

# **Middleton St George Neighbourhood Plan**

## **Basic Conditions Statement**

**March 2021**

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## 1. Introduction

- 1.1 This statement has been prepared by Middleton St George Parish Council (MSGPC). It accompanies the Submission Draft Middleton St George Neighbourhood Plan (MSGNP), which has been submitted to Darlington Borough Council (DBC) under section 15 of the Neighbourhood Planning Regulations General (2012 – ‘the Regulations’).
- 1.2 The MSGNP has been prepared by MSGPC, the qualifying body for the Middleton St George Neighbourhood Area. The neighbourhood area was formally designated on by DBC in May 2019 (a copy of the designation documents are included at Appendix 1).
- 1.3 The MSGNP relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from adoption to 2036. It does not contain policies relating to excluded development<sup>1</sup> as laid out in the regulations.
- 1.4 This statement sets out how the MSGNP has been prepared in accordance with the regulations and meets the ‘basic conditions’ set out in paragraph 8(2) of Schedule 4B to the 1990 Act, as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The regulations state that a neighbourhood plan will have met the basic conditions if:
  - a. 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;
  - b. the making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - c. the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - d. the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations as incorporated into UK law; and
  - e. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
    - Regulation 32 of the Neighbourhood Planning (General) Regulations (as amended by the Conservation of Habitats and Species and Planning (various amendments) Regulations (2018) sets out a further basic condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.5 Sections 2 – 5 of this statement provide information to demonstrate how the Submission Draft MSGNP meets the basic conditions.

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<sup>1</sup> Such as minerals and waste matters or nationally significant infrastructure projects.

## 2. National policies and advice

- 2.1 National Planning Policy is set out within the National Planning Policy Framework (2019 - NPPF) and guidance is set out within the National Planning Practice Framework (NPPG). The Submission Draft MSGNP has been prepared having regard to the NPPF and NPPG.
- 2.2 The MSGNP contains 19 policies. The table below provides a summary of how the policies have had regard to national policy and guidance. The paragraphs referred to have been identified as the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

Table 1: Conformity with national policies and guidance

MSGNP Policy	National policies and guidance	
	References	Comments on conformity
MSG1: Sustainable development	NPPF: 7-14, 16, 29	The NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, a golden thread which it advocates should run through both plan-making and decision-taking on planning applications. Policy MSG1 requires all new development to be determined in accordance with the presumption in favour of sustainable development. The presumption underpins the vision and objectives of the plan; it also is a cross cutting theme which has informed the preparation of all of the policies in the plan.
MSG2: Design	NPPF: 124-132 Gov.uk/guidance/Design National design guide	Good design is a key aspect of sustainable development. The NPPF attaches great importance to achieving high quality and inclusive design through the planning process. It identifies that neighbourhood plans can play an important role in identifying the special qualities of each area and explain how this should be reflected in development. The NPPF highlights that although the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. It should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy MSG2 requires new development to embed high quality and sustainable design and includes policy criteria which reflect the qualities of the plan area.
MSG3: Embedding energy efficiency and renewable energy	NPPF: 150 NPPG: 001/6-001-20140306	The NPPF identifies that new development should be planned for in ways which help reduce greenhouse gas emissions, this is reflected in NPPG. Policy MSG3 provides a positive policy framework which supports new developments that maximise the ability to embed energy efficiency and renewable energy measures, thereby helping to reduce greenhouse gas emissions.

MSGNP Policy	National policies and guidance	
	References	Comments on conformity
MSG4: General location of new development	NPPF: 77-79, 83, 84.	In accordance with paragraph 77 of the NPPF, the MSGNP seeks to promote sustainable development. Policy MSG4 defines settlement boundaries around Middleton St George, Middleton One Row and Oak Tree. The boundary seeks to ensure the separate character of settlements are maintained, managing the expansion of the village and controlling sporadic development in the countryside. Policy MSG4 identifies the types of development that may be supported outside the settlement boundary, reflecting paragraphs 79, 83 and 84 of the NPPF.
MSG5: Green infrastructure	NPPF: 91 NPPG: 005/18a-005-20190723	Both the NPPF and NPPG identify the importance of green infrastructure and that it can help to deliver a variety of planning policies. Policy MSG5 therefore seeks to protect and where practical improve and extend the green infrastructure network and provides a framework for the assessment of planning applications.
MSG6: Green wedge	NPPF: 170, 184, 185 NPPG: 036/ 8-036-20190721, 003/ 18a-003-20190723	<p>The NPPF requires planning policies to contribute to and enhance the natural and local environment. it explains that it can do this in a number of ways, including by protecting and enhancing valued landscapes, as well as recognising the intrinsic character and beauty of the countryside. The NPPF also requires plans to set out a positive strategy for the historic environment, highlighting that heritage assets are an irreplaceable resource, which should be conserved in a manner appropriate to their significance.</p> <p>In accordance with the NPPF, policy MSG6 identifies a green wedge which seeks to protect and enhance the significance of the conservation area and prevent the coalescence of Middleton St George and Middleton One Row. In addition, the green wedge seeks to protect the important landscape character of the area and its valuable role as a wildlife corridor.</p>
MSG7: Biodiversity	NPPF: 8, 170--171, 174-177 NPPG: 011/8-011-20190721, 013/8-013-20190721	Policy MSG7 seeks to protect and enhance biodiversity across the plan area. It requires development proposals to demonstrate how a minimum of 10% biodiversity net gains will be achieved in new development. This accords with the requirements of the NPPF and NPPG which are clear that the conservation and enhancement of the natural environment has a key role in achieving sustainable development. Planning policies and decisions are required to contribute to and enhance the natural and local environment.
MSG8: Local green space	NPPF: 99-101 NPPG: 007/ 37-007-20140306 to	The Local Green Space and Protected Open Space Background Paper sets out how the 17 sites which are proposed to be designated as local green space meet the detailed requirements set out within the NPPF and NPPG. The sites do not have planning permission, nor are they designated for development, or an extensive

MSGNP Policy	National policies and guidance	
	References	Comments on conformity
	022/ 37-022-20140306).	tract of land. The sites are demonstrably important to the local community and are in close proximity to the community to which they serve.
MSG9: Protected open space	NPPF: 96-97 NPPG: 001/37-001-20140306, 002 /37-002-20140306, 003 /37-003-20140306	<p>The NPPF highlights the importance of access to a network of high-quality open spaces for the health and well-being of local communities. In addition, that existing open spaces should not be built on unless key criteria are met. NPPG identifies that open space, which includes all open space of public value, can take many forms.</p> <p>The Local Green Space and Protected Open Space Background Paper describes the methodology for the identification of protected open space and describes the reasons spaces are proposed for designation. Policy MSG9 identifies all of the allocated open spaces and includes criteria which will be used for the assessment of development proposals which could result in the loss of protected open space. The criteria accord with the requirements of the NPPF.</p>
MSG10: Heritage assets	NPPF: NPPF: 184-202 NPPG: 007/ 18a-007-20140306; 020/ 18a-020-20190723.	Policy MSG10 reflects the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act (1990) which requires new development to preserve or enhance the character or appearance of a conservation area and its setting. It includes criteria which reflect the provisions of the NPPF, with regard to preserving and enhancing significance.
MSG11: Housing mix	NPPF: 59, 61-64 NPPG: 001/67-001-20190722	The NPPF requires that plans provide for a mix of housing to cater for different groups and identify the size, type, and tenure of housing required. As a result of the findings of the housing needs assessments, policy MSG11 encourages a range of house type, size and tenure. However, the policy avoids being too prescriptive to ensure the plan is able to respond to changing needs over its lifetime.
MSG12: Affordable housing	NPPF: 62-64	Policy MSG12 seeks to increase the provision of affordable homes as required. It also seeks to ensure that new affordable housing is provided on site and that off-site provision, or a financial contribution will only be supported where this can be robustly justified. This approach accords with the provisions of the NPPF which identifies that where an affordable housing need has been identified, plans should acknowledge and provide for it.

MSGNP Policy	National policies and guidance	
	References	Comments on conformity
MSG13: Community services and facilities	NPPF: 28, 91, 92	Policy MSG13 reflects the requirements of the NPPF as it seeks to guard against the unnecessary loss of valued facilities and services, as well as plan positively for the provision of new facilities.
MSG14: Allotments	NPPF: 91	Allotments are identified within the NPPF as being linked to supporting and enabling healthy lifestyles. Policy MSG14 seeks to ensure that existing allotments are protected and supports the provision of new allotments where there is an identified need.
MSG15: Infrastructure	NPPF: 28, 102, 105, 108-111	Policy MSG15 accords with the requirements of the NPPF as it requires new developments to provide or contribute to infrastructure requirements that relate to them.
MSG16: Employment and economic growth	NPPF: 80-82	The NPPF identifies that the government is committed to ensuring that the planning system supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Policy MSG16 supports development that would result in the creation and protection of jobs and the sustainable economic growth of the area whilst not having an adverse impact on the natural and built environment or residential amenity.
MSG17: Tourism and leisure	NPPF: 83	Policy MSG17 supports proposals for tourism and leisure development whilst balancing this against the need to protect and enhance the distinctive and valued environment of the parish. This approach accords with the provisions of paragraph 83 of the NPPF.
MSG18: Transport and new development	NPPF: 102-104	The NPPF highlights the important role that transport policies have in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Policy MSG18 identifies that new development should be accessible by modes other than the private car and that development should be designed to include walking and cycling routes which connect to existing networks.
MSG19: Walking and cycling network	NPPF: 103, 104	The NPPF highlights the important role that transport policies have in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Policy MSG19 accords with the requirements of paragraphs 103 and 104 by supporting proposals to extend the walking and cycling network across the plan area and seeks to protect existing routes from loss.

### 3. Sustainable development

- 3.1 The NPPF defines the Government's view of what sustainable development means in practice for the planning system in England. Paragraph 8 explains that there are three overarching objectives to sustainable development: economic, social and environmental.
- 3.2 The economic objective of the planning system is defined as:  
*'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.'*
- 3.3 Table 2 illustrates the alignment of the MSGNP with the economic objective of sustainable development. In many cases, the objectives and policies of the MSGNP are applicable to more than one dimension of sustainable development; in these cases, they have only been placed within one dimension.

Table 2: Economic alignment

MSGNP Objective/ Policy	Commentary
Objective 3 – Sustainable economy	Objective 3 seeks to support the economy of the plan area, particularly small-scale enterprises. This will therefore assist the delivery of the economic objective of sustainable development.
Policy MSG16: Employment and economic growth	Policy MSG16 supports development proposals that result in the creation and protection of jobs, as well as the wider economic growth of the plan area, therefore supporting the delivery of the economic objective of sustainable development. The protection and creation of jobs, also supports the delivery of the social objective and the policy includes criteria to ensure protection of the environment, therefore supporting the environmental objective.
Policy MSG17: Tourism and leisure	Policy MSG17 supports proposals for tourism and leisure development, whilst balancing this against the need to protect and enhance the distinctive and valued environment of the area. This therefore supports the delivery of the economic objective of sustainable development. Tourism development in the plan area is also likely to increase job opportunities, which supports the delivery of the social objective. As the policy includes criteria to ensure protection of the environment, therefore supporting the environmental objective.



3.4 The social objective of the planning system is defined as:

*‘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.’*

3.5 Table 3 illustrates the alignment of the MSGNP with the social objective of sustainable development.

Table 3: Social alignment

MSGNP Objective/ Policy	Commentary
Objective 2 – Community well-being	Objective 2 seeks to build on the diverse needs of existing and future residents and support the provision of different types of housing that people can afford and that meets identified needs. It also seeks to ensure that the local community have access to the services, infrastructure and facilities they need. This is an important element of the social objective of sustainable development.
Objective 4 - Connectivity	Objective 4 seeks to ensure that the environmental quality of the plan area is protected by effectively managing traffic as well as promoting access to sustainable modes of transport, which connect people effectively and efficiently to the social, economic, educational, recreational and cultural facilities which they require on a day to day basis. This is an important element of the social objective of sustainable development.
Policy MSG8: Local green space	Policy MSG8 identifies 17 areas of local green space which are important to the local community. Their protection will ensure these sites are not lost to development other than in very special circumstances. Their protection will support the delivery of both the social and environmental objectives.
Policy MSG9: Protected open space	Policy MSG9 identifies a number of areas of open space which are valued for the local amenity value and for informal and informal recreational purposes. Access to high quality open spaces and opportunities for health and recreation are important to the health and well-being of local communities, as well as the environment of the area, therefore supporting the delivery of both the social and environmental objectives.
Policy MSG11: Housing mix	Ensuring new housing delivered in the area meets the needs of the local community is vital to deliver the social objective of sustainable development.
Policy MSG12: Affordable housing	Ensuring new housing delivered in the area meets the affordable housing needs of the local community is vital to deliver the social objective of sustainable development.

MSGNP Objective/ Policy	Commentary
Policy MSG13: Community services and facilities	Policy MSG13 supports proposals which would enhance the provision of community services and facilities and seeks to resist their loss. The provision of services needed by the local community is an important element of the social objective of sustainable development. Services and facilities are also an important element of the economy of the plan area, the policy also supports the delivery of the economic objective of sustainable development. With the inclusion of policy criteria to protect the environment, the policy also supports the delivery of the environmental objective.
Policy MSG14: Allotments	The provision and use of allotments are linked to supporting and enabling healthy lifestyles. Policy MSG14 seeks to protect existing allotment sites from loss where specific criteria are met, as well as supporting the provision of new allotments. Therefore, supporting the health of the local community.
Policy MSG15: Infrastructure	Policy MSG15 requires new developments to provide or contribute to infrastructure requirements that are related to them. This will support the social well-being of the local community.
Policy MSG19: Walking and cycling network	The network provides recreation and leisure opportunities and promote healthy living. MSG19 seeks to protect and enhance the existing network, this therefore supports the social element of sustainable development.

3.6 The environment objective is:

*‘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.’*

3.7 Table 4 illustrates the alignment of the MSGNP with the environmental objective of sustainable development.

Table 4: Environmental alignment

MSGNP Objective/ Policy	Commentary
Objective 1 – Quality of life	Objective 1 seeks to ensure that new development is sustainable and embeds sustainable construction techniques and renewable energy. It also seeks to ensure that development maintains and enhances local distinctiveness as well as contributing positively to the built, historic and natural environment of

MSGNP Objective/ Policy	Commentary
	the plan area. This is an important element of the environmental objective of sustainable development. A good quality of life is also important to the social objective of sustainable development.
Policy MSG1: Sustainable development	Policy MSG1 requires that a presumption in favour of sustainable development is exercised in the determination of all development proposals. It is therefore relevant to all elements of sustainable development.
Policy MSG2: Design	Policy MSG2 provides a positive policy framework to guide and influence the design of all new development. The criteria within the policy seek to ensure that the environment of the plan area is conserved and enhanced, it also includes a number of other environmental criteria. The policy therefore supports the environmental element of sustainable development. As a number of criteria relate to matters such as amenity, safety and accessibility the policy also contributes to the social objective of sustainable development.
Policy MSG3: Embedding energy efficiency and renewable energy	Policy MSG3 supports new development which maximise the ability to embed energy efficiency and renewable energy measures. The policy therefore supports the environmental element of sustainable development.
Policy MSG4: General location of new development	Policy MSG4 defines settlement boundaries around Middleton St George, Middleton One Row and Oak Tree to ensure the separate character of settlements is maintained, managing their expansion and controlling sporadic development in the open countryside. This approach will contribute to protecting and enhancing the natural, built and historic environment of the plan area, therefore the environmental objective of sustainable development. As the policy supports the location of new housing and economic development within the settlement boundary, it also contributes to the social and economic objectives of sustainable development.
Policy MSG5: Green infrastructure	The green infrastructure across the plan area is varied and multifunctional, it consists of several different elements. Policy MSG5 seeks to ensure that development proposals protect and where practical improve and extend the green infrastructure network. This approach will seek to ensure that new development contributes positively to the environmental element of sustainable development. The ability to access the natural environment is also important to the well-being of local communities, therefore relevant to the social element of sustainable development.
Policy MSG6: Green wedge	The separation between Middleton One Row and Middleton St George is important to the significance of the Middleton One Row Conservation Area. The green area is also important as it provides key views

MSGNP Objective/ Policy	Commentary
	of the conservation area and the wider countryside. Furthermore, the area is a valuable wildlife corridor. The proposal to identify a green wedge would contribute to the environmental element of sustainable development. The landscape setting of the plan area is important to the well-being of local communities, therefore relevant to the social element of sustainable development.
Policy MSG7: Biodiversity	Policy MSG7 seeks to protect and enhance biodiversity across the plan area. This approach will seek to ensure that new development contributes positively to the environmental element of sustainable development. The quality of the natural environment is also important to the well-being of local communities, therefore relevant to the social element of sustainable development.
Policy MSG10: Heritage assets	Policy MSG10 requires a full consideration of the impact of development on the significance of heritage assets within the plan area. The policy therefore contributes to the environmental element of sustainable development. As the historic environment is important to the well-being of local communities, this policy is also relevant to the social element of sustainable development.
MSG18: Transport and new development	Policy MSG18 supports development where it maximises the use of sustainable modes of transport. This is an important element of the environmental element of sustainable development. The policy also includes a number of other elements that are important to the social objective, such as creating safe and user friendly places.

## 4. Development Plan – strategic policies

- 4.1 This section considers the extent to which the policy contained within the MSGNP is in general conformity with the strategic policies in the development plan for the neighbourhood area, which comprises the Darlington Core Strategy (2011, DCS) and the saved policies of the Darlington Local Plan (1997, DLP).
- 4.2 Table 5 sets out how the MSGNP policies are in general conformity with the relevant strategic development plan policies. The new Darlington Local Plan has been submitted for examination; therefore, reference is made within table 5 to the emerging draft policies (DLP(d)).

Table 5: General conformity with the strategic policies

MSG Neighbourhood Plan Policy	Strategic Development Plan Policy	
	Policy	Comments on conformity
MSG1: Sustainable development	DLP(d): SD1	There are no specific policies within the adopted development plan regarding sustainable development. Emerging DLP policy SD1 includes the presumption in favour of sustainable development. Policy MSG1 is considered to be in general conformity with emerging DLP policy SD1.
MSG2: Design	DCS: CS2 DLP(d): DC1, DC3	Policy MSG2 is a wide-ranging policy that is in general conformity with a number of the strategic CS policies, particularly CS2 which seeks to ensure high quality, safe, sustainable and inclusive design within all development. Draft DLP policy DC1 seeks to establish a number of sustainable design principles, with which policy MSG2 is considered to be in general conformity with.
MSG3: Embedding energy efficiency and renewable energy	DCS: CS3 DLP(d): IN9	CS policy CS3 supports the development of micro-generation schemes. Draft DLP policy IN9 identifies support for the active use of renewable energy. MSG3 accords with the strategic approach.
MSG4: General location of new development	DCS: CS1 DLP: E2 DLP(d): SH1	CS policy CS1 supports new development in sustainable locations within the main urban area with good accessibility. It also supports new development within the settlement limits, where it supports the vitality and viability of villages. The policy also highlights that outside the limits development will be limited to that required to meet identified rural needs. Policy E2 of the adopted Darlington Local Plan defines settlement limits. The boundaries proposed within policy MSG4 do not fully reflect those within the adopted plan, or those within the emerging DLP. The adopted development plan does not take account of new developments that have been approved.

MSG Neighbourhood Plan Policy	Strategic Development Plan Policy	
	Policy	Comments on conformity
		The emerging DLP proposes changes to the Middleton St George settlement boundary to accommodate new housing sites, no changes are proposed to the boundary for Middleton One Row and the current Oak Tree settlement boundary is proposed to be removed. The settlement boundaries proposed within the neighbourhood plan have been informed by a settlement boundary methodology. They will support the sustainable growth of the parish, as identified within the MSG Housing Needs Assessment, as well as protecting the open countryside from unsuitable development. Significant unresolved objections remain to the proposed settlement boundary proposals and housing allocations identified within the emerging DLP.
MSG5: Green infrastructure	DCS: CS17 DLP(d): ENV4	CS policy CS17 defines a green infrastructure network which should be protected and where appropriate, enhanced and extended. The draft DLP identifies that the green infrastructure network in Darlington comprises numerous public and private green spaces and policy ENV4 also seeks to protect and where appropriate improve and extend green infrastructure networks. This approach is reflected within MSG5 which seeks to protect and where practical improve and extend the green infrastructure network and provides a framework for the assessment of planning applications.
MSG6: Green wedge	DCS: CS14, CS17 DLP(d): ENV3, ENV4	CS policies CS14 and 17 seek to protect and enhance the character and quality of the landscape and green infrastructure. This approach is reflected within draft DLP policies ENV3 and ENV4. MSG6 accords with the requirements of the strategic policies as it specifically identifies a green wedge that is important to the character of the conservation area, natural environment and that is important to the local community. The policy defines criteria to be considered through the development management process.
MSG7: Biodiversity	DCS: CS15 DLP(d): ENV7	CS policy CS15 seeks to protect, restore, extend and manage Darlington's biodiversity network, setting out specific criteria. This approach is generally reflected within policy ENV 7 of the draft DLP. MSG7 requires new development to protect and where possible enhance biodiversity, this is in general conformity with the established and emerging policy approach.
MSG8: Local green space	DLP(d): ENV6	No relevant strategic policies within the adopted development plan. The emerging DLP identifies only ten potential LGS sites, five of which are within the parish (Almora Hall Field, Middleton St George Playing Field, Water Park, Tower Hill to The Front and Field to the East of Middleton Lane)

MSG Neighbourhood Plan Policy	Strategic Development Plan Policy	
	Policy	Comments on conformity
		MSG8 proposes to allocate 17 sites which have been assessed as meeting the requirements of national policy and guidance.
MSG9: Protected open space	DLP(d): ENV4	No relevant strategic policies within the adopted development plan. The emerging DLP does not identify specific areas of open space, however policy ENV4 does refer to the importance of them.
MSG10: Heritage assets	DCS: CS14 DLP(d): ENV1	MSG10 seeks to conserve and enhance the historic environment, whilst appropriately recognising the significance of the heritage assets in the decision-making process. The designated heritage assets located within the parish are listed in the supporting text. This approach is in general conformity with CS policy CS14 which seeks to protect and where appropriate enhance the historic environment. It also accords with the emerging policy approach set out within draft DLP policy ENV1.
MSG11: Housing mix	DCS: CS1, CS11 DLP: E2	Policy MSG11 seeks to ensure that a range and choice of housing is available by requiring a mix of house sizes, types and tenures to be provided through new development. This approach is in general conformity with the requirements of core strategy policies CS1 and CS11, which support the provision of new housing to meet local needs. The emerging DLP does not contain any strategic policies on housing mix.
MSG12: Affordable housing	DCS: CS11 DLP(d): H6	Policy MSG12 seeks to support the delivery of affordable housing where there is an identified need. This approach accords with the requirements of core strategy policy CS11. Emerging DLP policy H5 sets an affordable housing requirement of 20% in Middleton St George and requires a mix of 50% affordable rent and 50% other affordable products.
MSG13: Community services and facilities	DLP(d): IN10	Policy MSG13 supports the development of new community infrastructure and seeks to protect existing facilities of benefit to the local community. There are no specific policies within the adopted core strategy or local plan with regard to the provision and protection of community facilities. Policy IN10 of the draft DLP supports the delivery of community and social infrastructure and the protection of existing community facilities.
MSG14: Allotments	DLP(d): ENV4	No specific strategic policies on allotments. However, allotments are part of the green infrastructure network. Therefore, emerging DLP policy ENV4 could be relevant which seeks to protect, improve and extend the green infrastructure network.

MSG Neighbourhood Plan Policy	Strategic Development Plan Policy	
	Policy	Comments on conformity
MSG15: Infrastructure	DCS: CS19 DLP(d): IN1, IN2, IN3, IN4, IN6, IN8, IN10	Policy MSG15 requires new developments to provide or contribute to infrastructure requirements that are related to them. This policy approach is in general conformity with core strategy policy CS19 and draft DLP policies IN1, IN2, IN3, IN4, IN6, IN8 and IN10. The approach of policy MSG15 is therefore in general conformity with the strategic policies of the development plan.
MSG16: Employment and economic growth	DCS: CS5	CS policy CS5 supports economic development, this is reaffirmed in MSG16.
MSG17: Tourism and leisure	DCS: CS6	Policy MSG17 seeks to support appropriate tourism and leisure developments, whilst balancing this against the requirement to protect and enhance the distinctive and valued environment. It looks to focus new development within existing settlements, however, in accordance with the NPPF the policy acknowledges that given the nature of the tourism and leisure industry that it may not always be possible to locate development within existing settlements. This approach is in general conformity with core strategy policy CS6 which seeks to support tourism development across the district. Whilst there is some conflict, this is not considered to be in general conformity with the NPPF which encourages tourism development within rural areas in appropriate locations. Given the nature of the tourism and leisure industry, these appropriate locations cannot always be within existing settlements.
MSG18: Transport and new development	DCS: CS19 DLP(d): IN1	Policy MSG18 supports a range of transport modes and identifies the key considerations for development proposals across the parish. This policy approach is in general conformity with CS policy CS19 and draft DLP policy IN1 which seek to promote sustainable access and minimise the need for journeys, whilst maximising the number of journeys made by means other than by the private car.
MSG19: Walking and cycling network	DCS: CS19 DLP: R12 DLP(d): IN1	Policy MSG19 supports the provision of new and the protection of the walking and cycling network. This approach is in general conformity with CS policy CS19 which seeks to promote sustainable access and minimise the need for journeys, whilst maximising the number of journey made by means other than by the private car, it also supports improvements to public rights of way and links to long distance footpaths. Adopted local plan policy R12 supports the provision of public access and opportunities to extend the existing public rights of way network, as does emerging draft DLP policy IN1.



## 5. Legal obligations and prescribed conditions

### European Convention on Human Rights

- 5.1 Throughout the preparation of the MSGNP emphasis has been placed to ensure that no sections of the community have been isolated or excluded. The MSGNP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied, nor any threat to the fundamental rights guaranteed under the convention.

### Strategic Environmental Assessment and Habitats Regulations

- 5.2 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. 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 provisions set by the amended Conservation of Habitats and Species Regulations (2010) to assess the effects of the Neighbourhood Plan on European Sites.
- 5.3 A SEA and HRA screening opinion was undertaken by DBC, the screening opinion is included in appendix 2. The screening opinion concluded:

*“The NP will not have significant effects on European sites and therefore an appropriate assessment is not required. Based on the assessment presented in this statement, the outcome within Appendix A and the responses from the relevant statutory consultees, the NP is not likely to have a significant effect on the environment and therefore does not require a strategic environmental assessment.”*

## 6. Conclusion

- 6.1 This statement, which is required under Regulation 15 of the Town and Country Planning (Neighbourhood Planning) Regulations 2012 has demonstrated that the MSGNP:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - will contribute to the achievement of sustainable development;
  - is in general conformity with the strategic policies of the development plan for the area which for the time being remains the Darlington Core Strategy and the saved policies of the Darlington Local Plan; and
  - does not breach and is compatible with European Union obligations as incorporated into UK law.
- 6.2 The MSGNP also complies with the legal requirements set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

## **Appendix 1: Neighbourhood area designation documents**



**ECONOMIC GROWTH AND  
NEIGHBOURHOOD SERVICES**

Town Hall, Darlington DL1 5QT  
DX 69280 Darlington 6  
web site: <http://www.darlington.gov.uk>

Date : 23/05/2018  
Please ask for : David Hand  
Direct Line : 01325 406294  
Email address : David.Hand@darlington.gov.uk  
Your Reference :  
Our Reference :  
Document Name :

Dear Mr Macnab

**DESIGNATION OF MIDDLETON ST GEORGE NEIGHBOURHOOD PLANNING  
AREA**

In response to the Parish Council's application earlier this year to designate a new Neighbourhood Planning Area, I can confirm that the area was designated by the Council on 14<sup>th</sup> May 2019.

A public consultation was undertaken on the application from 13<sup>th</sup> February 2019 to 29<sup>th</sup> March 2019 in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). Officers considered the responses received and if the area applied for was appropriate for the purpose of neighbourhood planning. It was considered that the Neighbourhood Area was appropriate and should be designated.

A copy of the officers delegated report is attached for your information.

If you have any queries on the above please don't hesitate to contact me.

Kind regards

David Hand.  
Head of Planning Policy, Economic Strategy and Environment



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**Record of Delegated Executive Decisions by Officers**

**1. Subject of Decision**

Designation of Middleton St George Neighbourhood Planning Area for the purpose of Neighbourhood Planning – as detailed in Appendix 1.

**2. Name and Title of Decision Maker**

Ian Williams Director of Economic Growth

**3. Cabinet Member(s) consulted (and other consultees, if any)**

**4. Details of any Conflict of Interest and any Dispensation granted in respect of such interest**

**5. Executive Summary**

Neighbourhood Planning was introduced under the Localism Act 2011 and provided communities with the opportunity to develop a community led framework for guiding future development, regeneration and conservation of an area.

In designating the Middleton St George Neighbourhood Plan Area for the purpose of neighbourhood planning, the authority is using the powers of designation set out in the Town and Country Planning Act 1990, as amended by the Localism Act.

Record of Delegated Executive Decisions by Officers - 1 of 5-

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Designating the area will enable the Parish Council to undertake neighbourhood planning activity, culminating in a Neighbourhood Plan which, when made by the Authority, will become part of the Borough's statutory development plan.

On 1<sup>st</sup> July 2014 Middleton St George Parish Council (in association with Low Dinsdale Parish Council) was formally designated as a Neighbourhood Area. However, boundary changes came about via a Community Governance Review in 2016. Subsequently the Parish Council applied to the Council in January 2019 for a new Neighbourhood Area to reflect the changes in the parish boundary and to pursue the preparation of a Neighbourhood Plan (Appendix 1). The Parish Council are proposing a Neighbourhood Area of the new parish boundary but excluding land at Durham Tees Valley Airport. Even though the land at the airport falls within the parish boundary it is considered inappropriate for Durham Tees Valley Airport to be included in the Neighbourhood Area due to its strategic importance.

The local authority established that the application was valid, having been proposed by a qualifying body for neighbourhood planning (The Parish Council) and including the required statement and plan of the proposed neighbourhood area. The proposed area does not overlap any other designated or proposed neighbourhood areas.

The Neighbourhood Planning (General) Regulations 2012 (as amended) specify what a local authority must do on receipt of a valid application to designate a Neighbourhood Area. In accordance with regulation 6, Darlington Borough Council invited comments from organisations and individuals on the proposed Neighbourhood Area from 13<sup>th</sup> February 2019 to 29<sup>th</sup> March 2019. The consultation and application was publicised on the Council's website, a number of consultees were notified, and a leaflet prepared for the Parish Council to distribute in the area.

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, removed the requirement to publicise and invite representations on applications for designation which consist of the full Parish area. As the proposed Neighbourhood Area does not include the whole of the Parish (airport excluded) a consultation period was required to be undertaken.

The consultation generated four responses on the proposed Neighbourhood Area (please see below for a summary). No concerns or objections were raised.

- a) North Yorkshire County Council reviewed the documents, and no significant issues were identified. No comment on the proposed extent of the Neighbourhood Area.
- b) Neasham Parish Council had no observation on the proposed area and associated application.
- c) Hambleton District Council had no comments on the proposed plan.

Record of Delegated Executive Decisions by Officers -2 of 5-

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- d) Gladman Developments highlighted a number of key requirements to which the development of the emerging neighbourhood area should have regard to. They also outlined that they wish to participate in the plans preparation, to be notified of further developments and consultations in this regard and request to be added to the consultation database. Assistance was also offered in the preparation of the plan and the steering group invited to contact Gladman in this regard. This information will be passed on to the Parish Council. Gladman's land interests at Middleton St George were also outlined which included The Greenway and land at Neasham Road.

Officers have considered the responses received and if the area applied for is appropriate for the purpose of neighbourhood planning; taking into account the Parish Council's statement explaining why the area applied for is considered appropriate to be designated as such. It is considered that the application should be approved and the Neighbourhood Area designated.

## 6. Alternative options considered

A local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated areas. There are no reasons to suggest that the area applied for should not be designated.

## 7. Decision(s)

To designate Middleton St George Neighbourhood Area for the purpose of Neighbourhood Planning.

## 8. Reasons for the Decision(s)

Parish boundaries are historic and not developed with Neighbourhood Planning in mind. However, legislation and regulations encourage and seek to expedite neighbourhood planning in Parish areas.

The Neighbourhood Area consists of the Middleton St George Parish area but excluding land at Durham Tees Valley Airport. The airport is regarded as a strategic transport infrastructure of sub-regional significance to the Tees Valley. The purpose of neighbourhood planning is intended to serve local issues and therefore it is considered inappropriate that decisions of sub-regional importance be dealt with through the Neighbourhood Plan process. It is therefore considered appropriate that the airport has been excluded from the area proposed.

Record of Delegated Executive Decisions by Officers -3 of 5-

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The proposed area is relatively small in comparison to neighbourhood areas elsewhere, however the Parish Council has not sought to designate a larger area in collaboration with neighbouring parishes. There are no known planning or cross boundary issues which would require a larger area to be designated. Officers consider that it would be appropriate to designate the area shown in Appendix 1 as a Neighbourhood Area.

## APPENDIX 1

### 9. Key Decision?

NO

(If item is a Key Decision, please contact Democratic Services on ext 5803, to include item in the Forward Plan)

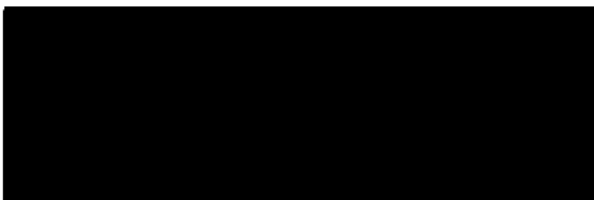
### 10. Date of Decision

14/5/19

### 11. Date of Publication

### 12. Implementation Date

14/5/19







Middleton St George Parish Council

[www.middleton-st-george.org.uk](http://www.middleton-st-george.org.uk)

16<sup>th</sup> January, 2019

David Hand  
Head of Planning Policy, Economic Strategy and Environment  
Darlington Borough Council  
Room 401, Town Hall  
Darlington  
DL1 5QT

Dear Mr. Hand,

### Application for the Designation of the Middleton St George Neighbourhood Planning Area (Under the Neighbourhood Planning (General) Regulations 2012)

At a Special Parish Council Meeting on 19th July, 2018, Middleton St George Parish Council resolved to recommence the Neighbourhood Plan. At the Parish Council meeting of 24th September 2018, it was resolved that a small Working Group of Parish Councillors be formed to re-start the work which had been initiated under the previous MSG Parish Council (prior to its dissolution in March 2016).

Under the previous Middleton St George Parish Council (pre-March 2016), the NDP reached the stage where a first draft had been put out to public consultation, and the document was amended to take into consideration the comments and feedback from that consultation. It did not get as far as a Referendum.

However, due to various circumstances (the "Gladman" Sadberge Road Appeal and Inspector's Decision) MSG NDP had to be put on hold.

There was a Community Governance Review of the parishes of Middleton St George and Low Dinsdale following a Review of Wards (ref. *Local Government and Public Involvement in Health Act 2007, the Darlington Borough Council (Reorganisation of Community Governance), No.1 Order 2016, of 4<sup>th</sup> January 2016*), by which the former Middleton St George Parish, and of the former Low Dinsdale Parish (which formed the previously designated NDP area) were de-constituted and dissolved on 31<sup>st</sup> March 2016, and by which the Parish boundary of Middleton St George was re-drawn, and a new Parish Council constituted (with its first meeting being held on 16<sup>th</sup> May 2016).

The newly constituted Middleton St George Parish Council has now resolved to re-start the process.

However, we realise that we need to amend the document to take account of the boundary change to the Parish following the Community Governance Review, as well update it owing to all the development which has taken place since "Gladman", as well as in other respects.

We also realise that we need to re-apply for the new area to be designated as a Neighbourhood Plan area.

We are therefore applying for the new NDP area to be the new Middleton St George Parish, but with the exclusion of the area owned by Durham Tees Valley Airport, even though part of this land falls within the parish boundary. DTVA was excluded from the original draft NDP document following Designation of the original NDP area by Cabinet (Report to Cabinet of Darlington Borough Council dated 1<sup>st</sup> July 2014) and following responses to the consultation of the area initially applied for (Middleton St George and Low Dinsdale Parishes). It was considered inappropriate for Durham Tees Valley Airport to be included in the Neighbourhood Area due to its strategic importance.

The Parish Council is therefore requesting that an area be designated as a Middleton St George Neighbourhood Plan Area, as follows:

- **The new Parish of Middleton St George, with its boundary being that designated under the aforementioned Community Governance Order of 4<sup>th</sup> January 2016, minus the land owned by Peel Holdings (Durham Tees Valley Airport).**

The proposed neighbourhood plan boundary covers the whole of the civil parish, with the exclusion of Durham Tees Valley Airport. As mentioned above, the airport is of strategic importance as it is of sub-regional importance to the Tees Valley's economy. Strategic matters cannot be addressed through neighbourhood plans and correctly, planning policies relevant to the airport will be included within the new Darlington Local Plan.

The designation of the remainder of the parish for the purposes of preparing a neighbourhood plan is appropriate because: no adjoining parish councils have expressed an intention of joining with Middleton St George Parish to create a larger neighbourhood area; and civil parish boundaries provide an appropriate geographically distinct area within which neighbourhood planning activity could take place.

Under the Neighbourhood Planning (General) Regulations 2012, the application letter must be accompanied by a map. We enclose a copy of the Community Governance Order which contains a map of the new parish, as well as a map/plan of the proposed NDP area.

The Parish Council also make the following statements:

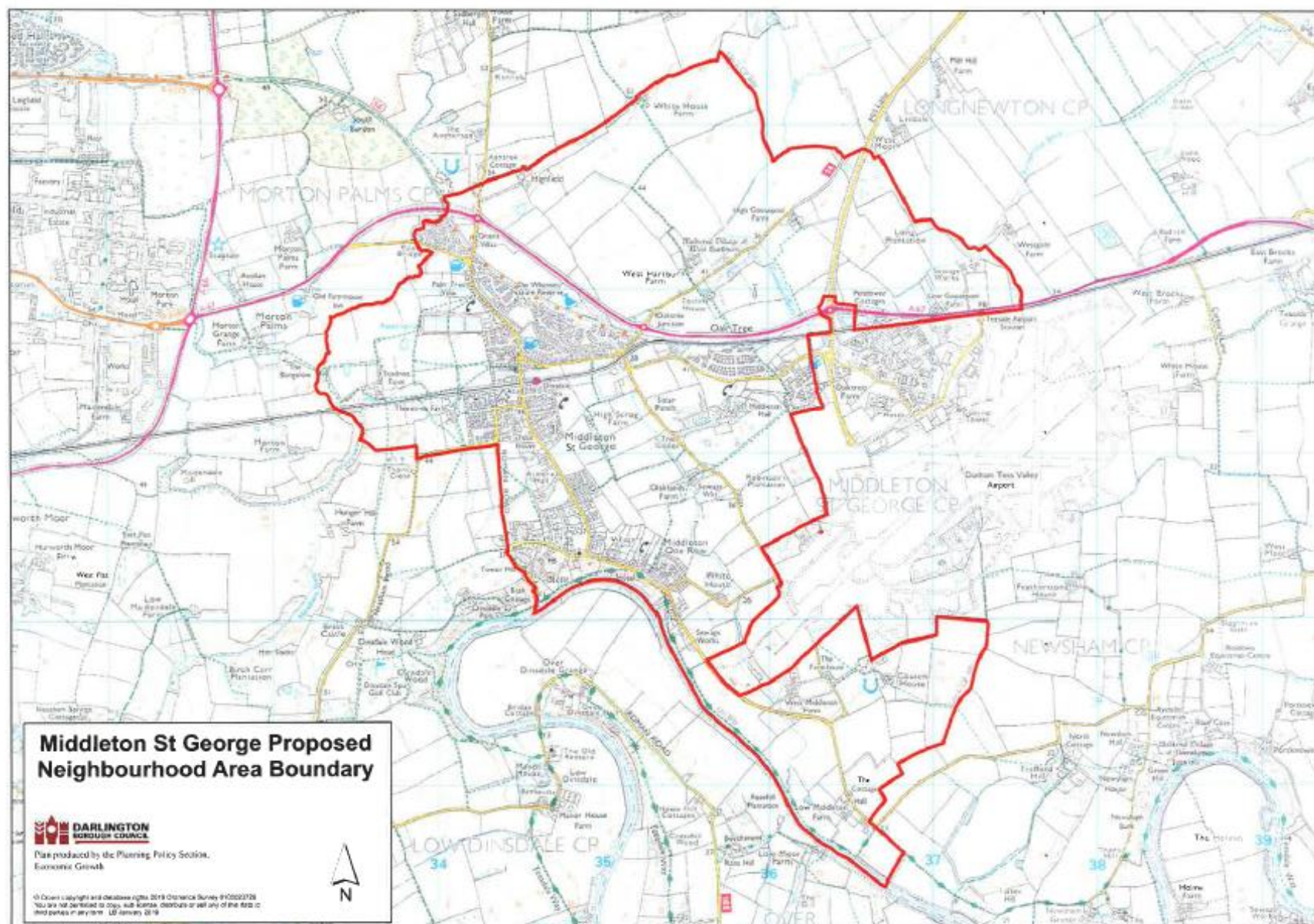
For the reasons given above, the Parish Council considers that the area as described is considered appropriate to be designated as a neighbourhood area.

The organisation or body making the area application (Middleton St George Parish Council, as constituted under the Community Governance Order of 4th January 2016), is a relevant body for the purposes of section 61G of the 1990 Act.

Yours sincerely,

Alan Macnab,  
Clerk to the Parish Council.





## Appendix 2: Screening opinion

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### Middleton St George Neighbourhood Plan

#### Darlington Borough Council Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment Screening Statement

29 May 2020

#### Summary

Following consultation with the statutory bodies, Darlington Borough Council determines that Middleton St George Neighbourhood Plan (NP) is unlikely to result in significant environmental impacts and as such does not require a Strategic Environmental Assessment (SEA). It is also considered that the NP will not have a likely significant effect in relation to the Habitats Regulations Assessment (HRA).

#### Background

A Neighbourhood Plan (NP) must meet a set of basic conditions if it is to proceed to referendum and be made. One of the conditions is that a NP must be compatible with European Union obligations, including obligations set under the SEA Directive (2001/42/EC). The Directive seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes ensuring that an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

Draft NP proposals should be assessed at an early stage to determine whether the plan is likely to have significant environmental effects. This process is referred to as a "screening" assessment and the requirements are set out in regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004. The screening determination should be reached by the responsible authority which in this case is Darlington Borough Council.

Screening essentially involves giving consideration to the anticipated scope of the plan in question and the scope of potential environmental issues locally, before coming to a conclusion on the likely environmental effects. The above regulations state that the statutory consultation bodies (Historic England, Natural England and Environment Agency) should be consulted on the NP and the likely effects. Each consultation body will be able to advise on particular topics relevant to its specific area of expertise and responsibility, and the specific information that it holds. Their comments should be considered in the screening process. Criteria is also set out in Schedule 1 of the regulations and should be considered before the responsible authority reaches a decision. The criteria is set out below.

Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

1. The characteristics of plans and programmes, having regard, in particular, to—
  - a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
  - b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
  - c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
  - d) environmental problems relevant to the plan or programme; and

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- e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular to,
    - a) the probability, duration, frequency and reversibility of the effects;
    - b) the cumulative nature of the effects;
    - c) the transboundary nature of the effects;
    - d) the risks to human health or the environment (for example, due to accidents);
    - e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
    - f) the value and vulnerability of the area likely to be affected due to—
      - (i) special natural characteristics or cultural heritage;
      - (ii) exceeded environmental quality standards or limit values; or
      - (iii) intensive land-use; and
    - g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

Where a NP is likely to have a significant effect on the environment a strategic environmental assessment (SEA) must be carried out and an environmental report prepared in accordance with regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. The National Planning Practice Guidance outlines that such an assessment may be required, for example, where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan, or
- the neighbourhood plan is likely to have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

If it is determined, through screening, that significant environmental effects are unlikely, a strategic environmental assessment will not be required and plan-makers need not concern themselves with the subsequent stages of the process.

#### The emerging Middleton St George Neighbourhood Plan

The NP is being prepared by Middleton St George Parish Council who are a qualifying body to prepare a NP. The NP is being prepared under the Neighbourhood Planning (General) Regulations 2012. Once it has been 'made' (adopted) it will become part of the development plan for the borough and will provide policy and guidance for the part of the parish area of Middleton St George shown in the map below.

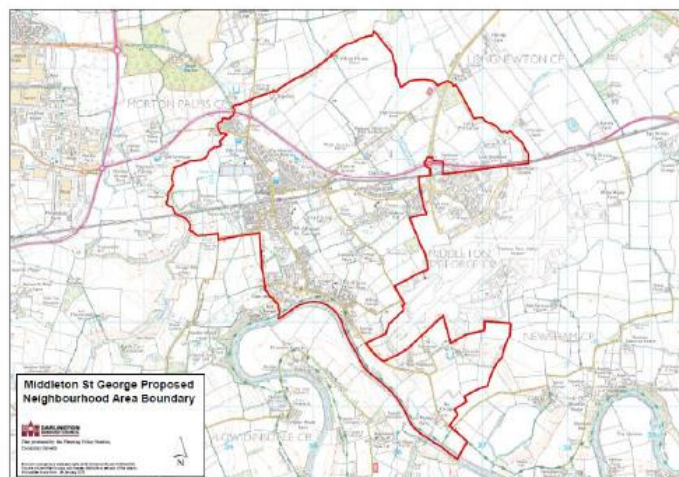


# Middleton St George Neighbourhood Plan: Basic Conditions Statement (March 2021)

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Map 1 - Middleton St George Neighbourhood Plan Area



An early unpublished draft version of the NP was provided to the Council in March 2020 for SEA screening. This included a proposed allocations document and a draft policies map. The documents were forwarded to the main consultees for comment. It is acknowledged that a screening opinion is often prepared by the local planning authority at this stage and also provided to the main consultees. This was not undertaken, however this is not a requirement of the regulations or the National Planning Practice Guidance. Historic England did request a draft which was provided prior to them issuing final comments.

The intention is for the NP policies, allocations and designations to address four main objectives relating to;

- Quality of life;
- Community well-being;
- Sustainable economy; and
- Connectivity.

The draft NP sets out a vision for Middleton St George outlining what the plan intends to achieve over the plan period to 2036.

## NP Vision

*'By 2036 the Middleton St George Neighbourhood Plan Area will comprise a sustainable and cohesive community. Improvements will have been made to the local environment and the management of traffic which enhance the quality of life of residents.'*

*Middleton St George will provide accessible local facilities and its communities will be well-connected, via sustainable transport routes, to Darlington Town Centre and the wider Tees Valley area, whilst remaining visually distinct and separate from the conurbation.*

*The important historic and environmental character of the area will have been maintained and enhanced for future generations by ensuring new development is of an appropriate scale and design.'*

Key points to note from the draft include the following:

- Draft policies are thematic and generally reiterate national policy with a criteria based approach.
- No additional development allocations are proposed.
- Settlement limits have been defined on the associated policies map which follow existing development and that already either granted or proposed for allocation in the emerging Darlington Borough Local Plan 2016-2036. The locational strategy of the NP is for new development to be directed within the defined limits and only specific types of development will be allowable beyond the limits (e.g. agricultural, leisure and community use).
- Other designations are proposed on the policies map including local green space (additional to those already proposed in the emerging local plan), an expanded 'green wedge' than that proposed in the emerging local plan and some other 'Protected open spaces'. These designations have associated policies which outline criteria for development proposals to meet / consider.

## Relevant local environmental issues

Middleton St George Parish is located to the east of Darlington Borough and is approximately 1 mile to the east of the main urban area. The southern boundary follows the River Tees and the eastern boundary Teesside International Airport (which has been excluded from the Neighbourhood Plan Area despite being partially within Middleton St George Parish). The northern and western boundaries are formed by a mix of field boundaries and becks.

Middleton St George is considered to be relatively unconstrained environmentally, nonetheless there are a number of issues to take into account. The following points below provide a brief consideration of key local issues.

- No Special Areas of Conservation (SACs) or Special Protection Areas (SPAs) are present or in close proximity.
- The nearest Ramsar site is located at the Teesmouth and Cleveland Coast to the east.
- The nearest National Nature Reserve is also located at Teesmouth.
- No Sites of Special Scientific Interest (SSSIs) are present within the NP area with the closest being Neasham Fen approximately 1.5km to the South West of the NP area.
- There is one Local Nature Reserve (The Whinnies) within the NP area and one immediately adjoining the western boundary (Hunger Hill Farm). Neasham Brickworks Local Nature Reserve is 1.3km to the south west.
- In terms of designated landscapes: the North York Moors National Park is located approximately 25km to the south east of the NP area and the Yorkshire Dales National Park approximately 20km to the south west. The North Pennines Area of

# Middleton St George Neighbourhood Plan: Basic Conditions Statement (March 2021)

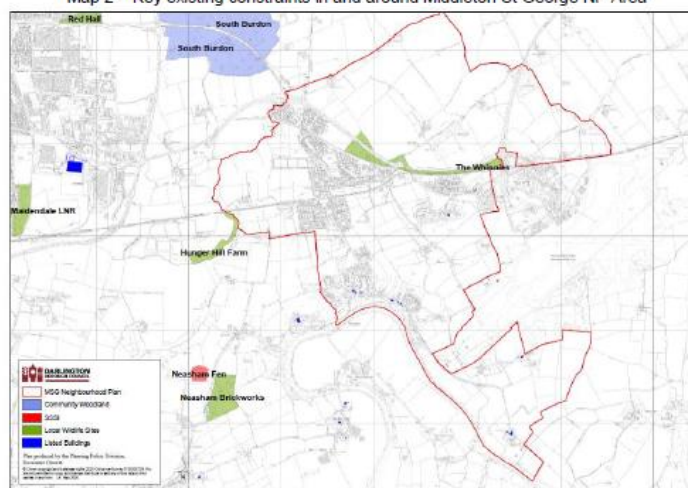
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Outstanding National Beauty (AONB) is located approximately 20km to the north west and Nidderdale AONB approximately 30km to the south of the NP area.

- South Burdon Community Woodland is located outside the NP 350m to the north.
- In terms of heritage assets: there is one conservation area within the NP area covering Middleton One Row. There are 22 Listed Buildings within the NP area of which 3 are Grade II\* listed with 5 additional curtilage listed structures. There are two Scheduled Monuments within the NP area, the deserted village of West Hartburn and Tower Hill Motte. There are also a number of non-designated heritage assets within the NP area including part of the Stockton and Darlington Railway Heritage Action Zone (HAZ).
- The River Tees forms the southern boundary of the NP area.
- The A67 runs east-west through the NP area as does the railway line between Darlington and Stockton.

Map 2 – Key existing constraints in and around Middleton St George NP Area



## Screening Analysis

The table below provides an assessment of the likely significance of effects on the environment against the criteria set out in schedule 1 of the regulations.

1. Characteristics of the Plan, having regard to:	
(a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating	The Middleton St George NP, if made, would form part of the statutory development plan for Darlington and therefore would contribute to the policy framework for future development in the borough. The NP will however sit within the wider policy context of the National Planning Policy Framework, the saved policies of the Core Strategy (2011) and Local Plan (1997); Tees Valley

resources;	Minerals and Waste Development Plan Documents (2011) and the emerging Local Plan. The NP reiterates a number of the policies and principles from the wider policy framework. The NP does not propose to allocate any further sites for housing development. The only additional allocations are to protect existing open spaces.
(b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	A NP must have regard to national policies (NPPF) and advice contained in guidance issued by the Secretary of State. The NP must also be in general conformity with the strategic policies contained in the development plan for the area of the authority. The NP does not influence other plans.
(c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	National policy requires a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making, including the Middleton St George NP. Sustainability principles are set out within policies of the NP.
(d) environmental problems relevant to the plan or programme; and	<p>The NP area does not contain natural environmental designations of national importance. There is one conservation area and two Scheduled Monuments within the plan area. There are also a number of Listed Buildings. It is considered that the NP will not have no significant impact on these heritage assets as no specific development proposals are contained within the development plan and they are protected by national policy.</p> <p>South Burdon Community Woodland is located to the north of the NP area. The Whinnies Local Wildlife Site is located within the NP and Hunger Hill Farm to the west. None of these areas are considered to be adversely effected.</p>
(e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The Middleton St George NP is not considered to be directly responsible or related to implementing community legislation on the environment.
2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	
(a) the probability, duration, frequency and reversibility of the effects;	The NP is likely to have modest positive environmental effects as many of the policies restate national and local policy.



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(b) the cumulative nature of the effects;	Policies are focused on environmental protection rather than development with no specific development sites identified.
(c) the transboundary nature of the effects;	The effects of the NP are unlikely to have any transboundary impacts.
(d) the risks to human health or the environment (for example, due to accidents);	The policies in the plan are unlikely to present risks to human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The Middleton St George NP relates to the majority of the Middleton St George parish which includes the settlements of Middleton St George, Middleton One Row and Oak Tree. As no specific development allocations are proposed environmental effects is likely to be mostly small and localised (See 1d).
(f) the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and	The policies within the NP and wider policy context will ensure that the countryside is given appropriate protection e.g. settlement limits, design, landscape and development in the countryside policies.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	The parish is a substantial distance from any designated landscapes. As such it is considered that there are no likely significant effects from the NP, its policies or proposed allocations.

Appendix A sets out a flow diagram from 'A Practical Guide to the Strategic Environmental Assessment Directive' which demonstrates the SEA screening process. The table below the flow diagram, in Appendix A, sets out the criteria from the Practical Guide along with an assessment of the Middleton St George NP against each criterion to ascertain whether a SEA is required.

Also as part of the screening process is the Habitats Regulations Assessment Screening, which can be found in Appendix B. This assessment concluded that the NP was unlikely to have significant effects on European sites.

#### Consultee Responses

In accordance with the regulations, Natural England, Historic England and the Environment Agency were consulted on the Middleton St George Pre-Submission Draft NP on the 21<sup>st</sup> April 2020 and given a 21 day period to provide comments. After reviewing the NP and supporting information the three consultees considered that there are unlikely to be

significant environmental effects from the proposed plan. A summary of the responses are outlined below. The full response can be found in Appendix C.

Consultation body	Summary of response
Natural England	<p>It is our advice, on the basis of the material supplied with the consultation, that, in so far as statutory designated sites and protected landscapes are concerned, that there are no potential significant impacts.</p> <p>The guidance highlights three triggers that may require the production of an SEA, for instance where:</p> <ul style="list-style-type: none"> <li>a neighbourhood plan allocates sites for development;</li> <li>the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;</li> <li>the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.</li> </ul> <p>Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect such populations to an extent sufficient to require an SEA. It remains the case, however, that the developer must provide information supporting this application sufficient for you to assess whether protected species are likely to be affected and, if they are, whether sufficient mitigation, avoidance or compensation measures will be put in place.</p> <p>Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result this application may raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character that may be sufficient to warrant an SEA. We therefore recommend that advice is sought from your own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape, geodiversity and biodiversity receptors that may be affected by this development before determining whether an SEA is necessary.</p>
Historic England	Based on the analysis set out in your 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.
Environment Agency	Given the nature of the plan, and the policies it proposes, we do not consider the proposed neighbourhood plan to give rise to significant environment effects. The plan does not propose any housing and instead allocates land for public space and green infrastructure and there are few relevant constraints. This is response is solely based on environmental issues within our remit and you should base your

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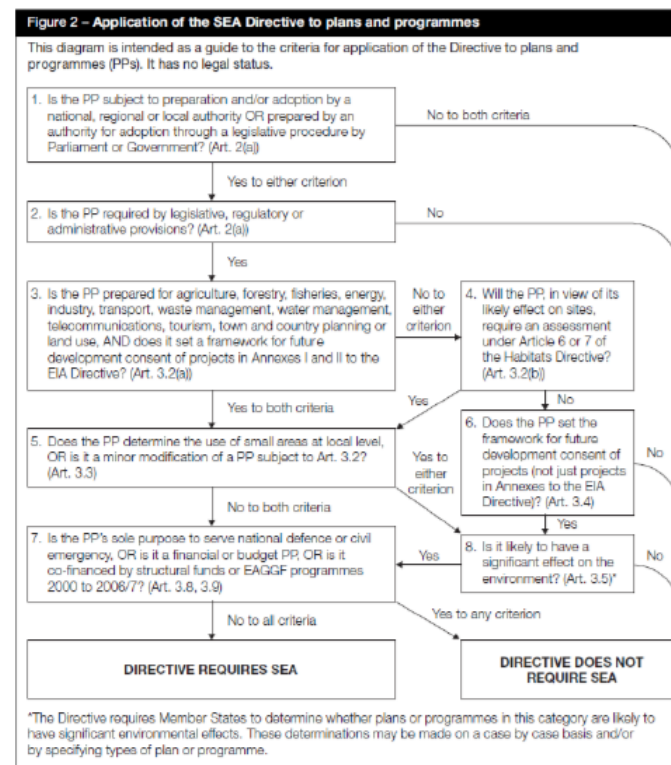
	<p>decision on the requirement for an SEA on the opinions of other statutory consultees, alongside ours.</p> <p>A number of additional considerations and suggestions on the draft plan not related to the SEA are made and can be viewed in the full response in Appendix C.</p>
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## Conclusion

As a result of the screening undertaken by the Council, and the consideration of the Middleton St George NP by the statutory consultees, the Council has reached the following determination:

- The NP will not have significant effects on European sites and therefore an appropriate assessment is not required.
- Based on the assessment presented in this statement, the outcome within Appendix A and the responses from the relevant statutory consultees, the NP is not likely to have a significant effect on the environment and therefore does not require a strategic environmental assessment.

## Appendix A – Extract from ‘A Practice Guide to the Strategic Environmental Assessment Directive’ (DCLG 2005)



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Application of SEA Directive criteria outlined above

Stage	Y/N	Explanation
1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament or Government? (Art. 2(a))	Y	The preparation of and adoption of the Neighbourhood Development Plan is allowed under the Town and Country Planning Act 1990 as amended by the Localism Act 2011. The Neighbourhood Plan is being prepared by Middleton St George Parish Council (a "relevant body") and will be "made" by Darlington Borough Council as the local authority.
2. Is the NP required by legislative, regulatory or administrative provisions? (Art. 2(a))	Y	Whilst the Neighbourhood Development Plan is not a requirement and is optional under the provisions of the Town and Country Planning Act 1990 as amended by the Localism Act 2011, it will, if "made", form part of the Development Plan for the Borough. It is therefore important that the screening process considers whether it is likely to have significant environmental effects and hence whether SEA is required under the Directive.
3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II (see Appendix 2) to the EIA Directive? (Art 3.2(a))	N	The Middleton St George NP is prepared for town and country planning and land use. The NP sits within a wider framework, set by the National Planning Policy Framework and the strategic policies within the Darlington Borough Development Plan.
4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment for future development under Article 6 or 7 of the Habitats Directive? (Art. 3.2 (b))	N	The Middleton St George NP will not have significant effects on European sites. See Habitat Regulations Assessment (HRA) Screening for the NP in Appendix B.
5. Does the Neighbourhood Plan determine the use of	Y	The Middleton St George NP proposes a number of Green Infrastructure designations in addition to

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small areas at local level, OR is it a minor modification of a PP subject to Art. 3.2? (Art. 3.3)		those being proposed in the existing and emerging planning frameworks.
8. Is it likely to have a significant effect on the environment? (ART. 3.5)	N	Due to the lack of development proposed in the NP and the environmental sensitivity of the area it is considered that the NP is unlikely to have significant effects upon the environment. An assessment of the likely effects on the environment can be found within the main statement.
Outcome	SEA Not Required.	

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### Appendix B – Habitat Regulations Assessment (HRA) Screening for the Middleton St George Neighbourhood Plan.

#### Introduction

A Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site of nature conservation importance (also referred to as Natura 2000 sites), either alone or in combination with other plans or projects. European sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). This assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information. The Local Authority is the 'competent authority' under the Conservation of Habitats and Species Regulations 2010 (as amended) and needs to ensure that Neighbourhood Plans have been assessed through the Habitats Regulations process.

If the conclusion is that the plan is likely to have a significant effect on a European site then an appropriate assessment of the implications of the plan for the site, in view of the site's conservation objectives, must be undertaken. If a plan is one which has been determined to require an appropriate assessment under the Habitats directive then it will normally also require a Strategic Environmental Assessment.

This screening assessment relates to a Neighbourhood Development Plan that will be in general conformity with the strategic policies within the development plan (the higher level plan for town and country planning and land use). The assessment uses information collected for the emerging Darlington Local Plan. From this, the Local Authority will determine whether the Middleton St George NP is likely to result in significant impacts on European sites either alone or in combination with other plans and policies and, therefore, whether an 'Appropriate Assessment' is required.

#### Legislative Basis

Article 6(3) of the EU Habitats Directive provides that:

*"Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."*

#### Assessment

There are no SACs or SPAs present or in close proximity of the NP area. In terms of SPAs, the nearest to the NP area are; Teesmouth and Cleveland Coast SPA 16km (approx.) to the east within Stockton and Hartlepool, North Pennine Moors SPA 50km (approx.) to the west

within Durham and the North York Moors SPA 35 km (approx.) to the south east in North Yorkshire. In terms of SACs, the North York Moors SAC is 35km (approx.) to the south east and the North Pennine Dales Meadows SAC 42km (approx.) to the west.

Due to the lack of development proposed in the Middleton St George NP and the distance to the nearest European sites, it is considered unlikely that the proposals in the NP would have any significant effect on the interest features of these SACs or SPAs.

With regards to other plans and policies, work to date indicates that it is unlikely that the emerging Darlington Borough Local Plan will have a significant effect on European sites, again due to proximity of the sites to the proposed allocations. It is considered that in combination the Local Plan and NP, are unlikely to have significant effects on the European sites due to the level of development proposed in the NP.

#### Conclusion

The Middleton St George NP will not have significant effects on European sites, therefore, an Appropriate Assessment is not required.



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Appendix C – Responses from Statutory Consultees

Date: 13 May 2020  
Our ref: 315045  
Your ref: Middleton St. George Neighbourhood Plan SEA



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 080 3900

Mr. David Nelson  
Principal Planning Officer  
Economic Growth  
Room 401  
Town Hall  
Darlington  
DL1 5QT

BY EMAIL ONLY

Dear Mr. Nelson.

**Planning consultation: Middleton St George Neighbourhood Plan - SEA Screening Opinion**

Thank you for your consultation on the above dated 21 April 2020 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Strategic Environmental Assessment - Screening**

Where Neighbourhood Plans could have significant environmental effects, they may require a Strategic Environmental Assessment (SEA) under the Environment Assessment of Plans and Programmes Regulations 2004 (as amended). Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development;
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan;
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as statutory designated sites and protected landscapes are concerned, that there are no potential significant impacts.

Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this proposal is likely to affect such populations to an extent sufficient to require an SEA. It remains the case, however, that the developer must provide information supporting this application sufficient for you to assess whether protected species are likely to be affected and, if they are, whether sufficient mitigation, avoidance or compensation measures will be put in place.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result this application may raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character that may be sufficient to warrant an SEA. We therefore recommend that advice is sought from your own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape, geodiversity and biodiversity receptors that may be affected by this development before determining whether an SEA is necessary.

#### Habitats Regulations Assessment (HRA)

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2017), as amended (the 'Habitats Regulations').

We note that an HRA screening is yet to be carried out. Please note that if likely significant effects are identified, and an appropriate assessment is therefore required, an SEA will also need to be carried out.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 225 6263. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Michael Miller  
Lead Sustainable Development Advisor  
Northumbria Area Team.



David Nelson  
Economic Growth  
Darlington Borough Council  
Room 401,  
Town Hall,  
Darlington  
DL1 5QT

Our ref:  
Your ref:

Telephone 0191 269 1237  
Mobile 07557 834316

Date 27<sup>th</sup> May 2020

Sent by email to [David.Nelson@darlington.gov.uk](mailto:David.Nelson@darlington.gov.uk)

Dear Mr Nelson,

#### RE: MIDDLETON ST. GEORGE NEIGHBOURHOOD PLAN - STRATEGIC ENVIRONMENTAL ASSESSMENT – SCREENING OPINION REQUEST

Thank you for consulting Historic England on the above. As the government's champion for the historic environment, we are pleased to offer our comment.

Based on the analysis set out in your 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:

- The plan area contains a many heritage assets including a conservation area, several listed buildings, and the potential for non-designated 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.
- The plan is not expected to create additional constraint or protection over and above national and local policy and so is unlikely to result in a significant environmental impact to heritage assets beyond those of the existing policies.

As such, the need for SEA of the draft plan can be screened out as it is unlikely to result in significant environmental effects within our area of interest. We reserve the right to review this should the plan change materially in its content and direction.

Please do not hesitate to contact us if you have any queries relating to our comments or would like any further information.

Yours sincerely,

Henry Cumbers  
Historic Environment Planning Adviser  
Historic England  
Telephone: 07757 834316  
e-mail: [henry.cumbers@historicengland.org.uk](mailto:henry.cumbers@historicengland.org.uk)



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF  
Telephone 0191 269 1255  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



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David Nelson  
Principal Planning Officer  
Darlington Borough Council  
Room 401, Town Hall  
Darlington  
DL1 5QT

Our ref: NA/2009/104453/SE-02/DS1-L01  
Your ref: N/A  
Date: 13 May 2020

Dear David,

#### SEA Screening Request. Middleton St George Neighbourhood Plan

Thank you for allowing us opportunity to provide a statutory screening opinion on the above draft neighbourhood plan. We received this consultation 21 April 2020.

We are a statutory consultee in the planning process providing advice to Local Authorities and developers on planning applications, appeals and strategic planning documents.

We aim to reduce flood risk, while protecting and enhancing the water environment. We have had to focus our detailed engagement to those areas where the environmental risks are greatest.

We received the following documents for review:

- Middleton St George Neighbourhood Plan. Pre-submission Draft (February 2020)
- Supplementary information for policies map.

#### Environment Agency position

Our role in screening is to provide an opinion on the likely significant effects on the environment to inform the decision for a Strategic Environmental Assessment (SEA). This will vary from plan to plan in respect to the objectives of the plan, the characteristics of the receiving environment and the potential effects. In this assessment, we have had mind to the criteria for determining the likely significance of effects as set out in Schedule 1 of The Environmental Assessment of Plans and Programmes Regulations (2004).

Given the nature of the plan, and the policies it proposes, we do not consider the proposed neighbourhood plan to give rise to significant environment effects. The plan does not propose any housing and instead allocates land for public space and green infrastructure and there are few relevant constraints. This is response is solely based on environmental issues within our remit and you should base your decision on the requirement for an SEA on the opinions of other statutory consultees, alongside ours.

However, having viewed the draft document I would like to raise awareness of the following constraints:

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.  
Customer services line: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



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- The plan area is partially underlain by a **principal aquifer** (Sherwood Sandstone Group). The designation of this aquifer as principal reflects its importance as a groundwater resource for drinking water but also in respect to supporting surface water flows and supporting wetland ecosystems. We take a precautionary, risk-based approach to development in respect to risks to groundwater as set out in [our approach to groundwater](#).
- The plan area includes a local nature reserve (Whinnies – Durham Wildlife Trust)
- Statutory Main River Lustrum Beck/Goosepool Beck lies within the plan area to the north east. Statutory Main River, Tees, bounds the plan area to the south.
- The plan area is mostly within Flood Zone 1, in respect to risks of flooding from rivers and seas. There are partial areas of Flood Zone 2 and 3 where the plan area bounds the River Tees in the south, and zone 2 and 3 following the Lustrum Beck in the north east. There are pockets of surface water flood risk within the plan area which you may wish to consult with your Lead Local Flood Authority in respect to. In preparation of your plan you should review the Darlington Strategic Flood Risk Assessment (SFRA).

I have the following comments to offer on the draft plan:

We consider there should be an objective solely in respect to environmental improvement following the thread of Chapter 15 of the National Planning Policy Framework (NPPF). We would welcome specific reference to ambitions to improve water quality alongside issues with air ecology and air quality within proposed policy MSG1.

We are supportive of the inclusion of Green Infrastructure (GI) policies and allocations to complement that overarching Darlington GI strategy. GI should be considered at the earliest stage of development and we would encourage any text that encourages pre-application engagement particularly in respect to promoting the use of GI as a tool for flood management. A requirement for biodiversity net gain within GI would be welcomed. The draft Environment Bill seeks mandatory net gains in development proposals although this is not yet a requirement. Paragraph 118 of the NPPF states that planning policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains. This could also be strengthened by including text on "improving the connectivity of habitats as a high priority" and sustainable urban drainage systems (SUDs) which is designed to be wildlife friendly and multifunctional.

Within proposed policy MSG7, I would recommend that inclusion of "biodiversity net gains, where possible" in respect to biodiversity.

I have also noted there are other draft ambitions in the plan where the specific detail is not clear. You should be aware that beyond planning certain developments may have additional permitting requirements where they are not exempt.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- On or within 8 metres of a main river (16 metres if tidal).
- On or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.  
Customer services line: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)



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- On or within 16 metres of a sea defence.
- Involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.
- In a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permit> or contact our National Customer Contact Centre on 03708 506 506 or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will be forthcoming once any planning permission has been granted and we advise them to contact us at the earliest opportunity.

Should you have any queries in respect to this response, please don't hesitate to contact me.

Yours sincerely

**Ms Caitlin Newby**  
Planning Adviser

Direct dial 02077140412

Direct e-mail [caitlin.newby@environment-agency.gov.uk](mailto:caitlin.newby@environment-agency.gov.uk)

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.  
Customer services line: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

