

OAKENSHAW



## OAKENSHAW NEIGHBOURHOOD PLAN

Basic Conditions Statement

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## 1. Introduction

### 1.1 Legal Context

The right for communities to prepare Neighbourhood Plans was established by the Localism Act 2011. Neighbourhood Plans are required to meet a number of basic conditions (listed in part 3 of this statement) which are detailed within paragraph 8, schedule 4B of the 1990 Town and Country Planning Act, and as inserted by the provision of Schedule 10 of The Localism Act. This statement sets out how the Oakenshaw Neighbourhood Plan (ONP) has been prepared in accordance with the Neighbourhood Planning Regulations 2012 (as amended) and hereafter referred to as the 'regulations'.

The Statement has been prepared by the authors of the ONP and has been ratified by Greater Willington Town Council as the Qualifying Body.

### 1.2 Why Oakenshaw needs a Neighbourhood Plan

A plan was recommended by two local councillors, following two unpopular planning decisions, as a way of shaping future planning decisions for the village to ensure that future development met the needs of the community. Through consultation with all stakeholders the Oakenshaw Neighbourhood Plan has been developed from a single intention to protect an area of land from development, to a wider vision to create a flourishing community and local economy, whilst protecting environmental assets that give the village its rural character.

Planning decisions for the village are determined by the National Planning Policy Framework (NPPF 2019), the extant Wear Valley Local District Plan (WVDLP 1997) and in future by the proposed County Durham Plan (CDP 2019). These plans provide broad guidance but were not designed to address the specific needs of the Oakenshaw community. The village was designated Category D following the closure of the pit and was diminished by the loss of all public amenities (School, Chapel, Shops, Working Men's Club). Since 1991 the population has more than doubled. There is now a need to consider a specific development plan for the village to restore lost amenities, coordinate current community activity, protect and improve green space, and identify new areas for development. We seek to build on the current strengths and interests of the village, and the work of the community association to maintain and enhance the appearance of the village and create a vibrant future within a pleasant rural environment.

The housing allocation from the WVDLP has been exceeded and the County Durham Plan has no specific allocation for housing in the area. However, this does not constrain private developers from new building. The plan accords with the broad aims of WVDLP Policy GD1 in which all new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.

The research behind the topic areas has identified an area of ancient woodland, revealed the industrial archaeology of the landscape and houses and local history. These have been used to inform the plan about the character of the village and surrounding woodland.

Embedded within the planning issues residents also identified non planning community action projects. These action projects are underpinned and facilitated by the plan and provide a template for development that can be undertaken in the future to increase community cohesion and reduce social isolation.

## 2. Legal Requirements

All the documents required by Part 5, paragraph 15 of the regulations are included in the submission for the ONP. These requirements include the following:

### 2.1 A map or statement which identifies the area to which the proposed neighbourhood plan relates.

In the ONP FIGURE 1, page 7, a map indicates the Neighbourhood plan area. An explanation of how the area was defined is given in the following documents

- Topic paper \_Intro Section 1.3.7 Defining the perimeter
- ONP \_ Section 1.3. Designation of the Neighbourhood Plan area
- Consultation Statement \_ Section 3 Determining the Neighbourhood Plan area

In addition, the ONP includes a map of the main settlement within the NP area

- ONP \_ FIGURE 4: Oakenshaw Neighbourhood Plan Proposals Map
- And the rationale for the settlement boundary is explained in ONP \_ Section 2.1.1 The Settlement Boundary

### 2.2 A consultation Statement

A consultation statement has been submitted with the Plan which details the consultation that was carried out throughout the process; how key issues were identified, how interpretation of key issues was checked, how key issues informed the development of policies in the Plan and how the public were invited to review and give feedback on the plan.

The strategy for consultation and the stakeholders consulted during the elicitation of ideas, the interpretation of key issues, the policy writing and the pre submission period are detailed with supporting evidence. Consultation included residents from the old and new settlements in the village, the separated north and south of the village and the outlying areas. All have had an opportunity to input their views, ensure their ideas have been correctly interpreted and applied to the plan. There was considerable consensus in the views expressed with a few disparate opinions around increasing the wind turbine capacity and the viability of a community hub.

The consultation statement also explains how key issues were organised into tables for themes, planning and non-planning issues and community Action Projects. Further research was carried out for each theme and referenced in topic papers to which the organised issues tables have been appended.

Throughout the development of the plan there was consultation with Durham County Council Planning Officers. They reviewed draft documents to ensure clarity of intent, consistency of policies within the Plan, and concordance with the Wear Valley Local District Plan and the emerging County Durham Plan. As a result, the ONP was redrafted several times until agreement was reached over the final draft.

Before submitting the plan, a seven week consultation period from October 9<sup>th</sup> 2019 to November 22<sup>nd</sup> 2019 included residents living within the neighbourhood plan area those living in adjacent areas, utilities, services, and businesses with an interest in the area. Further minor amendments were made in response to feedback received and these are detailed in the consultation statement.

### 2.3 The proposed Neighbourhood Plan

The proposed Oakenshaw Neighbourhood Plan (2020 to 2035) has been submitted

### 2.4 A statement explaining how the proposed neighbourhood plan meets the requirements of paragraph 8 of Schedule 48 to the 1990 Act; otherwise known as the Basic Conditions Statement.

The Basic Conditions Statement gives details of compliance with the requirements of the Act and is provided in Section 3 of this statement.

### 2.5 An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; or where it has been determined under regulation 9(1) of those Regulations that the Plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for that determination.

Durham County Council advised that an environmental assessment was not required for the plan.

### 2.6 The draft Plan is submitted by a qualifying body

The Neighbourhood Area application was submitted under the Neighbourhood Planning Regulations 2012 (part 2: section 6) to Durham County Council and was approved by them on 10<sup>th</sup> September 2015.

The Plan has been prepared by a steering group from the Oakenshaw Community Association who are residents of Oakenshaw and the Willington Town Mayor representing the qualifying body.

Greater Willington Town Council ratified the plan on the 11<sup>th</sup> February 2020.

This draft plan is being submitted by Greater Willington Town Council, which is the qualifying body.

### 2.7 What is being proposed

The Oakenshaw Neighbourhood Plan contains policies that relate to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 (as amended).

### 2.8 The proposed Neighbourhood Plan states the period for which it is to have effect.

The Plan identifies a 15-year period to which it relates as 2020 to 2035 in accordance with NPPF 2019: Paragraph 22.

### 2.9 The policies do not relate to excluded development

The Neighbourhood Plan does not deal with excluded development such as strategic county matters (mineral extraction and waste management), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

### 2.6 The proposed Neighbourhood Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the designated neighbourhood plan area.

There are no other plans relating to this designated neighbourhood area.

### **3. Basic Conditions**

A neighbourhood Plan will have been considered to have met the basic conditions if

1. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,
2. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,
3. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,
4. the making of the order contributes to the achievement of sustainable development,
5. the making of the order 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),
6. the making of the order does not breach, and is otherwise compatible with, EU obligations, and
7. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.

**Basic Condition 1: Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan.**

Oakenshaw is subject to the National Planning Policy Framework 2019 and the extant Wear Valley District Local Plan (adopted in 1997) until the proposed County Durham Plan is adopted. Thus, ONP policies are guided by the NPPF 2019, the WVDLP 1997 which is out of date and the proposed CPD 2019 to ensure currency.

Statutory requirements, the National Planning Policy Framework, and Local Planning Policies have been used to identify the conditions, sustainable elements and structure of the ONP.

This neighbourhood plan will accord with statutory requirements, national and local planning policy to become part of the collective plan for the area and it is therefore appropriate to submit this plan.

This section covers each policy and its conformity with the NPPF 2019 and Local planning. This is set out in Table 1 below. The Table also indicates compliance with strategic policy in the WVDLP (Basic Condition 5).



**Table 1:  
Neighbourhood Plan Conformity with the  
National Planning Policy Framework 2019  
and Local Planning Policies (WVDLP 1997, CDP 2019)**

Policy	Comment
<b>Environment Development Policies</b>	
<p><b>ONP ENV 1 – Maintaining the Open Rural Character and Areas of Separation</b></p> <p>The settlement boundary for Oakenshaw village is defined on the ONP proposals map (Fig 2). Within the settlement boundary, new development will be supported provided all proposals accord with other policies in the ONP and the local plan. New development will not be permitted in sensitive areas outside of the defined Settlement boundary in locations shaded light green on the ONP Proposals Map (Figure 4) and listed below.</p> <p>VV2.1 The field and strip of wooded land east of the road leading from Stockley Lane to Park view and referred to as Reed Avenue on the ONS Map</p> <p>VV2.2 The agricultural fields south of Park View overlooking the Wear Valley</p> <p>VV2.3 Fields west of the village</p> <p>Development which would diminish or damage green corridors, areas of separation, valued views of the countryside and the linear form of Oakenshaw as a distinct settlement in open countryside will not be permitted.</p> <p>Development proposals which improve the environmental quality and biodiversity of Oakenshaw will be supported.</p> <p>Planting that contributes to the biodiversity of the area and supports and enhances green corridors will be particularly encouraged.</p>	<p>In accordance with the overall aims of the WVDLP 1997 Natural Environment, the ONP Environmental Policies aim to protect and conserve the natural environment by identifying and managing wildlife habitats, avoiding harmful development, or requiring mitigation measures to minimise adverse effects. Areas have also been identified for improvement.</p> <p>On the ONP Proposals Map (ONP: Figure 4, page 18) a black line has been drawn that joins the two main settlement areas in the village and includes a small area of agricultural land. This provides a clearly defined and coherent settlement boundary that incorporates Park View to the South and maintains the linear form of the village which contributes to the village’s distinctly open rural setting and shows separation from surrounding settlements. The policy seeks to direct development to suitable locations within the neighbourhood plan area by focusing new development within the main Oakenshaw settlement. This accords with NPPF 2019 paragraphs 13, 28 and 29, WVDLP ENV 1 (Protection of the Countryside), H2 (Phasing of Housing Provision) and H3 (Distribution of Development) which restricts development to the defined limits of towns and villages. Outside these areas are classed as open countryside.</p> <p>WVDLP ENV 3 identifies areas of landscape value that are protected. New Valued views are identified in the ONP proposals Map (ONP Fig 4). This accords with CDP 2019 (Policy 40 Landscape).</p>

	<p>It adds local detail in terms of which areas should be maintained as open green areas (VV2.1, VV2.2 and VV2.3) and their purpose as sensitive edges and valued views.</p> <p>Protection and improvement of the natural environment is in accord with NPPF 2019 Section 15 (Conserving and enhancing the natural environment), WVDLP ENV 13 (Protection of Species and their Habitats), and CDP 2019 (Policy 27, Green Infrastructure).</p>
<p><b>ONP ENV 2 – Local Green Spaces</b></p> <p>Designated Local Green Spaces within the ONP area are;</p> <p>LGS 1 The small wooded area adjacent to Stockley Lane (Grid Ref. NZ 19908 37441)</p> <p>LGS 2 The village green (Grid Ref. NZ 19959 37379 to 20058 37050) and a small copse on the south western edge of the green by the MUGA (Grid Ref. NZ 20043 36971).</p> <p>LGS 3 The nature reserve (including three small lakes) (Grid Ref. NZ 20596 37033)</p> <p>These LGS will be safeguarded from development as special environmental and recreational amenity assets for residents (see ONP VC 2).</p> <p>Development proposals in these areas will not be permitted unless there are very special circumstances which will demonstrate that the development will result in significant benefits for the community as a whole.</p>	<p>This policy specifically designates Local Green Spaces in the plan area and accords with WVDLP ENV11 (Sites of Nature Conservation Importance and Local Nature Reserves), ENV13 (Protection of Species and their Habitats), BE 14 (Open spaces within Built-up Areas) and NPPF 19 (Section 8: Promoting healthy and safe communities, paragraph 99) which states that ‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them’ and the CDP 2019 (Policy 27, Green Infrastructure) which affords protection from development other than in very special circumstances.</p> <p>The NPPF19 (section 8: Promoting healthy and safe communities paragraph 100), also states:</p> <p>‘The Local Green Space designation should only be used where the green space is:</p> <ul style="list-style-type: none"> <li>a) in reasonably close proximity to the community it serves;</li> <li>b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</li> <li>c) local in character and is not an extensive tract of land.’</li> </ul> <p>These three conditions are met</p>
<p><b>ONP ENV 3 – Green Infrastructure and Natural Landscape</b></p>	<p>This policy recognises that new development may on occasion impact upon vegetation and sets out</p>

<p>Proposals for new development will not be permitted that would result in unacceptable landscape impact, the loss of, or damage to trees of high landscape amenity or biodiversity value unless the need for, and benefits of the proposal clearly outweigh the impact.</p> <p>New development proposals must:</p> <ol style="list-style-type: none"> <li>1. have high regard to the local distinctive landscape of Oakenshaw as described in the DCC Landscape Character Assessment and are required to be in keeping with the scale, form and character of the natural surroundings.</li> <li>2. include features which contribute to the conservation, enhancement or restoration of local features described in the DCC Landscape Character Assessment.</li> <li>3. retain the linear form of Oakenshaw and not contribute to developmental encroachment or urban sprawl.</li> <li>4. ensure protection and planting of hedgerows, trees and woodland. Proposals must ensure that: <ol style="list-style-type: none"> <li>a. existing hedgerows, trees and woodland are retained and safeguarded or</li> <li>b. any removal of a tree or group of trees must be replaced with a similar number in a nearby suitable location, and any new planting must be appropriate to the site location using native disease resistant species and be integrated fully into the design.</li> </ol> </li> </ol>	<p>appropriate mitigation in such circumstances and is in accord with WVDLP 1997 Policies for conservation of nature and protection of trees (ENV1 Protection of the Countryside, ENV3 Areas of Landscape Value, ENV11, Sites of Nature Conservation Importance and Local Nature Reserves and ENV15 Ancient Woodlands), NPPF 19 (Section 15: Conserving and enhancing the natural environment) and CDP 2019 (Policy 27: Green Infrastructure; Policy 40: Landscape; Policy 41: Trees Woodlands and Hedges; Policy 42: Biodiversity and Geodiversity).</p>
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<p><b>Housing Development Policies</b></p>	
<p><b>ONP H1 – Small Scale Housing Development</b></p> <p>Permission will be granted for infilling and small-scale residential development of less than 30 dwellings within the existing built up area of Oakenshaw defined by the settlement boundary on the ONP Proposals Map (Figure 4), provided it:</p> <ol style="list-style-type: none"> <li>1. respects the linear form of the settlement and its surroundings;</li> <li>2. is contained to prevent sprawl and clearly relates to the established settlement;</li> <li>3. is not on an area of undeveloped land, including residential curtilage, that has been</li> </ol>	<p>In WVDLP H3 (Distribution of Development) there is no Housing allocation for Oakenshaw as ‘The existing facilities could not adequately serve large additional amounts of developments’. Despite this approximately 96 houses (Topic paper: Housing, page 9) have been built over the last 30 years and policies for projected small-scale development in line with the past rates are required. There is also no future housing allocation for Oakenshaw in the CDP (Policy 4: Housing Allocations). The ONP focuses new development within the main Oakenshaw settlement and does not promote less development than in strategic policies and so does</p>

<p>defined as contributing to the character of the village;</p> <ol style="list-style-type: none"> <li>4. contributes towards the community’s identified needs for residential development; is of high quality, appropriate type and design which is sensitive to the defining characteristics of the local area, is proportionate to the scale of the settlement, and enhances its immediate setting and the rural character of the village;</li> <li>5. does not significantly adversely affect the amenities of residents in the area, including daylight/sunlight, privacy, air quality, noise and light pollution; and</li> <li>6. is designed to secure energy efficient homes, seeking to achieve zero carbon emissions, by incorporating renewable energy measures and solar panels.</li> <li>7. is not in an identified area at risk from flooding</li> <li>8. Developments of 6 or more dwellings will provide a financial contribution towards the delivery of community led affordable level access housing within the settlement boundary and village amenities on the ‘green’ as part of a strategic improvement plan which is needed to support a growing community (See Policy VC 2).</li> </ol>	<p>not undermine the strategic policies in the wider plan. This accords with NPPF paragraphs 13, 28 and 29.</p> <p>Housing development policies defined in this plan are compliant with the NPPF 19 (Section 5: Identifying land for homes: para 38 subsections a and c: Rural Homes, paragraphs 77,78,79), the current WVDLP GD1 (General Development Criteria), WVDLP H3 (Distribution of Development with respect to within settlement development and housing allocation),WVDLP H4 (criteria for infill development), BE14 (Open Spaces within Built-up Areas), the County Durham Plan (CDP 2019: Policy 15, Addressing Housing Need and Policy 30, sustainable design).</p> <p>Having energy efficient homes was important to oakenshaw residents. This accords with the WVDLP GD1 ix, CDP 2019 sustainable design Policy 30c and NPPF19 (section 14: Meeting the challenge of climate change, paragraphs 150, 151 and 154) which recommends that plans should help to ‘increase the use and supply of renewable and low carbon energy and heat’ and that ‘even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions’. The policy aims to avoid building on areas at risk of flooding in accordance with WVDLP GD1 xix, NPPF 19 (14. Meeting the challenge of climate change, flooding and coastal change, Planning and flood risk, paragraph), CDP Policy 36 (Water management: Flood risk and sustainable drainage systems)</p>
<p><b>ONP H2 Large Scale Housing Development Requirements</b></p> <p>Large scale proposals for 30 dwellings or more will be supported, provided that they accord with Policies H1 and:</p> <ol style="list-style-type: none"> <li>1. Proposals are in keeping with the rural character and linear form of the settlement area.</li> </ol>	<p>In WVDLP H3 (Distribution of Development) and CDP (Policy 4: Housing Allocations) there is no current or future housing allocation for Oakenshaw. There is the potential for larger scale development contained within the settlement boundary or on land not designated as a local green space or sensitive green area. This policy is needed to define acceptable development for 30 or more dwellings. The ONP focuses new development within the main Oakenshaw</p>

<ol style="list-style-type: none"> <li>2. Housing development including external structures and walls should respond positively to local character and materials.</li> <li>3. Houses are grouped around small landscaped green areas to create a low density feel and provide community space.</li> <li>4. Landscaping using sympathetic planting of native trees, fruit trees, and shrubs is used to ensure that housing development is in keeping with surrounding rural areas marked in light green on the ONP proposals map (Figure 4) and maintains wildlife corridors.</li> <li>5. Any development proposals which are implemented in phases must make adequate provision to provide small landscaped green open spaces and sympathetic planting of shrubs and trees throughout all phases.</li> <li>6. A proportion of affordable housing and starter homes is offered on site in line with the CDP 2019 guidelines for affordable housing set out in policy 15 to attract young families to live in the village. Alternatively, off-site contributions are made in lieu of on-site provision where a suitable location is identified.</li> <li>7. Section 106 funds are prioritised to invest in both on-site and off-site amenities and facilities for the benefit of the village.</li> </ol>	<p>settlement. This accords with NPPF paragraphs 13, 28 and 29.</p> <p>Housing development policies defined in this plan are compliant with the NPPF 19 (Section 5: Identifying land for homes; para 38 subsections a and c: Rural Homes; paragraphs 77,78,79), the current WVDLP (GD1 General Development Criteria), H14 (Range of Housing Types), and the County Durham Plan (CDP 2019: Policy 15, Addressing Housing Need and Policy 30 sustainable design).</p> <p>Dwellings built around landscaped areas with attractive planting of native species of trees and shrubs would be in accordance with NPPF 19 (Paragraph 72c), WVDLP BE14 (Open Spaces within Built-up Areas), and H21 (Public Open Space within Residential Areas).</p> <p>A proportion of new developments will provide affordable homes in line with the CDP 2019 policy 15 with section 106 funding to contribute to the development of local infrastructure WVDLP 1997 (H22 Community Benefit), CDP 2019 (Policy 26, Developer contributions), NPPF19 (Paragraph 20, sections b,c and d) to support the growing population.</p>
<p><b>ONP H3 - Housing Development Outside of the Existing Settlement Boundary of Oakenshaw.</b></p> <p>Housing development will not be permitted outside of the defined Settlement Boundary on surrounding sensitive areas marked in light green on the ONP Proposals Map (Figure 4).</p> <p>Housing development on agricultural land marked white on the ONP Proposals Map will only be permitted in locations which</p> <ol style="list-style-type: none"> <li>1. do not detract from the linear form of Oakenshaw; and</li> </ol>	<p>This policy identifies sensitive areas on a map that afford valuable views of countryside surrounding the settlement boundary. This accords with WVDLP WVDLP (ENV3 Area of Landscape Value), NPPF 2019 (Section 15 Conserving and enhancing the natural environment; paragraphs 170, 171 and 172) and CDP 2019 (Policy 27: Green Infrastructure).</p> <p>New development would need to meet the conditions already specified in WVDLP (ENV 7 Protection of Agricultural Land, BE19 New Agricultural Buildings, H11 New Housing in the Countryside), NPPF19 (Section 5: Rural Housing: paragraphs 77, 78 and 79), and CDP 2019 (Policy 10 Development in the Countryside, Policy 11</p>

<p>2. which protect and enhance the landscape context of Oakenshaw set in open countryside; and</p> <p>3. maintain wildlife corridors (see ONP ENV 1).</p>	<p>Rural Housing and Employment Exception sites, Policy 12 Permanent Rural Workers Dwellings). Additional conditions have been specified in ONP policy for development on the agricultural land left white on the ONP proposals map (ONP: Figure 4)</p>
<p><b>ONP H4 Community led housing provision for Older or disabled people</b></p> <p>Level access community led housing development designed to meet the social housing needs of older or disabled people will be supported if this also accords with Policies H1 and other policies contained in this Plan.</p> <p>In collaboration with a local housing association, the OCA will provide a small cluster of four or more units for rent within the settlement boundary. Communal grounds will be supported.</p> <p>The housing units will consist of one or two bedrooms, with at least one en suite wet room. There should also be a multiple use kitchen, diner, sitting area. This multipurpose room design will facilitate care and reduce the number of doors to be negotiated. The design of level access housing must be in accordance with specifications of the most recent British Standard 8300, and Doc M to ensure buildings are designed, constructed and maintained to create an accessible and inclusive environment for disabled people.</p>	<p>This policy is designed to meet a specific housing need in Oakenshaw and complies with WVDLP (H17) and CDP 2019 (Policy 15) that sets out a strategy for housing for older and disabled residents.</p> <p>Building Regulations 2010 provide statutory guidelines (updated British Standard 8300, and Doc M. BS8300) to ensure optimal features in housing for disabled people</p>
<p><b>ONP H5 – Parking Standards for new Residential Development</b></p> <p>For all new residential developments the following minimum standards<sup>1</sup> shall apply for the provision of off-road parking:</p> <p>1-Bed house/flat 1 off-road car parking space  2-Bed house/flat 2 off-road car parking spaces  3-Bed house/flat 2 off-road car parking spaces  4-Bed house/flat 3 off-road car parking spaces  5+Bed house/flat 4 off-road car parking spaces</p> <p>1. Where a garage is included in the design of the house the garage must be built to a minimum size to ensure a medium sized car can</p>	<p>The WVDLP sets out Policies T14 Disabled Access and T15 Garages. Whilst there is no conflict with the ONP these policies have been superseded as new standards have been introduced. Within curtilage parking standards must apply in accordance with planning guidance</p> <p><sup>1</sup><a href="https://www.planningni.gov.uk/index/policy/planning_state_ments_and_supplementary_planning_guidance/guides/creating_places.pdf">https://www.planningni.gov.uk/index/policy/planning_state_ments_and_supplementary_planning_guidance/guides/creating_places.pdf</a> Table 8 p147</p> <p>Guidance is given in NPPF 2019 (Section 9. Promoting sustainable transport, paragraph 105)</p>



<p>adequately fit. Required single garage minimum internal dimensions are 5m x 3m and double garage minimum internal dimension are 5m x 5.5m.</p> <ol style="list-style-type: none"> <li>2. If storage provision (especially for bicycles and garden equipment such as lawn mowers) is not made elsewhere, the garage or carport will need to make such provision given in guidelines.</li> <li>3. On properties where no garage provision has been made there must be a parking area, in curtilage, and suitable provision for bicycle parking and/or storage will be encouraged.</li> <li>4. 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. The developer will be required to demonstrate to the Planning Authority's satisfaction that this is the case.</li> <li>5. Electric vehicle charging points to facilitate the transition to carbon neutral, low emission transport must be installed either within the garage or within curtilage parking space.</li> </ol>	<p>and CDP (Policy 22: Delivering sustainable Transport and paragraph 5.222)</p>
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**Community Development Policies**

<p><b>ONP VC.1 Community Hub</b>  This Neighbourhood Plan supports the development of a Community Hub in Oakenshaw to be used to accommodate indoor activities and events that contribute towards health and well-being and foster a strong sense of community in the village. A suitable site will be identified in a central accessible location within the village subject to a feasibility study provided it:</p> <ol style="list-style-type: none"> <li>1. will result in significant benefits for the community as a whole (see ONP ENV 2);</li> <li>2. is designed to provide multifunctional indoor space that promotes opportunities for indoor recreational activity, small scale commercial activity, and a place to meet.</li> <li>3. incorporates catering facilities to support community events.</li> <li>4. has safe pedestrian access;</li> <li>5. has a parking area with marked bays and bays for disabled users which must be conveniently accessible but located well away from</li> </ol>	<p>This policy complies with WVDLP (Chapter 8 Recreation and Leisure, Policy RL1 : New Provision. where encouragement will be given to schemes which will provide a range of recreation and leisure facilities provided they:</p> <ol style="list-style-type: none"> <li>i) complement existing facilities;</li> <li>ii) are located within or adjacent to existing built-up areas; and</li> <li>iii) fulfil the General Development Criteria, Policy GD1 and in areas of identified shortfall.</li> </ol> <p>This policy also accords with CDP (Policy 10 Development in the Countryside, paragraph f) and NPPF19 (Section 8: Promoting healthy and safe communities, paragraphs 91 and 92) which states that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities</p>
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<p>dwelling to avoid noise and other disturbance to residents</p> <ol style="list-style-type: none"> <li>6. has an access road to parking and turning space for delivery vehicles, staff and users of the facility including those people who do not live in the village.</li> <li>7. has picking-up and setting-down spaces close to the main entrance of the building.</li> <li>8. has landscaping, layout and design that will enhance the appearance of the hub and parking areas and will also prevent vehicles being parked on nearby footways, verges or open spaces.</li> </ol>	<p>for meetings between people who might not otherwise come into contact with each other, and provides the social, recreational and cultural facilities and services the community needs</p> <p>Design standards are specified in WVDLP GD1 and CDP 2019 (Policy 30: Sustainable Design)</p>
<p><b>ONP VC.2 Community use of the field west of New Row (LGS2)</b></p> <p>Proposals will be permitted, in very special circumstances, for the provision and enhancement of community facilities and amenities on LGS2 (ONP ENV2, known locally as ‘the green’) as part of a plan that benefits the community as a whole whilst maintaining its value and designation as a local green space. Proposals for LGS2 will be supported that</p> <ol style="list-style-type: none"> <li>1. improve the appearance of the field west of New Row (LGS2) by <ol style="list-style-type: none"> <li>a. Landscaping (seating, mown paths, planting)</li> <li>b. Fencing to prevent vehicles driving over the green</li> </ol> </li> <li>2. improve community use of the green and access to the adjacent allotments by <ol style="list-style-type: none"> <li>a. Improving pathways and drainage</li> <li>c. Maintaining existing flood protection</li> </ol> </li> <li>3. improve and extend existing play areas to create an attractive landscaped seating area for people to meet, watch their children play or to have family picnics.</li> <li>4. provide opportunities for indoor recreational activity, small scale commercial activity, and a place to meet.</li> </ol> <p>Development will not be permitted if it materially diminishes the special qualities and community value of this designated Local Green Space (see ONP ENV 2).</p>	<p>Community events are held on the field west of New Row, and children use the sports facilities and play equipment. However the field is very wet and boggy at times.</p> <p>WVDLP (Policy RL8 Improvement to Existing Open Spaces) underpins ONP VC.2. These relate to provision of open space and improving existing spaces and enhancing their appearance.</p> <p>In addition to NPPF19 (Section 8: Promoting healthy and safe communities, paragraphs 91 and 92), which endorses the development of centres and spaces to provide opportunities for people to meet, paragraph 96 of subsection Open space and recreation, also supports improving access to a network of high quality open spaces and opportunities for sport and physical activity which is important for the health and well-being of communities.</p> <p>In accord with ONP VC2 Planning would not be permitted in circumstances outlined in CDP Policy 10: Development in the Countryside, General Design Principles paragraph l and r)</p>



<h2 style="margin: 0;">Economy Development Policies</h2>	
<p><b>ONP Econ 1 Development and sustainability of local home-based businesses and facilitating working from home through the conversion of existing buildings and appropriately designed, high quality new buildings</b></p> <p>Within the settlement boundary small scale extensions to accommodate home working and businesses run from the home that do not have an adverse impact on the environment or the amenity of residents will be supported if:</p> <ol style="list-style-type: none"> <li>1. Materials used are of high quality, appropriate type and design and is sensitive to the defining characteristics of the immediate local built environment, is proportionate to the scale of the settlement, the scale of the building, and enhances its immediate setting and the rural character of the village;</li> <li>2. Parking space commensurate with the size of the business and the expected number of client visits is available within the curtilage of the residence;</li> <li>3. the use if of a type and scale which will not give rise to client traffic movements to and from the site which will adversely affect residential amenity;</li> <li>4. Adequate arrangements for deliveries should exist in accordance with the size of the business to ensure that it is not detrimental to highway safety;</li> <li>5. Noise from the business is minimised through use of soundproofing materials.</li> </ol> <p>There is no allocation for large scale development of industrial buildings (class B1, B2, and B8) within the neighbourhood plan area and a need for this must be established. Such development will be resisted where it will be harmful to landscape character, village setting or biodiversity.</p> <p>Outside the settlement boundary, diversification of agricultural and other land-based rural businesses</p>	<p>The WVDLP does not address the issue of home working per se but does have policy regarding extensions. ONP Econ 1 complies with the following WVDLP policies: H13 Extensions to Houses in the Countryside, H24 Residential Design Criteria, H25 Residential Extensions.</p> <p>ONP Econ 1 accords with NPPF 19 (Section 6: Building a strong, competitive economy, paragraphs 81d, 83 a, b c and d) regarding live-in work arrangements, diversification of agricultural business and rural tourism. This policy also accords with the County Durham Plan paragraph 5.68 and policy 10 (Development in the Countryside), which encourages diversification of business whilst protecting the countryside from widespread development pressures, adverse environmental impacts and large scale building.</p> <p>Extensions, garden offices and workshops within the settlement boundary are already permitted subject to technical guidance.<sup>1,2</sup></p> <p><sup>1</sup> Permitted development rights for householders: Technical Guidance, April 2017 Department for Communities and Local Government <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/170405_Householder_Technical_Guidance_April_2017_FINAL.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/606669/170405_Householder_Technical_Guidance_April_2017_FINAL.pdf</a></p> <p><sup>2</sup><a href="https://ecab.planningportal.co.uk/uploads/miniguides/outbuildings/Outbuildings.pdf">https://ecab.planningportal.co.uk/uploads/miniguides/outbuildings/Outbuildings.pdf</a></p> <p>The design standards are compliant with those set out in WVDLP GD1 and CDP 2019 (Policy 30: Sustainable design).</p> <p>In policy WVDLP I11 (Industry in Built-Up Areas) planning permission will be given for development which does not adversely affect the local amenity. There are no proposed allocations for industrial</p>

<p>will be permitted provided that the visual impact on the village is minimised by locating such development away from the main settlement using the natural topography to maintain valued views and the open rural character of the village.</p>	<p>development within the ONP area. The area is already well catered for with respect to industrial units in class B1, B2 and B8. Low Willington, less than a mile from Oakenshaw, has over thirty industrial units that have not all been let, with another 12 hectares of land available for office and industrial building. Given the local availability of industrial sites, in ONP ECON 1 such development will be resisted where it will be harmful to landscape character, village setting or biodiversity</p>
<p><b>ONP Econ 2 Improving Digital Connectivity</b></p> <p>The provision of infrastructure to support the development of digital connectivity in the village will be permitted in locations that do not have a visual or noise impact on designated Local Green Spaces or Valued Views.</p> <p>Masts or antennae must be located outside the main settlement boundary to reduce their visual or nuisance impact on residential properties unless it has been demonstrated that this is the only technical solution available.</p>	<p>This includes next generation mobile technology (such as 5G) and full fibre broadband connections compliant with criteria specified in NPPF 19 (Section 10: Supporting high quality communications, paragraph 112).</p> <p>The ONP policy on improving digital connectivity does not conflict with WVDLP T18 (Telecommunications). T18 includes consideration of the specific needs and locational requirements of the development; the dual use of existing installations, where operationally possible; and the availability of alternative sites. The CDP 2019 (Policy 28: Utilities, Telecommunications and Other Broadcasting Infrastructure) includes adherence to the Code of Best Practice on Mobile Network Development (Paragraph 5.293) which also sets out consideration of nuisance and visual impact.</p>
<p><b>ONP Econ 3 Tourism Development</b></p> <p>Proposals will be permitted that encourage small scale tourism focused activities, including dedicated holiday accommodation, café, improvements in existing cycle and public pathways and nature trails.</p> <p>Barn conversions into holiday cottages would be supported provided</p> <ol style="list-style-type: none"> <li>1. they are outside of the LGS areas numbered 1 to 3 and areas shaded light green which afford valued views (VV2.1, VV2.2, VV2.3) on the ONP Map (Fig 2),</li> <li>2. the conversion minimises the impact on the surrounding landscape by limiting the scale of</li> </ol>	<p>ONP Econ 3 is compliant with WVDLP:</p> <p>BE20(Conversion of Buildings in the Countryside)  BE21 (Farm Diversification)  TM1 (New Tourist Facilities) and  TM5 (New Tourist Accommodation),  NPPF 19 (Section 6: Building a strong, competitive economy paragraph 83c) and  CDP (Policies 7 visitor attractions, and 8 Visitor accommodation).</p> <p>All extant and future policies encourage walking and cycling as a mode of transport and for recreational purposes as follows:  WVDLP T17 (cycling, new provision)</p>

<p>the development and using location and orientation to preserve the tranquillity of the rural setting,</p> <ol style="list-style-type: none"> <li>3. Holiday accommodation does not lead to traffic congestion or noise nuisance, and</li> <li>4. respond positively to local character of existing surrounding buildings or demonstrate innovative modern design solutions that do not detract from existing buildings.</li> </ol> <p>Creation of a safe system of trails by adding new and improved routes with interpretation boards, improving surfacing, signage and access for all users will be supported in the following locations:</p> <ol style="list-style-type: none"> <li>1. between the old railway to the east and historic public rights of way continuous with Park View</li> <li>2. on Stockley Lane between the nature reserve and the old railway line to the east</li> <li>3. from Oakenshaw providing a sustainable form of transport to Wellington.</li> </ol>	<p>NPPF19 (paragraphs 83d, 91c, 102c, 104d,) CDP (Policy 10: Development in the Countryside paragraph g) CDP (Policy 25: Provision of Transport Infrastructure paragraph c)</p>
<p><b>ONP Econ 4 Community Renewable Energy and Enterprise Projects</b></p> <p>Support will be given to renewable community energy provision; district heating systems, solar farm, new or replacement wind turbines and new green energy technologies provided they</p> <ol style="list-style-type: none"> <li>1. demonstrate community support</li> <li>2. generate income for the benefit of the community</li> <li>3. address any potential negative impact such as flicker, noise and the visual impact on residents in excess of those generated by the existing turbine.</li> <li>4. address the potential for cumulative impacts resulting from multiple turbines</li> </ol> <p>Proposals that enable community enterprise projects to develop will be permitted, provided</p> <ol style="list-style-type: none"> <li>1. Such development will not be harmful to landscape character, village setting or biodiversity.</li> <li>2. It will provide local employment, training or community benefit.</li> </ol>	<p>The aim of this policy is to extend green energy generation beyond the lifetime of the existing wind turbine. It aims to broaden the methods of green energy generation.</p> <p>The policy and conditions are in accordance with WVDLP MW3 (Renewable Energy) and MW4 (Renewable Energy Allocation); NPPF 2019 (Section 14. Meeting the challenge of climate change, flooding and coastal change: Planning for climate change, paragraphs 151 to 154); CDP 2019 (Policy 35: Wind Turbine Development).</p> <p>The village has benefitted from income generation from the turbine and will support other community enterprises that generate income and offer employment. There are no policies in the WVDLP, NPPF or CDP that directly address community enterprises, however, NPPF19 (Decision Making: Tailoring planning controls to local circumstances paragraph 52) specifies the procedure for Community Development Orders and Community Right to Build.</p>

**Basic Condition 2: having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order**

There are no listed buildings or designated features of special architectural interest in the area as much of the land has been opencasted. Nackshivan farm, built in the late 18th century was visited by the artist J.M.W.Turner. This non-designated asset is a working farm and development on this site would be subject to Policy BE1 of the Wear Valley District Local Plan and Policy 25 of the County Durham Plan.

**Basic Condition 3: having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order**

There are no designated conservation areas in the ONP Area.

**Basic Condition 4: The making of the order contributes to the achievement of sustainable development**

The overall vision of the plan seeks to build on the village's key attributes (rural character and setting, open spaces, historic sense of community and embracement of sustainable energy) with an understanding that these are positive characteristics to be sustained and developed.

*Overall Vision*

*'That Oakenshaw retains and reinforces its character as an environmentally friendly village in a distinctly open rural setting. The green spaces and environmental assets of the Neighbourhood Area will be protected and enhanced, and support given to providing housing, facilities, amenities and opportunities that help promote a flourishing community and economy.'*

Sustainable development is summarised in the National Planning Policy Framework 2019 part 2 as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF 2019 identifies three elements to sustainable development; economic, social and environmental. The Oakenshaw Neighbourhood Plan adopts a positive approach to planning to enable the objectives identified in the NPPF 2019 for each of the three elements to be achieved.

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type 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;

The Neighbourhood Plan area has changed dramatically during the last thirty years. The population has doubled in size and the main economic activity in the area is no longer related to mining or open cast coal extraction. For many people the way they work or conduct their business now, and in the future, will be very different with home working becoming increasingly common. Tourist attractions being developed close to the area, such as those of the Bishop Auckland Trust, are providing new business and employment opportunities. The community has also been very enterprising in the past by getting income from renewable energy for the benefit of the village and is seeking to sustain income through new enterprises to fund future development.

Four policies in the ONP enable people to work from home, capitalise on tourism, engage in community led economic initiatives and work more effectively by improving digital infrastructure.

**ONP Econ 1 Development and sustainability of local home-based businesses and facilitating working from home through the conversion of existing buildings and appropriately designed, high quality new buildings**

**ONP Econ 2 Improving Digital Connectivity**

**ONP Econ 3 Tourism Development**

**ONP Econ 4 Community Renewable Energy and Enterprise Projects**

- b) 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.

Five housing policies in the ONP aim to maintain the house building rate of recent years in safe and attractive developments that meld with the surrounding built environment. To counter the aging demographic, affordable homes will attract young families to live in the village. Housing for agricultural workers is supported. Community led housing to provide level access homes for disabled or older residents wishing to live independently is strongly supported, as there is no current provision. These, with potential section 106 funds, may provide a source of income for the future improvement of the village.

**ONP H1 – Small Scale Housing Development**

**ONP H2 Large Scale Housing Development Requirements**

**ONP H3 - Housing Development Outside of the Existing Settlement Boundary of Oakenshaw.**

**ONP H4 Community led housing provision for Older or disabled people**

**ONP H5 – Parking Standards for new Residential Development**

As a category D village, indoor community amenities were demolished and lost. Policy ONP VC.1 underpins resident’s ambition to regain a community hub that will provide a social and cultural focus in the village, increase community cohesion and reduce social isolation.

**ONP VC.1 Community Hub**

A play park and multiple use games area have been located on a large field to the west of New Row. However, this is frequently waterlogged and, as cars occasionally drive over the land, it needs to be fenced to make it safer for children to play. Residents shared the view that this open community space could be improved to provide a place for outdoor recreation and for people to meet.

### **ONP VC.2 Community use of the field west of New Row (LGS2)**

- c) 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.

ONP ENV 1 focuses future development within a settlement boundary thus protecting valued views and the open rural character of the village. ONP ENV 2 designates three Local Green Spaces including the copse adjacent to Stockley lane which reduces noise and particulate pollution, the field west of New Row as community space and the nature reserve close to the village. ONP ENV 3 aims to protect trees and the impact on the landscape of future developments. The combined intention of these three policies is create green corridors to improve biodiversity and allow wildlife to flourish.

#### **ONP ENV 1 – Maintaining the Open Rural Character and Areas of Separation**

#### **ONP ENV 2 – Local Green Spaces**

#### **ONP ENV 3 – Green Infrastructure and Natural Landscape**

The village maintains a green energy agenda in ONP ECON 4 and through specifying green energy technology in housing development. Green energy is not only regarded as cost saving, but as a means of income generation for the village.

There are no designated sites of historic interest and so no policies refer to this. However, there are non-designated sites, and these would be subject to CDP 2019 (Policy 45: Historic Environment/non-designated Assets).

The ONP makes a positive contribution to pursuing sustainable development by seeking positive improvement in the quality of the built and natural environment, as well as in people's quality of life by:

- Making it easier for jobs to be created;
- Protecting and encouraging biodiversity;
- Specifying high quality design;
- Improving the conditions in which people live, work, travel and take leisure;
- Widening the choice of high-quality homes

Not only in its policies, but also in its stated vision and objectives, it is considered that the ONP will contribute to the achievement of sustainable development as defined by the NPPF 2019 and therefore meets the second Basic Condition.

**Basic Condition 5: The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

The neighbourhood plan must be in 'general conformity' with strategic local policy (National Planning Practice Guidance paragraph 074). Oakenshaw is subject to the Wear Valley District Council which was a non-metropolitan district in County Durham and was abolished on the 1<sup>st</sup> April 2009. It was replaced by Durham County Council. As the County Durham Plan has not yet been adopted the strategic policies to be used to check for general conformity are those of Wear Valley District Local Plan adopted in 1997 (WVDLP) despite being out of date. There are no policies in the ONP which merely replicate those of the WVDLP or the proposed CDP 2019. ONP policies have been developed only where it adds additional local detail.

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 or Order and the evidence to justify that approach

(National Planning Practice Guidance Paragraph: 074 Reference ID: 41-074-20140306)

Each policy in the ONP has been tested using the criteria for conformity given above against the relevant strategic policies which are cross referenced in Table 1. The strategic policies of the WVDLP are cross referenced with the ONP below in Table 2 to indicate compliance. Those strategic policies which do not apply, or which are not included in the ONP and for which no test of conformity is required are also listed below in Table 2 with a brief explanation for their exclusion.



**Table 2:**  
**Oakenshaw Neighbourhood Plan Compliance with**  
**Strategic Policies of Wear Valley District Local Plan (WVDLP)**

<b>WVDLP Policy</b>	<b>ONP compliance</b>
<p><b>WVDLP General Development Criteria</b> <b>Policy GD1</b></p> <p>All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area. Permission will be granted provided it fulfils, where appropriate, the following design criteria:</p> <p><b>Design and Setting</b></p> <p>(i) it is in keeping with the character and appearance of the area and is designed to be appropriate in terms of form, mass, scale, layout, density and materials to the town or village in which it is to be situated; and</p> <p>(ii) it has regard and is appropriate to the setting of neighbouring buildings, landscape features and open spaces of the surrounding areas; and</p> <p>(iii) its landscape, natural and historic features on site are retained and incorporated into the design and layout of the scheme; and</p> <p>(iv) it would not result in the loss of important open spaces within the built-up areas and villages of the District (BE14); and</p> <p>(v) adequate access, toilet and parking facilities are provided for the elderly, disabled and people with children for all proposals which provide access for the general public; and</p> <p>(vi) it would not disturb or conflict with adjoining uses; and</p> <p>(vii) adequate open space provision is incorporated within the design and layout of the site as stated in Policies H24, RL3, 4 and 5; and</p> <p>(viii) adequate foul and storm water drainage within and away from the development site are provided. Proposals will not be permitted which would exceed the capacity of the existing or planned sewerage and drainage system; and</p> <p>(ix) it is located and designed, where possible, to conserve energy and be energy efficient. This should include the southerly orientation of buildings, limiting the size of windows on north aspects, insulation and double glazing, screening from prevailing winds, avoiding exposed locations; and</p> <p>(x) it is designed, where possible, to deter crime and to increase personal safety. Design will need to incorporate open, well lit layouts which reduce high risk areas where the user is unsighted due to vegetation, alcoves or corners; and Landscape and Environmental Impact</p> <p>(xi) it would not have a detrimental impact on the landscape quality of the surrounding area; and</p> <p>(xii) it would not endanger or damage important national and local wildlife habitats or have a detrimental impact on the ecology and geology of the District (ENV9-13); and</p>	<p>ONP H1, H2</p> <p>ONP ENV1, ENV3: ONP H1, H2</p> <p>ONP ENV1, ENV2, ENV3: ONP H1, H2 ONP ENV3</p> <p>ONP ENV2: ONP H1, H2</p> <p>ONP ENV2: ONP H2</p> <p>No ONP policy</p> <p>ONP H1</p> <p>ONP ENV1, ENV3: ONP H1, H2</p> <p>ONP ENV1, ENV3: ONP H1, H2</p> <p>ONP ENV1, ENV3: ONP H2</p>



<p>(xiii) adequate landscaping is incorporated within the design and layout of the site and where appropriate, creation of wildlife habitats; and</p> <p>(xiv) for major land use proposals, (including roads, industrial development and housing sites of over 25 dwellings on the edge of settlements) structural landscaping around the periphery of the site is provided to mitigate the impact of the scheme to the surrounding area and to blend the developments urban edge into the countryside; and</p> <p>(xv) it would not be detrimental to public health; and</p> <p>(xvi) it would not significantly pollute the environment with dust, noise, emission, outfall or discharges of any kind; and</p> <p>(xvii) it would not have a detrimental impact on ground water resources; and</p> <p>(xviii) an Environmental Assessment will be required for proposals likely to have significant effects on the environment by virtue of factors such as their nature, size or location [Subject to the provisions of Schedule 2 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988]; and</p> <p>(xix) it is not in an identified floodplain or area at risk from flooding; and Highway and Transport</p> <p>(xx) safe access to the site and adequate parking facilities are provided, in accordance with the Highway Design Standards and Car Parking Standards contained in Further Plan Guidance Notes 1 and 2; and</p> <p>(xxi) it would not create unacceptable levels of traffic which exceeds the capacity of the local road network; and</p> <p>(xxii) adequate links and access to public transport systems are incorporated within the layout of the site. Large development sites will be required to provide access for public transport networks; and</p> <p>(xxiii) priority is given to pedestrians and cyclists within the development site and provide links into the local footpath and cycleway networks where practicable.</p>	<p>ONP H2</p> <p>ONP H2</p> <p>ONP H1</p> <p>ONP H5</p>
<p><b>Environment Development Policies</b></p>	
<p><b>The Natural Environment</b></p> <p>The Local Plans aims:</p> <p>1 To identify and give protection to areas of landscape and nature conservation interest, including those of internationally, nationally and locally recognised value, nature reserves and other sites of scientific or ecological interest and valuable, environmentally sensitive areas of agriculture.</p> <p>2 To identify features or areas in need of improvement or enhancement and seek their management or appropriate reclamation, in terms of nature conservation.</p>	<p>The ONP is compliant with the broad aims of the WVDLP.</p>
<p><b>ONP Compliance with Environmental Policies Referenced in Table 1</b></p>	
<p>WVDLP ENV1 Protection of the Countryside</p> <p>WVDLP ENV3 Areas of Landscape Value</p> <p>WVDLP ENV7 Protection of Agricultural Land</p>	<p>ONP ENV1, ENV3</p> <p>ONP ENV1, ENV3</p> <p>ONP H3</p>

WVDLP ENV11 Sites of Nature Conservation Importance and Local Nature Reserves	ONP ENV2, ENV3
WVDLP ENV13 Protection of Species and their Habitats	ONP ENV1, ENV2
WVDLP ENV15 Ancient Woodlands:	ONP ENV1, ENV3
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, there are no historic parklands, SPAs, SACs or SSSIs, they are not strategic or there is no ONP policy.</b>	
WVDLP LANDSCAPE PROTECTION (ENV2 The North Pennines Area of Outstanding Natural Beauty, ENV4 Historic Parkland Landscapes)	Not applicable
WVDLP LANDSCAPE IMPROVEMENT (ENV5 Landscape Action Areas, ENV6 Reclamation)	Not Applicable
WVDLP AGRICULTURAL LAND (ENV8 Phasing of Agricultural Land)	No ONP Policy
WVDLP NATURE CONSERVATION (ENV9 Special Protection Areas and Special Areas of Conservation, ENV10 Sites of Special Scientific Interest, ENV12 Creation of New Sites for Nature Conservation)	No ONP policy
WVDLP TREES (ENV14 Tree Preservation Orders, ENV16 Community Forests)	No ONP policy
<b>BUILT ENVIRONMENT</b>	
<b>ONP Compliance with Built Environment Policies Referenced in Table 1</b>	
WVDLP BE14 Open spaces within Built-up Areas	ONP ENV2: ONP H1, H2
WVDLP BE19 New Agricultural Buildings	ONP H3
WVDLP BE20 Conversion of Buildings in the Countryside	ONP Econ 3 Tourism Development
WVDLP BE21 Farm Diversification	ONP Econ 3 Tourism Development
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, there are no historic buildings, SPAs, SACs or SSSIs, they are not strategic or there is no ONP policy.</b>	
HISTORIC HERITAGE (BE1 Protection of Historic Heritage)	None of these policies were applicable because there are no designated historic or listed buildings, conservation areas, areas of archaeological interest or works of public art in the ONP area and the environmental improvements policies relate to specific areas not found in the ONP area.
LISTED BUILDINGS (BE2 Listed Buildings; Demolition BE3 Listed Buildings; Change of Use, Alterations, BE4 Setting of a Listed Building)	
CONSERVATION AREAS (BE5 Conservation Areas, BE6 New Development and Alterations in Conservation Areas, BE7 Demolition in Conservation Areas, BE8 Setting of a Conservation Area, BE9 Trees in Conservation Areas, BE10 Roller Shutters within Conservation Areas)	
ADVERTISEMENTS (BE11 Advertisements in Conservation Areas, BE12 Advertisements outside Conservation Areas, BE13 Directional Signs not on the Highway)	
ARCHAEOLOGY (BE15 Scheduled Ancient Monuments, BE16 Education and Archaeology, BE17 Areas of Archaeological Interest, BE18 Excavation and Recording)	
ENVIRONMENTAL IMPROVEMENTS (BE22 Environmental Improvements, BE23 Provision of Public Art)	

## HOUSING

### ONP Compliance with Housing Policies Referenced in Table 1

<p>H1 Housing Requirement</p> <p>H2: Phasing of Housing Provision – In Justification for WVDLP ENV 1 ‘Development will be largely restricted to the defined limits of towns and villages, as defined in H2, outside these areas will be classed as open countryside’.</p>	<p>ONP H1, H2 - No Housing Allocation</p> <p>ONP ENV 1 defines limits with a settlement boundary</p>
<p>H3 Distribution of Development</p>	<p>ONP H1, H2 - No housing allocation</p>
<p>H4 Criteria for Infill Development</p> <p>Proposals which would result in extension of development into open countryside or ribbon development will not be allowed. In the countryside, outside the towns and villages as defined in Policy H3 limited new residential development other than that subject to occupancy considerations (Policy H11) may be allowed as infilling or minor extension to small hamlets or groups of houses provided that proposals:</p> <ul style="list-style-type: none"> <li>i) do not involve the development of agricultural land;</li> <li>ii) have no adverse impact on the landscape or on areas of nature conservation interest;</li> <li>iii) do not involve significant loss of trees or open space;</li> <li>iv) are contained within well-established physical boundaries;</li> <li>v) do not place unacceptable extra demand on services;</li> <li>vi) are normally sited within an otherwise built up frontage;</li> <li>vii) where located in the North Pennines AONB, are located in gaps within a frontage of no more than 25 metres in width; and (Not applicable)</li> <li>viii) are in accordance with Policy GD1 and other policies of the Local Plan.</li> </ul>	<p>ONP H1, H2 comply with all applicable criteria in WVDLP H4. The village is already a ribbon development separated by agricultural land. The settlement boundary does not extend the ribbon development, instead it joins the two parts of the village to make a coherent form.</p>
<p>H11 New Housing in the Countryside</p>	<p>ONP H3</p>
<p>H13 Extensions to Houses in the Countryside</p>	<p>ONP Econ 1</p>
<p>H14 Range of Housing Types</p>	<p>ONP H2 Sites for housing types out of date: Quota for housing types in CDP.</p>
<p>H16 Exceptions Policy</p>	<p>ONP H1 is not compliant with H16 as there are no exceptions to small scale development; all should be within the settlement boundary to prevent sprawl</p>
<p>H17 Housing for the Elderly, Handicapped and Disabled</p> <p>Planning permission will be approved for proposals for the provision of residential and nursing homes and other accommodation for the elderly, handicapped and disabled so long as:</p>	<p>ONP H4</p>

<p>i) it is located within the limits of development of settlements listed in Policy H3; ii) It is located on or near public transport routes and ideally, close to a stopping point on such routes; iii) its location is such that noise and disturbance from existing surrounding uses would not be detrimental to residents; iv) sufficient garden and/or private amenity open space is provided to meet the needs of residents. This should not be less than 25m<sup>2</sup> per bedroom; v) the design and layout of the building should allow residents both privacy and an attractive outlook from habitable rooms; and vi) the proposal fulfils the General Development Criteria, Policy GD1.</p> <p>H21 Public Open Space within Residential Areas H22 Community Benefit</p> <p>H24 Residential Design Criteria, H25 Residential Extensions</p>	<p>ONP H2 ONP H2 (section 106 funds) ONP Econ 1 ONP Econ 1</p>
<p><b>The following housing policies are not applicable either because they do not refer to locations in the ONP area, or there is no related ONP policy.</b></p>	
<p>NEW HOUSING DEVELOPMENT (H5 Allocated Sites in the Main Towns, H6 Allocated Sites in Villages Identified for Regeneration, H7 Allocated Sites in the Sub-areas, H8 Renewal of Housing Permissions)</p>	<p>Not Applicable as policies relate to specific areas not found in the ONP area</p>
<p>INFRASTRUCTURE AND RELOCATION (H9 Housing Allocations with Related Infrastructure Provision, H10 Relocation of Existing Uses)</p>	<p>Not Applicable as policies relate to specific areas not found in the ONP area</p>
<p>HOUSING IN THE COUNTRYSIDE (H12 Removal of Occupancy Condition) H13 Extensions to Houses in the Countryside</p>	<p>No ONP policy</p>
<p>HOUSING TYPES (H15 Affordable Housing, H18 Sub-division of Premises, H19 Living over the Shop)</p>	<p>Not Applicable</p>
<p>RESIDENTIAL ENVIRONMENTS (H20 Alternative Uses within Residential Areas, H23 Taxi Businesses within Residential Areas)</p>	<p>Not Applicable</p>
<p>RESIDENTIAL DESIGN (H24 Residential Design Criteria, H25 Residential Extensions, H26 Backland Development)</p>	
<p>CARAVAN SITES AND GYPSY SITES (H27 Residential Caravans and Mobile Homes, H28 Gypsy Sites)</p>	<p>Not Applicable</p>
<p><b>INDUSTRIAL LAND DEVELOPMENT</b></p>	
<p><b>ONP Compliance with Industrial Land Policies Referenced in Table 1</b></p>	

<p>I11 Industry in Built-up Areas</p>	<p>ONP ECON 1 Not compliant. The area is already well catered for with respect to industrial units in class B1, B2 and B8. Low Wellington, less than a mile from Oakenshaw, has over thirty industrial units that have not all been let, with another 12 hectares of land available for office and industrial building. In policy WVDLP I11 Industry in built-up areas in towns and villages planning permission will be given for development which does not adversely affect the local amenity. However, given the local availability of industrial sites, in ONP ECON 1 such development will be resisted.</p>
<p><b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b></p>	
<p>INDUSTRIAL LAND DEVELOPMENT (I1 Availability of Land for Industry I2 New Industrial Allocations, I3 Business/Office Sites, I4 Prestige Industrial Sites, I5 General Industrial Sites, I6 Local Industrial Sites, I7 office/Workshops in Crook, I8 Bulky Goods Retailing, I9 Service Industrial Sites, I10 Commercial Sector) INDUSTRY OFF INDUSTRIAL ESTATES (I11 Industry in Built-up Areas, I12 Industry in the Countryside, I13 Extensions to Industrial Premises in the Countryside) INDUSTRY AND INFRASTRUCTURE (I14 Industrial Allocations Requiring Related Infrastructure) NOTIFIABLE INSTALLATIONS (I15 Notifiable Installations, I16 Development Near to Notifiable Installations)</p>	<p>None applicable as they refer to industrial land and infrastructure which is not located within the ONP area.</p>
<p><b>TOURISM</b></p>	
<p><b>ONP Compliance with Tourism Policies Referenced in Table 1</b></p>	

TM1 New Tourist Facilities TM5 New Tourist Accommodation	ONP Econ3 ONP Econ3
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b>	
TM1 Criteria for Tourist Proposals TOURISM WITHIN THE AONB (TM2 Tourism within the Area of Outstanding Natural Beauty) TOURISM FACILITIES (TM3 New Tourist Facilities) TOURIST ACCOMMODATION (TM4 Hotel Allocation, TM6 Redevelopment of Caravan Parks, TM7 New Caravan and Chalet Sites, TM8 Occupancy Conditions for Static Caravans, Chalets and other Self-Catering Accommodation)	Not Applicable
<b>SHOPPING</b>	
<b>ONP Compliance with Shopping Policies Referenced in Table 1</b>	
	No ONP policies
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b>	
TOWN CENTRES (S1 Town Centres) RETAILING IN BISHOP AUCKLAND (S2 Newgate Street North Shopping Area, S3 Newgate Street South/Fore Bondgate Shopping Area, S4 Market Place S5 Retail/Office Opportunity Sites) RETAILING IN CROOK (S6 Retailing in Crook) RETAIL ALLOCATIONS (S7 Growth Areas) LOCAL SHOPPING AREAS (S8 Local Shopping Areas, S9 Cockton Hill Local Shopping Area, Bishop Auckland, S10 Outside Shopping Areas) OTHER RETAILING POLICIES (S11 Hot Food Takeaways, S12 Retailing from Industrial Estates, S13 Shops in the Countryside S14 Petrol Filling Stations, Garden Centres and Car Showrooms, S15 Shop Fronts, S16 Expansion of Existing Retail Properties)	None applicable as there are no shops in the ONP area The ONP advocates a small shop in the community hub, but no WVDLP policies apply.
<b>RECREATION AND LEISURE</b>	
<b>ONP Compliance with Recreation and Leisure Policies Referenced in Table 1</b>	
RL1 New Provision RL8 Improvement to Existing Open Spaces	ONP VC.1 ONP VC.2
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b>	

<p>URBAN BASED RECREATION (RL2 Protection of Existing Provision, RL3 Targets for Open Space Provision, RL4 Children’s Playing Space Target, RL5 Sport and Recreation Target, RL6 Recreation Allocations, RL7 Dual Use of Existing Recreational Areas, RL9 Allotments)</p> <p>RECREATION IN THE COUNTRYSIDE (RL10 Recreation in the Countryside, RL11 Opportunities for Recreation Provision)</p> <p>RECREATIONAL ROUTES (RL12 Public Rights of Way, RL13 New Recreational Routes, RL14 Coast to Coast Recreational Route)</p>	None Applicable
<b>COMMUNITY FACILITIES (HEALTH AND EDUCATION)</b>	None Applicable
<b>TRANSPORTATION</b>	
<b>ONP Compliance with Transportation Policies Referenced in Table 1</b>	
<p>DISABLED ACCESS T14 Disabled Access</p> <p>GARAGES T15 Garages</p> <p>CYCLING T17 New Provision</p> <p>TELECOMMUNICATIONS T18 Telecommunications</p>	<p>ONP H5</p> <p>ONP H5</p> <p>ONP Econ 3 Tourism Development</p> <p>ONP Econ 2 Improving Digital Connectivity</p>
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b>	
<p>HIGHWAY PROPOSALS (T1 General Policy, T2 Environmental Impact of Roads, T3 Traffic Calming, T4 Land Safeguarded for Road Proposals, T5 Road Haulage)</p> <p>RAIL PROPOSALS (T6 Land Safeguarded for Railway Purposes)</p> <p>TAXIS (T7 Taxi Ranks)</p> <p>CAR PARKING (T8 Development of Car Parks, T9 New Parking Provision, T10 Joint Use of Private Car Parks in Bishop Auckland, T11 Operational and Non-operational Parking Spaces, T12 Non-operational Parking Provision in Bishop Auckland and Crook, T13 Parking Opportunities in the Commercial Sector, Bishop Auckland)</p> <p>GARAGES T16 Rear Servicing and Access Ways)</p>	None Applicable
<b>MINERALS, WASTE AND ENERGY</b>	
<b>ONP Compliance with Minerals Waste and Energy policies Referenced in Table 1</b>	
<p>MW3 Renewable Energy</p> <p>MW4 Renewable Energy Allocation</p>	<p>ONP Econ 4</p> <p>ONP Econ 4</p>
<b>The following policies are not applicable either because they do not refer to locations in the ONP area, or there is no ONP policy.</b>	

MINERALS (MW1 Safeguarding of Mineral Reserves) WASTE (MW2 Development on Landfill Sites) ENERGY (MW5 Methane Gas) CONTAMINATED LAND (MW6 Development on Contaminated Land) WATER TREATMENT AND SEWAGE WORKS (MW7 Water Treatment and Sewage Works)	Excluded Policies
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**BASIC CONDITION 6: The ‘making’ of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations**

**Strategic Environmental Assessment**

The European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” is known as the Strategic Environmental Assessment (SEA) Directive. SEA is required for all plans that may have a significant effect on the environment. An opinion was sought from Durham County Council, and it was concluded that an SEA would not be required since the Plan does not include any site allocations.

**Conservation of Habitats and Species Regulations 2010**

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna protects habitats and species of European nature conservation importance. It is a requirement that a Habitats Regulations Assessment (HRA) is undertaken in line with the provision set by the Conservation of Habitats and Species Regulations (2010) to assess the effects of the Plan on European Sites. A screening opinion was sought from Durham County Council, and it was concluded that an HRA would not be required.

**European Convention on Human Rights (ECHR)**

The Oakenshaw Neighbourhood Plan 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.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) adds a basic condition for neighbourhood plans in addition to those set out in the primary legislation: 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) (see section 3.4)



**Basic Condition 7: prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.**

The evidence provided in this Basic Conditions Statement concludes that the Oakenshaw Neighbourhood Plan meets the Basic Conditions as set out in the Neighbourhood Planning Regulations (2012) (as amended). Prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.