "Cassop-cum-Quarrington Neighbourhood Plan 2020-2035" and delete the footer date reference (or replace with reference to month/year the Neighbourhood Plan was made)**

Public Hearing

- 21 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 22 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 23 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Cassop-cum-Quarrington Neighbourhood Plan.
- 24 However, I wrote to the Qualifying Body in order to clarify a number of matters. At the same time, in line with good practice, I provided the Qualifying Body with an opportunity to respond to representations received during the Submission consultation process.

### **3. Basic Conditions and Development Plan Status**

#### **Basic Conditions**

- 25 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*<sup>2</sup> following the Localism Act 2011.
- 26 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 27 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28<sup>th</sup> December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.<sup>3</sup>

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

<sup>3</sup> *ibid* (same as above).



- 28 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
  - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
  - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that:
  - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 29 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>4</sup>
- 30 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

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<sup>4</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 31 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 32 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 33 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:  
  
*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”*  
(Planning Practice Guidance<sup>5</sup>)
- 34 This process is often referred to as “screening”<sup>6</sup>. If likely environmental effects are identified, an environmental report must be prepared.

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<sup>5</sup> Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

<sup>6</sup> The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 35 Durham County Council produced a Neighbourhood Plan Strategic Environmental Assessment (SEA) screening report. This concluded that SEA is not required as:

*"...the Neighbourhood Plan is not considered likely to have a significant effect on the environment."*

- 36 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. All agreed with Durham County Council's conclusion.
- 37 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information<sup>7</sup>. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 38 In the case *People Over Wind & Sweetman v Coillte Teoranta ("People over Wind"* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 39 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. These now provide for neighbourhood plans and development orders, in areas where there could be likely significant effects on a European protected site, to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated in the same way as would happen for a draft Local Plan or a planning application.

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<sup>7</sup> Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

40 Durham County Council produced a Neighbourhood Plan Habitat Regulations Assessment (HRA) screening report. This recognised the following relevant European sites within a 20km radius of the Neighbourhood Area: Teesmouth and Cleveland Coast Special Protection Area (SPA) and potential Special Protection Area (pSPA); Thrislington Special Area of Conservation (SAC); Durham Coast SAC; Castle Eden Dene SAC; and Northumbria Coast SAC.

41 The screening report concluded that:

*"...all policies within the Neighbourhood Plan can be eliminated from further Likely Significant Effects screening and Appropriate Assessment...the Cassop-cum-Quarrington Neighbourhood Plan (does) not require...Appropriate Assessment under the provisions of Habitat Regulations."*

42 All of the statutory bodies were consulted and none disagreed with this conclusion.

43 Further to all of the above, national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

*"It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)"* (Planning Practice Guidance<sup>8</sup>).

44 Having completed the work that it has, Durham County Council has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

45 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

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<sup>8</sup> ibid, Paragraph 031 Reference ID: 11-031-20150209.

#### **4. Background Documents and the Cassop-cum-Quarrington Neighbourhood Area**

##### Background Documents

- 46 In completing this examination, I have considered various information in addition to the Cassop-cum-Quarrington Neighbourhood Plan.
- 47 Information considered as part of this examination has included (but has not been limited to) the following main documents and information:
- National Planning Policy Framework (referred to in this Report as “*the Framework*”) (2019)
  - Planning Practice Guidance (2014, as updated)
  - Town and Country Planning Act 1990 (as amended)
  - The Localism Act (2011)
  - The Neighbourhood Plan Regulations (2012) (as amended)
  - The County Durham Plan (Adopted 2020)
  - Basic Conditions Statement
  - Consultation Statement
  - Representations received
  - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report
- 48 In addition, I spent an unaccompanied day visiting the Cassop-cum-Quarrington Neighbourhood Area.

Cassop-cum-Quarrington Neighbourhood Area

- 49 The boundary of the Cassop-cum-Quarrington Neighbourhood Area is identified on a plan provided on page 8 of the Neighbourhood Plan.
- 50 Durham County Council designated the Cassop-cum-Quarrington Neighbourhood Area on 1<sup>st</sup> July 2014.
- 51 This satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **5. Public Consultation**

### **Introduction**

- 52 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 53 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Cassop-cum-Quarrington Neighbourhood Plan Consultation**

- 54 A Consultation Statement was submitted to Durham County Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*<sup>9</sup>.
- 55 On behalf of Cassop-cum-Quarrington Parish Council, a Neighbourhood Plan Steering Committee, comprising members of the Parish Council and representatives from the Bowburn and Parkhill Community Partnership, was established. The Steering Committee reported to the Parish Council and reports were recorded in the published minutes of the regular Parish Council meetings.
- 56 Further to an initial consultation exercise in early 2015, involving a survey, open days and publication of information, a subsequent round of public consultation was undertaken during the second half of 2016. This followed efforts to raise public awareness during May and June of that year.

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<sup>9</sup> Neighbourhood Planning (General) Regulations 2012.

- 57 A questionnaire was distributed throughout the Neighbourhood Area and the Neighbourhood Plan was publicised at the Bowburn Fun Day. Consultation was also supported by features in the Parish Council newsletter and the Durham Times.
- 58 Well over a hundred on-line and written responses were received. These were collated, analysed and feedback was published in June 2017. A draft Vision and Objectives report was produced and published for comments.
- 59 Following the regular publication of information, along with a hiatus due to coronavirus pandemic, a draft Neighbourhood Plan was produced and consulted on between July and September 2020. The consultation period was supported by appropriate measures, having regard to the impacts of the pandemic.
- 60 Submissions were duly recorded and considered, with resultant changes noted in the submitted Consultation Statement.
- 61 As well as making full use of the Parish Council website and newsletter, public consultation was supported via events, exhibitions, social media, the local press, letter drops, banners and posters.
- 62 The Consultation Statement provides evidence to demonstrate that public consultation formed an important part of the plan-making process, that there were opportunities for people to have a say and that matters raised were duly considered.
- 63 Taking all of the above into account, I am satisfied that the consultation process was robust and that it complied with the neighbourhood planning regulations referred to above.



## **6. The Neighbourhood Plan – Introductory Section**

- 64 The introductory section to the Neighbourhood Plan is succinct and clear. It provides a thoroughly researched and well-presented description and assessment of the Neighbourhood Area; and it sets out a neat introduction to the Policies that follow.
- 65 Paragraphs 1.22 to 1.23 (also noting that there is a typographical error, whereby Paragraph 1.23 appears twice) have been overtaken by events and I recommend:
- **Delete Paragraphs 1.22, 1.23 and 1.23 (both Paras 1.23)**

## **7. The Neighbourhood Plan – Neighbourhood Plan Policies**

### The Rural Setting of Settlements

#### **Policy CCQ1: Protected Rural Settings**

- 66 The Neighbourhood Plan and its evidence base recognise that the Neighbourhood Area has seen significant growth in recent years and that existing allocations will result in development at a significant scale being likely to continue for some years to come.
- 67 In addition to this recent growth, the Neighbourhood Plan identifies pressures for further large-scale housing growth, beyond that currently provided for, around the Neighbourhood Area's main settlements – Bowburn and Parkhill.
- 68 However, public consultation and the plan-making process has established that the local community considers the countryside adjacent to Bowburn and Parkhill to play:
- “...a vital role in providing an (sic) rural setting to those settlements, maintaining their separate individual identities...provide a backdrop to the built-up environment which is intrinsically valuable in visual and landscape terms...”*
- (Paras 4.15 and 4.16, Neighbourhood Plan)
- 69 In the light of this, Policy CCQ1 identifies land as a “*Protected Rural Setting*,” with the aim of maintaining the separateness of settlements and preventing significant harm to rural character.
- 70 To a considerable degree, the defined areas of Protected Rural Setting (PRS) extend to the edges of settlements, such that they have the effect of presenting a settlement boundary to the north east and east of Bowburn, and around Parkhill.

- 71 This is a relevant factor, as the provisions of County Durham Plan Policy 6 (*"Development on Unallocated Sites"*), which sets out a supportive framework for sustainable development outside of settlements, apply:

*"...except where a settlement boundary has been defined in a neighbourhood plan."*

- 72 This provision in the County Durham Plan purposefully allows neighbourhood plans to protect land outside development limits from development proposals on unallocated sites<sup>10</sup>. I am mindful in this regard that the County Durham Plan is an up-to-date plan that meets identified housing needs (*County Durham Plan Policy 1 "Quantity of New Development"*) and that whilst the Neighbourhood Plan could identify land for housing development, there is no requirement for it to do so.

- 73 Further to the above, Policy CCQ1's aims of preventing coalescence and protecting rural character, as set out in the first part of the Policy, are in general conformity with those parts of County Durham Plan Policy 6 which seek to ensure that development safeguards local character and:

*"does not contribute to coalescence with neighbouring settlements."*

- 74 The first part of Policy CCQ1 is also in general conformity with County Durham Plan Policy 10 (*"Development in the Countryside"*) which, amongst other things, requires development to respect local character and avoid coalescence.

- 75 Policy CQQ1 goes on to state that *"uses"* which maintain or enhance rural character will be *"encouraged."* This wording appears ambiguous – there is for example, no indication of how the Neighbourhood Plan might *encourage* things, and in the absence of detail, the word *"uses"* lacks the land use planning clarity of the word *"development"* – and in this way, does not have regard to national planning guidance, which requires planning policies to be clear and unambiguous<sup>11</sup>:

*"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."*

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<sup>10</sup> Reference: Paragraph 330, County Durham Plan Inspectors Report, 17<sup>th</sup> September 2020.

<sup>11</sup> Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 76 Further to the above, the final sentence of Policy CCQ1 is unclear and does not have regard to Paragraph 16 of the National Planning Policy Framework (the Framework), which requires plans to:

*"...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals."*

- 77 As set out, the final sentence of Policy CCQ1 applies to development "*connected*" to uses that needs to be located within PRS land. This raises all kinds of scope for subjective and wide interpretation – for example, in respect of what a *connection* might comprise, what uses (as opposed to development) *need* to be located within PRS land, and who might be the arbiter of these things and on what basis.
- 78 Whilst I note that the supporting text provides information in respect of the essential roles that PRS land performs, there is no such detail with regards the above.
- 79 The Neighbourhood Plan can only plan for the Neighbourhood Area. It is inappropriate for the Neighbourhood Plan to identify "*Rural Gaps*" outside the Neighbourhood Area. I also note in this regard that Policy CCQ1 does not identify or control "*Symbolic Rural Gaps*." The recommendations below take this into account
- 80 Taking everything into account, I recommend:
- **Change the second paragraph of Policy CCQ1 to "*Development which maintains and where possible, enhances, the rural character of PRS land will be supported. Development within the PRS will be assessed according to its impacts upon the rural character and essential roles which the PRS land plays.*"**
  - **Change second word on second line of Policy CCQ1 to "*on*"**
  - **Delete "*Symbolic Rural Gaps*" plan on page 24 and delete "*Protected Rural Setting Context*" plan on page 27**
  - **Delete last sentence of Para 4.2 and delete Para 4.3**

- **Para 4.9, delete everything after the first sentence and replace with "*The PRS is shown on Policies Map 1.*"**
- **Delete Paras 4.10 to 4.14**
- **Para 4.15, end of first line, change "an" to "a"**
- **Para 4.15, change last line to "...identified *on Policies*..."**

Environmental Assets

**Policy CCQ2: Local Green Spaces**

- 81 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 99 of the Framework states that:

*“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”*

- 82 The Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts (Paragraph 101, the Framework). A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 83 Given the importance of the designation, Local Green Space boundaries should be clearly identified and this is achieved by Policies Map 2, which shows each Local Green Space on a clear, separate plan.
- 84 The designation of land for Local Green Space must meet the tests set out in Paragraph 100 of the Framework.
- 85 These are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 86 Evidence has been provided to support the designation of each proposed Local Green Space, having regard to the relevant national policy tests. However, representations have been submitted in objection to the designation of proposed areas of Local Green Space at John Hare's Wood (LGS4) and Parkhill (West Hetton Lodge) Woods (LGS11).

- 87 In respect of LGS4, this is a site considered to be demonstrably special to the local community and holds particular local significance for a number of reasons, including its recreational value and its woodland.
- 88 However, part of the site comprises land that is allocated for employment development. Imposing Local Green Space on land already allocated for development would not be consistent with the local planning of sustainable development and would run the risk of failing to complement investment in sufficient homes, jobs and other essential services.
- 89 This only applies to that area of land within the employment allocation (outlined in red in the representation made by the relevant representation) and not the remainder of the proposed area of Local Green Space.
- 90 In respect of LGS11, the site is considered to be demonstrably special to the local community and holds a particular local significance because of its historic significance, its recreational value and its woodland. Again, I consider that the designation meets the national tests and I also note that whether or not a Local Green Space is in private ownership is not in itself a barrier to designation.
- 91 National Policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. As set out, Policy CCQ2 introduces development management requirements that would be in direct conflict with Green Belt policy and in this regard, the Policy does not meet the basic conditions. This is a factor taken into account in the recommendations below.
- 92 I recommend:
- **Policy CCQ2, for clarity and consistency, taking into consideration other recommendations set out in this Report, change the first sentence to “*The sites listed below and identified in parts 1 to 17 of Policy Map 2 are designated as areas of Local Green Space.*”**
  - **Policy CCQ2, delete the second sentence and the second paragraph and replace with “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts.*”**

- Delete that part of LGS4 on land allocated for employment use
- Para 5.4, last line, change to "...list or *on* a map."
- Para 5.11, change last sentence to "...Space *is restricted* in..."
- Delete Paras 5.12 and 5.13



**Policy CCQ3: Locally Valued Heritage Assets**

- 93 Chapter 15 of the Framework, "*Conserving and enhancing the historic environment*," recognises heritage assets as an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance.
- 94 County Durham Plan Policy 44 ("*Historic Environment*") sets out a detailed policy framework for the conservation of heritage assets in accordance with national policy. In doing so, it recognises that, where development impacts on the significance and setting of non-designated heritage assets, a "*balanced judgement*" will be applied.
- 95 Policy CCQ3 identifies six locally valued heritage assets. As such, these will be conserved in a manner appropriate to their significance.
- 96 As set out, Policy CCQ3 mis-interprets national and local policy, resulting in a policy wording which does not have regard to national policy and which is not in general conformity with the County Durham Plan. Heritage policy does not simply require development to "*avoid harm*," as required by Policy CCQ3, but provides for a detailed, carefully nuanced and as above, balanced approach to conservation.
- 97 Further, Policy CCQ3 sets out somewhat vague support for "*measures*" to "*enhance and improve the significance and setting*" of locally valued heritage assets. No indication is provided in respect of the differences between "*improve*" and "*enhance*" in the context of the Policy, nor of what "*measures*" might be, or the form they might take, and nor is there any evidence to demonstrate the viability and deliverability of the Policy in this regard.
- 98 In addition to the above, Policy CCQ3 refers to "*long term conservation*." No indication is provided in respect of what "*long term*" might mean in the context of the policy – a year ? a hundred years ? – and this appears to add to the vague overall nature of the Policy wording.

99 Taking all of the above into account, I recommend:

- **Change the first paragraph of Policy CCQ3 to “*The Locally Valued Heritage Assets listed below and identified in parts 1 to 6 of Policy Map 3 will be conserved in a manner appropriate to their significance. Enhancement of the significance of heritage assets and/or their settings will be supported. LVHA1: Bowburn...*”**

**Policy CCQ4: Achieving Beautiful and Successful Development**

100 National planning policy recognises that:

*“Good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.”*

(Paragraph 124, the Framework)

101 County Durham Plan Policy 29 (*“Sustainable Design”*) requires all development to achieve well designed buildings and places that make a positive contribution to local character.

102 Further to the above, following the findings of the Building Better Building Beautiful Commission's findings<sup>12</sup>, the Government has published a National Model Design Code (2021), aimed at strengthening the role of good design in development.

103 In general terms, Policy CCQ4 seeks to promote high quality development throughout the Neighbourhood Area, having regard to national policy and advice and in general conformity with the Durham County Plan.

104 Whilst the first sentence of the Policy is clear and the terms of the Policy are helpfully explained in the supporting text, Policy CCQ4's actual land use planning requirements ambiguous. The sentence *“Fulfilment of this policy will be demonstrated and assessed by how successfully the following maxims are achieved...”* comprises a vague and subjective requirement open to wide interpretation. As such, it does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework, referred to earlier in this Report.

105 However, these are matters addressed by the recommendations below and I recommend:

- **Change the second sentence of Policy CCQ4 to *“In order to achieve this, proposals should consider the following maxims (described in further detail in the supporting text below): a) Development...”***

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<sup>12</sup> As set out in the Building Better Building Beautiful Commission's document *“Living with Beauty”* 30<sup>th</sup> January 2020.

- **Para 6.29, change to “Accompanying this, *the National Model Design Code (2021) provides detailed guidance on the production of design codes, guides and policies to promote successful design. The Code follows on from the findings of the Building...2020.*”**
- **Para 6.32, delete “(anticipated)”**
- **Table in Para 6.35, remove green shading from the box (to avoid confusion with the Policy itself)**

## **8. The Neighbourhood Plan: Other Matters**

106 The recommendations made in this Report will have a subsequent impact on Contents, including paragraph and page numbering.

107 I recommend:

- **Update the Contents, including paragraph and page numbering to take into account the recommendations contained in this Report**

## 9. Referendum

108 I recommend to Durham County Council that, subject to the recommended modifications, **the Cassop-cum-Quarrington Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

109 I am required to consider whether the Referendum Area should be extended beyond the Cassop-cum-Quarrington Neighbourhood Area.

110 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

111 Consequently, I recommend that the Plan should proceed to a Referendum based on the Cassop-cum-Quarrington Neighbourhood Area approved by Durham County Council on 1<sup>st</sup> July 2014.

**Nigel McGurk, June 2021**  
**Erimax – Land, Planning and Communities**

