**Witton Gilbert N. Plan DCC Comments**

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|  | **Officer comments** | **Suggested Actions** |  |
| **FORWARD** | | | |
| Foreword 3rd para |  | Need to rephrase as it is the Local Planning Authority (Durham County Council) that determine planning applications in accordance with the Development Plan (comprises of Local Plan and where relevant a Neighbourhood Plan). |  |
| **POLICIES - General** | | | |
| General | The draft policies generally need some tidying up/formalising | E.G. there should be no references to *~~“we will require”~~* etc. |  |
| General | Policies tend to be worded in the positive…what happens in the negative? Is the draft N. Plan seeking to just support and not refuse? (this occurs quite a lot through the plan)? |  |  |
| Heading 7.2 | Reference to *‘housing’* in title causes confusion with 7.3 as this section covers all development | Delete reference to *~~housing~~* in title. |  |
| **POLICY 1 - Settlement Boundary of Witton Gilbert (awaiting landscape comments)** | | | |
| Policy 1 Criteria 1 | Does the policy relate to exception sites? | Needs clarifying |  |
| Policy 1 Criteria 2 | ‘Small scale’ needs defining | Clarification required within policy or policy justification at the very least. |  |
| Policy 1  Criteria 4 | This criteria seems to duplicate point 3 and is also covered by para. 55 in National planning Policy Framework (NPPF). | Reconsider whether this is required as it is merely a repetition of NPPF. At very least reword and merge points 3 & 4, including deleting reference to rural worker. |  |
| Policy 1  Criteria 5 | This weakens national policy guidance on Greenbelt and as a strategic issue it is covered in both national and local plan policy already | Delete point 5 |  |
| Policy 1 | Policy reads as though all criteria need to be met on each occasion. | Criteria 1-4 need to be separated with an *‘or’* after each. Criteria 5 if retained should be reworded as it relates to the first 4 criteria and needs to ensure that it does not weaken national policy. |  |
| Policy Justification |  |  |  |
|  | Needs to provide explanation to exceptions to put within a context in terms of local circumstances and NPPF | Include additional text |  |
|  | Reference to ‘Policies Map’ – it is not clear which map is relevant. | The policy needs to refer to the precise title of the map.  The maps need to have clear titles and these need to be cross referred to precisely within the plans text each time they are referred to. |  |
|  | Text very housing focussed. No mention of other types of development. | Widen scope of development referred to (particularly employment). |  |
|  | Justification for route of boundary not clear enough. | Justification: this needs to be supplemented to demonstrate that it is justified. Use info from the Settlement Boundary Study e.g. physical constraints |  |
| **POLICY 2 - New housing development in Witton Gilbert village** | | | |
| Opening text | Use of ‘supported’ provide different emphasis to that in policy 1 which refers to ‘permitted’ i.e. more definitive language. Repeats policy 1 which has already established housing will be permitted within settlement boundary. | Reword opening paragraph of policy 2 so that it requires all new housing within settlement boundary to accord with all criteria. |  |
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| Policy 2  Point a | These stipulations may be difficult to achieve on all schemes, particularly if they are small scale. The expectation is that the majority of new developments will be small scale given tightness of settlement boundary. | Consider moving some of the detailed requirements into the supporting text e.g. reference to boundary treatment, materials etc. or express them as more precise separate criteria so it can be acknowledged that some will not be attainable and therefore ***‘will be encouraged’***. |  |
| Policy 2  Point b | The criteria for Building For Life 12 (BFL) somewhat duplicate what has already been said in point a) and is also applicable to policy 6 | Consider merging **a** & **b** and making reference to BFL in the justification. This will future proof the policy should BFL change. |  |
| Policy 2 | Perhaps have an additional policy which is future proofed given potential changes to Building Control Regs. and BFL over the lifetime of the Neighbourhood Plan. | Or have a policy called ***Securing Energy Efficient Homes***  ***‘Developments should be designed to achieve the highest possible energy efficiency standards. This must be shown in a Design and Access Statement where this is required. Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the viability of the scheme, either in terms of financial viability or lack of market demand for these products. The developer will be required to demonstrate, to the Planning Authority’s satisfaction that this is the case.’*** |  |
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| Policy 2  Point d | Reword | d) *‘Provide a range of housing choices in terms of size and type, taking into account ~~objectively identified~~* ***local*** *housing needs’* |  |
| Policy 2  Point e | Reword | e) *‘… and ensure that affordable housing is indistinguishable from other hous~~i~~ng ~~tenures and types~~ on the site’* |  |
| Policy 2 | Criteria f punctuation. | Insert **full stop**.  Insertion of an ***‘and’*** after criteria e will make it clearer which of criteria need to be adhered to |  |
|  | Some of the criteria are applicable to developments other than housing | Consider broadening development types covered by this policy and merge policies **1 & 2** |  |
| **POLICY 3 - Older People’s homes (Response already Submitted)** | | | |
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| **POLICY 4 - Development in or adjacent to the Historic Core and associated site H2** | | | |
| Policy 4 | Policy makes reference to Building For Life in criteria a) | Consider making reference to BFL in the justification. This will future proof the policy should BFL change. |  |
| Policy 4 | Policy 4 – this refers to the fact that a masterplan will be required to address the issues in Appendix A. I don’t think that this policy works for two reasons. Firstly, the Council will be unable to prevent any person from submitting an application for development within the Masterplan area, whether or not a masterplan is in place. Secondly, the policy doesn’t specify any consequences for applications which do not accord with the issues in Appendix A. If the aim is that the issues specified in Appendix A should be met by all developments within the masterplan area, then this policy needs to be re-worded to secure this aim. | 1st)  Criteria D  *‘The development should use a comprehensive approach* ***as contained the Design Brief at Appendix A*** *and any proposals which would prejudice other parts of the site coming forward for development by way of cutting off access points will not be permitted. ~~A masterplan will be required for the entire site which addresses the issues raised in Appendix A~~.’*  **ML**  2nd)  *‘Development proposals* ***must*** *~~will be supported where they~~ comply*  *with the following criteria:’* **ML** |  |
| Policy 4  Criteria D | Criteria D should be reduced and simplified | ***~~“The development of the site must be in accordance with the agreed masterplan and address the issues highlighted in Appendix A”~~*** Please see above (**ML**) |  |
| Policy 4 | Policy is worded in the positive…what happens in the negative? Should they change emphasis or are they seeking to just support and not refuse? (this occurs quite a lot through the plan) |  |  |
| Policy 4 | Policy 4: needs to be more specific and include general design principles for new development within the historic environment (see opposite) | Additional criteria – Development must have respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate siting, design, height, form, materials and detailing. |  |
| Policy 4 | There is no criteria to control potential demolition works within historic environment which could have a highly adverse impact (see opposite) | Proposals for demolition will be supported where  The building or other element does not make a positive contribution to the character, appearance or special interest of the area. |  |
| Para. 7.3.8  Para. 7.3.9 |  | The word *~~“protect”~~* should be replaced with ***“preserve”*** as endorsed by Historic England.  The word *~~“maintain”~~* should be replaced with **“sustain”** as endorsed by Historic England. |  |
| Para 7.4.2  Last para | Non-designated heritage assets rather than listed? | Replace *‘…non-listed assets…’* with **‘…non-designated heritage assets…’ ML** |  |
| **POLICY 5 - Historic Core of Witton Gilbert** | | | |
| 7.4 Historic Environment |  | The word *~~“protect”~~* should be replaced with ***“preserve”*** as endorsed by Historic England.  The word *~~“maintain”~~* should be replaced with ***“sustain”*** as endorsed by Historic England |  |
| Policy 5 | Policy 5 Criteria C needs to be strengthened (see opposite) | *~~‘Ensure that new development retains the historic network of alleyways and local footpaths’~~*  **‘Ensure that new development responds positively to the historic pattern of development preserving features of historic interest that contribute to the areas special interest.’** |  |
| **POLICY 6 - Sustainable Design** | | | |
| Policy 6 | Policy is worded in the positive…what happens in the negative? Should they change emphasis or are they seeking to just support and not refuse? (this occurs quite a lot through the plan) | ***‘****~~Development should demonstrate high quality and sustainable design~~****. Developments should be designed to achieve the highest possible energy efficiency standards.*** *Design should contribute positively to place-making and be developed in response to a robust analysis of local character****. This must be shown in a Design and Access Statement where this is required.*** *It**~~should~~* ***must: ’* ML** |  |
| Policy 6  Point c | May want to add in a target for betterment i.e. Merton style ‘10% Renewable Energy Policy (The Merton Rule) - Merton Council’ |  |  |
| Policy 6  Point c |  | Add ***‘… where viable’***  ***‘Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the viability of the scheme, either in terms of financial viability or lack of market demand for these products. The developer will be required to demonstrate, to the Planning Authority’s satisfaction that this is the case.’* ML** |  |
| Policy 6  Point c | No definition of ‘appropriateness’ | Delete *~~appropriate~~* |  |
| Policy 6  Point d | Define multifunctional green space. | What would a Multifunctional Green Space entail? **ML** |  |
| Policy 6  Point d | Not sure how DM would ensure this | The way the criteria is worded would make it very difficult to apply to the determination of planning applications. ML  Replace criteria ‘d’ with’ ***Any development proposals should make adequate provision to provide green open spaces.’* ML** |  |
| **POLICY 7 - Biodiversity in the Parish of Witton Gilbert** | | | |
| Policy 7 | Intention should not only be to prevent net loss but also attain net gain for biodiversity. | 7.6.3 Policy Intention: *‘To ensure that new development proposals do not result in the net loss of biodiversity in the parish* ***and ideally achieve a net gain****. Any loss resulting from proposals to be replaced by equivalent or better provision, in terms of quantity and quality, in a suitable location’* add a**Full stop** |  |
| **POLICY 8 - Witton Dene Local Nature Reserve** | | | |
| Policy 8 | Would like to see that proposals to improve the nature conservation value of the site would be supported, out with of any access facilities improvements | POLICY 8: Witton Dene Local Nature Reserve  *‘… Opportunities will be taken to maximize the* ***nature conservation value of the Local Nature Reserve and link it to other wildlife corridors as well as raising*** *awareness and understanding of the reserve ~~and to link it to other wildlife corridors~~.’* |  |
| Para. 7.6.5 | Policy intention should clearly include improving the nature conservation value; would prefer this aim to be more obvious in the Policy Intention | Policy Intention: ‘*To preserve and enhance* ***the biodiversity value of*** *Witton Dene Local Nature Reserve, promote access to the reserve, and promote its use for education and leisure benefits.’* |  |
| **POLICY 9 - Protection of Local Green Spaces (awaiting landscape comments)** | | | |
| Policy 9 | Not all of the protected green spaces are shown on the map – G16 Falkous Terrace is missing. | Add ***G16 Falkous Terrace*** to the map |  |
| **POLICY 10 - Protecting and supporting Community Assets** | | | |
| Policy 10  a) | Specify period of time and method of advertising? | Suggested change along the lines of:  *‘… The change of use of the last public house (Use Class A4) and* ***/ or*** *last shop (Use Class A1) in the village will only be* ***permitted*** *~~supported~~ where the applicant is able to provide a robust justification to demonstrate****:***   1. ***The land or building is no longer physically suitable for Use Class A4 use in the case of a public house and Use Class A1 in the case of retail use and there is no realistic prospect of re-use or redevelopment for the respective uses.*** 2. ***There is documented evidence of unsuccessful active marketing for the respective uses with at least one recognised commercial agent at local market rent levels, over a continuous period of at least XX months;***   *~~there is no longer a need for these. Planning permission will only be granted for the change of use of a public house (Use Class A4) or shop (Use Class A1) if one or more of the following criteria are met:~~*  *~~a) No other potential occupier can be found following a realistic effort to market the premises for its existing use;~~*  *~~b) Substantial evidence of non-viability is submitted~~; and*  *c) It is demonstrated that suitable alternative public houses or shops exist to meet the needs of the local community.’* **ML** |  |
| Policy 10  b) | How long does it need to have been unviable? |  |
| Policy 10  c) | Equivalent facilities? Different type of shop or pub might not be acceptable. |  |  |
| **POLICY 11 - Safety improvements on the road network** | | | |
| Policy 11 | The wording of the Policy is acceptable. |  |  |
| Policy 11 | However the narrative supporting this makes some references which are not supported with any factual data i.e. it is suggested speeding is an issue when this is not actually the case. The use of terminology like *~~‘the need for traffic calming measures’~~* and *~~‘Safety on the roads in the village has been identified as a particular issue’~~* is not accurate. | The following amendments are suggested:-  Key Issues:  ***‘…the communities concerns about perceived speed through the village leading to desire for traffic calming measures and 20 mph speed limits on all estate roads’***.  Justification:  *‘Safety on the roads in the village has been identified as a particular ~~issue~~* ***concern*** *in local consultation. This policy seeks to implement road safety measures, through the CIL payments that will accrue from new development in the Parish’* |  |
| Policy 11 | Policy 11 – I do not like the wording of this policy in so far as it relates to CIL money. I would prefer if the wording could reflect the GANP. | *~~‘CIL money will be used to implement these measures where feasible and in consultation with the Highways Authority’~~*  ***‘All new development must provide necessary and appropriate new facilities, relevant and related to the development, on site, or contribute to off-site facilities, as required either by means of planning conditions and or developer contributions as appropriate. Any necessary facilities and/or infrastructure will be secured by negotiation on a case by case basis taking viability into account.’*** |  |
| Policy 11 | Policy 11 and Policy 12 – both say that various types of development will be supported. Is it really the position that all developments of the nature specified in the policies will be acceptable? I doubt this is the case and the Parish Council may wish to think about whether they wish to qualify these policies. | *‘Proposals to incorporate traffic calming measures, speed reduction measures, and increased safety measures for pedestrians, cyclists and other users of the road network* ***where appropriate*** *will be supported.’* |  |
| Policy 11 | Reference to CIL is worrying – is this on the 123 list? |  |  |
| Policy 11 | Would suggest changing CIL to developer contributions as it may be that CIL is revoked or that the council decide not to proceed with a CIL charge. |  |  |
| **POLICY 12 - Improvements to Cycling and Walking Network** | | | |
| Policy 12 | No objection to the Policy but feel that it lacks bite. |  |  |
| Policy 12 | Policy 11 and Policy 12 – both say that various types of development will be supported. Is it really the position that all developments of the nature specified in the policies will be acceptable? I doubt this is the case and the Parish Council may wish to think about whether they wish to qualify these policies. |  |  |
| Policy 12 | Should this policy actually identify some schemes? Not sure that the policy is actually adding anything. |  |  |
| **POLICY 13 - Broadband and Telecommunications** | | | |
| Policy 13 | Policy 13 – I really don’t think this is a reasonable policy. Suggest it needs to reflect the broadband policy in the **Whorlton NP**. | Suggest replace with policy on the following lines:  *POLICY 13:* ***Superfast broadband***  ***‘All new development should incorporate ducting capable of accepting fibre-optic to enable Superfast Broadband. Unless it can be demonstrated by means of a viability study submitted by the developer that this requirement would undermine the viability of the scheme, either in terms of financial viability or lack of market demand for these products. The developer will be required to demonstrate, to the Planning Authority’s satisfaction that this is the case.’* ML** |  |
| Policy 13 | Seems overly onerous. This is more a market issue than a planning one? BT are not only broadband supplier. How does it relate to telecoms? |  |  |
| Policy 13 | **Can't mention BT** specifically as that would be seen as influencing the competitive market, there are other fibre providers.  What do they mean by **elsewhere**? I assume they are trying to differentiate between the residential development allocations and maybe conversion of existing buildings or windfall sites across the village but this is not clear. Does this form a precedence that the Plan cannot follow however? DM feel it is overly burdensome. Also the policy is entitled Broadband and Telecommunications however it does not specifically mention telecommunications or whether they are looking to support additional infrastructure. |  |  |
| **Policy 14 - New and expanding business development** | | | |
| Policy 14 | Policy 14 and its supporting text looks fine to me. |  |  |
| Policy 14 | Not really sure what this policy is trying to achieve. Not really adding anything over and above what the CDP would be saying. Check with DM that this does not over complicate the decision making process. | No comment from Development Management Team on this one ML.  Also the development of the County Durham Plan is still in progress. |  |
| Policy 14 |  | Suggest amend second paragraph:  *‘… In the open countryside support will be given for economic development proposals, where they seek to, wherever possible, to re-use existing buildings, or are well related to existing buildings. In the Green Belt, proposals will be assessed in accordance with ~~paragraphs 88 and 89 of~~ the ~~NPPF~~* ***National Planning Policy Framework*** *…’* |  |
| **POLICY 15 - Farm diversification** | | | |
| Policy 15 | How does this sit with the Green Belt policy. Does that need to be made clear in the supporting text? Do you need the In the Countryside bit at the start? |  |  |
| Policy 15 | ‘loss’ rather than use of best and most versatile….. Policy is worded in the positive…what happens in the negative? Should they change emphasis or are they seeking to just support and not refuse? (this occurs quite a lot through the plan) |  |  |
| Policies 14 and 15 | Suggest merging these policies similar to the approach used in Allendale NP. | *POLICY 14 & 15 New business accommodation and Farm Diversification.*  *‘Proposals for new business and employment opportunities both within and adjoining the settlement boundary of Witton Gilbert will be supported where the development* ***is on a scale appropriate to the settlement and it*** *will not have an adverse impact on the amenity of the local community, local transport and utilities infrastructure, and where the buildings are located as close as is practicably possible to existing development.*  *In the open countryside support will be given for economic development where* ***associated with a farm diversification scheme or an existing employment site of a small scale; and / or*** *where they seek to re-use existing buildings, or are well related to existing buildings. In the Green Belt, proposals will be assessed in accordance with ~~paragraphs 88 and 89 of the NPPF~~ the National Planning Policy Framework.*  *To ensure a balance between the need to support rural economic development and the protection of the landscape and biodiversity, all development applicable to this policy must be appropriate in scale, character and design to its immediate and wider setting in the parish.’* |  |
| **POLICY 16 - Home working** | | | |
| Policy 16 | Happy that it includes the amenity clause. I appreciate there is a definition of amenity in the glossary but it might be worth providing some examples in the supporting text, someone working in an office at home is going to have very different impacts to a dog grooming parlour, car repairs, wood carving business or complimentary therapy studio for example. Also in the supporting text, do we need to clarify what exactly would need planning permission in the first place as not everything would. Also the glossary defines live/work but this is not referenced in the policy at all.S | This is how Allendale approached the matter the highlighted section could be included in the justification:  *‘Planning permission will be granted for the use of part of a dwelling for office and/or light industrial uses, and for small scale free standing buildings within its curtilage, extensions to the dwelling or conversion of outbuildings for those uses provided that:*  *• other than minor ancillary support, servicing and maintenance, all work activities are carried out only by the occupants of the dwelling; and*  *•* ***no significant and adverse impact arises to nearby residents or other sensitive land uses from noise, fumes, odour or other nuisance associated with the work activity;*** *and*  *• any extension or free standing building shall be designed having regard to policies in this Plan and should not detract from the quality and character of the building to which they are subservient by reason of height, scale, massing, location or the facing materials used in their construction.’* |  |
| Policy 16 | Have WGPC thought about live-work units? | The Whorlton NP includes a Home Working Policy **(ML) as below:**  **POLICY WP3: Working from home**  Planning permission for development that enables home working will be granted if the development:  a. is in keeping with the scale, form and character of its surroundings;  b. does not significantly adversely affect the amenities of residents of the area;  c. has a safe and suitable access to the site for all people.  **Justification:**  Whorlton is not suitable for any new, large scale employment, however, it is suitable for “working from home” option. Using home as a working base for at least part of the week can offer business opportunities. Working from home does not necessarily need planning permission as long as the home remains mainly a home.  Live/work units can be also envisaged accommodating artists or craftsmen. |  |
| **POLICY 17 - Community energy generation projects (awaiting landscape comments)** | | | |
| Policy 17 | Policy is worded in the positive…what happens in the negative? Should they change emphasis or are they seeking to just support and not refuse? (this occurs quite a lot through the plan) |  |  |
| Policy 17  a) | Should be re-worded to cover ‘loss’ of land rather than just the issue of siting. Also, some development can still retain agricultural land in active use. | *‘ … a) every effort has been made* ***to prevent the loss of agricultural land especially agricultural land which is of high quality*** *~~to site the development on non-agricultural land or land which is of lower agricultural quality~~; and … ‘* |  |
| Policy 17  c) | Reword | *‘ … c) The proposal does not cause unacceptable impacts on the highway network ~~and not negatively impact~~* ***or*** *on local*  *residential amenity; and …’* |  | |
| Policy 17  d) | Should be criteria D not C  Reword | *‘ … d) The proposal causes minimum visual impact and maintains appropriate screening throughout the lifetime of the project managed through a land management* ***plan’***(or something else? Or lose the ‘a’) |  | |
| Policy 17 Supporting text | Supporting text should read community energy generation not just community generation. |  |  | |
| **PLANS** | | | | |
| Policies map 2 | What policies do the **H sites** beyond Witton Village refer to? One is beyond the Neighbourhood Area |  |  | |
| General | **Copyright** needs to be clearer on all maps | Increase font size |  | |
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| **GLOSSARY Page 49** | Affordable Housing - | There appears to be a footnote with no footnote? |  | |
|  | Allocation / Allocated Sites | Green Belt is a designation not an allocation. Are they referring to the green spaces they have identified in the plan? |  | |
|  | Assets of community value | Incomplete description |  | |
| **Page 50** | Development Plan: | Development Plan replace *~~‘The complete set of statutory land use policies and proposals for an area, used in making planning decisions. It includes adopted council development plan documents such as Local Plans, Core Strategies and neighbourhood plans.’~~* with ‘***The statutory development plan for a particular area comprises the current ‘Local Development Plan and (if relevant) the local Neighbourhood Development Plan’*** |  | |
|  | Evidence Base | - should ‘Examination Documents’ be in capitals? |  | |
|  | Green Belt | - Quote from NPPF needs correcting - take out the *“~~be~~”* from the second to last sentence. It also refers you to the definition of Inset, however there isn't a definition of inset. |  | |
|  | Green Infrastructure - | - Benefits to should be to communities **and wildlife / biodiversity**. |  | |
|  | Independent Examination. | The WGNP refers to independent examiner and the examination rather than “independent” examination. |  | |
| **Page 51** | Live/Work | Are these referred to in the body of the WGNP ? |  | |
| **Appendix A** | Page 57 | Additional bracket after policy and before 5 in the first paragraph and policy context |  | |