



DARLINGTON
Borough Council

**CHIEF EXECUTIVE'S OFFICE &
ECONOMIC GROWTH GROUP**

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3rd November 2021

Dear Sir/Madam,

MIDDLETON ST. GEORGE NEIGHBOURHOOD PLAN SUBMISSION DRAFT (MARCH 2021)

I have reviewed the Middleton St. George Neighbourhood Plan Submission Draft and the comments previously submitted to the Parish Council on the Pre Submission Draft in November 2020 largely still apply. It is acknowledged that a number of changes have been made to the Neighbourhood Plan which address some of the issues, however the concerns raised with regards to the conflict with the emerging Local Plan and Local Green Space designations still stand.

In terms of the emerging Local Plan, it is appreciated that the Neighbourhood Plan should be prepared to be in accordance with strategic policies of the existing development plan and strategic issues are a matter for the Local Plan. It is considered that the Neighbourhood Plan could proceed to be made in its current form, nonetheless, it is anticipated that parts would become out of date quite quickly once the emerging Local Plan is adopted.

Adoption of the Local Plan is anticipated by January 2022. The Council has recently gone out for consultation on main modifications which are required to make the plan sound, as indicated by the inspector carrying out the examination. The consultation ends on the 30th November 2021. No further hearing sessions have been scheduled, unless the inspector considers it essential to deal with substantial issues raised in representations about the proposed main modifications, or to ensure fairness.

The main inconsistencies with the emerging Local Plan are the proposed housing allocation, site ref 99 Maxgate Farm, MSG and the proposed rural gap designation between Middleton St. George and Middleton One Row. The proposed housing allocation has not been included within the Submitted Neighbourhood Plan via the proposed development limits, although it is appreciated that this is still an emerging allocation. The Neighbourhood Plan also proposes a wider area as green wedge between the two settlements. Whereas the Local Plan proposes a more confined area designated as a rural gap which reflects the landscape area identified most sensitive in terms of retaining the existing settlement pattern, openness, landscape setting and separate distinctive identity of the settlements by avoiding coalescence and also avoiding designating extensive tracts of land. The Council only recently plotted the rural gaps on the policies maps through the process of the examination and therefore it was not possible for the Parish Council to consider this through the development of their plan. The difference in terminology could lead to some confusion between the two plans. The Council considers that rural gap is the more appropriate term given its main purpose (to retain the separation between the built areas).

For clarification the associated policies (H2 Housing Allocations and ENV3 Local Landscape Character) are strategic policies in the emerging Local Plan. It is understood that any inconsistencies between the two plans can be resolved through the nature of the policies involved (whether or not they are strategic) and the date at which they became part of the development plan. The Council consider that if the conflict could be resolved this would prevent potential future confusion with regards to these policy areas but appreciate that it is not necessary to proceed with the Neighbourhood Plan in its current form. Any inconsistencies could also be addressed via a review of the Neighbourhood Plan at a later date.

There are still concerns with a number of the sites proposed for designation as Local Green Space in policy MSG8 as the Council considers that they do not meet the criteria of the designation in the NPPF, in terms of being special to the local community and holding particular significance. Most of the sites also have protection from other designations.

Four of the sites are proposed in the emerging Local Plan (site ref LGS01, LGS10, LGS16, LGS17) and an additional site is proposed at Tower Hill, The Front, Middleton One Row which makes up a small part of site LGS06 in the Neighbourhood Plan. A number of the sites proposed were submitted for consideration for inclusion in the emerging Local Plan but were rejected as they did not meet the criteria and were not considered to be demonstrably special in their nature. Their consideration is detailed in the latest assessment available on the Council's website at: <https://www.darlington.gov.uk/media/12602/sd28-local-green-space-designation-report-2020-update.pdf>

Additional comments:

- A revised version of the NPPF was published in July 2021. This was following the submission of the Neighbourhood Plan in April 2021. Some minor amendments may need to be undertaken to the Neighbourhood Plan to ensure consistency with the revised version of the framework.
- Policy MSG1: Sustainable Development criteria h states, 'Ensure that all infrastructure necessary to make the development acceptable in planning terms is either in place or can be provided prior to the development being brought into use.' The wording of this criteria should potentially be amended as the implementation of infrastructure on major development schemes can be phased and not necessarily implemented prior to the development being brought into use.
- In terms of policy MSG4: General Location of New Development, the word 'innovative' should be removed from criteria e to ensure consistency with paragraph 80 of the NPPF. It may also be required for the policy to place more emphasis on new build economic development beyond settlement limits to ensure the policy is in line with the NPPF. The framework states how well-designed new buildings can support the sustainable growth and expansion of all types of business in rural areas. Criteria C also suggests that some form of needs assessment is required for leisure development outside of the development limits. This is not considered to be consistent with the NPPF and therefore would recommend removal.
- The final paragraph of MSG 5: Green Infrastructure Development does not seem appropriate for that designation. It would be more suitable for an open space designation. Areas of agricultural land are proposed for green infrastructure and if they were to be developed it would not be expected for this type of use to be re provided. It is suggested that this final paragraph is removed.
- With regards to policy MSG7: Biodiversity it is noted that the 10% requirement does go above and beyond the more general net gains prevailing in national policy by setting a specific percentage. Although 10% is the mandatory requirement proposed in the Environment Bill so it would be consistent with this developing legislation. The Local Plan viability testing was also

undertaken on the basis of a 10% requirement which was identified to be viable. It may also be useful to add in a reference to the policy that calculations should be based on the DEFRA biodiversity metric.

- There appears to be a typing error in the first sentence of policy MSG11: Housing Mix. This should be resolved for clarity.
- Concerns still stand with policy MSG12: Affordable Housing in that it does not set out a percentage requirement for affordable housing and is therefore unclear. Percentage requirements are set out in the emerging Local Plan policy H5: Affordable Housing. Also criteria b sets out that any affordable housing financial contributions will be paid to the local planning authority on the commencement of development. On major development schemes contributions can be paid in phases during construction. It is also stated in this criteria that contributions will be used to deliver affordable homes within the neighbourhood plan area. If there are no suitable sites available in the neighbourhood plan area, the Council may have to look to other parts of the borough to deliver the affordable homes. Criteria b should be reworded to address the issues above.
- Policy MSG13: Community Facilities and the criteria relating to the potential loss of land or buildings which are in community use appear overly prescriptive when compared against paragraph 93 of the NPPF. The policy also uses the term 'public use' which is unclear with regards to its definition. The term 'community facilities' is used in the NPPF with clear examples given. Amendments are required to the policy to ensure consistency with the NPPF.
- There appears to be a small discrepancy on policies map 2 where LGS17 Almora Hall field, off Middleton Lane referenced in policy MSG8: Local Green Space, is labelled incorrectly as LGS18 (should be LGS17). LGS17 also appears to be highlighted in the policy. Suggested that this is removed.
- Some changes have been made to policy MSG19: Walking and Cycling Network which reflects advice from the Council's Public Rights of Way Officer during the Pre Submission consultation. It is noted however that the policy title has not been amended to 'Rights of Way' as suggested which is a concern. Further comments have been provided by the Rights of Way Officer below.

Public Rights of Way Officer Comments

My comments on the Middleton St George Neighbourhood Plan are as follows:

1. Paragraph 2.1 states "The Stockton and Darlington Railway... route is now a public footpath." This statement is false - only part of the S&DR route through Middleton St George is a Public Right of Way, and even then it is a Public Bridleway, not a Public Footpath.
2. Similarly, Paragraph 2.11 states "The plan area has a number of public footpaths, including one which follows the route of the original 1825 railway line" - Again, false. This should read "The plan area has a number of Public Rights of Way" since some are also Public Bridleways.
3. In titling paragraphs 7.4 and 7.5 "Walking and cycling network", any possible use by Horse Riders has been completely disregarded. As advised in the previous consultation by my predecessor Steve Petch, a much more apt title for these paragraphs would simply be "Rights of Way".
4. Further, as also mentioned by my predecessor in the previous consultation and disappointingly ignored, the statement in 7.4: "Routes can include established pathways and cycle routes, public rights of way, bridle paths..." confuses the use of the term 'Public Rights of Way' which already includes Bridle Paths (bridleways). In order for this statement to make sense, "public

rights of way” should be replaced with “Public Footpaths”, and “bridle paths” with “Public Bridleways”.

5. An additional point raised by my predecessor and left unactioned - What are the ‘established pathways’ and ‘paths of a more informal nature’ referred to in Paragraph 7.4? It is not clear what or where these are, and without explanation it is possible to question whether people even have a legal right to use them.
6. Under Community action 15: Highway safety and traffic management - " ensuring action is taken against the parking of vehicles on double yellow lines and on footpaths." This has nothing to do with footpaths and should instead use the correct terminology of “Roadside Footways”.
7. Under Community action 17: Footpaths - "Work with Darlington Borough Council to deliver improvements to footpaths at Sadberge Road and Belle Vue allotments and also the creation of a new lit footpath from the entrance to the airport on the A67, parallel to The Whinnies Nature Reserve". This is completely misleading. None of these paths mentioned are Public Footpaths as the term "footpath" suggests. Instead these are permissive accesses, so should be referred to simply as paths, rendering the heading of "Footpaths" false.
8. Under Community action 19: Accessibility enhancements. – “The parish council... will seek to ensure that development provides appropriate footpath and cycle path links from estate roads to the existing footpath and cycleway network”. Creating a footpath is a long legal process, so the correct terminology here would just simply be path, to read “The parish council... will seek to ensure that development provides appropriate path and cycle way links from estate roads to the existing footpath and cycleway network”.

Kind regards

Fiona McCall
Planning Officer