

Middleton St George Parish Council
Response to Examiners Questions – 23 March 2022

General comment on conformity with Darlington Local Plan

It is welcomed that the Examiner recognises that the neighbourhood plan was prepared at the same time as the local plan. MSGPC would like to highlight that the neighbourhood plan was submitted almost one year ago, on the 13th of April 2021 and at that point there was no certainty that the policies and proposals within the then draft local plan would remain unaltered. If Darlington Borough Council had arranged the examination of the neighbourhood plan when it was submitted, then the issues for this examination may well have been different.

MSGPC consider that the amount of time taken by DBC to arrange the examination has undermined the significant amount of work that has been undertaken by the parish council to prepare the plan.

However, MSGPC fully accepts the requirements of section 38(5) of the Planning and Compulsory Purchase Act 2004 which requires any conflict between policies to be resolved. The parish council however requests that where policies are proposed for deletion text remains within the plan to explain the protection that exists within the local plan.

Q1: Policy MSG1 Sustainable Development Would the LPA and QB agree on a revision to address the comment made on point h) by DBC.

MSGPC response: Amend criterion 'h' to read:

“Ensure all infrastructure necessary to make the development acceptable in planning terms is either in place or can be provided. Planning permission will only be granted where suitable enforceable measure are put in place to secure the provision of new or improved infrastructure in a timely manner, when it is required, in order to serve the development.”

Q2: Policy MSG4 Settlement Boundaries.

a. 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.

MSGPC response: for DBC to respond.

b. 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.

MSGPC response - POS09 lies outside the proposed settlement boundary for Oak Tree, therefore, if this policy was retained the whole site, as proposed would lie within the countryside. If the settlement boundary for Oak Tree is removed from the neighbourhood plan, any future application would be considered against the countryside policies within the local plan. Therefore, whatever the outcome, the site would lie outside a defined settlement boundary.

c. 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.

MSGPC response: Oak Tree has a unique identity; its character is explained within the design guide. MSGPC seeks to preserve the unique character of Oak Tree in its landscape setting. It is one of the three settlements that make up MSG Parish, all of which have different roles. Settlement boundaries

were defined for Oak Tree as this approach was considered appropriate given the size and nature of the settlement. It is believed that it would not be appropriate to consider Oak Tree as countryside.

d. 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.

MSGPC response: Agree that it does not add more local detail. It was prepared prior to the adoption of the local plan to ensure that development outside settlement boundaries was appropriately managed.

e. 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.”

MSGPC response: Agree with the proposed wording.

Q3: Policy MSG5 Green Infrastructure

a. 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?

MSGPC response: As with the other matters identified, the repetition between policy MSG5 and local plan policies ENV3 and ENV4 was because MSGPC wanted to ensure appropriate protection if the local

plan was not adopted. The exclusion of Middleton Hall was a drafting error and MSGPC would like it to be included.

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

MSGPC response: Agree, this is also a mapping error and that the area of green infrastructure in this location should be the same as LGS10.

c. 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

MSGPC response: Agree with the proposed modification.

Q4: 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.”

MSGPC response: Agree that it is appropriate for the neighbourhood plan to use the same terminology. However, the proposed green wedge within the submitted plan extends further to the east than the local plan. This part of the proposed boundary was informed by the Middleton One Row Conservation Area Character Appraisal, as well as the design code. MSGPC have concerns regarding the future of this area if it is not included as part of the designation. In addition, whilst reference to the conservation area and design code within the suggested modification are welcomed, this would not provide the same weight as a policy. It is submitted that policy MSG6 includes locally specific detail to ensure the protection of the proposed green wedge (rural gap).

Q5: 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.”

MSGPC response: Agree with the proposed addition to the policy. The supporting text could also be amended to include the following:

“Examples of how development schemes can embed ways to increase biodiversity, include:

- buildings that are more wildlife-friendly – with bird and bat boxes, pollinator and insect-friendly structures and connected spaces for wildlife;*
- Designing in existing habitats – for example, retaining existing woods, copses, hedges and streams as integral parts of new developments;*
- Trees, hedgerows, water and other habitats integrated with development;*
- Wildflower verges along roads and in formal open spaces;*
- Native, wildlife-friendly plants of local origin used in gardens and landscaping;*
- Wildlife-permeable boundaries between gardens and open spaces.”*

Q6: 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:

a. 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.

MSGPC response: Agree there is no need to repeat the designation, they were included within the neighbourhood plan prior to the adoption of the local plan. However, the supporting text needs to

explain that there are sites within the parish protected as local green space within the local plan. It may be helpful to include a list and map.

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

MSGPC response: The Whinnies is a site which is very important to the local community, it is a popular recreational asset with an active 'Friends of the Whinnies' group. It is important to the setting of the village and part of its historical legacy. MSGPC proposed its identification as local green space to reflect this. However, if a modification is proposed to remove the site from the plan, it is requested that text is included to explain that the Whinnies is protected from development as a result of other development plan policies.

c. 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.

MSGPC response: The local green space designation is proposed to include the land associated with the former public house, not the building itself. Land does not have to be a 'green space' to be identified as LGS. There are numerous examples within made neighbourhood plans of LGS designations being applied to urban spaces, such as market squares or land surrounding memorials. MSGPC submit that the site is of great heritage importance to the local community as a result of its association with the Stockton and Darlington Railway. The Fighting Cocks Inn dates back to before 1828. It was a station and may have also been used to manage the adjacent coal and lime depot. The coal depot has significant heritage value. The space is also of significance as a result of its contributory recreational value, as it adds to the appreciation of and use of the walking and cycling route of the former S&DR trackbed. See attached Fighting Cocks Heritage Hub Guide for further detail.

d. 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.

MSGPC response: The landowners were notified prior to the consultation on the draft plan and then again at the pre-submission draft stage.

e. 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.

MSGPC response: The landowners were notified prior to the consultation on the draft plan and then again at the pre-submission draft stage. A site does not need to have public access in order to be identified as LGS. It is submitted that its importance to the significance of the conservation area and the character of the wider area justify its allocation as LGS.

f. 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.

MSGPC response: The map of the village green is available on DBC website <https://www.darlington.gov.uk/media/1620/vg-21-plan-middleton-one-row.pdf> The background paper identified the great importance this site has to the local community which is why it is proposed for protection as LGS. If it is recommended to modify the plan to remove this site as a result of its village green status, it is requested that text is included within the plan to explain this.

g. 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.

MSGPC response: The background paper explains that the site is important to the setting of Middleton St George and includes part of the Cade's Roman Road, it includes rights of way and is a tranquil site. It is therefore submitted that it does meet the requirements of national policy.

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

MSGPC response: It is considered that these sites do warrant protection as LGS for the reasons defined within the background paper. Local green space is important because of its specific location. MSGPC submit that if the allotments were moved then this importance would be lost. Furthermore there is insufficient land within the parish to locate alternative allotments.

Q7: Policy MSG9 Protected open space

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

MSGPC response: see map below.



b. 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.

MSGPC response: Agree, the wording does not add to that contained within the now adopted local plan.

c. 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.”

MSGPC response: Agree, the policy was prepared prior to the adoption of the local plan.

Q8: 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.”

MSGPC response: Agree, the policy was prepared prior to the adoption of the local plan.

Q9: 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.

MSGPC response: The information contained within paragraph 5.4 illustrates the issues which people living within the parish face e.g. the priority for the delivery of affordable rented homes and the need for smaller homes to rebalance the housing stock. As a result of these issues, MSGPC would be very concerned if there was no policy requirement to have regard to the findings of the housing needs assessment in the determination planning applications. It is requested that policies MSG11 and MSG12 are combined into a new policy entitled ‘meeting housing needs’ with the following wording:

“The mix of housing types and tenure delivered on housing sites, including the provision of affordable housing, should have regard to and be informed by evidence of housing needs, including the Middleton St George Housing Needs Assessment (2020) and the Darlington Strategic Housing Market Assessment (2020) and any subsequent updates.

Development proposals should contribute to meeting identified needs, particularly through the provision of two and three bedroom homes and affordable rented homes.”

Q10: 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.

MSGPC response: See response to Q9 above. MSGPC submit that consideration should be given to the local specific affordable housing needs identified within the housing needs assessment.

Q11: Policy MSG13 Community Facilities

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

MSGPC response: Agree with the proposed modification.

b. 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.”*

MSGPC response: Agree with the proposed modification to include reference to IN 10C. However, MSGPC consider that the second part of the policy is different to that of the local plan, whilst criterion ‘d’ is similar to IN 10Bii, ‘e’ and ‘f’ add local detail to the local plan requirement.

Q12: 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.

MSGPC response: Agree with the proposed modification.

Q13: 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.”*

MSGPC response: Agree with the proposed modification, the policy was prepared prior to the adoption of the local plan.

Q14: 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.

MSGPC response: Agree with the proposed modification.

Q15: Maps

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

MSGPC response: It would be the preference of MSGPC to include such sites on the NP policies map for completeness and ease of understanding. It is understood that DBC have concerns regarding the level of information that would be shown and issues regarding legibility. However, there are already issues with legibility on the DLP policies map, as discussed during the local plan examination. Whilst it is acknowledged that DBC are preparing an interactive map which could include NP policies and this would be welcomed, MSGPC have concerns regarding the timescales for the preparation of this. Therefore, until such an interactive map is produced, it is considered important for all of the relevant designations to be included on the NP policies map (or maps) and for this to be easy to read and accessible.