



Lanchester Neighbourhood Plan 2019-2034

BASIC CONDITIONS STATEMENT



October 2019

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1.0 INTRODUCTION

- 1.1 In accordance with Regulation 15(1)(d) of The Neighbourhood Planning (General) Regulations 2012, this Statement has been prepared to accompany the Submission Draft of the Lanchester Neighbourhood Plan (hereinafter also referred to as the 'LNP', 'Neighbourhood Plan' or 'Plan').
- 1.2 Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990 requires that the Neighbourhood Plan must –
- 1) have regard to national policies and advice contained in guidance issued by the Secretary of State (sub-section a);
 - 2) contribute to the achievement of sustainable development (sub-section d);
 - 3) be in general conformity with the strategic policies contained in the local plan for the area (sub-section e);
 - 4) be compatible with EU obligations (sub-section f);
 - 5) meet prescribed conditions and comply with prescribed matters (sub-section g).
- 1.3 Part 3 of this Statement sets out how the LNP meets each of the above Basic Conditions.

2.0 LEGISLATIVE REQUIREMENTS

- 2.1 Before assessing the Basic Conditions, this section addresses the various other requirements of legislation associated with the Neighbourhood Plan.

The Qualifying Body

- 2.2 The process of making the Neighbourhood Plan has been led by Lanchester Parish Council. This is a 'qualifying body' under the Neighbourhood Planning legislation, which entitles them to lead the plan making process.
- 2.3 This satisfies the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004).

The Neighbourhood Plan Area

- 2.4 The Neighbourhood Area to which the Neighbourhood Plan relates covers the whole of the Parish of Lanchester in County Durham and the boundary of that Area is co-terminus with the Parish boundary. The extent of the Neighbourhood Area is shown on page 7 of the Neighbourhood Plan. This was designated as a Neighbourhood Area by Durham County Council on 24 July 2014.

- 2.5 This satisfies the requirements set out under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004) and Regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

The Neighbourhood Plan

- 2.6 The Lanchester Neighbourhood Plan is a Neighbourhood Plan setting out policies in relation 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 2004.

The Plan Period

- 2.7 The lifespan of the Lanchester Neighbourhood Plan is 2019 to 2034. This aligns closely with the intended Plan period for the County Durham Plan, which (as at October 2019) has reached Examination Stage. Both Plans are anticipated to achieve operative (statutory) status in 2020.

Excluded Development

- 2.8 The Neighbourhood Plan does not include provision for any excluded development as set out in Section 61K of the Town and Country Planning Act 1990.

The Neighbourhood Plan and the Neighbourhood Area

- 2.9 The Lanchester Neighbourhood Plan relates only to the Lanchester Neighbourhood Area and no other area, and there are no other Neighbourhood Plans relating to this Area.
- 2.10 In light of the information in Paragraphs 2.7 to 2.9 above, the Neighbourhood Plan meets the requirements of Section 38B(1) and (2) of the Planning and Compulsory Purchase Act 2004.

3.0 BASIC CONDITIONS

BASIC CONDITION 1: HAVING REGARD TO NATIONAL POLICY

- 3.1 National Planning Practice Guidance states: *‘A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan ... take account of national policy and advice.’* (Paragraph: 070 Reference ID: 41-070- 20190509).
- 3.2 Lanchester Neighbourhood Plan contains 8 policies¹. These have been set out in Table 1 below and are considered in turn against national policy as set out in the National Planning Policy Framework (NPPF) and, where relevant, national Planning Practice Guidance (PPG).

Table 1 – How each policy in the Neighbourhood Plan has regard to national policy and guidance

Policy LNP1: The Boundary and Setting of Lanchester Village
<p>This policy seeks to support the principle of new development taking place within the settlement boundary of Lanchester. This accords with NPPF paragraph 13 by reflecting strategic policies relating to the overall amount and spatial distribution of new development and the management of development on unallocated sites within settlements and the countryside respectively. The policy also implements NPPF paragraphs 28, 29 and 65 by managing development in a way that reflects the community’s vision for their area, without undermining strategic policies. By providing scope for rural exceptions housing, the policy also accords with NPPF paragraphs 77 and 78.</p> <p>In addition, the policy plays a ‘conserving’ role as the settlement boundary seeks to protect and maintain the attractive setting of Lanchester which has significant landscape and heritage attributes. In so doing, it helps implement sections 15 and 16 of the NPPF which deal with conservation and enhancement of the natural and historic environment respectively.</p>
Policy LNP2: Design of New Development
<p>This policy sets out key criteria to be met in respect of the design of new development, supported by helpful explanatory text and illustrations.</p> <p>This supports and implements section 12 of the NPPF (Achieving well-designed places). In particular, paragraph 125 expects Plans to ‘set out a clear design vision and expectations, so that applicants</p>

¹ In addition to the 8 policies, the Neighbourhood Plan also contains a ‘Statements’ section with written narratives covering Business and Employment and Transport and Travel. These were two topics which were considered as part of the preparation of the Plan, but did not develop into specific policies. They have not therefore been the subject of assessment as part of this Basic Conditions Statement.

have as much certainty as possible about what is likely to be acceptable'. It adds that 'Neighbourhood Plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development'. The NP fulfils this by promoting high quality design which responds to Lanchester's local character and context.

Policy LNP3: Historic Environment

This policy provides a means of identifying non-designated heritage assets and seeking that they be properly recognised, conserved and enhanced in development proposals. This supports and implements section 16 of the NPPF (Conserving and enhancing the historic environment). In particular, paragraph 184 states that 'Heritage assets range from sites and buildings of local historic value to those of the highest significance..'. whilst paragraph 192(b) highlights the importance of recognising 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'.

The role of Neighbourhood Plans in tackling heritage issues is likewise confirmed in Planning Practice Guidance, which states that 'there are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes' (Paragraph: 040 Reference ID: 18a-040-20190723).

It adds that 'Where it is relevant, neighbourhood plans need to include enough information about local heritage to guide decisions and put broader strategic heritage policies into action at a neighbourhood scale' (Paragraph: 005 Reference ID: 18a-005-20190723).

Policy LNP4A: Green Infrastructure

This policy focuses on seeking to maintain, improve or extend the green infrastructure of the area. This includes promoting opportunities to extend the footpath and bridleway network and widen its use by all sectors of the community.

The policy helps support and implement two specific sections of the NPPF – section 8 (Promoting healthy and safe communities) and section 15 (Conserving and enhancing the natural environment).

In respect of NPPF section 8, paragraph 96 confirms that 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities'. Paragraph 98 adds that 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks'.

In respect of NPPF section 15, paragraph 171 refers to 'maintaining and enhancing networks of habitats and green infrastructure', while 174 refers to the need to protect wildlife and habitats 'and pursue opportunities for securing measurable net gains for biodiversity'.

Policy LNP4B: Landscape Value

This policy seeks to ensure that development proposals do not result in adverse impacts on the landscape qualities of the Parish. This also supports and implements NPPF section 15 (Conserving and enhancing the natural environment), the opening paragraph to which (170) states that ‘Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes ... in a manner commensurate with their statutory status or identified quality in the development plan’. Paragraph 171 goes on to identify a role for Plans to identify locally designated sites alongside higher level designations.

Policy LNP4C: Landscape Features

This policy provides a further level of detail to the protection of landscape by highlighting the specific features within it that are valued (ie - trees, woodland, hedgerows and stone walls). The policy seeks to safeguard these for their aesthetic, biodiversity and heritage roles and ensure any loss of them is suitably mitigated in development proposals.

The 3 identified roles of these features (aesthetic, biodiversity and heritage) in turn engage with and support NPPF sections 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

Policy LNP4D: Biodiversity and Geodiversity

This policy sets out criteria for development proposals to meet in respect of conserving and enhancing biodiversity and geodiversity. This supports and implements NPPF section 15 (Conserving and enhancing the natural environment), in particular paragraph 174, which sets out the role of Plans in protecting and enhancing biodiversity and geodiversity.

Policy LNP4E: Local Views

This policy provides the means by which valued views of the landscape within and around Lanchester are identified, protected and enhanced. The appreciation of these views has a number of dimensions, including their aesthetic value, the contribution they make to recreation and leisure and their role in terms of understanding heritage. This latter role is reinforced by the fact that the views in question are also identified as Locally Valued Heritage Assets.

The policy therefore helps support the national policies set out in NPPF sections 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). The policy also has a social dimension in the context of NPPF section 8 (Promoting healthy and safe communities) as the valued views serve to encourage use and enjoyment by the local community of the wider green infrastructure of the area (NPPF paragraph 91c, 92a and 96).

BASIC CONDITION 2: CONTRIBUTING TO ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

- 3.3 The purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.4 Achieving sustainable development means the planning system has three interdependent objectives, relating to the economy, society and the environment. These are identified in paragraph 8 of the NPPF as follows –
- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.5 Paragraph 9 of the NPPF gives clear advice on how plans should contribute to these sustainability objectives: 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area'.
- 3.6 Paragraph 13 then clarifies the role of neighbourhood plans in attaining sustainable development: 'Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies'. Footnote 16 to paragraph 29 adds that: 'Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area'.
- 3.7 Against this context, the table below examines how the Lanchester Neighbourhood Plan

contributes to each of the three dimensions of sustainability.

Table 2 – How the Neighbourhood Plan contributes to the achievement of sustainable development

Economic Sustainability:
<p>The Lanchester Neighbourhood Plan contains Objectives on the topics of Housing (Objective 1) and Business and Employment (Objective 5). However, no locally specific policies were pursued for these as the objectives have ultimately been met by policies in the County Durham Plan through its strategy, provision and policies for housing and employment.</p> <p>However, (in fulfilment of NPPF paragraph 13), the Neighbourhood Plan seeks to shape and direct development that is outside of these strategic policies. Specifically, Policy LNP1 of the Neighbourhood Plan supports new development within the settlement boundary of Lanchester whilst also enabling the development of rural exceptions housing outside it in accordance with NPPF paragraph 77. The settlement boundary has been drawn to incorporate land south of 'The Paddock' which has obtained planning permission for residential development.</p> <p>The settlement boundary is strongly supported and complemented by the other policies of the Neighbourhood Plan, reflecting the NPPF's recognition that sustainable development 'should take local circumstances into account, to reflect the character, needs and opportunities of each area' (paragraph 9)</p>
Social Sustainability:
<p>The Lanchester Neighbourhood Plan likewise contains an Objective on Community Assets (Objective 7). This has also been satisfactorily met by policies in the County Durham Plan, thus obviating the need for a locally specific policy.</p> <p>However, the Neighbourhood Plan has an objective and policy to promote good design, which NPPF paragraph 124 identifies as 'a key aspect of sustainable development.' It also has an objective and policy on green infrastructure which seeks to ensure it is protected and enhanced, including the footpath and bridleway network. Together, these policies will help promote the social sustainability objective of the NPPF 'by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being' (paragraph 8b).</p>
Environmental Sustainability:
<p>The Lanchester Neighbourhood Plan positively seeks to protect and enhance its natural, built and historic environment. Indeed, this is the overriding focus of the Plan and reflects the significant natural, built and historic attributes of the village, its setting and its wider rural landscape.</p>

The Plan achieves this environmental dimension of sustainability through every one of its policies –

- Policy LNP1 – by safeguarding the sensitive and valued rural setting of Lanchester from the encroachment of development;
- Policy LNP2 – by promoting high quality design which responds to local character and context;
- Policy LNP3 – by identifying non-designated heritage assets and seeking that they are properly conserved and enhanced in development proposals;
- Policy LNP4a – by promoting the protection and enhancement of the Parish’s green infrastructure and footpath and bridleway network;
- Policy LNP4b – by protecting the quality of the Parish’s attractive landscapes;
- Policy LNP4c – by protecting specific features of the landscape for their aesthetic, biodiversity and heritage roles;
- Policy LNP4d – by conserving and enhancing biodiversity and geodiversity;
- Policy LNP4e – by protecting and enhancing valued community views.

BASIC CONDITION 3: CONFORMITY WITH STRATEGIC LOCAL POLICY

3.8 Basic Condition 3 requires that the Lanchester Neighbourhood Plan must be ‘in general conformity’ with strategic local policy. National Planning Practice Guidance² explains what this means:

‘When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with.*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy.*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy.*
- *the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.’*

² Paragraph: 074 Reference ID: 41-074-20140306

- 3.9 In County Durham, strategic policies were originally set down in the Durham County Structure Plan. However, this was subsequently replaced by the Regional Spatial Strategy for the North East (RSS). The RSS was then formally revoked in 2013, effectively removing the strategic policy layer.
- 3.10 Notwithstanding this, National Planning Practice Guidance³ explains that the fulfilment of Basic Condition 3 ‘addresses strategic policies no matter where they appear in the development plan’.
- 3.11 It goes on to provide guidance⁴ on how to determine whether a policy is a strategic policy in a development plan, including -
- whether the policy sets out an overarching direction or objective
 - whether the policy seeks to shape the broad characteristics of development
 - the scale at which the policy is intended to operate
 - whether the policy sets a framework for decisions on how competing priorities should be balanced
 - whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the local plan or spatial development strategy
 - in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the local plan or spatial development strategy
 - whether the local plan or spatial development strategy identifies the policy as being strategic
- 3.12 In terms of statutory planning policy (including strategic policies), the situation in County Durham is therefore that the Saved Policies of existing Local Plans remain in force until they are replaced by the County Durham Plan. For Lanchester Parish, this means the adopted Derwentside Local Plan (Derwentside being the former district council covering the Lanchester area prior to being abolished when Durham County Council became a unitary authority in 2009).
- 3.13 However, the Derwentside Local Plan was prepared in the 1990’s, with a projected end date of 2006. In contrast, the County Durham Plan is at an advanced stage. It was submitted to the Secretary of State for examination in June 2019 and examination hearing sessions are scheduled to run from October to December 2019. The anticipated adoption date for the County Durham Plan is Summer 2020. This timeframe closely reflects the LNP, which is envisaged to achieve

³ Paragraph: 075 Reference ID: 41-075-20190509

⁴ Paragraph: 076 Reference ID: 41-076-20190509

‘made’ status by late spring/early summer 2020.

3.14 Given these circumstances (the age of the Local Plan policies and the advanced stage of the County Durham Plan), the assessment of conformity with strategic local policy will cover both Plans. Table 3 therefore sets out the relationship between each of the LNP policies and the strategic policies of both the Derwentside Local Plan (DLP) and the County Durham Plan (CDP) Submission version. The list of strategic policies from both Plans has been provided by Durham County Council (see Appendix A for full lists).

3.15 It is also noteworthy to add that work on preparing the LNP and work on preparing the CDP have been taking place in tandem. Over this period, ongoing collaborative working with the County Council has ensured that the two plans have remained closely aligned and complementary to each other.

Table 3 – How the Neighbourhood Plan conforms with strategic local policy

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
<u>POLICY LNP1:</u> THE BOUNDARY AND SETTING OF LANCHESTER VILLAGE	DLP: Policy EN2 Policy HO5 Policy HO7 Policy HO10	LNP1 supports but at the same time updates the policy approach of the DLP as: 1) The settlement boundary approach remains an appropriate planning tool to manage development falling within and outside the settlement boundary; 2) the settlement boundary has been extended in the LNP to incorporate permitted residential development on land south of The Paddock; and, 3) the LNP1 policy also makes provision for rural exceptions housing to reflect the policy context for this in the NPPF.
	CDP: Policy 1 Policy 6 Policy 10 Policy 11	LNP1 conforms with CDP policy in terms of its approach to meeting housing and employment needs (Policy 1). The CDP confirms at Paragraph 1.19 that ‘as the Plan allocated sufficient sites to meet housing needs for the county it does not set out housing requirements for designated neighbourhood areas’. The line followed by the settlement boundary in the LNP is consistent with the CDP’s glossary definition of ‘built-up area’ and Policy LNP1 is also in conformity with the CDP’s policies for development in built up areas, the countryside and exceptions sites (6, 10 and 11 respectively).
<u>POLICY LNP2:</u> DESIGN OF NEW DEVELOPMENT	DLP: Policy GDP1 Policy EN1	LNP2 adds an appropriate neighbourhood level of detail to Local Plan policies GDP1 and EN1. It provides a specific set of criteria to ensure that new development will deliver a high quality of design and sit

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
		comfortably within the existing built and natural environments. The policy is complemented by supporting explanatory text and an illustrated 'guide to significant aspects of local character'. It also cross-refers to important supporting documents, including the Lanchester Design Statement and the Lanchester Conservation Area Appraisal (among others).
	CDP: Policy 30	Policy 30 is the principal policy to promote high quality sustainable design in the CDP. Policy LNP2 supports this and adds a locally specific level of detail to it by means of specific criteria and associated textual and illustrated guidance.
<u>POLICY LNP3:</u> HISTORIC ENVIRONMENT	DLP: Policy GDP1	<p>The DLP's policy approach to the historic environment primarily focuses upon statutorily designated assets such as Conservation Areas, Listed Buildings, Ancient Monuments and Historic Parklands. However, it is noted that these policies are either non-strategic, have expired, or are strategic but not directly relevant to LNP3 (ie - as they deal with designated or nationally important heritage assets).</p> <p>As LNP3 deals with non-designated heritage assets (NDHA's), there is therefore no direct relationship to Local Plan strategic policy, though there is undoubtedly some overlap. A case could be made in any event that, by embracing the 'finer grain' level of NDHA's, LNP3 provides a more detailed local approach to the Local Plan's strategic policy.</p> <p>It is also noted that there is a generic reference in DLP Policy GDP1 (sub-section c) to protecting 'existing landscape, natural and historic features'. LNP3 clearly supports and adds specific detail to this by focusing on NDHA's.</p>
	CDP: Policy 45	<p>Policy 45 is the principal policy in the CDP dealing with the historic environment. This refers to NDHA's as well as designated heritage assets. The supporting text to the policy states that 'Neighbourhood Plans can identify any buildings or spaces that are considered worthy of local designation' (paragraph 5.469).</p> <p>LNP3 therefore directly supports and complements Policy 45 by providing a focus and level of protection to NDHA's (including identification of Locally Valued Heritage Assets).</p>
<u>POLICY LNP4A:</u> GREEN INFRASTRUCTURE	DLP: Policy EN23 Policy HO22 Policy TO3	Whilst the term 'green infrastructure' is broad in its coverage, the most direct equivalents to it in the DLP are policies relating to recreational open space, paths and rights of way (including wildlife corridors and provision for cyclists).

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
	Policy TR3	<p>Policies EN23 and TO3 are supported by LNP4A as they promote enhancement/extensions to wildlife corridors and recreational paths respectively (with specific reference to corridors/paths in Lanchester Parish). Policy TR3 similarly seeks to ensure that the needs of cyclists are taken into account in new developments, including provision of safe and convenient access for cyclists.</p> <p>The effect of Policy HO22 is to increase the green infrastructure resource by ensuring recreational open space is included in proposals for new housing developments. Whilst LNP4A is framed in a different way, its end aim is the same as Policy HO22 (ie – the improvement and extension of the Parish’s green infrastructure).</p> <p>It is acknowledged that the DLP also contains policies which relate more specifically to conservation of the natural environment eg – trees and ancient woodlands, sites of nature conservation importance etc. Whilst these are conceivably part of green infrastructure, it is considered more appropriate to reference them in the context of Policy LNP4D below as this provides a more tangible linkage to them.</p>
	CDP: Policy 10 Policy 27	<p>LNP4 finds its most direct link in the CDP to Policy 27, which sets out that Plan’s approach to green infrastructure, including public rights of way networks. LNP4A, like CDP Policy 27, seeks to protect and improve the green infrastructure resource and network to help maintain and widen its various roles including biodiversity, landscape values and recreation.</p> <p>Mention should also be made of CDP Policy 10. Sub-section (p) of this requires new development in countryside locations to improve its sustainability, including improving the scope for access on foot or cycle.</p> <p>LNP4A therefore supports and upholds both these CDP policies.</p>
<u>POLICY LNP4B:</u> LANDSCAPE VALUE	DLP: Policy GDP1 Policy EN1 Policy EN5 Policy EN6	<p>Policy LNP4B seeks to safeguard the valuable landscapes of the Parish from development which would adversely affect their qualities, as set out in the supporting explanatory text. The intent of the policy is to afford protection to these landscape qualities wherever they occur in the Parish. This broad-brush approach is supported in Policy GDP1 (sub-section c) of the DLP, which likewise seeks to protect ‘existing landscape, natural and historic features’ when considering proposals for new development. A similar intent is within DLP</p>

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
		<p>Policy EN1, one aim of which is to help maintain or enhance landscape character when development is proposed in the countryside.</p> <p>In addition to this generic landscape protection, the supporting text to LNP4B also refers to the identification of a local landscape designation as part of the preparation of the Neighbourhood Plan, termed the 'Lanchester Parish Landscape of High Value' (LPLHV). This is shown on Map 9 of the Neighbourhood Plan. The concept of identifying specifically valued landscapes is broadly comparable to the 'Areas of High Landscape Value' (AHLV) policy EN6 in the DLP (though the actual area covered by the LPLHV is more extensive than the AHLV in EN6). Whilst LNP4B and Policy EN6 are framed differently, the general principle is the same, which is to highlight the importance of landscape qualities when considering development proposals.</p> <p>Mention can also be made of Policy EN5 of the DLP, which refers to development within the North Pennines AONB and seeks to conserve or enhance its high landscape qualities. The western-most part of Lanchester Parish contains a section of the AONB. Given that LNP4B applies to the whole Parish, it assists in supporting the strategic aim of EN5 by also highlighting the importance of landscape qualities both within and outside the AONB.</p> <p>Lastly, it is acknowledged that a large part of the 'landscape qualities' mentioned in the supporting text to LNP4B refer to its wildlife habitat roles. It is likewise noted that the DLP includes policies which deal with wildlife and nature conservation. However, as with the green infrastructure policy LNP4A above, it is more appropriate to reference these in the context of Policy LNP4D below as this provides a more tangible linkage to them.</p>
	CDP: Policy 10 Policy 39 Policy 40	<p>The most direct policy context for LNP4B in the CDP is Policy 40, simply titled 'Landscape'. This provides an up to date approach to landscape protection, reiterating NPPF advice that landscapes should be protected and enhanced 'in a manner commensurate with their statutory status or identified quality in the development plan' (paragraph 170). Policy 40 provides a close parallel and context to LNP4B by means of:</p> <p>a) Firstly, a general requirement that development proposals do 'not cause unacceptable harm to the</p>

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
		<p>character, quality or distinctiveness of the landscape or to important features or views' (these latter aspects also relate to LNP4C, D and E below). This general requirement is embodied in LNP4B's similarly 'blanket' approach to landscape protection;</p> <p>b) Secondly, an additional identification of specifically valued landscapes, termed Areas of 'Higher Landscape Value' (AHLV), which are shown on Map H of the CDP. In respect of Lanchester Parish, the AHLV corresponds to the areas identified as LPLHV on Map 9 of the Neighbourhood Plan. Notwithstanding this overlap, the LPLHV is nevertheless a locally specific designation as it resulted from a detailed landscape assessment exercise undertaken specifically for the Neighbourhood Plan in conjunction with Durham County Council.</p> <p>LNP4B is therefore fully supportive of, and in conformity with CDP Policy 40.</p> <p>Mention can also be made of Policy 39 of the CDP referring to the North Pennines AONB and seeking to conserve its landscape and scenic beauty. The western-most part of Lanchester Parish contains a section of the AONB. As with the above commentary on DLP Policy EN5, it is clear that, by applying to the whole Parish, LNP4B assists in supporting the strategic aim of Policy 39.</p> <p>Finally, LNP4B provides a policy connection and support to Policy 10 of the CDP, specifically in respect of criteria (I) which seeks to prevent development giving rise to unacceptable harm to the various qualities of the countryside.</p>
<p><u>POLICY LNP4C:</u> LANDSCAPE FEATURES</p>	<p>DLP: Policy GDP1 Policy EN1 Policy EN5 Policy EN6 Policy EN9 Policy EN10</p>	<p>As an elaboration of LNP4B, LNP4C specifically singles out valued landscape features for protection and enhancement, including trees, woodland, hedgerows and stone walls. The policy refers in this regard to the aesthetic, biodiversity and heritage roles of these features. The supporting text also highlights the important role they play in defining much of the settlement boundary of Lanchester.</p> <p>Given this broad range of themes, the policy potentially has several cross-references to the DLP, including policies on General Development Principles (GDP1, particularly subsection c), Protecting the Countryside (EN1), Development within the AONB and AHLV (EN5 and EN6) and trees/woodlands (EN9 and EN10).</p> <p>With its simple aim of protecting valued landscape features,</p>

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
		LNP4C is in conformity with all these DLP policies.
	CDP: Policy 10 Policy 39 Policy 40 Policy 41	<p>For the same reasons outlined above, LNP4C similarly has links to several CDP policies, including Development in the Countryside (Policy 10, particularly sub-section l), the AONB and Landscape (Policies 39 and 40), Trees, Woodlands and Hedges (Policy 41) and Biodiversity and Geodiversity (Policy 42), although it is noted that this last policy has a more tangible connection to Policy LNP4D below.</p> <p>Again, with its simple aim of protecting valued landscape features, LNP4C is in conformity with all these CDP policies.</p>
POLICY LNP4D: BIODIVERSITY AND GEODIVERSITY	DLP: Policy GDP1 Policy EN1 Policy EN10 Policy EN22 Policy EN23	<p>Policy LNP4D provides a specific focus upon the biodiversity and geodiversity resource of the Parish. It sets out requirements that development proposals must meet in respect of habitat conservation, species conservation, protected sites conservation and biodiversity net gains. This links with and provides support to the following DLP policies –</p> <ul style="list-style-type: none"> • General Development Principles (GDP1), particularly sub-sections d), which similarly refers to protection of important national and local wildlife habitats, protected species, local ecology and identified nature conservation sites; and f), which refers to the creation of wildlife habitats where appropriate within development sites; • Protecting the Countryside (EN1), which refers, inter alia, to the wildlife and geological resources in the area; • Protection of Ancient Woodland (EN10); • Protection of Sites of Nature Conservation Importance (EN22). A number of the listed sites fall within the Lanchester Parish; • Wildlife Corridors (EN23), which specifically includes the Brownie Valley corridor in Lanchester Parish and seeks to maintain its nature conservation value and integrity.
	CDP: Policy 10 Policy 42 Policy 44	<p>Policy LNP4D has its clearest and most direct link with CDP Policy 42, which is also titled 'Biodiversity and Geodiversity'. Like LNP4D, this seeks to actively promote the conservation and enhancement of biodiversity and geodiversity. However, LNP4D provides a helpful breakdown of this by identifying various component facets of it, namely – habitats, species, protected sites and net gains.</p> <p>The policy also links with and provides support to the following CDP policies –</p>

Lanchester Neighbourhood Plan Policy	Relevant Strategic Policies	Conformity and Commentary
		<ul style="list-style-type: none"> Policy 10, in particular sub-section (l), which requires that new development must not give rise to unacceptable harm to, inter alia, the biodiversity and geodiversity of the countryside; Policy 44, which refers to protected sites (Lanchester contains six local wildlife sites) and protected species and their habitats.
POLICY LNP4E: LOCAL VIEWS	DLP: None directly relevant	LNP4E deals with one final aspect of Lanchester's highly valued landscape setting. These are the important local views which exist, which enable residents and visitors to appreciate the many attributes of the environment in which Lanchester is situated. The policy seeks to ensure that development protects and where possible enhances these local views, which are identified in the Plan on Map 8. There is no directly comparable policy in the DLP.
	CDP: Policy 10 Policy 40	LNP4E assists in supporting and providing a local focus to Policy 10 of the CDP, in particular sub-section (o) which seeks to ensure that new development in the countryside does not, inter alia, 'impact adversely upon the setting, townscape qualities, including important vistas, or form of a settlement' The CDP's Landscape Policy (Policy 40) likewise makes reference to development proposals avoiding unacceptable harm to views (among other things). The supporting text explains that 'important views will include notable views of landscapes, landscape features or landmarks. These will need to be evaluated on an individual basis'. By pre-identifying these important views in the context of Lanchester, LNP4E will assist and support Policy 40.

BASIC CONDITION 4 – COMPATIBILITY WITH EU OBLIGATIONS

3.16 The fourth Basic Condition is that a Neighbourhood Plan must be compatible with European Union obligations (as incorporated into UK law), in order to be legally compliant. Key obligations 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.

Strategic Environmental Assessment (SEA)

- 3.17 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 or a determination is provided from the responsible authority (Durham County Council) that the Plan is not likely to have ‘significant effects’.
- 3.18 A screening opinion was carried out by Durham County Council on the draft LNP in January 2019. The results of this are contained in a document entitled ‘Lanchester Neighbourhood Plan Strategic Environmental Assessment & Habitat Regulations Assessment Screening Report’. The Report stated that its purpose was ‘to determine whether the draft LNP requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004’.
- 3.19 Table 2 (on page iii) of that Report set out the conclusions of the screening opinion and confirmed that **‘SEA is not required’**. The reason for this conclusion was as follows:

‘The draft Plan does not allocate land for development and its policies seek to provide better protection and enhancement of local character, locally valued heritage, landscapes and biodiversity. Therefore, the Lanchester Neighbourhood Plan is not considered likely to have a significant (adverse) effect on the environment’.

Habitats Regulations Assessment (HRA)

- 3.20 The same Report stated that it ‘will also determine whether the LNP requires an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA) in accordance with the European Union's Habitats Directive, Birds Directive and the Conservation of Habitats and Species Regulations 2017 (as amended). An Appropriate Assessment is required when likely significant effects to European protected wildlife sites, known as Natura 2000 sites are predicted to occur as a result of implementing a plan or project either on its own or in combination with other plans, projects or existing activities’.
- 3.21 Table 3 (on page iv) of the Report set out the conclusions of the County Council’s assessment which were: **‘No Likely Significant Effects to Natura 2000 sites. Appropriate Assessment is not required’**. The reason for this conclusion was as follows:

‘The Neighbourhood Plan policies will not lead to built development, rather they aim to control development and ensure that the natural and built environment is protected and enhanced. Measures will either have no conceivable effect on Natura 2000 sites or will be complimentary to conservation objectives’.

- 3.22 It is acknowledged that the Submission stage LNP contains revisions to the draft version that was originally submitted to Durham County Council for the purposes of carrying out their SEA and HRA assessment screening exercise.
- 3.23 However, the County Council have reviewed these revisions and the findings of their original January 2019 assessment are unchanged in respect of its conclusions on both SEA and HRA. A copy of their Screening Summary is provided in Appendix 2.

European Convention on Human Rights (ECHR)

- 3.24 The LNP 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. The accompanying Consultation Statement sets out the comprehensive processes followed in terms of community involvement.

BASIC CONDITION 5 – MEETING PRESCRIBED CONDITIONS

- 3.25 Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) adds a further basic condition for Neighbourhood Plans in addition to those set out in the primary legislation; namely that the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012).
- 3.26 The position in respect of this has been examined through the screening assessment findings of the competent authority (Durham County Council), which are referred to in paragraphs 3.21 and 3.23 above.

4.0 CONCLUSION

- 4.1 In light of the evidence provided in this Statement, it is concluded that the Lanchester Neighbourhood Plan fully meets the Basic Conditions as set out in the Neighbourhood Planning Regulations (2012) (as amended).

APPENDICES

APPENDIX 1: LISTS OF STRATEGIC POLICIES

(1) STRATEGIC POLICIES IN DERWENTSIDE LOCAL PLAN

GENERAL DEVELOPMENT PRINCIPLES
GDP1 General Development Principles
ENVIRONMENT
EN1 Protecting the Countryside
EN2 Preventing Urban Sprawl
EN5 Development within the North Pennines AONB
EN6 Development within Areas of High Landscape Value
EN7 Protection of Historic Parklands
EN9 Works to Trees Covered by Preservation Orders
EN10 Protection of Ancient Woodlands
EN14 Demolition in Conservation Areas
EN18 Demolition of Listed Buildings
EN19 Protection of Sites and Settings of Ancient Monuments and Archaeological Features
EN21 Protection of the National Nature Reserve and Sites of Special Scientific Interest
EN22 Protection of Sites of Nature Conservation Importance
EN23 Wildlife Corridors
EN24 Proposals for the reclamation and re-use of Derelict Sites
EN25 Development Affected by Pollution
EN26 Control of Development Causing Pollution
EN27 Development on or close to Landfill and Contaminated Sites
HOUSING
HO5 Development on Small Sites
HO7 Development Limit for Lanchester and Burnhope
HO10 Affordable Housing in Rural Areas
HO13 Accommodation for Travellers
HO22 Recreational Public Open Space within Housing Sites
COMMUNITY FACILITIES
CF8 Development of Wind Farms
CF10 Development of Telecommunication Equipment
INDUSTRY
IN6 Development within Landscaped Areas
TOURISM
TO1 Sites for the Development of New Tourist Attractions
TO3 Development of Recreational Paths

TO6 Visitor Accommodation within the Countryside
TO7 Camping, Caravan and Chalet Development
TO8 Occupancy Conditions for Caravans and Chalets
TO9 Winter Storage of Caravans
AGRICULTURE
AG1 Protection of Better Quality Agricultural Land
AG2 Diversification of Agricultural Enterprises
AG3 Agricultural Development
RECREATION
RE4 Protection of Rights of Way and Recreational Paths
COMMERCE
CO5 Retailing from Industrial Premises
CO12 Hot Food Take-aways and Cafes
TRANSPORT
TR2 Development and Highway Safety
TR3 Cycling

(2) STRATEGIC POLICIES IN COUNTY DURHAM PLAN (SUBMISSION DRAFT VERSION)

1 - Quantity of Development
2 - Employment Land
3 - Aykley Heads
4 - Housing Allocations
5 - Durham City's Sustainable Urban Extensions
6 - Development on Unallocated Sites in the Built Up Area
7 - Visitor Attractions
8 - Visitor Accommodation
9 - Retail Hierarchy and Town Centre Development
10 - Development in the Countryside
11 - Rural Housing and Employment Exception Sites
12 - Permanent Rural Workers' Dwellings
13 - Equestrian Development
14 - Best and Most Versatile Agricultural Land and Soil Resources
15 - Addressing Housing Need
16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation
17 - Sites for Travellers
18 - Children's Homes
19 - Type and Mix of Housing
20 - Green Belt
21 - Non-Strategic Green Belt Amendments
22 - Delivering Sustainable Transport
23 - Durham City Sustainable Transport
24 - Allocating and Safeguarding Transport Routes and Facilities
25 Provision of Transport Infrastructure
26 - Developer Contributions
27 - Green Infrastructure
28 - Utilities, Telecommunications and Other Broadcast Infrastructure
29 - Safeguarded Areas
30 - Sustainable Design
31 - Hot Food Takeaways (A5 Uses)
32 - Amenity and Pollution
33 - Despoiled, Degraded, derelict, Contaminated and Unstable Land
34 - Renewable and Low Carbon Energy
35 - Wind Turbine Development

36 - Water Management
37 - Water Infrastructure
38 - Durham Heritage Coast and Wider Coastal Zone
39 - North Pennines Area of Outstanding Natural Beauty
40 - Landscape
41 - Trees, Woodlands and Hedges
42 - Biodiversity and Geodiversity
43 - Internationally Designated Sites
44 - Protected Species and Nationally and Locally Protected Sites
45 - Historic Environment
46 - Durham Castle and Cathedral World Heritage Site
47 - Stockton and Darlington Railway
48 - Sustainable Minerals and Waste Resource Management
49 - Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites
50 - Primary Aggregates Provision
51 - Locational approach to the future supply of primary aggregates
52 - Meeting Future Aggregates Requirements
53 - Brick Making Raw Materials
54 - Surface Mined Coal and Fireclay
55 - Natural Building and Roofing Stone
56 - Reopening of Relic Building Stone Quarries for Heritage Projects
57 - Safeguarding Mineral Resources
58 - The Conservation and Use of High Grade Dolomite
59 - Preferred Areas for Future Carboniferous Limestone Working
60 - Strategic Area of Search to the South of Todhills Brickworks
61 - Waste Management Provision
62 - Location of New Waste Facilities

NOTE:

Policies 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 15, 16, 17, 20, 21 deal with the overall strategy for the pattern, scale and quantity of development including any allocations and policies which addressed the future provision of all forms of housing, employment, retail, leisure and other commercial development;

Policies 23, 24, 26, 28, 35, 36, 37, 38, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 62 deal with the provision of transport infrastructure, telecoms, those related to water management and flooding and those related to the provision of minerals and energy;

Policies 27, 30, 39, 40, 42, 43, 44, 45, 46, 47 deal with conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure.

APPENDIX 2

DURHAM COUNTY COUNCIL

SEA & HRA SCREENING ASSESSMENT SUMMARY

Screening Summary

Table 1 Summary of Neighbourhood Plan

Details of Neighbourhood Plan	
Name of Neighbourhood Plan	Lanchester Neighbourhood Plan 2019-2034
Geographic Coverage of the Plan	Lanchester Parish (approximately 4,052 hectares)
Key topics / scope of Plan	<ul style="list-style-type: none"> Establishes a restrictive approach to the development of land outside the settlement boundary Establishes design criteria for new development Identifies and provides protection for non designated and locally valued heritage assets Supports the protection and improvement of green infrastructure and extension of walking/cycling routes Supports development which makes a positive contribution to the enhancement of local landscape and protects landscape features and locally valued viewpoints Aims to protect and enhance biodiversity

Table 2 Summary of SEA Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Nadia Wetherell: Sustainability and Climate Change Officer
Contact	03000 265543
Date of assessment	January 2019
Conclusion of assessment	SEA is not required
Reason for conclusion	The draft Plan does not allocate land for development and its policies seek to provide better protection and enhancement of local character, locally valued heritage, landscapes and biodiversity . Therefore, the Lanchester Neighbourhood Plan is not considered likely to have a significant (adverse) effect on the environment.
Name and job title of officer approving screening opinion	Stephen McDonald: Principal Officer - Low Carbon Economy Team
Date of approval	29th January 2019
Date of Submission Draft Screening Document	30th October 2019

Screening Summary

Table 3 Summary of HRA Screening Opinion

Local Authority Details	
Name and job title of officer undertaking screening opinion	Nadia Wetherell: Sustainability and Climate Change Officer
Contact	03000 265543
Date of assessment	January 2019
Conclusion of assessment	No Likely Significant Effects to Natura 2000 sites. Appropriate Assessment is not required
Reason for conclusion	The Neighbourhood Plan policies will not lead to built development, rather they aim to control development and ensure that the natural and built environment is protected and enhanced. Measures will either have no conceivable effect on Natura 2000 sites or will be complimentary to conservation objectives.
Name and job title of officer approving screening opinion	Tammara Morris Hale, Senior Ecologist
Date of approval	29th January 2019
Date of Submission Draft Screening Document	30th October 2019

Table 4 Summary of Pre-Submission Consultation

Statutory Consultee	Summary of Comments
Historic England	<p>Based on the analysis set out in the Screening Opinion, and within the areas of interest to Historic England, we agree that the emerging plan is unlikely to result in significant environmental effects and, therefore, it does not need SEA. In coming to this view we have taken the following factors into consideration:</p> <ul style="list-style-type: none"> · The plan area contains many heritage assets including a conservation area, scheduled monuments, listed buildings and non-designated heritage assets. · Heritage assets are fragile and irreplaceable and can be damaged by change through development both directly and indirectly by development in their setting. · The plan is not expected to allocate sites for development. <p>As such, from the perspective of our area of interest, the need for SEA of the draft plan can be screened out as it is unlikely to result in significant environmental effects.</p>

iv Lanchester SEA & HRA Screening Report (Submission Draft)

Statutory Consultee	Summary of Comments
Environment Agency	Within matters within our remit, we consider the neighbourhood plan will not result in significant environmental impact and as a result an SEA is not required
Natural England	No comments made