

# **COTHERSTONE**

## **NEIGHBOURHOOD PLAN**

### **Submission Draft Version**

**A report to Durham County Council  
into the examination of the  
Cotherstone Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP, MRTPI  
NPIERS Independent Examiner  
23 February 2022

## Contents:

	<b>Page</b>
1 Summary	3
2 Introduction	4
3 The Neighbourhood Plan - as a Whole	12
The Neighbourhood Plan - Policies	13
4 Referendum	19
5 Background Documents	20
6 Summary of Recommendation	21

## 1.0 Summary

- 1.1 The Cotherstone Neighbourhood Development Plan has been prepared to set out the community's wishes for the village of Cotherstone and the surrounding countryside, all within the parish of Cotherstone.
- 1.2 The Qualifying Body must be congratulated on the quality of their neighbourhood plan. It is very clearly written and well presented. I have recommended only a few minor modifications in this report in order to make the wording of the policies and their application clearer.
- 1.3 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Cotherstone Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Cotherstone Neighbourhood Plan.
- 2.2 The Parish of Cotherstone is situated in the rural south west of County Durham in Teesdale. Most of the plan area lies within the North Pennines AONB. The village of Cotherstone lies towards the eastern end of the parish which extends west to the Cumbrian border to include the south side of Baldersdale and the hamlets of East and West Briscoe. The village is about three miles upstream of Barnard Castle and straddles the B6277. At 2011 there were 594 people living in the parish in 260 households.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Cotherstone Neighbourhood Plan (CNP) by Durham County Council (DCC) with the consent of Cotherstone Parish Council in December 2021. I do not have any interest in any land that may be affected by the CNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

### Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. 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);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The following prescribed condition relates to neighbourhood plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that 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 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the CNP.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

### **Legislative Requirements**

- 2.12 The neighbourhood plan making process has been led by Cotherstone Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 2.4 of the Basic Conditions Statement confirms that Neighbourhood Plan area was designated by DCC on 3 February 2015. Paragraph 2.9 of the Basic Conditions Statement confirms that there are no other neighbourhood plans covering this area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states that this is from 2020 to 2035.
- 2.15 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I am satisfied that the CNP policies are compliant with this requirement.
- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the CNP satisfies all the legal requirements set out in paragraph 2.4 above.

## **The Basic Conditions**

### **Basic Condition 1 – Has regard to National Policy**

- 2.18 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.

- 2.19 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.20 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.21 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019. Paragraph 1.21 of the CNP refers to the NPPF of February 2019. It is suggested that quotations and paragraph numbers should be checked before the final plan is published.
- 2.22 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.23 Table 1 of the Basic Conditions Statement includes comments on how the policies of the CNP have taken account of relevant sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

**Recommendation 1: Update paragraph numbers and quotations from NPPF of February 2019 to those of July 2021.**

**Basic Condition 2 - Contributes to sustainable development**

- 2.24 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.25 Table 2 of the Basic Conditions Statement considers how each policy supports the delivery of the three themes of sustainable development.
- 2.26 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.27 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan relevant to the area comprises the County Durham Plan adopted in 2020. A list of policies that DCC considers to be ‘strategic’ for the purposes of meeting this basic condition is set out in Appendix 1 of the Basic Conditions Statement.
- 2.28 Table 3 of the Basic Conditions Statement assesses how the Neighbourhood Plan policies conform to the relevant strategic planning policies.
- 2.29 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.30 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.31 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment (SEA) is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (DCC) that the plan is not likely to have “significant effects.”
- 2.32 The Basic Conditions Statement only includes the summary of the screening opinion for the SEA. The full report was not included with the submission documents and I have asked for it to be provided to me.
- 2.33 A screening opinion has been carried out by DCC on the pre-submission draft Cotherstone Parish Neighbourhood Plan in December 2020. This was updated for the submission draft plan in July 2021. The results are contained in the report entitled ‘*Cotherstone Parish Neighbourhood Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report*’.
- 2.34 Table 2 set outs the conclusion that confirms that ‘*SEA is not required*’. The reason for this conclusion is as follows:

*“Cotherstone Parish Neighbourhood Plan does not allocate land for development and its policies seek to provide protection of rural character and setting, local green spaces, valued views and non-designated heritage assets along with ensuring that the design of new development contributes positively toward local character, and that appropriate business and employment development is supported. Therefore, the Neighbourhood Plan is not considered likely to have a significant adverse effect on the environment”.*

- 2.35 Consultation was carried out with the statutory environmental bodies on the SEA Screening Report in September 2021. Natural England and the Environment Agency concurred with the conclusions of the SEA screening report, that the CNP was not likely to have significant effects and that a full SEA was not required. Historic England made no comments.
- 2.36 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan's implementation.
- 2.37 An HRA Screening Opinion was carried out by DCC in December 2020 on the Regulation 14 draft CNP and updated in July 2021 on the Pre-Submission draft CNP in view of the proximity of the plan area to the North Pennine Moors SAC, the North Pennine Dales Meadows SAC, the Moor House Upper Teesdale SAC and the North Pennine Moors SPA.
- 2.38 Table 3 of the report sets out the conclusions of the HRA screening process which are that: *'The Neighbourhood Plan will not incur likely significant effects to Natura 2000 sites. Appropriate Assessment is not required'*. The reason for this conclusion was that: *'the policies within the Plan set development limits and criteria for testing proposals only'*.
- 2.39 The HRA assessment does advise that additional text should be added to policy CNP6 (Business and Employment) to specifically recognise and safeguard against harm to Natura 2000 sites. I have noted that this has been included in the submission draft Plan.
- 2.40 Consultation with Natural England on the HRA screening opinion was carried out in September 2021. They responded to say that they agreed with the conclusion of the screening opinion.
- 2.41 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.42 Paragraph 3.22 of the Basic Conditions Statement the Plan on Human Rights and states that: *"The NP is fully compliant with European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights and freedoms guaranteed under the Convention."*
- 2.43 From my review of the Consultation Statement, I have concluded that the consultation on the CNP has had appropriate regard to Human Rights.
- 2.44 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the CNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

## Consultation on the Neighbourhood Plan

- 2.45 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.46 Following the designation of the neighbourhood area in 2015, the following key stages of consultation were:
- 2.47 The first full public consultation exercise took place during the summer of 2015 over the 6 week period from 8 June to 19 July 2015. It centred around a structured survey questionnaire, consisting of a total of 26 questions, split into the following 8 categories: Building a Shared Vision; Housing; Design of New Development; Business and Employment; Conservation and Heritage; Green Spaces; Transport and Travel; Demographic Details.
- 2.48 The questionnaire was available in paper and online. It was publicised through newsletters, email, posters, a street banner, social media (Facebook), the Parish Council's website, local newspaper (Teesdale Mercury) and local radio (Radio Teesdale).
- 2.49 Two open events were held during the consultation period held at the Village Hall on 13 and 20 June 2015. A total of 201 completed questionnaire responses were received. Reports summarising the results of the consultation were published.
- 2.50 A draft Vision and Objectives were developed and publicised in the November 2015 edition of the CNP newsletter, posted online on the Parish Council's website and the CNP Facebook page. They were displayed in the Village Hall throughout November 2015. No adverse comments were received and the overall consensus was that the Vision and Objectives fairly captured the key messages which emerged during consultation.
- 2.51 The Regulation 14 consultation on the pre-submission draft plan took place for eight weeks from 18 January to 12 March 2021.
- Notification letters and leaflets were posted to the statutory consultees and all non-residents with land-holding interests in the Parish;
  - A 4 page leaflet summarising the content of the Neighbourhood Plan and the feedback submission process was circulated to all residential properties;
  - The Neighbourhood Plan was published online with the facility to submit comments via email and post;
  - A hard copy of the Neighbourhood Plan document was made available;
  - The collection of written comments for those who were shielding and unable to leave the house to post them was undertaken;
  - A total of 15 submissions were received, 11 from statutory consultees and 4 from local residents.
- 2.52 Consultation on the Regulation 16 Submission draft Plan was carried out by DCC from 21 September 2021 to 16 November 2021. In total 6 responses were received.

- 2.53 I am satisfied that from the evidence presented to me in the Consultation Statement that adequate consultation has been carried out during the preparation of the CNP.
- 2.54 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that “*a policy 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*”. I will consider this requirement as I examine each policy.
- 3.5 The CNP is a clear, well presented plan that identifies a settlement boundary for Cotherstone village and policies on heritage assets, local green spaces and valued views, the local economy and the design code.
- 3.6 The CNP makes no provision for future housing development other than identifying the settlement boundary. The PPG states that “*Neighbourhood plans are not obliged to contain policies addressing all types of development.*”
- 3.7 I consider that the lack of policies on housing in the CNP accords with national and strategic guidance which does not require neighbourhood plans to include the topic.
- 3.8 The introductory sections of the Plan set out the background to the preparation of the plan, the planning policy context, a spatial portrait of the area, and the key issues facing the parish that have arisen through the consultation.
- 3.9 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. The justifications to the policies are clear and succinct and set out the background to the policies and the strategic context.
- 3.10 The Policies Map consists of a series of clear and legible Inset Maps for the sites referred to in each policy. There is not however a Policies Map for the whole plan area.

#### **Recommendation 2: Include a Policies Map for the Plan area.**

## The Neighbourhood Plan

### Vision and Objectives

- 3.11 The Plan includes a succinct vision statement and five objectives. A table on page 18 of the CNP notes the relationship between the objectives and the policies.

### POLICY CNP1: THE SETTLEMENT BOUNDARY OF COTHERSTONE

- 3.12 This policy identifies the settlement boundary for Cotherstone village which defines the built up area of the village and the countryside. Development proposals within the settlement boundary will be supported where they accord with policies of the development plan. Those within the countryside will only be supported where they meet the exceptions set out in the NPPF and accord with other development plan policies.
- 3.13 Policy 6 of the County Durham Plan (CDP) addresses Development on Unallocated Sites within the built up area. This is defined in the Glossary as being within the settlement boundary where this is defined in neighbourhood plan.
- 3.14 The settlement boundary has been defined using the boundary from the former Teesdale Local Plan with the addition of two sites that have been developed for housing subsequently.
- 3.15 The CDP seeks to focus most development in the towns and larger settlements of the county where there is good access to services and facilities. The Durham Local Plan in paragraph 1.9 states that as the CDP *“allocates sufficient sites to meet housing needs for the county it does not set out housing requirements for designated neighbourhood areas. The council will however on request, provide an indicative housing requirement for neighbourhood areas based on the latest evidence of local housing need and the Plan’s spatial strategy and allocations. This neighbourhood housing requirement is a minimum and therefore neighbourhood plans can include additional allocations.”*
- 3.16 A representation has been received that seeks the inclusion of an area of brownfield employment land within the settlement boundary.
- 3.17 I consider that the policy would not hinder the continued use of the site for employment development. It is not my role to consider whether any additional sites should be included in the settlement boundary for future housing development.
- 3.18 It is considered that the definition of a settlement boundary for the village accords with the principles established in the CDP to define the built up area of the settlement. The review of the boundary has been carried out using clear criteria. The CDP is explicit that there is no requirement for the neighbourhood plan to consider the inclusion of additional land for housing development.

- 3.19 The policy includes an asterisked footnote that defines “Development Plan”. As this is an explanation to aid the interpretation of the policy, it is recommended that it should be included in the justification.
- 3.20 Natural England support the inclusion of this policy to safeguard the sensitive and valued rural setting of Cotherstone from the encroachment of development.

**Recommendation 3: Place the following in the justification to Policy CNP1.**

**“ \* The term ‘Development Plan’ encompasses the Neighbourhood Plan and the County Durham Plan.”**

**POLICY CNP2: LOCALLY VALUED HERITAGE ASSETS**

- 3.21 The policy identifies 18 properties and features as Locally Valued Heritage Assets to be conserved in a manner appropriate to their significance. Paragraph 5.25 of the justification states that they have been assessed using recognised methodologies promoted by Historic England and Civic Voice. A summary of the assessment outcomes is included in Appendix 1 of the CNP.
- 3.22 The PPG on the Historic Environment states that non-designated heritage assets may be identified through neighbourhood plan-making process. It recognises that *“it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.”*
- 3.23 Further it states that *“Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.”*
- 3.24 Policy 44 of the CDP on Historic Environment includes a section on Non-designated Assets which states that *“A balanced judgement will be applied where development impacts upon the significance and setting of non-designated heritage assets.”* Paragraph 5.450 of the justification notes that *“Neighbourhood plans can identify any buildings and spaces that are considered worthy of local designation.”*
- 3.25 The owners of all the properties and features were consulted on the proposed designation. A summary of the assessment is contained in Appendix 1 of the Plan. The QB has informed me that the full assessment report is available but has not been published.
- 3.26 I have noted that West and East Greens have been identified under this policy as LVHA and under Policy CNP4 as Local Green Space. I have asked the QB for the justification for seeking to designate the greens under both policies. They have responded: *“The QB considers that each of the designations are justified and appropriate as they reflect the fact that the greens have both heritage value and open space value. These are not considered mutually exclusive in policy terms and in this*

*instance are appropriate to co-exist together. The joint designation is an appropriate response to the clear value that the greens have both as part of the iconic historic fabric of the village and as open spaces which are ‘demonstrably special to the local community’.*

- 3.27 I am satisfied that the assessment of the properties and features has been carried out in accordance with recognised methodologies and that the policy accords with national and strategic policies. As an advisory note, it would be helpful to plan users and decision makers if the full report of the assessment with photographs of significant features were made readily available. No modifications to the policy are proposed.

### **POLICY CNP3: SETTLEMENT BOUNDARIES WITH SPECIAL HERITAGE SIGNIFICANCE**

- 3.28 This policy identifies those parts of the settlement boundary that abut Locally Valued Heritage Asset 1, the Back Lanes and Medieval field system and which are considered to be particularly sensitive. The areas are also within the designated Cotherstone Conservation Area.
- 3.29 The policy encourages development proposals at or within the setting of the areas identified to conserve and enhance the distinctive features. This policy does identify the significance of these parts of the conservation area and LVHA1 as particularly sensitive.
- 3.30 In response to my question on the justification for this policy, the QB has responded *“The inclusion of the policy underpins the numerous references in the CNP which talk about the importance of the interface of the built edge of Cotherstone with its countryside setting. This serves a valuable planning purpose. It firstly provides a further layer to help in the application of the settlement boundary policy (CNP1) by identifying those parts of it that are particularly sensitive by virtue of their historic significance. It also underpins the operation of other NP policies, CNP2 (in respect of LVHA1) and CNP5 (Valued Views). Last but not least, it supports and provides local-level detail to County policies dealing with the Conservation Area by identifying areas and features of special heritage significance within it. The purpose and intent behind CNP3 has been strongly supported from the outset by the County Council’s Senior Conservation Officer. Support has also been forthcoming from Historic England.”*
- 3.31 Natural England support the inclusion of this policy to safeguard the sensitive and valued rural setting of Cotherstone from the encroachment of development.
- 3.32 I consider that the policy accords with national and strategic policies on conservation areas. No modifications are proposed.

## **POLICY CNP4: LOCAL GREEN SPACES**

- 3.33 The policy designates 10 sites as Local Green Space. Appendix 2 of the CNP includes a summary of the assessment of the sites against a clear set of criteria which accord with those set out in the NPPF.
- 3.34 Paragraphs 101 – 102 of the NPPF set out the approach and criteria to the selection of sites to be designated as Local Green Spaces. It is considered that the sites satisfy the criteria of the NPPF.
- 3.35 Paragraph 103 sets out the policy approach to managing development within a Local Green Space which is repeated in Policy CNP4. DCC has confirmed that this form of wording is consistent with that in other neighbourhood plans in the county.
- 3.36 Natural England welcome the inclusion of this policy and support their objectives to protect and enhance Local Green Space. They also support the specific reference to 'Green Infrastructure' under this policy, which aims to ensure development proposals do not result in the loss of open space.
- 3.37 A summary of the assessment is contained in Appendix 2 of the Plan. The QB has informed me that the full assessment report is available but has not been published.
- 3.38 I consider that the policy accords with national and strategic policies; no modifications are proposed.

## **POLICY CNP5: VALUED VIEWS**

- 3.39 The policy identifies 9 locations as Valued Views, although location 1 has three vantage points along the Tees Railway Path. The Valued Views from each vantage point cover wide arcs over the adjacent countryside.
- 3.40 Paragraph 6.19 of the justification states that the task of identifying the most important views made use of the Character Assessment Toolkit devised by Oxford City Council which is established methodology used by DCC and Historic England.
- 3.41 On my site visit I visited each vantage point and noted that all locations had attractive views over the nearby countryside and its local historic landscape features, some were large scale and others more contained within the landscape. I concur that all locations are worthy of being identified as valued views.
- 3.42 I considered whether the policy would be unduly restrictive. As the countryside is all outside the settlement boundary and most is within the Conservation Area, most forms of development would have to be justified as exceptional and would have to be located and designed in accordance with other policies of the development plan. Paragraph 6.23 states that the impact of each development proposal would be assessed on a case by case basis considering the benefits of the development against how the view would be compromised in terms of the impact on the character, quality and integrity of the views.

- 3.43 I consider that the policy will help to deliver CDP Policy 39 Landscape which states that *“Proposals for new development will be permitted where they would not cause unacceptable harm.....to important features or views.”*
- 3.44 The justification in the CDP paragraph 5.414 explains how the policy will be applied *“Whether harm is considered unacceptable will depend partly on the significance of the effects of development on those attributes, and partly on the extent to which the benefits of the development outweigh that harm in the balance of considerations. These are matters that need to be assessed on a case by case basis. The policy refers to important features and views..... Important views will include notable views of landscapes, landscape features or landmarks. These will need to be evaluated on an individual basis.”*
- 3.45 I consider that the policy accords with national policy and will support the delivery of strategic policy. No modifications are proposed.

#### **POLICY CNP6: BUSINESS AND EMPLOYMENT**

- 3.46 The policy promotes the development of the local economy and sets out the factors to be considered in assessing development proposals relevant to the plan area both in the village and the rural parts of the parish.
- 3.47 The policy will help to deliver CDP Objective 6 on the Rural Economy: *“To support and improve the rural economy by encouraging diversification, retaining and enhancing key facilities, infrastructure and services while promoting appropriate new development in rural settlements”*. There are various strategic policies relevant to the rural economy including Policy 10 on Development in the Countryside, Policy 11 Rural Housing and Employment Exception Sites, Policy 13 Equestrian Development. I consider that Policy CNP6 accords with these policies.
- 3.48 It is noted that the policy wording below point c) states that the sympathetic re-use of redundant buildings for such purposes will be “particularly” supported. Paragraph 7.12 of the justification states that such proposals will be “strongly” supported. It is considered that there is no need to add any description to the degree of support for such proposals.

#### **Recommendation 4: Revise Policy CNP6 as follows:**

**Delete “particularly” from the last line of the paragraph after point c).**

**Delete “strongly” from the second sentence of paragraph 7.12.**

#### **POLICY CNP7: DESIGNING FOR BEAUTY, CHARACTER AND SENSE OF PLACE**

- 3.49 The policy promotes the design of development to encapsulate beauty, character and sense of place. A well thought out Code for Design in Cotherstone is contained in this

section of the Plan. Five themes are identified under the heading of Built Pattern, Siting and Layout whilst further careful consideration is given to Built Form, Scale and Proportion; Building Materials; Architectural Details; and Boundaries and Enclosure. In each section key local themes are identified, supported by a good selection of explanatory photographs followed by clearly defined design code principles.

- 3.50 The policy supports the delivery of national policy in NPPF section 12 on Achieving well-designed places. Paragraph 129 states that design guides and codes can be prepared at neighbourhood scale and to carry weight in decision making should be produced as part of a plan or supplementary planning document.
- 3.51 The CDP encourages good quality design in particular through Policy 29 Sustainable Design. Policy CNP7 supports the delivery of this policy by defining the significant details of the local vernacular.
- 3.52 Natural England support and welcome Policy CNP7, which specifically references the need to enhance and support biodiversity. They suggest that consideration should be given to including reference to demonstrating how a minimum of 10% biodiversity net gain will be achieved. DCC has confirmed that they consider that the policies of the County Durham Plan adequately address this subject and there is a mechanism within the process to achieve this on a site by site basis.
- 3.53 A representation has been made that considers the Design Code to be inflexible and unnecessarily restrictive and may prevent some sites from coming forward. They suggest that the design code should be used a guide rather than something which should be explicitly met. They suggest the following wording should be included *“Applicants should use the design codes set out at the end of this chapter as a guide for new development proposals where it is possible and feasible to do.”*
- 3.54 In response to my question on the matter the QB has responded to say: *“The Government has made clear the importance it attaches to good design and the valuable role which Design Codes can play in helping to achieve this. The development of the CNP Policy CNP7 and the accompanying Design Codes adhere very closely to this national context, providing an appropriate, fully justified and locally specific response to the community’s strong endorsement to tackling design in the CNP.*
- “The proposed additional wording would have the effect of instantly and significantly weakening the effectiveness and implementation of the policy, bringing in an ‘across the board’ umbrella of imprecision and subjectivity about whether or not a design requirement is ‘possible’ or ‘feasible’.”*
- 3.55 DCC has responded to say that they consider that the policy is not unnecessarily restrictive.
- 3.56 It is considered that that policy and design code accords with national and strategic policy. No modifications are proposed.

## 4.0 Referendum

- 4.1 The Cotherstone Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area; and
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Durham County Council that the Cotherstone Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Durham County Council on 3 February 2015.

## 5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Cotherstone Neighbourhood Plan 2020-2035 Submission Draft Version including Appendices
- Cotherstone Neighbourhood Plan Basic Conditions Statement July 2021
- Cotherstone Neighbourhood Plan Consultation Statement July 2021
- Cotherstone Neighbourhood Plan SEA Screening Opinion December 2020 updated July 2021/January 2021
- Cotherstone Neighbourhood Plan HRA Report December 2020 updated July 2021/January 2021
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Durham Local Plan (2020)

## 6.0 Summary of Recommendations

**Recommendation 1: Update paragraph numbers and quotations from NPPF of February 2019 to those of July 2021.**

**Recommendation 2: Include a Policies Map for the Plan area.**

**Recommendation 3: Place the following in the justification to Policy CNP1.**

**“ \* The term ‘Development Plan’ encompasses the Neighbourhood Plan and the County Durham Plan.”**

**Recommendation 4: Revise Policy CNP6 as follows:**

**Delete “particularly” from the last line of the paragraph after point c).**

**Delete “strongly” from the second sentence of paragraph 7.12.**