

Middridge Parish Neighbourhood Development Plan

A report to Durham County Council of the Independent Examination of the Middridge Parish Neighbourhood Development Plan

Copy to Middridge Parish Council

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Summary of Main Findings

This is the report of the Independent Examination of the Middridge Parish Neighbourhood Development Plan. The Neighbourhood Plan relates to the Parish of Middridge which was designated as a Neighbourhood Area by Durham County Council on 4 July 2014. Middridge Parish Council is the qualifying body that has submitted the plan to Durham County Council. The plan period runs until 2038. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The parish of Middridge was designated as a Neighbourhood Area (the Neighbourhood Area) by Durham County Council (the County Council) on 4 July 2014. The Middridge Parish Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by Middridge Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Working Group made up of Parish Council representatives and other volunteers from the local community, supported by County Council Officers and consultant Planning Advice Plus.
4. The submission draft of the Neighbourhood Plan and accompanying documents were submitted by the Parish Council to the County Council. The County Council arranged a period of publication between 20 September 2024 and 1 November 2024. The County Council subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 7 November 2024.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the County Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The County Council will decide what action to take in response to the recommendations in this report.

6. The County Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the County Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the County Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the County Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
 - that the Neighbourhood Plan is submitted to a referendum, or
 - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the comments of the Parish Council; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area.
14. This report should be read as a whole, and has been produced in an accessible format.

Basic Conditions and other Statutory Requirements

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- 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);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the County Council on 4 July 2014. A map of the Neighbourhood Area is included below section 1.2 of the Submission Draft Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the submission draft plan states the plan period is 2023 -2038. Section 1.8 of the Neighbourhood Plan confirms this plan period.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. 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 I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Middridge Parish Neighbourhood Plan 2023-2038 Submission Draft including Appendices 1 and 2 June 2024
- Middridge Parish Neighbourhood Plan 2023-2038 Basic Conditions Statement August 2024 [In this report referred to as the Basic Conditions Statement]
- Middridge Parish Neighbourhood Plan 2023-2038 Consultation Statement August 2024 [In this report referred to as the Consultation Statement]
- Middridge Parish Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report Submission Draft July 2024
- Information available on the Middridge Parish Community website and the County Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the County Council and the Parish Council including the initial letter of the Independent Examiner dated 7 November 2024 which provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties, and the response of the Parish Council confirming that it did not have comments to make at that time.
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- County Durham Plan (adopted 2020)
- County Durham Minerals and Waste Policies and Allocations Document (adopted July 2024)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance which should be taken to also include all Written Ministerial Statements]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017

- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods. A summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in an accompanying document. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. Prior to formal designation of the Neighbourhood Area the Parish Council undertook a Neighbourhood Plan questionnaire designed to surface local issues. This questionnaire revealed a large majority of respondents were opposed to further housing development in the parish. Following designation of the Neighbourhood Area in July 2014 the Neighbourhood Plan Working Group distributed a short questionnaire to all households in the parish in April 2016. Over 90% of the 96 respondents were not supportive of housing development at Eldon Whins, and not supportive of limited housing development elsewhere in the parish. Responses favoured maintaining the village identity of Middridge intact and maintaining the separation from Newton Aycliffe and Shildon.
28. A further questionnaire was delivered to every address in the parish in March and April 2018 covering a wide range of topics. The 145 completed responses were collated and a Community Engagement Results document was prepared by the Working Group. This document provided the foundation to develop a vision and two objectives for the Neighbourhood Plan which were set out in a notice delivered to all households. As no adverse comments were received the vision and objectives were used to develop the policies of the Neighbourhood Plan.
29. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan for a period of six weeks between 5 February 2024 and 17 March 2024. In the week prior to the consultation a summary leaflet was delivered to all addresses in the parish setting out the vision and policies of the plan and supporting explanation. The leaflet included a link to a copy of the Draft Neighbourhood Plan published on the Parish Council website. The Parish Council website also provided information on how to view a paper copy of the

plan. A consultation event in the Village Hall on 24 February 2024 attracted 8 attendees. Additional publicity was achieved through inclusion of a leaflet in the Newton News which is a community newspaper circulated to all homes and businesses in the area. The website of the Newton News also included information about the consultation. Statutory consultees, and Keepmoat Homes and Persimmon Homes as businesses active in the parish, were contacted directly. The eight responses to the consultation are presented in Appendix 7 of the Consultation Statement which also sets out responses of the Parish Council and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the County Council.

30. Following submission of a plan proposal by a qualifying body, the local planning authority check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then send the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The County Council arranged a Regulation 16 period of publication between 20 September 2024 and 1 November 2024. The six representations that were duly made have been published on the County Council website.
31. The Coal Authority, the Environment Agency and Natural England have confirmed they have no specific comments. Historic England confirmed earlier agreement that Strategic Environmental Assessment is not required but had no further comments. National Highways stated agreement with the principles, objectives, and visions of the draft plan. Stantec UK Ltd on behalf of Persimmon Homes state, with reasons, that Policy MNP1 of the Neighbourhood Plan does not meet the basic conditions and request an amendment of the policy to remove identified land, referred to as the 'Option Land', from within the proposed Protected Rural Setting.
32. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some parts of representations are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where a representation suggests additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley County Council* [2017] EWHC 1776 (Admin) Lang J, 18 July

2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

33. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did not submit any comments on the Regulation 16 representations of other parties.
34. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
35. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Working Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the

strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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

37. The Basic Conditions Statement, in part 3.22, states “The NP is fully compliant with the requirements of the European Convention on Human Rights. There is no discrimination stated or implied, or threat to the fundamental rights guaranteed under the Convention.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. From my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.
38. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).

39. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the County Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
40. The Midridge Parish Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report Submission Draft July 2024 concluded “Midridge Parish Neighbourhood Plan does not allocate land for development and its proposed policies seek to provide protection of rural character and setting of the parish, locally valued green spaces, and community assets. Therefore, the Neighbourhood Plan is not considered likely to have a significant adverse effect on the environment. The Neighbourhood Plan does not require SEA.” The statutory consultation bodies (Historic England, Environment Agency, and Natural England) have been consulted to seek their view on whether they agree with the conclusion of the screening opinion. The report states the Environment Agency have confirmed that they agree that SEA is not required and that no comments have been received from either Historic England or Natural England. Historic England subsequently confirmed agreement that SEA is not required. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
41. With respect to Habitats Regulation Assessment the Midridge Parish Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report Submission Draft July 2024 included consideration of the North Pennine Moors SAC and SPA; the Thrislington SAC; and the Teesmouth and Cleveland Coast SPA/Ramsar. The report concluded “The findings of the assessment show that the Midridge Parish Neighbourhood Plan (Pre-Submission Draft) will have no effect upon the relevant protected sites. The policies are protective in nature and will not lead to built development. As written, the policies can be eliminated from further Likely Significant Effects Screening and Appropriate Assessment.” Natural England has confirmed at Regulation 16 stage of plan preparation it has no specific comments on the draft plan. I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.
42. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
43. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements

of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

44. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The County Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
 - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

45. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” 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 tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
46. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The 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.”
47. The most recent National Planning Policy Framework published on 19 December 2023, and amended on 20 December 2023, sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 14 February 2024. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance, as well as Written Ministerial Statements including that published 30 July 2024. In July 2024 Government has issued a consultation document proposing

revisions to the Framework. Those revisions are subject to change and have not been taken into consideration in the preparation of my report.

48. Table 1 (presented on pages 3 and 4) of the Basic Conditions Statement demonstrates how each of the Neighbourhood Plan policies have regard for the Framework and Guidance.
49. The Neighbourhood Plan includes, within part 3.3, a positive vision for Middridge Parish that has economic, social, and environmental dimensions. Two objectives are identified relating to the valued rural setting of Middridge Village, and to the valued attributes of Middridge Village. The vision and objectives provide a framework for the policies that have been developed.
50. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."
51. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, "This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions."
52. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

53. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Table 2 (presented on pages 5 and 6) of the Basic Conditions Statement demonstrates ways in which identified policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.
54. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by: guarding against the unnecessary loss of valued social and economic facilities, and supporting proposals for their enhancement; whilst also protecting local green spaces and the rural character of a part of the Neighbourhood Area. I consider the Neighbourhood Plan, as recommended to be modified, seeks to:
- identify a Protected Rural Setting extending out from Middridge Village, and establish a development management policy for the identified area;
 - designate seven identified Local Green Spaces; and
 - establish support for improvement, or specified enhancement, of two identified valued village assets, and establish that proposals involving their loss will not be supported unless stated circumstances are demonstrated.
55. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether 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)

56. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 29 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”

57. In this independent examination, I am required to consider whether 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). The County Council has confirmed the Development Plan applying in the Middridge Neighbourhood Area comprises the County Durham Plan (adopted 2020) and the County Durham Minerals and Waste Policies and Allocations Document (adopted July 2024).

58. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The County Council has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan comprise the following policies of the County Durham Plan:

- Policy 1 - Quantity of Development Policy
- Policy 2 - Employment Land
- Policy 3 - Aykley Heads
- Policy 4 - Housing Allocations
- Policy 5 - Durham City's Sustainable Urban Extensions
- Policy 6 - Development on Unallocated Sites in the Built-Up Area
- Policy 9 - Retail Hierarchy and Town Centre Development
- Policy 10 - Development in the Countryside
- Policy 11 - Rural Housing and Employment Exception Sites
- Policy 12 - Permanent Rural Workers' Dwellings
- Policy 15 - Addressing Housing Need
- Policy 16 - Durham University Development, Purpose Built Student Accommodation and Houses in Multiple Occupation
- Policy 17 - Sites for Travellers
- Policy 20 - Green Belt
- Policy 22 - Durham City Sustainable Transport
- Policy 23 - Allocating and Safeguarding Transport Routes and Facilities
- Policy 25 - Developer Contributions
- Policy 26 - Green Infrastructure
- Policy 27 - Utilities, Telecommunications and Other Broadcast Infrastructure
- Policy 29 - Sustainable Design
- Policy 34 - Wind Turbine Development
- Policy 35 - Water Management
- Policy 36 - Water Infrastructure
- Policy 37 - Durham Heritage Coast and Wider Coastal Zone

- Policy 38 - North Pennines Area of Outstanding Natural Beauty
- Policy 39 - Landscape
- Policy 41 - Biodiversity and Geodiversity
- Policy 42 - Internationally Designated Sites
- Policy 43 - Protected Species and Nationally and Locally Protected Sites
- Policy 44 - Historic Environment
- Policy 45 - Durham Castle and Cathedral World Heritage Site
- Policy 46 - Stockton and Darlington Railway
- Policy 47 - Sustainable Minerals and Waste Resource Management
- Policy 48 - Safeguarding Minerals Sites, Minerals Related Infrastructure and Waste Management Sites
- Policy 49 - Primary Aggregates Provision
- Policy 50 - Locational approach to the future supply of primary aggregates
- Policy 51 - Meeting Future Aggregates Requirements
- Policy 52 - Brick Making Raw Materials CDP Adopted Version 2020 259 A Strategic Policies
- Policy 53 - Surface Mined Coal and Fireclay
- Policy 54 - Natural Building and Roofing Stone
- Policy 56 - Safeguarding Mineral Resources
- Policy 57 - The Conservation and Use of High-Grade Dolomite
- Policy 58 - Preferred Areas for Future Carboniferous Limestone Working
- Policy 59 - Strategic Area of Search to the South of Todhills Brickworks
- Policy 60 - Waste Management Provision
- Policy 61 - Location of New Waste Facilities

59. The County Council has confirmed there is no emerging Local Plan currently.

60. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P & CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, rather than the whole development plan.

61. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;

- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

62. Consideration as to whether 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) has been addressed through examination of the Neighbourhood Plan as a whole, and each of the plan policies below. I have taken into consideration Table 3 (presented on pages 7-9) of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended with respect to policies of the Neighbourhood Plan later in my report, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan Policies

63. The Neighbourhood Plan includes 3 policies as follows:

Policy MNP1: Protected Rural Setting

Policy MNP2: Local Green Spaces

Policy MNP3: Valued Village Assets

64. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

65. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”
66. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
67. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
68. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”
69. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
70. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply,

these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”

71. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy MNP1: Protected Rural Setting

72. This policy identifies an area of countryside extending out from Middridge village, shown on Policies Map 1, as a Protected Rural Setting that will be safeguarded to maintain the historic character and identity of Middridge as a self-contained village surrounded by countryside. The policy seeks to establish that development proposals within, or encroaching into, the Protected Rural Setting will not be supported where they diminish the rural character of the Protected Rural Setting or the role it plays in maintaining the physical separation between Middridge and the neighbouring settlements of Shildon and Newton Aycliffe.

73. The policy is principally supported by text and illustrations in Chapter 4 of the Neighbourhood Plan (presented between pages 25 and 34) and is also supported by information contained in Chapters 2 and 3 of the Neighbourhood Plan. The historic growth of the towns of Shildon to the west and of Newton Aycliffe to the east, and the consequent reduction in the extent of open countryside surrounding Middridge village is described. Paragraph 4.5 of the Neighbourhood Plan explains the policy approach the plan takes is to identify an area of countryside extending out from the village which, in spatial terms, most closely responds to and addresses the following matters:

- a) Maintaining the essential ‘rural village’ identity and character of Middridge;
- b) Safeguarding the historic association between Middridge and surrounding farmland;
- c) Recognising the significant shrinkage of Middridge’s rural setting and close-proximity of neighbouring towns;
- d) Recognising the continuing pressure for development; and
- e) Responding to public opinion.

74. The Regulation 16 representation of Stantec UK Ltd on behalf of Persimmon Homes (Persimmon) states, with reasons, that Policy MNP1 does not meet the basic conditions and requests an amendment of the policy to remove identified land to the west of the Eldon Whins development, referred to as the 'Option Land', from within the proposed Protected Rural Setting. The representation includes as Appendix B a proposed revised Protected Rural Setting, illustrated on Drawing reference DWG01 dated 31 October 2024, that removes the 'Option Land' from within the Protected Rural Setting boundary. The representation states Persimmon have an option agreement on the identified 'Option Land' and "are confident of providing 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". The representation refers to the consultation document issued by Government in July 2024 proposing revisions to the Framework. As stated earlier in my report those proposed revisions to the Framework are subject to change and have not been taken into consideration in the preparation of my report.
75. The representation on behalf of Persimmon refers to planning applications, and their determination, relating to the Eldon Whins residential development, and refers to the County Durham Strategic Housing Land Availability Assessment 2019. The representation includes reference to the findings of chartered landscape architects Southern Green, instructed by Persimmon, relating to the possible effect of a potential landscape buffer along the western boundary of the 'Option Land.'
76. I have earlier in my report explained my role is to determine whether the Neighbourhood Plan meets the basic conditions and other requirements I have identified. That role does not extend to consideration of the merits and demerits of any potential planning application proposing development of the 'Option Land' or any other land in the Neighbourhood Area.
77. The first sentence of Policy MNP1 identifies, by reference to Policies Map 1, an area of countryside extending out from Middridge village as a Protected Rural Setting. The Guidance states "Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan." I have considered whether the decision to identify the area of countryside shown on Policies Map 1 to be a Protected Rural Setting is supported by adequate evidence.
78. The images on page 32 of the Neighbourhood Plan illustrate the intervisibility of the 'Option Land' adjacent to Eldon Whins and 11-16 Middridge Farms, and the limited visibility of Middridge village from 11-16 Middridge Farms. Intervisibility of Eldon Whins or the 'Option Land' and Middridge village is not illustrated. The topography of the intervening area rises from an average of approximately 108 metres above sea

level (Ordnance Survey terrain data) on the 'Option Land', to 123 metres at Tuft Hill south east of Middridge village, and more than 125 metres to the highpoint north east of the village. The high points are higher than the built framework of Middridge village. The high points and extended associated slopes, and the existence of trees and hedgerows along Middridge Road, particularly in the triangular area north of Middridge Road immediately to the east of Middridge village, prevent intervisibility between the 'Option Land' and Middridge village. The wooded Bryley Local Nature Reserve on the western fringe of Newton Aycliffe, although outside the Neighbourhood Area is also located between a part of the 'Option Land' and parts of Middridge village. I find Middridge village and the 'Option Land' are not significantly visually connected.

79. The significance of a relationship between two locations is not limited to intervisibility. I have considered the evidence presented where it is relevant to the historic relationship between the 'Option Land' and Middridge village. I have noted the arable town fields of East Field, North Field and South Field, indicating a historic three field system, are not considered to have extended to include the 'Option Land' which is considered to have formed part of the wider moor areas. The Middridge Quarry, important in the construction of the Stockton and Darlington Railway, and the sites of the later sunk Eden Pit and Charles Pit with interconnecting tramway including trestle bridge, are of heritage significance in linking Middridge to its rural surroundings but that heritage significance does not provide evidence of any significant link between Middridge village and the 'Option Land.' The more recent historically significant Middridge Farm Smallholdings and associated dwellings, which extend beyond the current parish boundary, are of particular significance in understanding the relationship between Middridge village and defined areas of its surrounding countryside. The map presented on page 17 of the Neighbourhood Plan confirms the extent of the Middridge Farm Smallholdings, and its associated dwellings constructed in the 1950s, do not extend to include the 'Option Land'. I have not seen any evidence to confirm Middridge village and the 'Option Land' have any significant historic relationship.

80. I find that the 'Option Land,' although situated in Middridge parish, has a closer relationship with the town of Newton Aycliffe than with Middridge village, not least because it is situated immediately adjacent to the Eldon Whins part of Newton Aycliffe and is a much greater distance from Middridge village. The effect of Policy MNP1 in elevating the significance of the relationship of the 'Option Land' and Middridge village above the significance of the relationship of the 'Option Land' with Newton Aycliffe has not been sufficiently justified. Policy MNP1, in so far as it relates to the 'Option Land', does not have sufficient regard for the Guidance in that it is not supported by proportionate robust evidence that supports the choices made and the approach taken, and does not reflect and respond to the unique characteristics and

planning context of the specific neighbourhood area for which the Neighbourhood Plan has been prepared. I am satisfied the remainder of the proposed Protected Rural Setting including its extension to the Neighbourhood Area boundary in the west towards Shildon, is sufficiently justified in terms of visual or historic connection.

81. On the basis I have found the 'Option Land' and Middridge village are not significantly visually connected, and are not significantly historically connected I conclude the inclusion of the 'Option Land' in the Protected Rural Setting is not sufficiently justified. I have recommended Policy MNP1 is modified to remove the 'Option Land' from the Protected Rural Landscape so that the policy has sufficient regard for national policy.
82. Paragraph 29 of the Framework states "Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies." The Guidance states "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need."
83. The Neighbourhood Plan does not, and is not obliged to, contain policies relating to the allocation of land for development. In that Policy MNP1 would act as a constraint on development within the Protected Rural Setting it is relevant to housing supply and, having regard to the Guidance, should take account of latest and up-to-date evidence of housing need. The Neighbourhood Plan is not supported by an assessment of local housing need but does include information relating to the development of a substantial number of new homes at Eldon Whins that has occurred "since about 2018". The Table and map at paragraph 2.28 of the Neighbourhood Plan confirm that at November 2023 a total of 230 dwellings had been completed on the Acorn Gardens and Elder Gardens development sites and that a further 98 dwellings were pending. Paragraph 2.30 of the Neighbourhood Plan states "when complete Eldon Whins alone will contain more than twice the number of dwellings that exist in the entire rest of the Parish." The 98 dwellings described as pending, if completed before 2038, will be development occurring in the Neighbourhood Plan period. When built out the Eldon Whins area will have provided 328 dwellings in the Neighbourhood Area which significantly boosts the supply of homes. In this context I am satisfied there has been no compelling necessity to consider opportunities for allocating small and medium-sized sites suitable for housing in the Neighbourhood Area in accordance with paragraph 71 of the Framework. I am also satisfied that development is not prevented within the built framework of Middridge village, inside the Protected Rural Setting, although opportunities may be very limited. Policy MNP1 does not prevent infill development, which will enable the village to grow and thrive, especially where this will support

local services, in accordance with paragraphs 70d and 83 of the Framework. Whilst the area of land to which Policy MNP1 relates, where development is constrained, represents a large proportion of land within the Neighbourhood Area, this represents only a very small proportion of land within the administrative area of the Local Planning Authority (the County Council) where the County Durham Plan demonstrates total housing needs can be met. The County Durham Plan does not set a housing requirement figure for the Neighbourhood Area, and does not include any strategic allocation of land for development in the Neighbourhood Area.

84. Policy 10 Development in the Countryside of the County Durham Plan states development in the countryside will not be permitted unless allowed for by specific policies in the Plan, relevant policies within an adopted neighbourhood plan relating to the application site, or where the proposal relates to one or more stated exceptions. Policy 10 also includes general design principles for new development in the countryside. The “specific policies in the Plan” that would allow development in the countryside to be permitted are defined in Footnote 54 of the County Durham Plan to include development on unallocated sites; allocations; and other named types of development.” Development on unallocated sites is dealt with by Policy 6 of the County Durham Plan.
85. Policy 6 Development on Unallocated Sites of the County Durham Plan states development on unallocated sites either (i) within the built-up area or (ii) outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and ten listed limitations.
86. The report of the Inspector on the Examination of the County Durham Plan states at paragraph 193 “Finally, Policy 6 should allow for neighbourhood plans to designate settlement boundaries and, also potentially adopt a more restrictive approach to development beyond those boundaries. This would ensure that neighbourhoods retain the power to shape and direct development in their area in accordance with national policy, subject to testing through the neighbourhood plan process.” In the text supporting Policy 6 paragraph 4.114 states “Where a neighbourhood plan defines a settlement boundary and is sufficiently advanced to have weight in decision making, development outside of the settlement boundary will be determined in accordance with the relevant policy in the neighbourhood plan.” I have proceeded on the basis paragraph 4.114 of the County Durham Plan seeks to explain how Policy 6 is to be interpreted.
87. It is stated on page 8 of the Basic Conditions Statement submitted with the Neighbourhood Plan that “It is important in the first instance to note that the

Protected Rural Setting (PRS) around Middridge village has the effect of providing it with a settlement boundary". Policy 6 does not recognise circumstances where a policy has the effect of providing a settlement boundary. Whilst the Protected Rural Setting established by Policy MNP1 encircles Middridge village, neither Policy MNP1, nor any other part of the Neighbourhood Plan, refer to the defining of a settlement boundary, and there is no background paper or supporting evidence setting out the method adopted in determining a settlement boundary and justification for the choices made. The defining of a settlement boundary requires a clear explanation: how consideration has been given to the character of the settlement and its development form; how clearly defined features and any extant planning permissions have been considered; and how choices have been made to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable in achieving sustainable solutions. The Neighbourhood Plan does not define a settlement boundary for Middridge village.

88. Whilst the Protected Rural Setting also adjoins part of the settlement of Newton Aycliffe there is no suggestion, in the Neighbourhood Plan, nor in the Basic Conditions Statement, that the Protected Rural Setting is defining a settlement boundary for Newton Aycliffe. The Neighbourhood Plan is clear that Policy MNP1 is defining a Protected Rural Setting for Middridge village. The normal convention is that definition of a settlement boundary relates to an entire settlement. The distance where the Protected Rural Settlement adjoins the Newton Aycliffe built up area represents only a very small proportion of the entire edge of that settlement. I have concluded Policy MNP1 is not seeking to define a settlement boundary for Newton Aycliffe.
89. As the Neighbourhood Plan is not defining a settlement boundary for any settlement, development on unallocated sites outside the built-up area but well-related to a settlement remain to be determined in accordance with Policy 6 of the County Durham Plan. I have recommended a modification of Policy MNP1 in this respect so that the policy has sufficient regard for national policy and is in general conformity with the strategic policies.
90. Policy MNP1 seeks to establish that development proposals will not be supported where they will diminish the role the Protected Rural Setting plays in maintaining the physical separation between Middridge and the neighbouring settlements of Shildon and Newton Aycliffe. Any built development in the Protected Rural Setting is likely to diminish the role the Protected Rural Setting plays in maintaining the physical separation between Middridge and the neighbouring settlements. Policy MNP1 is seeking to introduce a stricter restriction on development than even Green Belt within which the Framework recognises certain forms of development are not

inappropriate. The Framework recognises a range of types of development are appropriate in the countryside including: rural exception sites; exception sites for community-led development; first homes exceptions; isolated homes in stated circumstances; as well as a range of non-housing types of development. Paragraph 83 of the Framework states “Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.” The intention of Policy MNP1 to not support development proposals that will diminish the role the Protected Rural Setting plays in maintaining the physical separation of Middridge and the neighbouring settlements is not sufficiently justified. This prevents the Neighbourhood Plan from meeting the basic conditions and proceeding to referendum. There are also potential implications to be considered in respect of Policy NMP2 of the Neighbourhood Plan as the Framework states “Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services.”

91. The support Policy 6 Development on Unallocated Sites of the County Durham Plan establishes for development on unallocated sites outside the built-up area but well related to a settlement is subject to a limitation it will “not contribute to coalescence with neighbouring settlements”. Policy 10 Development in the Countryside of the County Durham Plan does not prevent development allowed by Policy 6 but includes a general design principle that new development must not “result in the merging or coalescence of neighbouring settlements.” Policies 6 and 10 provide a clear planning policy basis for the determination of development proposals relating to the issue of coalescence. Policy MNP1 where it refers to maintaining the physical separation of Middridge and the neighbouring settlements does not have sufficient regard for paragraph 16f of the Framework which states plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply in a particular area (including policies in this Framework, where relevant).”

92. Paragraph 135 of the Framework states planning policies should ensure developments are sympathetic to local character including the surrounding landscape setting. Paragraph 180 of the Framework states planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside. To be valued, a landscape needs to be more than popular with residents but must demonstrate physical attributes beyond “*ordinary*” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC2429 (Admin)). The descriptions and images contained in the Neighbourhood Plan demonstrate characteristics that justify the policy approach to not support development proposals where they will diminish the rural character of the Protected Rural Setting. There are some forms of development that may be

appropriate in the Protected Rural Setting which through careful consideration to siting, scale, design, and landscaping, may be shown to not diminish the rural character of the Protected Rural Setting. I have recommended a modification in this respect so that Policy MNP1 is seeking to shape and direct development to avoid diminishing the rural character of the Protected Rural Setting. I have recommended this modification so that the policy has sufficient regard for national policy and is clearly written and unambiguous as required by paragraph 16 of the Framework.

93. The policy, as recommended to be modified, is in general conformity with the strategic policies of the Development Plan, in particular Policies 6 and 10 of the County Durham Plan. I am satisfied the part of Policy MNP1 that relates to the diminishing of rural character represents a distinct local approach to the limitation included in Policy 10 of the County Durham Plan which states development should “not result in the loss of open land that has recreational, ecological or heritage value or contributes to the character of the locality which cannot be adequately mitigated or compensated.” The whole policy, as recommended to be modified, serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 1:

In Policy MNP1 replace the final paragraph with “Accordingly, unless supported by strategic policies, development proposals within or encroaching into the Protected Rural Setting will not be supported where, having regard to their siting, scale, design and landscaping, they will diminish the rural character of the Protected Rural Setting.”

On Policies Map 1 of the Neighbourhood Plan modify the boundary of the Protected Rural Setting to that shown on drawing reference number DWG01 dated 31 October 2024 in Appendix B of the Regulation 16 representation of Stantec UK Ltd on behalf of Persimmon Homes dated 1 November 2024.

Policy MNP2: Local Green Spaces

95. This policy seeks to designate seven identified sites as Local Green Space where the management of development proposals will be consistent with that for

development within Green Belts. The policy also seeks to establish support in principle for proposals that will enhance LGS's or create new ones.

96. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Policies Map 2 of the Neighbourhood Plan. The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Space have been adequately identified.
97. Paragraph 107 of the Framework states "Policies for managing development within a Local Green Space should be consistent with those for Green Belts." The part of the Framework that relates to 'Protecting Green Belt land,' including paragraphs 152 to 156, sets out statements regarding the types of development that are not inappropriate in Green Belt areas. Policy MNP2 does not seek to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip County Council. Case Number: C1/2020/0812).
98. The final sentence of the policy includes the imprecise term "proposals that will enhance existing LGS's." This term does not provide a basis for the determination of development proposals. The final sentence of the policy also seeks to establish support in principle for proposals to create new LGS's. Paragraph 105 of the Framework states "The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them" and "Local Green Spaces should only be designated when a plan is prepared or updated". I have recommended a modification in these respects so the policy has sufficient regard for national policy and "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.
99. Paragraph 105 of the Framework states "Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period." In respect of each of the seven proposed Local Green Space designations I find the designation is being made when a neighbourhood plan is being prepared that subject to my recommended modification of Policy MNP1 will be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. I have seen nothing to suggest the proposed designations are not capable of enduring beyond the end of the plan period. The

intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

100. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” The sites proposed for designation are small and substantially enclosed by well-defined boundaries. The sites are easily recognised as discrete areas of land. The proposed designations both singly and in combination do not constitute a blanket designation of open countryside adjacent to the existing settlement as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of the intended Local Green Spaces the designations relate to green spaces that are in reasonably close-proximity to the community they serve, are local in character, and are not an extensive tract of land.

101. The Guidance states the Qualifying Body (Parish Council) “should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014). I have noted Appendix 1 of the Neighbourhood Plan states all seven proposed Local Green Spaces are in the ownership of either the Parish Council or the County Council. The areas proposed for designation as Local Green Spaces have been subject to extensive consultation with the local community.

102. The submission Neighbourhood Plan includes, in Appendix 1, information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each of the sites including matters referred to in the Framework. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Spaces are demonstrably special to a local community and hold a particular local significance.

103. I find that the areas proposed as Local Green Spaces are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.

104. The policy is in general conformity with the strategic policies of the Development Plan, in particular Policies 6 and 26 of the County Durham Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community and contributes to the social and environmental qualities of the Neighbourhood Area. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 2:

In Policy MNP2 delete the final sentence before the list of designated Local Green Spaces

Policy MNP3: Valued Village Assets

106. This policy seeks to identify Middridge Village Hall and The Bay Horse Public House as valued village assets and establish criteria for support of the loss of either of those assets. The policy also seeks to establish support in principle for proposals to improve the assets or provide new community facilities, services, or amenities.

107. Paragraph 97 of the Framework states planning policies should plan positively for the provision of community facilities, guard against the unnecessary loss of valued facilities and services, and ensure established shops facilities and services are able to develop and modernise and are retained for the benefit of the community.

108. I am satisfied Policies Map 3 satisfactorily identifies the location of the valued village assets. I am also satisfied Appendix 2 of the Neighbourhood Plan includes sufficient information to justify the policy approach to guard against unnecessary loss of the identified assets. The term "proposals to improve the VVA's" is imprecise. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework. I am satisfied the support in the policy for new community facilities, services, and amenities has sufficient regard for paragraph 97 of the Framework.

109. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan, in particular Policy 6g of the County

Durham Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

110. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community, and contributes to the economic and social viability of the Neighbourhood Area. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy MNP3 replace “to improve the VVA’s” with “that demonstrate they will increase the community value of a Valued Village Asset”

Conclusion and Referendum

111. I have recommended three modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- 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);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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.

I recommend to Durham County Council that the Middridge Parish Neighbourhood Development Plan for the plan period up to 2038 should,

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subject to the modifications I have put forward, be submitted to referendum.

112. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Durham County Council as a Neighbourhood Area on 4 July 2014.

Annex: Minor Corrections to the Neighbourhood Plan

113. I have only recommended modifications and corrections 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 I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

Recommended modification 4:

Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.

Chris Collison
Planning and Management Ltd
8 December 2024
REPORT END