

Darlington Borough Council's response to Examiners Questions (dated 23rd March 2022)

Policy MSG1 Sustainable Development

The Council would agree to a revision of criteria h of the policy to address the concern raised regarding the timing of infrastructure provision. There are no concerns with the alternative wording suggested by the Parish Council.

Policy MSG4 Settlement Boundaries

Development limits were not included at Oak Tree in the new Local Plan as this was to better reflect that this settlement has very little service provision. Development would therefore be directed to more sustainable locations within development limits such as Middleton St George. Limits were also removed from a number of smaller rural villages and hamlets for the same reason, following an audit of service provision in the rural villages; this included Killerby, Summerhouse, Denton, Little Stainton, Great Stainton and Redworth (in comparison to the 1997 Local Plan).

For background information, the Council's Local Plan evidence base, Appendix 3 of the Spatial Distribution of Development Topic Paper <https://www.darlington.gov.uk/media/13258/spatial-distribution-of-development-topic-paper.pdf> sets out the methodology used by the Council to define the development limits as shown on the policies map. The limits defined in the local plan adopted in 1997 were used as a starting point, and various criteria and principles were applied to amend those where necessary. The inspector for the examination set out in his report that the approach was appropriate and reasonable. The report is available on the Council's website via this link <https://microsites.darlington.gov.uk/media/2277/inspectors-report-dblp.pdf>

With regards to the proposal from Middle Oak Management (MOM) to delete part of POS09 in order to deliver additional bungalows on the site, the Council would have concerns with residential development in this location given that it is located beyond development limits of the Local Plan and is designated as rural gap via policy ENV3. These concerns would still stand even if the relevant part of POS09 was deleted given the policy position of this area in the Local Plan.

The site is also located beyond the development limits proposed in the Neighbourhood Plan, however it is appreciated that the examiner considers that these should be deleted to ensure consistency with the adopted Local Plan. Overall, whether there were development limits or not in the Neighbourhood Plan at Oak Tree, the site would lie outside a defined settlement boundary and the Council's concerns with the proposal by MOM would remain.

The Council considers the suggested wording for the justification to be acceptable.

Policy MSG5 Green Infrastructure

The Council agree that it would be more logical for the green infrastructure designation to coincide with LGS01, LGS10 and POS06 in this area.

It may be helpful to clarify in the proposed policy wording that reference to the policies map is to the Neighbourhood Plan policies map. This could be useful when there is a reference to the Local Plan in the first sentence.

There is a concern that the revised policy states that the policies map defines areas of green infrastructure identified in the Local Plan and other locally important spaces (designated by

the Neighbourhood Plan). The policies map currently does not show all of the Local Plan green infrastructure designations in full or in the same way (e.g. existing green corridors, local nature reserve, local wildlife site, Middleton Hall rural parkland). There are also cases where the same area has multiple designations from the Local Plan and Neighbourhood Plan, examples of which are highlighted below:

- The area adjacent to the A67 is proposed green infrastructure and local green space in the Neighbourhood Plan but is designated as local nature reserve and local wildlife site via policy ENV7 of the Local Plan.
- The area around Middleton Hall is designated as green infrastructure in the Neighbourhood Plan but as rural gap and parkland via policy ENV3 of the Local Plan.
- The areas between Middleton St George and Middleton One Row, and Middleton St George and Oak Tree are also represented differently between the two plans. They are partly defined as green infrastructure in the Neighbourhood Plan, however are identified as rural gaps (ENV3) in the Local Plan.
- To the north of Oak Tree there is POS09 which is also designated as green infrastructure in the Neighbourhood Plan but is rural gap (ENV3) in the Local Plan.

Given the above, it is considered that bringing all of the green infrastructure designations from the Local Plan and Neighbourhood Plan into one policies map could lead to some confusion for decision makers and stakeholders, particularly where multiple designations overlay. This could also affect the legibility of the map. This issue is addressed further in the Council's response to the examiners question on the policies map at the end of this paper.

Policy MSG6 Green Wedge

The Council considers that deleting the policy and green wedge designation removes unnecessary ambiguity as recommended. One minor point with the revised wording of paragraphs 4.15 – 4.19; for completeness would it be appropriate to also refer to Local Plan policy E4 Economic Development in the Countryside as well as H7 Residential Development in the Countryside, in terms of those policies which assist in protecting the area.

Policy MSG 7 Biodiversity

It is agreed that if the policy is retained, a reference to adopted Local Plan policies ENV7 and ENV8 would be acceptable.

Policy MSG8: Local Green Space

LGS06

A smaller area was put forward for consideration for Local Green Space designation as part of the Local Plan process. The wider area of LGS06 was therefore simply not considered. For information the site designated through the Local Plan was referenced LGS22 Tower Hill to The Front Middleton One Row in the Local Green Space Designation Report 2020 (<https://www.darlington.gov.uk/media/12602/sd28-local-green-space-designation-report-2020-update.pdf>). This area was designated as it was considered that its beauty and contribution to tranquillity and to a lesser extent its recreation and wildlife value, meant that it was demonstrably special.

LGS09 The Front

It is considered that a Local Green Space designation would not provide site LGS09 with any additional protection as it is already Village Green and within a Conservation Area. A map of the village green is provided in Appendix 1 attached.

Policy MSG9 Protected open space

It is considered that the modifications proposed to policy MSG9 and the supporting justification are appropriate.

Policy MSG10 Heritage Assets

The proposed modification to the policy including reference and consideration of Local Plan policy ENV1 is appropriate.

Policy MSG11 Housing Mix

Recommendation to delete the policy noted. The Council have no concerns with the alternative policy wording which the Parish Council has suggested subject to the examiner being satisfied with the content of the Housing Needs Assessment.

Policy MSG12 Affordable housing

As highlighted the final paragraph of the policy references matters to be set out in conditions or planning obligations relating to affordable housing. These matters are not referenced in either the Local Plan or Planning Obligations SPD (2013). The Council is looking to review the Planning Obligations SPD in the near future and therefore the points raised could be reflected in this document. The details secured via conditions and obligations are standard across relevant development schemes and are not locally specific. As such the Council queries if this warrants the need for a policy in the Neighbourhood Plan.

Policy MSG13 Community Facilities

The Council has no concerns with the proposed modifications to the policy or supporting justification.

Policy MSG15: Infrastructure

Proposed deletion of second paragraph noted.

Policy MSG16: Employment and economic growth

Deletion of policy and revised paragraph 6.3 noted.

Policy MSG17: Tourism and leisure

Proposed modification to the policy noted.

Maps

For background information, the approach taken with regards to the Local Plan policies map was that certain designations were not reflected given that they were not controlled by the Local Plan and subject to change via other processes, for example conservation areas and public rights of way. They are however to be included in an online mapping system which can be used by developers, stakeholders and decision makers to view such designations but can be altered more easily if they do change. We hope that this will be ready within the next two months.

It is understood that it would be the preference of the Parish Council to include such sites on the Neighbourhood Plan policies map. However, there are concerns that a composite map of both Local Plan and Neighbourhood Plan policies and other designations could result in some confusion for developers, stakeholders and decision makers. Particularly with regards to green infrastructure, multiple designations overlaying on particular sites could affect the legibility of the map. It is also noted a number of sites (mainly the Local Green Space designations) have different reference numbers between the plans, although it is appreciated that it is proposed to remove those sites which are designated through the Local Plan.

The Council's preference would be to simply make reference to the Local Plan and associated policies map in the Neighbourhood Plan, outlining that this document also forms part of the development plan and is a material planning consideration. The Council would also be able to add the Neighbourhood Plan designations onto the online mapping system mentioned above. If this approach is not considered sufficient it is felt that a map within the justification of the Neighbourhood Plan would be more appropriate. However, if there were any changes to the Local Plan policies map, for example via a review which is required at least every 5 years, this could result in the Neighbourhood Plan becoming out of date. We would be happy to be guided by the examiner on this matter.

Additional Information

On the 16th March 2022 the Council received advice from Natural England identifying the River Tees Catchment including the entire Borough of Darlington (and Neighbourhood Plan Area) as a catchment where nutrient neutrality needs to be achieved. This is because nutrient pollution (nitrogen) has resulted in the Teesmouth and Cleveland Coast SPA/Ramsar being in an unfavourable condition.

As a consequence of this the Council has to be satisfied and demonstrate through a Habitats Regulations appropriate assessment that any proposals, which result in a net increase in overnight accommodation is nutrient neutral and pollution at the habitat site is not made worse by it. Applicants will therefore need to demonstrate that proposals are nutrient neutral and where necessary appropriate on or off-site mitigation can be provided. The Council is currently working with Natural England, other affected neighbouring authorities and relevant consultees to further understand these requirements and to establish an approach for the Tees Catchment.

As the Neighbourhood Plan is not proposing any development allocations, the Council considers that the above advice does not affect the examination of the plan.

21st April 2022