

# **MIDDLETON ST GEORGE NEIGHBOURHOOD PLAN Submission Draft Version**

**Neighbourhood Plan Examiner's Questions  
by Independent Examiner, Rosemary Kidd**

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## Middleton St George Neighbourhood Development Plan Examiner's Questions

In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

### Conformity with Darlington Local Plan

I appreciate that the MSGMP has been prepared at the same time as the Local Plan was being prepared and that there has been a degree of uncertainty about the content of the Local Plan policies.

The NPPF in paragraph 13 states that "*A neighbourhood plan should support the delivery of strategic policies set out in the local plan and should shape and direct development that is outside of those strategic policies.*"

Furthermore the NPPG advises that "*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*"

As you are aware section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that where there are discrepancies between the Local Plan and NP policies, "*the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*"

It is therefore important to ensure that the MSGNP policies are clearly worded, provide a local approach to the delivery of the strategic policies and that any potential conflict is resolved at this stage.

I have reviewed the NP policies against the recently adopted Local Plan to ascertain that the NP policies will help shape the delivery of the strategic policies by adding locally specific details and that the policies are clearly worded and are capable of being applied by decision makers consistently and with confidence.

I have noted that there are a number of policies in the NP that repeat or paraphrase part of a Local Plan policy and do not add any locally specific details to aid the interpretation of the Local Plan policy. I am proposing to recommend the deletion of these policies and that a reference should be included in the justification to the relevant Local Plan policy. This applies to Policies MSG4, MSG6, MSG11, MSG12 and MSG16.

### Clarification Sought and Proposed Modifications

Following my assessment of the Neighbourhood Plan and representations, I would appreciate clarification and comment on the following matters from the Qualifying Body and/or the Local Planning Authority as appropriate.

In addition to questions, I am including proposed modifications to the wording of policies and the justifications where I consider it necessary, in order to give the QB and/ or LPA the

opportunity to respond, if they wish, in advance of receiving my examination report. A full explanation will be included in my examination report of the reasons for proposing the modifications.

### **Policy MSG1 Sustainable Development**

Would the LPA and QB agree on a revision to address the comment made on point h) by DBC.

### **Policy MSG4 Settlement Boundaries**

The DLP does not include development limits for Oak Tree and development here will therefore be considered against the countryside policies. Would the LPA explain the reason for this.

Would the LPA and QB consider the implications for this on the proposal from MOM to delete part of POS09 in order to deliver additional bungalows on the site.

The settlement boundaries for MSG and MOR are not consistent with the development limits in the Local Plan and do not include the housing allocation. To avoid the discrepancies between the settlement boundaries proposed and the adopted DLP development limits I am proposing to delete the settlement boundaries for MSG and MOR from the MSGNP. Unless there is a clear justification for those at Oak Tree, these should also be deleted to ensure conformity with DLP Policy H1. Would the QB confirm that this is acceptable.

The second part of Policy MSG4 repeats national and DLP policies and adds no locally specific details. It is considered to be unnecessary and I am proposing that it should be deleted. This will mean that all Policy MSG4 is deleted.

The justification to the policy may be retained and updated to explain how the DLP policy is to be applied in the plan area. Would the QB and LPA comment on the following suggested wording:

***“The adopted Darlington Local Plan defines development limits for Middleton St George and Middleton One Row which include the Local Plan site allocation at Maxgate Farm and current housing commitments.***

***Development Limits are not defined in the Local Plan for Oak Tree. Local Plan Policy SH1 on settlement hierarchy states that “Only those places with defined Development Limits are classified as settlements for the purposes of this Policy. All areas outside the Development Limits are to be regarded as ‘countryside’ unless specifically identified for other uses in the plan (including Policies E 1, E 2 and E 3)”.***

***Development proposals in Oak Tree will be considered against the relevant policies on development in the countryside.***

**The purposes of *development limits* are to manage the location of new development and protect the countryside from unsuitable development, preventing the merger of settlements and maintaining their character. National planning policy identifies that planning policies and decisions should avoid the development of isolated homes in the countryside unless specific criteria are met.**

***“The Darlington Local Plan includes strategic Policies E4 on economic development in the countryside and H7 on housing development in the countryside. The development of new community facilities will be considered against DLP Policy IN10.”***

### **Policy MSG5 Green Infrastructure**

I am concerned that there is significant and unnecessary repetition between this policy and DLP Policies ENV3 and ENV 4.

It would however be helpful for plan users to identify the locally important green infrastructure through this policy and to state that it is shown on the Policies Map.

The DLP policy identifies green infrastructure in general terms which I have summarised as:

- The rural gaps between Middleton St George and Middleton One Row, Middleton St George and Oak Tree;
- The green corridors along the River Tees and the A67;
- The historic route of the Stockton Darlington railway;
- The rural parkland of Middleton Hall.

The MSG Policies map identifies all these areas except for that at Middleton Hall. Would the QB explain if there is a reason for omitting it?

The QB has highlighted an error in the map of green infrastructure to the east of LGS01. Is there an error on the land to the north of LGS10? Should the boundary coincide with that of LGS10 and POS06?

The MSG identifies other locally important areas - allotments and areas of woodland – which serve to give local definition to the strategic policy.

I am proposing to recommend that the policy should be revised as follows:

**“New development should seek to protect and where practical improve and extend green infrastructure. The following green infrastructure is identified in the DLP**

- **The rural gaps between Middleton St George and Middleton One Row, Middleton St George and Oak Tree;**
- **The green corridors along the River Tees and the A67;**
- **The historic route of the Stockton Darlington railway;**
- **The rural parkland of Middleton Hall.**

**The Policies Map defines these areas and other locally important green infrastructure.**

**Development affecting green infrastructure will be assessed against policies in the Darlington Local Plan, in particular Policies ENV3 and ENV4.**

Would the QB and LPA comment on this proposed modification.

### **Policy MSG6 Green Wedge**

This area is identified as a Rural Gap in DLP Policy ENV3. This policy also identifies a Rural Gap between Middleton St George and Oak Tree whereas Green Wedges are identified in the DLP on the edge of Darlington. I consider that it is confusing and unnecessary to seek to define this area in the MSGNP as a Green Wedge when it is already defined as a Rural Gap. I am proposing to delete this policy and to replace the section with text to describe the role of the two Rural Gaps in terms of separating the settlements with reference to DLP Policy ENV3. In addition, the significance of the area on Middleton Lane in the conservation area could be described. Would the LPA and QB comment on the following wording:

**Revise paragraphs 4.15 – 4.19 as follows:**

**“The DLP defines Rural Gaps between Middleton St George and Middleton One Row and secondly between Middleton St George and Oak Tree. The villages in the plan area have developed separately over time and these gaps remain important to the rural settlement pattern, to the character of the rural area and to its residents. DLP Policy ENV3 together with Policy H7, will protect the rural gaps, conserving the character, openness and links to the wider landscape in order to maintain the attractiveness of the settlements and their settings.”**

**“The Middleton St George Design Code recognises the importance of the gaps between the settlements in maintaining their separate identities.”**

**“The Middleton One Row Conservation Area Appraisal (2010) highlights the importance of the open green area along Middleton Lane to the character of the Conservation Area.”**

**“DLP Policy ENV1 seeks to safeguard the open areas within conservation areas and states *“Development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.”***

### **Policy MSG 7 Biodiversity**

The policy is very brief and adds nothing locally specific to the detailed DLP Policies ENV7 and ENV8 except for a requirement for a minimum of 10% net biodiversity gain. The justification to this policy does not include any guidance about how biodiversity net gain is to be delivered. If the policy is to be retained, I am proposing to include a reference in the policy to the DLP Policies. Would the LPA and QB confirm this is acceptable.

**“Development proposals will be assessed against national guidance and DLP Policies ENV7 and ENV8.”**

### **Policy MSG8: Local Green Space**

The designation of an area as LGS is an important designation and has to be fully justified against the criteria set out in NPPF paragraph 102. I have carefully considered the proposed sites, whether their designation is justified and whether it would add any additional value to the safeguarding afforded under other designations and policies which some of the sites benefit from. I have concerns about the following areas:

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Areas LGS01, part of LGS06, LGS10, LGS16 and LGS17 have been designated as LGS in the DLP. There is no need to designate them in the MSGNP.

LSG02 is a Local Nature Reserve. Would the QB explain what additional safeguarding is offered by the designation as LGS.

LGS04 is a former public house and car park and is not a green space. Heritage association is not considered to be sufficient to justify its designation as a LGS.

LGS06 includes large gardens facing onto the Tees Way woodland and footpath with no public access. Would the QB confirm that the owners have been notified of the proposed designation. Would the LPA explain why they have selected only part of the area for designation as a LGS.

LGS07 this site is a private garden, would you confirm that the owner has been notified. The heritage association is not considered to be sufficient to justify its designation as a LGS.

LGS09 The Front - The DLP assessment states that the area has village green status. Would the LPA/QB provide me with a map to show the boundary of the village green and comment on what additional protection would be provided by the LGS designation.

LGS11 this is a grass field with footpaths crossing. There is no recreational use of the field itself and it does not have any particular landscape value or form part of the rural gap between the settlements. It is considered that it does not merit designation as a LGS.

LGS13, LGS14 and LGS15 – the allotments are protected under Policy MSG14. No additional safeguarding is offered by designating them as LGS.

### **Policy MSG9 Protected open space**

Would the QB provide me with a map of the proposed revised area of POS09 they wish me to consider.

It is considered that the wording of the second paragraph of Policy MSG9 and criteria a) – c) add no locally specific details to the adopted policy and is therefore unnecessary. I am recommending a modification to delete this paragraph and criteria and to make reference to any development proposals resulting in the loss of open space being considered against DLP Policy ENV4.

The final paragraph of Policy MSG9 is unrelated to the protection of open spaces and refers to new development providing open and recreation space in accordance with the latest relevant guidance. No explanation is given in the justification about the source of this guidance. This aspect of the policy is considered to be vague and imprecise.

Would the QB and DBC confirm the following modification is acceptable.

**Revise the second paragraph of the policy to read: “Development that would result in the loss of protected open spaces will be considered against DLP Policy ENV4g)”**

**Delete the third paragraph of Policy MSG9. Add a new paragraph in the justification under the heading “*Provision of new open space*” “*New open space should be provided as part of new development in accordance with the Green Infrastructure Standards set out in DLP Policy ENV5.*”**

### **Policy MSG10 Heritage Assets**

I am concerned that the policy lacks any locally specific policy requirements. I am recommending that reference should be included in the policy to proposals being considered against the detailed requirements of DLP Policy ENV1. Would the QB and DBC comment on the proposed modification:

**Add the following at the end of the Policy: “*Development proposals that affect a designated or non designated heritage asset will be considered against DLP Policy ENV1.*”**

### **Policy MSH11 Housing Mix**

It is considered that this policy adds no locally specific details to DLP Policy H4 and is therefore considered to be unnecessary. I am proposing to recommend that it should be deleted.

The figures in paragraph 5.4 do not provide clear advice on the mix and tenure of housing required in the plan area.

If the QB wish to retain information in the NP about the mix of housing required, would they review paragraph 5.4 and agree the wording with the LPA of

- a) The key issues on housing mix and tenure in the plan area
- b) The evidence from the latest Housing Needs Survey on the type and tenure of houses needed. If this evidence is sufficiently robust it could be used to set out an indication of the quantum of housing of various types and tenures that should be sought through new development proposals.
- c) The DLP housing requirement, commitments and LP allocation.

### **Policy MSG12 Affordable housing**

It is considered that this policy adds no locally specific details to DLP Policy H5 and is therefore considered to be unnecessary. Moreover it does not set a locally specific target for affordable housing requirement which is in any case defined in Table 6.8 of the DLP policy.

The final paragraph of the policy sets out matters to be set out in conditions or planning obligations. Would the LPA confirm that all these matters are set out in the Council’s SPDs on affordable housing or Planning Obligations.

### **Policy MSG13 Community Facilities**

The policy and justification use a mixture of terms, I am proposing that “community facilities” should be used throughout.

I am proposing that the first part of the policy should include reference to DLP Policy IN10C which includes additional criteria.

It is considered that the second part of MSG Policy 13 adds no locally specific criteria to that set out in DLP Policy 10B and should be replaced with a reference to the strategic policy.

Open spaces are safeguarded under other policies and reference to them should be deleted from the justification to this policy.

Would the QB and LPA comment on the following:

**Revise the first paragraph of the policy to read: “.....community facilities will be supported *in accordance with DLP Policy IN10C and subject to the following criteria:*”**

**Replace the second paragraph of the policy with “*Proposals that would result in the loss of a community facility will be considered against DLP Policy IN10B.*”**

**Add the following to paragraph 5.11: “*Policies MSG8 and MSG9 support the safeguarding of open spaces and will be used to consider any development proposals affecting them.*”**

### **Policy MSG15: Infrastructure**

The second paragraph repeats NPPF paragraph 57 and is considered to be unnecessary. I am recommending that it is deleted from the policy.

### **Policy MSG16: Employment and economic growth**

This policy is a general statement of support for the creation or protection of job opportunities and economic growth in the plan area which should accord with the DLP policies. It is considered that this adds no locally specific details to the strategic policies. I am recommending that the policy should be deleted and a statement of support to appropriate economic growth with reference to the relevant DLP policies should be included in the justification.

Would the QB confirm that they agree with the following:

**Revise paragraph 6.3 to read: “*Sustainable economic growth will be encouraged and supported in the plan area in accordance with DLP Policies on the economy, built and natural environment and residential amenity.*”**

### **Policy MSG17: Tourism and leisure**

I am proposing revisions to include reference to DLP Policy E4 and to ensure that the policy conforms to the DLP Policy on Development Limits. The inclusion of the words “away from settlements” in the penultimate paragraph of the policy introduces uncertainty into the policy as it does not define the distance from the settlement. The DLP uses the term “open countryside” which is defined as areas outside the development limits.

Would the QB confirm they agree with the following:

**Revise the first paragraph of the policy to read: “.....tourism and leisure businesses *should accord with DLP Policy E4 and should be focused in the development limits of Middleton St George and Middleton One Row. Such development.....*”**

**Delete “away from settlements” from the penultimate paragraph of the policy.**

### **Maps**

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Would the LPA and QB agree on how maps of the sites referred to in the NP that are designated (such as the Local Nature Reserve and conservation area) or shown in the Local Plan Policies Map (such as Rural Gaps, Local Green Space and Development Boundaries) may be included in the NP. Some LPA prepare a composite Policies Map, others prefer maps within the justification of the NP.