

Midridge Parish Neighbourhood Plan

Reg.16 Consultation Responses

Representations received by Durham County Council as part of Regulation 16 Submission Draft publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act

Agent/ Contact	Organisation Details	Comments
Melanie Lindsley	The Coal Authority	<p>The Coal Authority records indicate that there are coal mining features in the identified Neighbourhood Plan area at surface and shallow depth including; mine entries, coal workings and surface mining activities. These features may pose a potential risk to surface stability and public safety.</p> <p>It is noted however that the Neighbourhood Plan does not propose to allocate any new sites for development and on this basis the Planning team at the Coal Authority have no specific comments to make.</p>
Jules Brown	Historic England	<p>We have no comment to make on the plan. Further to the additional request in the consultation email dated 20 September 2024, we wrote on 24 January 2024 to confirm that we agree with the screening report's conclusion that the plan does not need strategic environmental assessment.</p>
Sunny Ali	National Highways	<p>National Highways has acted as a consultee on the preparation of Durham County Council's Local Plan and its supporting documents, to which with regard the Neighbourhood Plan has been prepared. We are therefore in agreement with the principles, objectives and visions of the draft plan.</p>
Sally Wintle	Natural England	<p>Natural England does not have any specific comments on this draft neighbourhood plan.</p> <p>However, we refer you to the attached annex which covers the issues and opportunities that should be considered when preparing a Neighbourhood Plan and to the following information.</p> <p>Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in Natural England's Standing Advice on protected species .</p> <p>Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.</p> <p>We therefore recommend that advice is sought from your ecological, landscape and</p>

		<p>soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.</p> <p>Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.</p>
Ewan Darroch	Stantec UK Ltd (On behalf of Persimmon Homes)	<p>Background</p> <p>We write to you on the behalf of our Client Persimmon Homes ('Persimmon') with regards to the emerging Middridge Neighbourhood Plan (MNP). As recognised within the Neighbourhood Plan, Persimmon have land interests within the Middridge Parish area and are an experienced developer across the county with a proven track record.</p> <p>Persimmon are a 5-star housebuilder who build good quality homes for their customers, provide career opportunities for employees, support jobs within their supply chain, and contribute toward the sustainable development of local communities. Creating sustainable places is at the heart of what Persimmon do, led by their Placemaking Framework which guides all of their development and ensuring they create lasting sustainable communities with great design, the right house types and valued green open spaces.</p> <p>In the interests of openness, Persimmon consider you should be aware they have an option agreement on a parcel of land to the west of the Eldon Whins development in Middridge Parish ('the Option Land'). The MNP proposes the introduction of a development plan policy which will directly impact the deliverability of development on this piece of land. Persimmon are confident that development upon the Option Land could provide a sustainable development delivering a range of high quality and sorely needed housing in the county which is currently permissible against Policy 6 of the County Durham Plan.</p> <p>We hope this letter is received in this spirit in which it is intended in an attempt to support the Parish Council in its aims in adopting a Neighbourhood Plan which meets the basic conditions tests. The suggestions aim to improve the Neighbourhood Plan and assist in its adoption. Persimmon and Stantec are available to discuss this matter further and willing to attend the Examination of the Neighbourhood Plan if this is dealt with via a hearing.</p> <p>The Purpose of a Neighbourhood Plan</p> <p>Neighbourhood planning is summarised by the Government as giving "communities direct power to develop a shared vision for their neighbourhood and share the development and growth of their local area." The guidance further goes on to state that "neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community needs and where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area."</p> <p>Therefore, the guidance suggests that neighbourhood planning is concerned with acting as a tool to facilitate appropriate development, in conjunction with the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF). Along with other parts of the development plan, including the County Durham Plan (2020) and Minerals and Waste Development Plan Document (2024), the Middridge Neighbourhood Plan will determine suitable development types</p>

and locations, so these must be open to new appropriate development.

Basic Conditions

Neighbourhood Plans are to be examined against the basic conditions by an independent Examiner to ensure that Neighbourhood Plans are fit for purpose and meeting the needs and expectations of the other documents forming the development plan. The basic conditions considered are as follows:

- Is the Plan consistent with the national policy?
- Is the Plan consistent with local planning policy?
- Does the plan promote the principles of sustainable development?
- Has the process of making the plan met the requirements of UK law?

The draft Neighbourhood Plan states it has been prepared in general conformity with the strategic policies of the adopted development plan, providing a local amplification and focus for the Parish to the related policies of the County Durham Plan.

Once approved at Referendum, the Neighbourhood Plan forms part of the statutory development plan and therefore will be used to determine future planning applications alongside the County Durham Plan and other material considerations.

National and Local Context

Since the determination of the planning applications for the development of Eldon Whins, Durham County Council have adopted a new Local Plan (the County Durham Plan (2020) (CDP), which now forms part of the statutory Development Plan.

The CDP introduced a number of new policies including Policy 6 for “Development on Unallocated Sites”. Policy 6 allows for additional new developments beyond those allocated in the development plan outlining the acceptable circumstances for such developments, including new housing on suitable sites. The Option Land would be considered a Policy 6 site within a planning determination process, as it is unallocated.

From a national context, a new housing standard method is proposed to be introduced by the UK Government alongside significant national policy revisions (subject to consultation) which aims to provide a more accurate and consistent approach to calculate housing needs for local authorities. The current annual housing need in County Durham is 1,308 dwellings per annum (adopted in the County Durham Plan). Proposed under the Government reforms the County Durham annual housing need figure will rise by 65% to 2,210 dwellings per annum. Following consultation and if this proposed approach is taken forward, then County Durham’s five-year housing land supply figure will reduce to 3.5 years of supply¹. Whilst the Government have not yet published its thoughts following the consultation, a new updated NPPF is anticipated to be in place whilst the MNP is an examination.

Policy MNP1 – Protected Rural Setting

The Policy MNP1 introduced in the Neighbourhood Plan states the following:

“Policies Map 1 identifies an area of countryside extending out from Middridge village as a ‘Protected Rural Setting’ (PRS).

The rural nature of the PRS will be safeguarded in order to maintain the historic character and identity of Middridge as a self-contained village surrounded by countryside.

Accordingly, development proposals within or encroaching into the PRS will not be supported where they will diminish the rural character of the PRS or the role it plays in maintaining the physical separation between Middridge and the neighbouring settlements of Shildon and Newton Aycliffe.”

Persimmon from the outset wish to outline their recognition for the importance of keeping the strategic gap between Middridge and neighbouring settlements, in particular, the much larger towns of Newton Aycliffe and Shildon. They acknowledge the importance of maintaining distinct identities of neighbouring settlements, preserving the unique character and landscape of areas, and enhancing green infrastructure and biodiversity.

Eldon Whins is an existing residential development for 328 dwellings, located to the east of the Parish, adjacent to the PRS boundary. It consists of two parts: Acorn Gardens and Elder Gardens, both of which pre-dated the adoption of the County Durham Plan and were determined against the previous Sedgfield Borough Council Local Plan. Acorn Gardens, developed by Persimmon, includes 72 dwellings, and is fully built out. It is west of Elder Gardens, a development by Keepmoat Homes. Middridge Parish Council state in 2.29 of the MNP that it is acknowledged the location of Eldon Whins is such that it has a relationship to Newton Aycliffe, being technically a northerly extension of its westernmost edge. It also outlines that the development has played a significant role in shaping the scope and focus of the Neighbourhood Plan, as the Parish Council state the development highlighted the vulnerability and important of Middridge’s rural setting and separation from neighbouring settlements.

Middridge Parish Council outlines their position on residential development at the Eldon Whins site clearly in their consultee response for the planning application for Eldon Whins Ref: DM/16/00985/OUT. In their consultee response the Parish Council strongly objected to the application on 10 different grounds outlining that the Parish Council did not view Eldon Whins as appropriate development.

Included in the Parish Council’s objection was that the development was poorly related to Middridge Village despite being located within Middridge Parish. Paragraph 84 of application: DM/16/00985/OUT committee report outlines the case officer’s interpretation of this:

“This is arguably the case, as the site lies at the eastern extremity of the parish and is clearly separated from the village and will have little if any visual relationship with it. However, it will have a clear relationship with Newton Aycliffe, and it is considered reasonable to assume that future occupiers will make use of services that are most convenient to them, and these will almost certainly be within Newton Aycliffe, due to the range of services on offer, and the ease of accessibility to them. Therefore, it is considered that no harm results from this separation from Middridge Village.”

Following this outline application being approved, a Reserved Matters submission (DM/18/01810/RM) detailing the development was approved, along with a full planning application for an additional 16 dwellings (DM/18/01812/FPA). It was determined that the layout for the 240 dwellings in application DM/18/01810/RM and the layout for the additional 16 dwellings are compatible. Consequently, the entire site was to be developed to include 256 dwellings.

A further full planning application Ref: DM/17/01436/FPA was approved for the erection of 72no. dwellings (previously 69 so increasing unit numbers by 3) including access, landscaping, and associated infrastructure. This application now forms Acorn Gardens the western edge of Eldon Whins and introduced a western roundabout access. The application also included a proposed woodland buffer featuring a total width of around 20m taking into account planting strip ditch and footpath zone within

the Option Land (included within the draft PRS) to the west of Eldon Whins. This proposed woodland buffer is shown on Drawing No. EW-003 (REV M) (Proposed site layout (1:1000)) (Appendix C), which is an Approved Plan on the Decision Notice for application Ref: DM/17/01436/FPA.

Furthermore, paragraph 151 of application DM/17/01436/FPA's committee report outlines that development was broadly in accordance with the Sedgefield Borough Local Plan, and any adverse impacts that would result from the development would not significantly or demonstrably outweigh the benefits. Middridge Parish Council strongly objected to the application on grounds of safeguarding a green wedge and protecting green space, the impact on the character of the surrounding area, road traffic and pedestrian safety and the weight of adverse effects against the potential benefits. Paragraph 152 of the application's committee report made clear that Durham's planning department found:

"on balance the concerns raised were not felt to be of sufficient weight to justify refusal of this application in light of the benefits of the scheme and the ability to impose conditions and secure a planning obligation".

In alignment to previous planning decisions related to Eldon Whins paragraph 85 of DM/17/01436/FPA's committee report states that the site is situated in Middridge Parish, but it is better related to Newton Aycliffe in terms of access to services, and that given the relative lack of services within Middridge Village, future occupants would be expected to look eastwards towards Newton Aycliffe to meet their living needs. Paragraph 90 adds that it is considered the walking distances, improved pedestrian links and the established bus service would give future residents alternative options to the private motor car to access services and amenities, promoting sustainable travel.

Strategic Housing Land Availability Assessment

The Option Land, which the draft PRS boundary covers, was assessed as part of the County Durham Strategic Housing Land Availability Assessment (SHLAA) (2019). The Option Land was rated Amber (unsuitable) at the time, that:

"The site does not share any physical relationship with the built-up area of Newton Aycliffe, and in isolation from the land to the east (7/NA/005 and 7/NA005a), would represent development in the open countryside which would be detached and isolated from the settlement. The site would need to come forward in a co-ordinated manner, either in conjunction with, or after the development of 7/NA/005 to achieve a form of development which promotes accessibility and permeability thereby ensuring convenient and attractive access which prioritises the needs of pedestrians, cyclists and public transport users. For the landscape impact to be within acceptable parameters substantial structural landscaping would be required to perimeters and particularly along Middridge Road."

Since the SHLAA was published as supporting evidence base to the adopted County Durham Plan, both eastern land parcels referenced in the assessment have come forward and are under construction. The MNP states that as of June 2024, 230/328, dwellings have been built out for the development. The build out of the Eldon Whins site, removes the primary barrier to development identified in the SHLAA, as the Option Land can now be considered a co-ordinated extension in a sustainable location of Newton Aycliffe for the future extending the adjacent development and thus capable of meeting Policy 6 of the County Durham Plan.

The SHLAA also outlines that for the visual impact on the Option Land to be deemed acceptable, substantial structural landscaping would be required to the perimeter,

particularly along Middridge Road. Land to the north of Eldon Whins is part of an Area of Higher Landscape Value (AHLV) and therefore expanding residential development to the north would cause greater harm to the local landscape. As such, it is considered the Option Land is the only practicable route for future expansion of Eldon Whins (and this urban edge of Newton Aycliffe), due to the presence of Middridge Road forming a natural barrier to the east and south, and the AHLV designation to the north.

Chartered landscape architects Southern Green have undertaken indicative landscape work to demonstrate how a landscape buffer can be proposed which not only screens Middridge from development on the Option Land, but significantly improves the lack of screening from Eldon Whins which is currently present. These proposals are further outlined in the section below.

Landscape Buffer

As outlined above, Southern Green have been instructed by Persimmon to create a Landscape Mitigations and Recommendations Plan (See Appendix A). The plan details that the views from Middridge towards the site are mostly blocked by buildings and vegetation, but some views are available towards the Option Land from the eastern edge, including Middridge Lane. The Byerley Nature Reserve Woodland and Cobblers Hall Plantation are visible in these views. As such, a proposed landscape buffer has been designed along the western boundary of the Option Land which would create a natural edge. The buffer is similar in width to that which is along the western edge of Byerley Nature Reserve, providing a strong natural edge, for the Option Land and Newton Aycliffe. The buffer will screen views of existing and proposed developments and provide a buffer to the adjacent countryside from the Option Land.

Southern Green acknowledge the Option Land may be visible from Public Rights of Way to the west and north west, particularly where those routes come in close proximity to the Option Land's boundary. The Landscape buffers and reinforced field boundaries integrated into the design will reduce the visual impact from these routes.

The proposed western landscape buffer is also compliant with the principle of the proposed woodland buffer which was included on approved plan Drawing No. EW-003 (REV M) for application DM/17/01436/FPA and therefore compliant with the initial phase of Acorn Gardens which has been fully built out.

Therefore, the Landscape Mitigation and Recommendations Plan, demonstrates how development of the Option Land can maintain the historic character and identity of Middridge without diminishing but also improving the rural character of the surrounding countryside; introducing a permanent landscape boundary; and maintaining physical separation between Middridge and Newton Aycliffe.

The principles established within the Landscape Mitigation and Recommendations plan have been translated, to understand the implications on the PRS and subject to a slight amendment the MNP will no longer conflict with the County Durham Plan, but still meet the aims and objectives of Policy MNP1. This amendment is demonstrated in Appendix B which shows how the proposed revised MNP1 designation area would still fundamentally achieve the aim of the PRS of "maintaining the historic character and identity of Middridge as a self-contained village surrounded by countryside".

For ease of the examiner this has been demonstrated in Appendix B, and therefore meeting the Basic Conditions test for the Neighbourhood Plan.

Basic Conditions Test

As outlined at the beginning of this representation, Neighbourhood Plans are to be

examined against the basic conditions by an independent Examiner to ensure that Neighbourhood Plans are fit for purpose and in conformity of the other documents forming the development plan. The MNP faces the following issues:

- Is the Plan consistent with the national policy?

The MNP is inconsistent with national policy. The MNP intends to introduce a PRS policy which will prevent the development of the Option Land. The Option Land has been demonstrated that through the proposed sensitive landscaping plan put forward by Persimmon and Southern Green, it is a deliverable residential site. Draft NPPF reforms and the proposed new standard method, places a significant emphasis on an increased annual delivery of dwellings. County Durham must deliver 65% more dwellings annually than they currently are targeted too. This has resulted in Durham County Council publishing that they have a 3.5-year housing land supply, 1.5 years short of what the government requires local authorities to identify. As such designating the deliverable Option Land within the PRS Policy, would go against the intention of these national policy changes, and therefore the MNP is inconsistent with national policy.

- Is the Plan consistent with local planning policy?

The MNP is inconsistent with Local Policy. The CDP has introduced 2 pertinent policies for assessing development on unallocated sites. Policy 6 of the CDP allows for new development on unallocated sites, including housing, subject to site specific criteria. The Option Land being unallocated, would be considered a Policy 6 site in the planning process. The CDP generally aims to direct new developments to built up areas, sites well related to settlement or specifically allocated sites.

The planning decisions made on previous iterations of Eldon Whins, establishes the location as suitable for residential development, as outlined in the committee reports it is well related to Newton Aycliffe, having a clear relationship, allowing future occupiers to make use of Newton Aycliffe services, due to the range of services on offer and the ease of accessibility to them.

In short, the Option Land meets the criteria outlined in both policies for a suitable location for residential development based on local policy. Middridge Parish Council have demonstrated a history of opposing residential development at the Eldon Whins site, and despite this, Durham County Council have consistently found that development was in alignment with the development plan. As such Policy MNP1 in its current form makes the MNP inconsistent with local policy.

- Does the plan promote the principles of sustainable development?

The MNP failed to promote the principles of sustainable development. The most recent assessment of the Site for suitability to residential development (SHLAA (2019)) found two barriers to development:

The first being the SHLAA initially noted that the site lacked a physical relationship with Newton Aycliffe and would be isolated unless developed in coordination with adjacent land parcels to the east. Since then, both eastern land parcels have progressed, with 230 out of 328 dwellings built as of June 2024.

The second was that substantial structural landscaping would be required to mitigate landscape impact. The work undertaken by Southern Green, demonstrates how a landscape buffer can be proposed which not only screens Middridge from development on the site, but significantly improves the lack of screening from Eldon Whins which is currently present.

Therefore, it is considered that the two pertinent barriers to development on the Persimmon Option Land identified in the 2019 site have been removed, and that development on the Option Land would consist of a coordinated extension of Newton Aycliffe in a sustainable location, which is available, achievable, and deliverable. In short, Policy MNP1 ensures that the MNP prevents sustainable development in this location.

Summary

Development of the Option Land would provide County Durham Council with new local facilities and amenities; and if sensitively designed, as planned, ensure the rural nature of the village protected. Given the national planning context; the increased number of dwellings County Durham must deliver a year; and the likely inability to demonstrate a 5-year housing supply in the county; designation of this Site as PRS land will negatively impact the county's ability to meet its housing targets and set a negative precedent for how neighbourhood plans can be used to prevent residential development coming forward.

The designation of the Option Land within the PRS boundary under Policy MNP1, means that the Middridge Neighbourhood Plan is inconsistent with national policy, inconsistent with local policy and fails to promote the principles of sustainable development. As such the Plan is not fit for purpose as it does not meet the needs and expectations of the other documents forming the development plan.

Indicative landscape work has also demonstrated how residential development on the Option Land can comply with Policy MNP1 and support the aims of the PRS boundary as set out in Appendix A and B.

Persimmon put forward that the inclusion of the proposed revision to the PRS boundary will allow the MNP to achieve the aims of the PRS of "maintaining the historic character and identity of Middridge as a self-contained village surrounded by countryside" and meet the needs and expectations of the other documents forming the development plan.

Therefore, it is kindly requested that an amendment is made to Policy MNP1 (as seen in Appendix B) so that the Option Land is removed from within the PRS boundary, to ensure the neighbourhood plan is consistent with national policy, local policy and promotes sustainable development.

APPENDIX A

MIDDRIDGE, ELDON WHINS – LANDSCAPE INFORMATION

1.1 Landscape Character

1.1.1 Durham Landscape identifies that the site is located within the Tees Lowland County Character Area and Lowland Plan Broad Character Type. Broad character areas are also categorised and the site is identified as being located within Sedgefield, Windlestone and Aycliffe which is described as follows:- Gently undulating or rolling farmland in the fringes of the lowland carrs. A patchwork of arable and improved pasture, but predominantly arable, with old pre-enclosure field systems which are locally fragmented. Field boundaries are hedges, usually clipped low, with scattered hedgerow trees. Tree lines follow small watercourses and ditches. Small broadleaved plantations are scattered across the area. There are more heavily wooded areas associated with parklands at estate farmland at Hardwick and Windlestone. The large new town of Newton Aycliffe lies in the west and the large village of Sedgefield in the east. Smaller villages and scattered farms are connected by narrow lanes. The area is

crossed by the busy A167 and A689. There are occasional small limestone quarries and old sand pits.

1.1.2 There are no designations evident within the site itself but a public footpath extends along its western boundary and provides routes north to ? and west to Middridge. Byerley Local Nature Reserve is evident to the south of Middridge Lane with woodland features within this area forming a notable natural edge to Newton Aycliffe at this point. Landscape buffers are also characteristic of Middridge Lane, Middridge Road and Greenfield Way with native hedgerows, trees and woodlands forming strong buffers along these routes.

1.2 Visual Context

1.2.1 It is anticipated that views towards the option site from the surrounding area will be heavily filtered by existing built form and vegetation. Views from the east will be limited by the recent development at Eldon Whins and the existing landscape buffers evident along Middridge Road and Greenfield Way. Some glimpsed views may be available for the site through vegetation along Middridge Lane, particularly where the entrance to the Eldon Whins development forms a break in this vegetation.

1.2.2 Views from the south will generally be restricted by the vegetation along Middridge Lane and Byerley Nature Reserve. Views from the west will also be restricted by topography and existing vegetation. Where gaps in vegetation exist along Middridge Lane views will be available towards the western boundary of the site, as the Eldon Whins development is currently evident in the baseline view over this area. Cobblers Hall Plantation forms a dominant feature on the skyline beyond this built form. Views from the west will also be achieved from the public rights of way network within farmland to the west and north west.

1.2.3 Views from the north will be filtered by Cobblers Hall Plantation and existing vegetation along Moor Lane and field boundaries and landscape features within farmland between the site and this route.

2.0 Mitigation and Recommendations

Refer to Figure 1: Mitigation and Recommendations

2.1.1 From the baseline study undertaken the following preliminary mitigation measures are recommended to help to sensitively integrate any development of the option land within the landscape character and visual context of the site and surrounding area:

- Existing vegetation within the site should be retained and enhanced to continue to provide a natural filter to views from adjacent visual receptors and contribute to buffers around the perimeter of the site. Proposals for the site should also ensure that vegetation along boundaries is not negatively affected;
- In accordance with the site context, and recommendations within the Durham SHLAA, a strong landscape buffer should be provided around the perimeters of the site 'For the landscape impact to be within acceptable parameters substantial structural landscaping would be required to perimeters and particularly along Middridge Road'
- Given the proximity of the public right of way to the west of the option land, and the presence of Byerley Nature Reserve to the south it is proposed that the landscape buffer to the west of the site is similar in width to the woodland belt to the west of the Nature Reserve. In views from the west this would create a

		<p>continuous green corridor along this edge;</p> <ul style="list-style-type: none"> • Open space provision for the site should be located close to the buffers and existing landscape features with links provided to the public right of way network to the west and north west; • Consideration should be given to utilising the existing water course feature for potential SuDS provision and open space, providing connections from this to any SuDS required which is likely to be close to the entrance due to levels; • Opportunities should also be sought for landscaping and SuDS to be established along roads within the site, providing green links connecting to landscape buffers on the perimeter which will also visually soften the appearance of built form; • Setting any built form back off Middridge Lane, whilst fronting onto it, will enable enhancements to be made to the existing landscape along the north of the road, providing an appropriate buffer to filter views of the development, provide opportunities for recreation and biodiversity and be in keeping with the characteristics of this route.
Lucy Mo	Environmental Agency	Based on the environmental constraints within the area, we have no detailed comments to make in relation to the Plan.