

# **MIDDLETON ST GEORGE NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Darlington Borough Council  
into the examination of the  
Middleton St George Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

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## 1.0 Summary

- 1.1 The Middleton St George Neighbourhood Plan has been prepared to set out the community's wishes for the village of Middleton St George and the communities of Middleton One Row and Oak Tree. Land at Teesside International Airport which lies within the parish is excluded from the neighbourhood plan area.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the clarity of the mapping of sites referred to in policies, to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - The deletion of Policies MSG4, MSG6, MSG12 and MSG16;
  - Clarification of the wording of policies and the supporting text; and
  - the improvement of the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Middleton St George Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Middleton St George Neighbourhood Plan.
- 2.2 The Parish of Middleton St George is situated in the Borough of Darlington, it lies approximately five miles east of Darlington Town Centre and 10 miles west of Stockton. The plan area includes the village of Middleton St George and the communities of Middleton One Row and Oak Tree. Land at Teesside International Airport which lies within the parish is excluded from the neighbourhood plan area. At 2011 there were 4337 people living in the parish.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Middleton St George Neighbourhood Plan (MSGNP) by Darlington Borough Council (DBC) with the consent of Middleton St George Parish Council in January 2022. I do not have any interest in any land that may be affected by the MSGNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

### Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
  - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood 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);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. 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 2012 (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.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

- 2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the MSGNP.
- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

### Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Middleton St George Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 1.2 and Appendix 1 of the Basic Conditions Statement confirms that Neighbourhood Plan area was designated by DBC on 14 May 2019. DBC has confirmed that that there are no other neighbourhood plans covering this area.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states the date of the submission draft plan (March 2021). Paragraphs 3.1 of the Plan and 1.3 of the Basic Conditions statement state that the plan period is from adoption to 2036. It is recommended that the date of the plan should be shown on the front cover of the Plan
- 2.15 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I am satisfied that the MSGNP policies are compliant with this requirement.
- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that subject to the recommended modification the MSGNP satisfies all the legal requirements set out in paragraph 2.4 above.

**Recommendation 1: Include the plan period 2022 – 2036 on the front cover of the plan.**

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.18 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the

words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.

- 2.19 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
- 2.20 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.21 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019. Paragraph 2.1 and Table 1 of the Basic Conditions Statement assesses the policies against the 2019 NPPF. Paragraph 4.8 of the MSGNP refers to a paragraph from the NPPF of July 2019. Elsewhere the plan refers to “national” planning policy or guidance. It is suggested that references to national policies or guidance in the plan should be checked and updated where necessary before the final plan is published.
- 2.22 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.23 Table 1 of the Basic Conditions Statement includes comments on how the policies of the MSGNP have taken account of relevant sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

**Recommendation 2: Update paragraph numbers and quotations from NPPF to those of July 2021.**

## **Basic Condition 2 - Contributes to sustainable development**

- 2.24 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.

- 2.25 Section 3 and Tables 2, 3 and 4 of the Basic Conditions Statement consider how each policy supports the delivery of the three themes of sustainable development.
- 2.26 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.27 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted Development Plan relevant to the area is the Darlington Local Plan 2016 – 2036 which was adopted on 17 February 2022, shortly before the examination of the MSGNP commenced.
- 2.28 Table 5 of the Basic Conditions Statement assesses how the Neighbourhood Plan policies conform to the relevant strategic planning policies that were extant at the time of preparation and those in the emerging Local Plan.
- 2.29 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.30 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.31 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment (SEA) is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (DBC) that the plan is not likely to have “significant effects.”
- 2.32 The SEA screening opinion was carried out by DBC on an early draft of the Middleton St George Parish Neighbourhood Plan in March 2020. The results are contained in Appendix 2 of the Basic Conditions Statement. DBC has confirmed that there have been no significant changes to the plan to warrant a review of the screening.
- 2.33 The Screening Opinion concludes that ‘SEA is not required’ as the policies are focused on environmental protection and no development proposals are included.
- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA in April 2020. Natural England, Historic England and the Environment Agency concurred with the conclusions of the SEA screening statement, that the MSGNP



was not likely to have significant effects and that a full SEA was not required. The final screening report was dated May 2020.

- 2.35 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan's implementation.
- 2.36 An HRA Screening Opinion was carried out by DBC in March 2020 on an early unpublished draft of the MSGNP. The conclusion was that the MSGNP would not have any significant effects on any European sites and an Appropriate Assessment was not required.
- 2.37 The response to the consultation with Natural England on the SEA screening opinion in May 2020 noted that the HRA screening had not been completed. They responded to say that *"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 is no potential significant impacts."*
- 2.38 DBC has confirmed that Natural England was not consulted on the completed HRA screening opinion. To rectify this, DBC has consulted Natural England for comment during the examination. They have responded in a letter dated 29 March 2022 to say that they agreed with the conclusion of the SEA and HRA screening opinions.
- 2.39 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.40 Paragraph 5.1 of the Basic Conditions Statement considers Human Rights. It states that *"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"*.
- 2.41 From my review of the Consultation Statement, I have concluded that the consultation on the MSGNP has had appropriate regard to Human Rights.
- 2.42 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the MSGNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

### **Consultation on the Neighbourhood Plan**

- 2.43 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.

- 2.44 Work on the preparation of the plan for MSG began prior to the parish boundary changes in 2016. The former MSG Parish Council prepared a draft neighbourhood plan. At a special meeting of the new MSGPC in July 2018, it was resolved that work on the neighbourhood plan should recommence.
- 2.45 Early engagement took place during May 2019 when local residents and other stakeholders were invited to input to a draft vision, objectives and planning policy themes for the plan. A leaflet which was delivered to all addresses within the parish, a notice was also placed on the MSGPC website and Facebook page, an online survey was available for people to submit comments. Key stakeholders were notified by email. Awareness of the early engagement was also raised during the Parish Assembly, which took place on 18 May 2019. This was attended by seven community groups and 40-50 members of the public. Three written responses were received.
- 2.46 The Regulation 14 consultation on the Pre-Submission Draft MSGNP took place between 28 September and 23 November 2020. As the engagement took place during the COVID-19 pandemic it was not possible to have a drop-in event. However, the parish council provided contact details for anyone wanting to discuss the plan and request to view a hard copy. The local community, consultation bodies and other interested parties were informed of the consultation on the Pre-Submission Draft MSGNP and the opportunity to comment on the plan in the following ways:
- A leaflet was sent to all addresses in the parish;
  - A notification email/ letter was set to the consultation bodies;
  - A press release was provided to the Northern Echo which was published on 29 September 2020;
  - Notices were placed on MSGPC website and Facebook pages;
  - The draft plan and supporting documents were available online

A total of 13 responses were received from statutory consultees, 20 from residents and 4 from developers / landowners.

- 2.47 Consultation on the Regulation 16 Submission draft Plan was carried out by DBC from 29 September to 11 November 2021. In total 13 responses were received.
- 2.48 I am satisfied that from the evidence presented to me in the Consultation Statement that adequate consultation has been carried out during the preparation of the MSGNP.
- 2.49 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that “*a policy 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*”. I will consider this requirement as I examine each policy.
- 3.5 The MSGNP is a well presented plan that includes policies on design, green infrastructure, community well being, the local economy and connectivity. The MSGNP was prepared at the same time as the new DLP was being prepared. The Local Plan was adopted in February 2022 just prior to the commencement of this examination. Consequently, a number of the policies have been overtaken by those in the new Local Plan or would benefit from updating to refer to the relevant Local Plan policies.
- 3.6 The MSGNP makes no allocation for future housing development and relies on commitments and an allocation in the DLP. The PPG states that “*Neighbourhood plans are not obliged to contain policies addressing all types of development.*”
- 3.7 I consider that the lack of policies on housing in the MSGNP accords with national and strategic guidance which does not require neighbourhood plans to include the topic.
- 3.8 The introductory sections of the Plan set out the background to the preparation of the plan, the planning policy context, a spatial portrait of the area, and the key issues facing the parish that have arisen through the consultation.
- 3.9 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. The justifications to the policies are clear and succinct and set out

the background to the policies and the strategic context. Annex 1 contains a list of 19 Community Actions; they are clearly distinguishable from the planning policies.

- 3.10 The Policies Map consists of a map of the whole plan area and three Inset Maps. DBC has expressed concern about the number of green infrastructure designations and the difficulties of showing the overlapping designations on the Policies Map in a way that is clear and legible. I agree that this may present a difficulty and it should be resolvable through digital mapping. It may be helpful to include additional maps for each policy and relevant DLP designations within the text of the MSGNP to show the sites referred to in the policy.

## The Neighbourhood Plan

### Vision and Objectives

- 3.11 The Plan includes a succinct vision statement and four objectives that are derived from the issues identified and are delivered through the plan's policies and community actions.

### Policy MSG1: Sustainable development

- 3.12 The policy sets out a number of matters that are to be taken into account in considering development proposals in order to promote sustainable development. It is considered that the topics accord with national planning policy and support the delivery of the Local Plan policies in particular Policy SD1.
- 3.13 DBC has commented that point h) should be amended as the infrastructure on major schemes can be phased and may not necessarily be in place or provided prior to the development being brought into use. I concur that provision for phasing of infrastructure should be made. I am recommending a revision to point h).

#### Recommendation 3: Revise Policy MSG1 point h) to read:

***“h. Ensure that 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 subject to suitable enforceable measures being secured for the provision of new or improved infrastructure in a timely manner, when it is required, in order to serve the development.”***

### Policy MSG2: Design

- 3.14 This policy is supported by a Design Code in Annex 2. NPPF paragraph 129 states that design codes can be prepared at a neighbourhood scale and to carry weight should be produced as part of a neighbourhood plan. The NPPG states *“Neighbourhood plan-making is one of the key ways in which local character and design objectives can be understood and set out, and with the benefit of being a community-led process.”*

- 3.15 A representation has commented that design principles should be set out through appropriate frameworks rather than an overly prescriptive list within a plan. They suggest that flexibility is required to respond to the site specifics.
- 3.16 Section 5 of the DLP and Policy DC1 set out sustainable design principles. It is considered that Policy MSG2 and the Design Code will provide locally distinctive guidance to support the implementation of this policy. I consider that the policy accords with national and strategic policies.

### **Policy MSG3: Embedding energy efficiency and renewable energy**

- 3.17 The policy provides a framework to encourage the embedding of energy efficiency and renewable energy measures in new development where appropriate and viable. The justification acknowledges that the standard of energy efficiency is addressed in the Building Regulations.
- 3.18 I have considered whether this policy conforms with the Written Ministerial Statement of March 2015 which states that “*Local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.*” Policy MSG3 is supportive of development designed to embed sustainable design and construction and sets out a number of matters to be taken into account in the design of the development. I am satisfied that it does not require development to meet a higher standard than required in the Building Regulations.
- 3.19 It is considered that the policy builds on the statements in DLP Policy DC1 on energy efficiency and renewable energy measures in new development and accords with national and strategic policies.

### **Policy MSG4: General location of new development**

- 3.20 The policy focuses development within the settlement boundaries of Middleton St George, Middleton One Row and Oak Tree which are defined on the Policies Map.
- 3.21 A representation has been made that the MSGNP should not define settlement boundaries that are different from the development limits in the DLP.
- 3.22 I have noted that the settlement boundary for Middleton St George differs from that of the adopted DLP; it does not include the site allocation at Maxgate Farm. Other differences are relatively minor. I consider that it would be confusing to plan users and decision makers to have both settlement boundaries and development limits applying to the villages in the MSGNP. I am recommending that the settlement boundaries for MSG and Middleton One Row should be deleted to improve the clarity of the plan and to ensure conformity with the Local Plan.

- 3.23 The DLP does not define development limits around Oak Tree. DBC has explained that 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.
- 3.24 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). The Development Limits are defined on the Policies Map.”* As Oak Tree does not have defined development limits it therefore falls to be considered under the policies for, “countryside”. I am recommending that the settlement boundary for Oak Tree should be deleted to ensure conformity to the strategic policy.
- 3.25 The second part of Policy MSG4 addresses development in the countryside. It is considered that the policy adds no locally specific details to national policy on the subject or the strategic Policies E4, H7 and IN10. In conclusion, it is considered that the policy is unnecessary and I am recommending that it be deleted.

**Recommendation 4: Delete Policy MSG4 and the settlement boundaries from the Policies Map**

Revise paragraph 4.9 – 4.11 to read:

***“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. These are shown on Map X.***

***“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.”***

**Include a map to show the DLP development limits in the text.**

### **Policy MSG5: Green infrastructure**

- 3.26 The policy identifies a green infrastructure network which covers most but not all Local Green Spaces and Protected Open Spaces. It also covers areas of woodland, verges along the A67 and Mill Lane, the trackbed of the former Stockton and Darlington Railway line, woodland and large gardens along the River Tees and large gardens in the green wedge between Middleton St George and Middleton One Row.
- 3.27 DLP Policy ENV 3 Local Landscape Character sets out the strategic policy for safeguarding and improving green infrastructure and includes the rural gaps and green corridors of the historic routes of the railway trackbed and along the A67 and the setting of Middleton Hall in the plan area. Policy ENV 4 Green and Blue Infrastructure identifies the importance of the corridor along the River Tees and sets out a framework for protecting and improving these networks.
- 3.28 The Glossary in the DLP defines green infrastructure as *“A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure Includes locally important green spaces, green wedges, wildlife sites, allotments, urban fringe, trees, woodland, rights of way and countryside.”*
- 3.29 DBC has made a representation that the last paragraph of the policy would be more suited to a policy on development on open spaces.
- 3.30 It is considered that the identification of the green infrastructure provides local information that will help in the interpretation of the DLP policies.
- 3.31 I am concerned that the content of the policy repeats large parts of DLP Policies ENV3 and ENV4. This could lead to confusion and inconsistency by decision makers in determining planning applications, particularly where it results in the loss of green infrastructure. I am therefore recommending a modification that the policy should protect and where practical improve and extend the Green Infrastructure identified on the Policies Map and that development proposals affecting it should be considered against DLP policies particularly ENV 3 and ENV4.
- 3.32 The QB has stated that the rural parkland at Middleton Hall was omitted from the MSGNP map in error. The areas to the east of LGS01 and to north west of LGS10 have been incorrectly shown as green infrastructure. They should be deleted from the Policies Map. There also appears to be a discrepancy at LGS15. It is suggested that the mapping of all green infrastructure is checked before the plan is finalised.

### **Recommendation 5: Revise Policy MSG5 to read:**

**“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; and*
- *The rural parkland of Middleton Hall.*

*“The Policies Map in the MSGNP defines 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.”*

**Delete the areas of Green Infrastructure to the east of LGS01, to the north west of LGS10 and east of LGS15 from the Policies Map.**

### **Policy MSG6: Green wedge**

- 3.33 This policy proposes to designate an open area between Middleton St George and Middleton One Row as a Green Wedge.
- 3.34 DLP Policy ENV3 has defined this area as a Rural Gap where the character and local distinctiveness of the village and rural area will be protected and improved. The policy has also identified Green Wedges in locations on the edge of Darlington.
- 3.35 It is considered that to define this area as a green wedge would be inconsistent with the DLP when it is defined as a Rural Gap and consequently confusing to plan users. The area plays an important role in maintaining the separateness of the two settlements and is recognised as an important open area within the Middleton One Row Conservation Area. Its openness is protected through DLP Policy ENV3 and the significance as part of the conservation area is safeguarded under Policy ENV1.
- 3.36 The MSGNP has defined a more extensive area as a green wedge than in the DLP including an additional three fields to the east. The evidence is mainly based on the pressure for development in the locality. However, I am not satisfied that there is sufficient evidence to justify the inclusion of this additional area in the rural gap.
- 3.37 DLP Policy ENV3 also identifies a Rural Gap between Middleton St George and Oak Tree which is not referred to in the MSGNP. To ensure conformity with the DLP, it is recommended that Policy MSG6 is deleted and the section is revised to describe the importance of the Rural Gaps and how they are to be safeguarded and improved. Any development in them should be considered against DLP Policies ENV1 and ENV3.

**Recommendation 6: Delete Policy MSG6 and the Green Wedge designation on the Policies Map.**

**Replace the title above paragraph 4.15 with “Rural Gaps”**

**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 and Policy E4, will protect the rural gaps, conserving the character, openness and links to the wider landscape in order to maintain the attractiveness of the Borough’s settlements and their settings.***

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

***“The Middleton One Row Conservation Area Character 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.***

**Either show the Rural Gaps on the Policies Map identified against DLP Policy ENV3 or include a map within the text to show the boundaries of the Rural Gaps.**

### **Policy MSG7: Biodiversity**

3.38 The policy provides a succinct approach to protecting and enhancing biodiversity including the provision that a minimum of 10% biodiversity net gains will be achieved.

3.39 The Environment Act which received Royal Assent in November 2021 will make a minimum of 10% biodiversity net gain mandatory once the Town and Country Planning Act is updated which is likely to be in 2023.

3.40 NPPF paragraph 174d) states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*d. minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

3.41 NPPF paragraph 179 b: states *“Plans should:*

*b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

Furthermore, paragraph 180d) states that when determining planning applications, local planning authorities should apply the principle that “*development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*”

- 3.42 Once the mandatory requirement for biodiversity net gain is in place (probably not until late 2023), it will be a legislative requirement, so there will be no need to repeat the legal requirements in local policy. However, until such time there is no reason to preclude plan makers, including those preparing a neighbourhood plan, from including a policy on the subject in their plans.
- 3.43 NPPG on Natural Environment states that “*Plans, and particularly those containing strategic policies, can be used to set out a suitable approach to both biodiversity and wider environmental net gain, how it will be achieved, and which areas present the best opportunities to deliver gains.*” (Paragraph: 021 Reference ID: 8-021-20190721)
- 3.44 The legislation has set biodiversity net gain at a minimum of 10% and provides for it to be delivered on site, offsite or via statutory biodiversity credits. I have noted that there is no guidance in the justification to explain how the policy is to be delivered. DLP Policy ENV7 sets out a comprehensive policy on biodiversity including the provision of net gains for biodiversity without specifying a percentage gain. DLP Policy ENV8 sets out a clear approach to assessing a development's impact on biodiversity. To assist in interpreting Policy MSG7 I am recommending that reference should be included in the Policy to the DLP Policies.
- 3.45 The QB has proposed a revision to the justification to include some examples of how biodiversity could be increased. These examples present a number of ideas for biodiversity enhancement, however, it is unclear how and when they are to be applied to development proposals. Furthermore as they have not been subject to consultation, I am not proposing to include them in the revised policy or justification.
- 3.46 It would be helpful to plan users to include a reference to the DLP policy in the justification and a map to show the Local Nature Reserve / Local Wildlife Site from the DLP Policies Map.

**Recommendation 7: Add the following at the end of Policy MSG7**

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

**Include a map within the text to show the Local Nature Reserve / Local Wildlife Site from the DLP Policies Map.**

## Policy MSG8: Local Green Space

- 3.47 Seventeen areas are proposed for designation as Local Green Spaces. A background evidence report dated January 2021 and titled “Local Green Space and Protected Open Space” assessed 37 areas for their suitability for designation as Local Green Spaces against the criteria of NPPF paragraph 102. Those areas of open space which are valued for their local amenity value and for informal or formal recreational purposes, but which do not meet the full LGS criteria are proposed as Protected Open Spaces under Policy MSG9.
- 3.48 It is noted that the DLP has designated some of the proposed Local Green Spaces. It is not therefore necessary to designate them in the MSGNP. These are LGS01, LGS10, LGS16 and LGS17. (LGS17 is shown as LGS18 on the Policies Map). Part of LGS06 is designated in the DLP and I comment on the wider area below.
- 3.49 In their assessment of potential LGS sites, DBC has declined to designate LGS02 and LGS09 as the first is a Local Nature Reserve and the second is a village green in the conservation area. DBC considers that the designation as a LGS would not offer any higher protection than it is already afforded. However, NPPG states that *“Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.”* (Paragraph: 011 Reference ID: 37-011-20140306)
- 3.50 It is considered that in relation to sites LGS02 and LGS09, whilst no higher protection may be offered by the designation as Local Green Space, the designation as Local Green Space demonstrates that these areas are demonstrably special to the local community.
- 3.51 I have visited the areas during my site visit and make the following comments on each site:
- LGS01, LGS10, LGS16 and LGS17 are designated as LGS in the DLP. They should be deleted from the MSGNP although a reference to their designation in the DLP together with a map may be included in the justification.
- LGS02 – this is a Local Nature Reserve with an active Friends of Whinnies group. It is important to the setting of the village. The designation as a LGS recognises that the area is demonstrably special to the local community.
- LGS03 – this is identified as a historic route in DLP Policy ENV3. It is considered that the designation as a LGS accords with the NPPF.
- LGS04 – this area is a mainly car park with a small area of grass adjacent to the former public house which is currently being converted to a small supermarket. The QB has identified the historic significance of the site as part of the Stockton Darlington Railway and described the proposals to restore the remaining wall associated with the former coal depot. However I am not satisfied that the evidence demonstrates that the site as a whole meets the criteria for designation as a Local

Green Space. It may be more suitable for identification as a non-designated heritage asset.

LGS06 – the area consists of the woodland and footpath along the Tees Way with the large sloping gardens adjacent. DBC has explained that only part of the area was put forward for designation through the DLP. It was designated for its beauty and contribution to tranquillity and to a lesser extent its recreation and wildlife value. Whilst most of the site consists of private gardens that slope down to the river, they contribute to the attractive tranquillity of the Tees Way route and associated woodland. It is considered that the designation as a LGS accords with the NPPF.

LGS07 – This area lies within a private garden to which there is no public access. The assessment states that it contains the grade II listed arched doorways, which are believed to have formed part of Bishop’s Manor House/ Bishop’s Palace. It is considered that as the feature is listed, this requires that the impact of any development on its setting should be considered. It is considered that the feature is adequately protected. There is insufficient evidence to justify the designation as a LGS.

LGS09 – The area is a village green which provides safeguarding to the area, however, the designation as a LGS recognises that the area is demonstrably special to the local community.

LGS11 – The area consists of a grass field crossed by footpaths. There is no recreational use of the field as a whole other than the use of the footpaths and it does not have any particular landscape value. It does not form part of the rural gap between the settlements. A representation has been made objecting to the designation. It is considered that the site does not merit designation as a LGS.

LGS05, LGS08, LGS12, LGS13, LGS14, LGS15 - It is considered that the designation of the areas as LGS accords with the NPPF.

3.52 It is considered that the wording of the policy accords with NPPF and DLP Policy ENV6.

**Recommendation 8: Revise Policy MSG8 as follows:**

**Delete the following sites: LGS01, LGS04, LGS07, LGS10, LGS11, LGS16 and LGS17 from the policy and map.**

**Include the following in the justification and show on a map in the justification:  
“The following sites shown on Map X have been designated as Local Green Space in the Darlington Local Plan:**

- a. Water Park, Station Road**
- b. Station Road Playing Field and Playground**
- c. Land off Middleton Lane, after Pine Tree Grove**
- d. Almora Hall field, off Middleton Lane.”**

## Policy MSG9: Protected open space

- 3.53 The policy protects smaller areas of amenity open space, the cricket field and school playing field from development. The areas were assessed in the report “Local Green Space and Protected Open Space” and were not considered to satisfy the criteria to be designated as Local Green Space. I agree that the designation of these areas would help provide locally important information that would help in the implementation of strategic policies.
- 3.54 DLP Policy ENV4g) sets out similar criteria for considering development proposals that would result in the loss of green space which is defined in footnote 42. 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.
- 3.55 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. This aspect of the policy is considered to be vague and imprecise.
- 3.56 DLP Policy ENV5 sets out the standards for the provision of new green infrastructure and the justification explains how this is to be delivered. A recommendation is proposed to revise this part of the policy to refer to the DLP policy. An explanation may be included in the justification to explain how this part of the policy is to be applied.
- 3.57 Paragraph 4.25 would benefit with a correction to the text by deleting “detailed allocation”.
- 3.58 The boundary of POS 06 shown on the Policies Map should be revised to cover only the cricket pitch and bowling green and to exclude the pavilion, social club and car park.
- 3.59 A representation has been made requesting that the western part of POS 09 should be excluded to enable the site to be developed for accessible bungalows in the future. The QB has provided me with a map to show the revised boundary of site POS09 they wish me to consider. On my site visit it is clear that the whole of the area is used as an informal pitch. Development Limits are not defined in the Local Plan for Oak Tree. Therefore, development proposals in Oak Tree will be considered against the relevant policies on development in the countryside which make provision for residential development in exceptional circumstances. I consider that there is insufficient evidence to justify the revision of the boundary of area POS09 to facilitate its development for housing.

**Recommendation: 9 Revise Policy MSG9 as follows:**

**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)*”**

**Revise the third paragraph of Policy MSG9 to read “*New open space should be provided as part of new development in accordance with the Green Infrastructure Standards set out in DLP Policy ENV5.*” Include an explanation in the justification to explain how this part of the policy is to be applied.**

**Delete “detailed allocation” from paragraph 4.25**

**Revise the boundary of POS 06 on the Policies Map to cover only the cricket pitch and bowling green and to exclude the pavilion, social club and car park.**

### **Policy MSG10: Heritage assets**

- 3.60 This policy provides a brief and generalised approach to the provision of information on the description of the significance of a heritage asset and the consideration of development proposals affecting designated and non designated heritage assets.
- 3.61 DLP Policy ENV1 sets out the detailed approach to considering development proposals affecting all types of heritage assets.
- 3.62 It is acknowledged that Historic England has commented on the wording of Policy MSG10, however, 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.

**Recommendation 10: Revise Policy MSG10 as follows:**

**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.*”**

## **Community Well Being**

### **Background and Housing Mix**

- 3.63 Paragraph 5.4 sets out a number of key issues that were identified in the MSG Housing Needs Assessment 2020 including alternative estimates for the number of houses required and information on affordability. The MSGNP makes no provision for housing allocations and therefore will rely on the housing commitments and allocation in the DLP. The LPA has confirmed that there are commitments and a DLP housing allocation that will provide 860 new dwellings.

- 3.64 The MSG Housing Needs Assessment 2020 highlights the need for affordable housing in the plan area.
- 3.65 The section provides useful background information about the housing provision and affordability in the plan area. I am recommending that the bullet points should be revised to reflect the latest figures in the DLP which identifies a housing requirement for Middleton St George of 860 in Table 6.1 of Policy H1.

**Recommendation 11: Revise paragraph 5.4 to accord with DLP housing figures. Delete bullet points 1-3 and 10. Revise bullet points 8-9 to set out the number of dwellings to be delivered in MSG through the DLP site allocation and commitments and details of the type, mix and tenure of housing to be delivered (where know).**

### **Policy MSG11: Housing mix**

- 3.66 This policy seeks a mix of housing to meet local needs identified in the latest housing needs assessments. It adds no locally specific details to the DLP Policy H4.
- 3.67 The QB has suggested that the revised policy should support the delivery of two and three bedroom homes and affordable rented homes. However, I consider that this phrasing adds no detail on the proportion of such housing that should be provided and is therefore vague and imprecise. The latest Housing Needs Assessment should be relied on to provide the evidence of local needs.
- 3.68 I am recommending that Policies MSG11 and MSG12 should be combined and revised to refer to the policies in the DLP on housing mix and affordability.

**Recommendation 12: Revise Policy MSG11 as follows:**

***“Proposals for housing development will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs as identified within the most up to date Middleton St George Housing Needs Assessment and the Darlington Strategic Housing Market Assessment or other relevant evidence, in accordance with DLP Policy H4.***

***“In order to meet the needs of people who are not able to access the general housing market, the provision of affordable housing will be expected in residential development schemes of 10 or more dwellings in accordance with DLP Policy H5. Within the plan area, 20% of housing development should be affordable housing which should be provided within the development site in order to support the needs of the community and to support the development of a balanced community.”***

**Revise the last sentence of paragraph 5.5 to read: “...for particular house types and tenures in accordance with DLP Policies H4 and H5 as part of....”**

## Policy MSG12: Affordable housing

- 3.69 This policy on affordable housing does not set out a percentage requirement for affordable housing and adds no locally specific details to DLP Policy H5. The representation from DBC expresses concern about the lack of detail in this policy meaning that it is unclear.
- 3.70 The DLP policy sets out a target for affordable housing and a tenure split which is lacking from MSG12. I am therefore proposing to recommend that it should be deleted and Policy MSG11 should be revised to include reference to the DLP policies on housing mix and affordability. The justification may be retained and revised to refer to developments being considered against the DLP Policy.
- 3.71 The final paragraph of the policy and points c) to e) set out details to be included in conditions and/or planning obligations relating to affordable housing. DBC has confirmed that they are standard requirements and are not locally specific. It is considered that these requirements should be deleted from the policy.

### Recommendation 13: Delete Policy MSG12.

**Retain the justification and revise the second sentence of paragraph 5.7 to read: “The provision of affordable housing *is considered to be vital to allow....*”**

**Revise the first sentence of paragraph 5.8 to read: “*Darlington Local Plan Policy H5 will be used to advise on the requirements for affordable housing in the plan area.*”**

## Policy MSG13: Community services and facilities

- 3.72 The first part of the policy supports the enhancement of community services and facilities subject to them meeting three criteria. DLP Policy IN10C Supporting the Delivery of Community and Social Infrastructure sets out matters to be considered in assessing proposals: that they are in accessible locations, and that the scale of development is appropriate to the area in which it is proposed.
- 3.73 Policy MSG13 adds other matters to be considered including impact on residential amenity, highway safety and access and parking considerations. It is considered therefore that this policy does add locally important considerations to the strategic policy. However, it would be helpful to plan users to include reference to DLP Policy IN10 to ensure that all matters are considered.
- 3.74 The second part of the policy refers to matters that need to be considered for development resulting in the loss of buildings or land for public or community use. DLP Policy IN10B Supporting the Delivery of Community and Social Infrastructure sets out matters to be demonstrated by development proposals that would involve the loss of community facilities. Point d) repeats a point in the DLP policy; whereas points e) and f) introduce additional considerations.



- 3.75 DBC has commented that they consider the criteria in the second part of the policy to be overly prescriptive and the term “public use” is unclear and not defined.
- 3.76 There is a mixture of terminology used in Policy MSG13. The title and first paragraph make reference to “community services and facilities”. The second paragraph of the policy refers to the “loss of buildings or land for public or community use” which is not defined. The justification refers throughout to community facilities.
- 3.77 I am recommending that a consistent form of words is used throughout as “community facilities” as this relates to the buildings. Community services are normally provided within the buildings and are not therefore subject to the need for planning permission. The definition of community facilities in paragraph 5.9 -5.10 accords with NPPF definition and includes open space and sports grounds. However, Policies MSG8 and MSG9 address their safeguarding and enhancement. I am recommending a modification to paragraph 5.11 to include a reference to these policies to improve the clarity of the policy.

**Recommendation 14: Revise Policy MSG13 as follows:**

**Delete “services” from the title of the section and policy and the first line of the policy.**

**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 and subject to: points d), e) and f).*”**

**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 MSG14: Allotments**

- 3.78 This policy seeks to protect the three allotment sites in the plan area. It also supports the provision of new allotments to meet locally identified demand.
- 3.79 The DLP includes allotments within the definition of green infrastructure. It is considered that the policy sets out locally defined areas and policy approach that conforms to and supports the delivery of DLP Policy ENV4.
- 3.80 I propose no modifications to the policy.

### Policy MSG15: Infrastructure

3.81 The first paragraph of the policy requires new development to provide or contribute to infrastructure related to it within agreed timescales. The second paragraph repeats NPPF paragraph 57 and is considered to be unnecessary. I am recommending that it is deleted from the policy.

#### Recommendation 15: Revise Policy MSG15 as follows:

**Delete the second paragraph of Policy MSG15.**

### Policy MSG16: Employment and economic growth

3.82 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.

#### Recommendation 16: Delete Policy MSG16

**Retain the section “Employment and economic growth” and paragraph 6.2.  
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

3.83 This policy sets out local details that will support the delivery of DLP Policy E4 on Economic Development in the Open Countryside. I am recommending revisions to make 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” to be areas outside the development limits.

#### Recommendation 17: Revise Policy MSG17 as follows:

**Revise the first paragraph of the policy to read: “The development of new visitor attractions and leisure facilities, including the expansion of 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 will be supported where:*” points a) to c)**

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

### Policy MSG18: Transport and new development

- 3.84 The policy identifies those aspects of transport infrastructure that new development should provide. It is considered that the policy conforms to national and strategic policies. I make no recommendations to modify it.

### Policy MSG19: Walking and cycling network

- 3.85 The Council's Rights of Way Officer has commented that this should be retitled as "Rights of Way" to include bridleways. A number of revisions have been proposed to correct the terminology used in the policy and justification to clarify the interpretation of the policy.

#### Recommendation 18: Revise Policy MSG19 as follows:

**Revise the title of the policy and sub-section to "Rights of Way".**

**Revise the first line of the policy to read: "...or extend *the rights of way* network.....**

**Revise paragraph 7.4 to read: "Routes can include *public footpaths, cycle routes and public bridleways.*"**

### Community Actions

- 3.86 Nineteen Community Actions are set out in Annex 1. The introductory paragraph states that they address concerns that cannot be dealt with through planning policies. I make no comments on these other than to include the corrections advised by the Council's Rights of Way Officer.

### Design codes

- 3.87 The Middleton St George Design Code is set out in Annex 2.

### Typographical errors

#### Recommendation 19: Correct the following typographical errors:

**Revise the penultimate sentence of paragraph 2.1 to read: "*Part of the route through the plan area is a public bridleway.*"**

**Revise paragraph 2.11 to read: "The plan area has a number of *rights of way*, including....."**

**Revise Community Action 15 to read: “....parking on double yellow lines and roadside footways.....”**

**Revise the heading in Community Action 17 to Permissive Accesses and revise “footpaths” to “paths” in the action.**

**Revise Community Action 19 to read: “...appropriate path and cycleway links...”..**

## 4.0 Referendum

- 4.1 The Middleton St George Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area; and
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Darlington Borough Council that the Middleton St George Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Darlington Borough Council on 14 May 2019.

## 5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Middleton St George Neighbourhood Plan March 2021 Submission Draft Version including Annexes
- Middleton St George Neighbourhood Plan Basic Conditions Statement March 2021
- Middleton St George Neighbourhood Plan Consultation Statement March 2021
- Middleton St George Neighbourhood Plan SEA and HRA Screening Opinion May 202
- Middleton St George Neighbourhood Plan Settlement Boundary Background Paper January 2021
- Middleton St George Neighbourhood Plan Local Green Space and Protected Open Space Background report January 2021
- Middleton St George Housing Needs Assessment (HNA) January 2020
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Darlington Local Plan (adopted February 2022)
- Local Green Space Designation Report January 2020 Update, Darlington BC.

## 6.0 Summary of Recommendations

**Recommendation 1:** Include the plan period 2022 – 2036 on the front cover of the plan.

**Recommendation 2:** Update paragraph numbers and quotations from NPPF to those of July 2021.

**Recommendation 3:** Revise Policy MSG1 point h) to read:

***“h. Ensure that 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 subject to suitable enforceable measures being secured for the provision of new or improved infrastructure in a timely manner, when it is required, in order to serve the development.”***

**Recommendation 4:** Delete Policy MSG4 and the settlement boundaries from the Policies Map

Revise paragraph 4.9 – 4.11 to read:

***“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. These are shown on Map X.***

***“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.”***

**Include a map to show the DLP development limits in the text.**

**Recommendation 5: Revise Policy MSG5 to read:**

***“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; and***
- The rural parkland of Middleton Hall.***

***“The Policies Map in the MSGNP defines 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.”***

**Delete the areas of Green Infrastructure to the east of LGS01, to the north west of LGS10 and east of LGS15 from the Policies Map.**

**Recommendation 6: Delete Policy MSG6 and the Green Wedge designation on the Policies Map.**

**Replace the title above paragraph 4.15 with “Rural Gaps”**

**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 and Policy E4, will protect the rural gaps, conserving the character, openness and links to the wider landscape in order to maintain the attractiveness of the Borough’s settlements and their settings.***

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

***“The Middleton One Row Conservation Area Character 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.*

Either show the Rural Gaps on the Policies Map identified against DLP Policy ENV3 or include a map within the text to show the boundaries of the Rural Gaps.

**Recommendation 7: Add the following at the end of Policy MSG7**

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

Include a map within the text to show the Local Nature Reserve / Local Wildlife Site from the DLP Policies Map.

**Recommendation 8: Revise Policy MSG8 as follows:**

Delete the following sites: LGS01, LGS04, LGS07, LGS10, LGS11, LGS16 and LGS17 from the policy and map.

Include the following in the justification and show on a map in the justification:  
***“The following sites shown on Map X have been designated as Local Green Space in the Darlington Local Plan:***

- a. Water Park, Station Road***
- b. Station Road Playing Field and Playground***
- c. Land off Middleton Lane, after Pine Tree Grove***
- d. Almora Hall field, off Middleton Lane.”***

**Recommendation: 9 Revise Policy MSG9 as follows:**

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)”***

Revise the third paragraph of Policy MSG9 to read ***“New open space should be provided as part of new development in accordance with the Green Infrastructure Standards set out in DLP Policy ENV5.”*** Include an explanation in the justification to explain how this part of the policy is to be applied.

Delete “detailed allocation” from paragraph 4.25.

Revise the boundary of POS 06 on the Policies Map to cover only the cricket pitch and bowling green and to exclude the pavilion, social club and car park.

**Recommendation 10: Revise Policy MSG10 as follows:**

***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.”***

**Recommendation 11: Revise paragraph 5.4 to accord with DLP housing figures.**

**Delete bullet points 1-3 and 10. Revise bullet points 8-9 to set out the number of dwellings to be delivered in MSG through the DLP site allocation and commitments and details of the type, mix and tenure of housing to be delivered (where know).**

**Recommendation 12: Revise Policy MSG11 as follows:**

***“Proposals for housing development will be encouraged to provide an appropriate mix of housing types, sizes and tenures which have regard to local needs as identified within the most up to date Middleton St George Housing Needs Assessment and the Darlington Strategic Housing Market Assessment or other relevant evidence, in accordance with DLP Policy H4.***

***“In order to meet the needs of people who are not able to access the general housing market, the provision of affordable housing will be expected in residential development schemes of 10 or more dwellings in accordance with DLP Policy H5. Within the plan area, 20% of housing development should be affordable housing which should be provided within the development site in order to support the needs of the community and to support the development of a balanced community.”***

**Revise the last sentence of paragraph 5.5 to read: “...for particular house types and tenures in accordance with DLP Policies H4 and H5 as part of....”**

**Recommendation 13: Delete Policy MSG12.**

**Retain the justification and revise the second sentence of paragraph 5.7 to read: “The provision of affordable housing *is considered* to be vital to allow....”**

**Revise the first sentence of paragraph 5.8 to read: “*Darlington Local Plan Policy H5 will be used to advise on the requirements for affordable housing in the plan area.*”**

**Recommendation 14: Revise Policy MSG13 as follows:**

**Delete “services” from the title of the section and policy and the first line of the policy.**

**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 and subject to: points d), e) and f).*”**

**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.*”**

**Recommendation 15: Revise Policy MSG15 as follows:**

**Delete the second paragraph of Policy MSG15.**

**Recommendation 16: Delete Policy MSG16**

**Retain the section “Employment and economic growth” and paragraph 6.2.  
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.*”**

**Recommendation 17: Revise Policy MSG17 as follows:**

**Revise the first paragraph of the policy to read: “The development of new visitor attractions and leisure facilities, including the expansion of 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 will be supported where:*” points a) to c)**

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

**Recommendation 18: Revise Policy MSG19 as follows:**

**Revise the title of the policy and sub-section to “Rights of Way”.**

**Revise the first line of the policy to read: “....or extend *the rights of way network*.....”**

**Revise paragraph 7.4 to read: “Routes can include *public footpaths, cycle routes and public bridleways.*”**

**Recommendation 19: Correct the following typographical errors:**

**Revise the penultimate sentence of paragraph 2.1 to read: “*Part of the route through the plan area is a public bridleway.*”**

**Revise paragraph 2.11 to read: “The plan area has a number of *rights of way, including*.....”**

**Revise Community Action 15 to read: “....parking on double yellow lines and *roadside footways*.....”**

**Revise the heading in Community Action 17 to Permissive Accesses and revise “footpaths” to “paths” in the action.**

**Revise Community Action 19 to read: “...appropriate path and cycleway links...”.**