

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod29
Response Date	22/11/21 14:10
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM11 (Policy DC1 – wording paragraph 1)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

MSG Parish Council would support overall the modifications in DC1, however it should be made clear that neighbourhood plans can include design codes, which also form part of the development plan, as these provide locally specific design guidance. As currently written, policy DC1 and its supporting text only refer to the National Design Guide and the Darlington Design SPD. It is acknowledged that proposed MM10 would result in an addition, as a footnote, to explain what forms part of the development plan, however, we would suggest that great clarification is provided in the Plan as to exactly what the Development Plan comprises. This would ensure that this is more widely understood.

Planning Law requires planning applications to be determined in accordance with the development plan (unless material planning considerations indicate otherwise). It is important to provide clarity.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

DBC proposed wording:

“All development will be required to have regard to the design principles set out in the Darlington Design of New Development SPD and National Design Guide (or successors), by demonstrating that:..”

We would request adding wording (or a footnote) to explain that planning decisions shall have regard to design principles set out in all Development Plan policies, not just the SPD and National Design Guide.

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod31
Response Date	22/11/21 14:13
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM17 (Policy DC3)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

MSG Parish Council believe that increasing the dwelling threshold for housing developments (from 100 to 150) for the requirement to submit a Health Impact Assessment (HIA) is not substantiated or evidenced. There is no robust evidence to justify changing the threshold. The Plan policies should remain as robust as possible, and should not become less so. The examples provided by the council, within the Public Health England document, referenced in MM18, include 100 a house threshold (Greater Norwich, South Cambridgeshire)

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

MSG Parish Council would request that this threshold is left at 100.

Comment

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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod33
Response Date	22/11/21 14:16
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM19 (Policy DC4 – policy wording paragraph 2)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

MSG Parish Council are opposed to the proposed deletion of the sentence '*Proposals which would result in excessive movements of Heavy Goods Vehicles (HGVs) on residential roads will not be permitted.*'

From the main modifications schedule it is stated that the reason for the modification is to remove ambiguity. We assume that this ambiguity comes from the use of the term 'excessive movements' – which is not defined. We feel that the text could be modified to remove ambiguity.

It could be reworded to say 'Proposals which would result in a level of movement of Heavy Goods Vehicles in residential areas which would result in unacceptable harm to the amenity of those living in the area will not be permitted'

If deletion of this sentence is required here, then reference should be placed elsewhere.

For example, an extra bullet point could be added under paragraph 5.4.3 (The aspects of amenity taken into consideration through the planning process are:)

- (Extra bullet point): Noise, disturbance, pollution caused by Heavy Goods Vehicles (HGVs) on residential roads, (both construction traffic during building of development, and other HGVs once the development has been built**

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Request that policy DC4 includes the following text: '*Proposals which would result in a level of movement of Heavy Goods Vehicles in residential areas which would result in unacceptable harm to the amenity of those living in the area will not be permitted*'

If deletion of this sentence is required here, then reference should be placed elsewhere within the plan.

For example, an extra bullet point could be added under paragraph 5.4.3 (The aspects of amenity taken into consideration through the planning process are:)

- (Extra bullet point): Noise, disturbance, pollution caused by Heavy Goods Vehicles (HGVs) on residential roads, (both construction traffic during building of development, and other HGVs once the development has been built**

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod34
Response Date	22/11/21 14:18
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Which document/modification does this representation relate to?	Minor Modifications Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MIN5 (Housing Chapter –Paragraph 6.0.1)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Modifications have been made to Paragraph 6.0.1. according to the tracked changes in the Plan document. However, reference has been omitted from the Main Modifications Table.

It is proposed that there is a deletion, and the following proposed to be inserted:

“Strategic policies should set out the minimum number of homes required. The size, type, and tenure of housing needed for different groups in the community should also be assessed and reflected in the planning policies.”

The number of homes required should be informed by the Housing Needs Assessments which have been prepared as part of neighbourhood planning activity, MSG Parish Council consider that some reference should be made to this. The housing needs assessment for neighbourhood plans should be considered by the Council to inform their overall housing requirements.

Therefore we propose that, for the purposes of clarity, there should be some reference to the above included here. We therefore suggest that the proposed wording be amended by adding that reference, as follows:

“Strategic policies should set out the minimum number of homes required. The size, type, and tenure of housing needed for different groups in the community should also be assessed and reflected in the planning policies. The level and type of housing needed in an area should be informed by local evidence, including that supporting neighbourhood plans. ”

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Therefore we propose that, for the purposes of clarity, there should be some reference to the above included here. We therefore suggest that the proposed wording be amended by adding that reference, as follows:

“Strategic policies should set out the minimum number of homes required. The size, type, and tenure of housing needed for different groups in the community should also be assessed and reflected in the planning policies. The level and type of housing needed in an area should be informed by local evidence, including that supporting neighbourhood plans.”

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPM35
Response Date	22/11/21 14:20
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM23 – Policy H1 – Policy wording
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
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It is proposed to add the word “minimum” to the final paragraph, as follows:

“The NPPF states that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The table below outlines the minimum housing requirement for the neighbourhood areas in the Borough, following the above approach.”

MSG Parish Council object to this. Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Question 5

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Removal of the word “minimum” from the paragraph above table 6.1. The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Comment

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod36
Response Date	22/11/21 14:24
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM24 – Policy H1 – Table 6.1
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

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The housing figures appear to have been amended for consistency with the whole of the Plan.

However, with regard to the specific figure for Middleton St George, together with the justification that the requirements are based on the number of dwellings that are expected to be built on housing allocations and commitments in that neighbourhood area between 2021 and 2036 –shows that these figures are not based on need.

860 is the sum of existing commitments (600) in revised table 6.4 plus 260 at the Maxgate Farm proposed allocation.

45 High Stell 186

65 Middleton Lane 19

89 W of Oak Tree 61

146 S of railway 330

386 Yarm Rd/ railway 4

99 Maxgate Farm 260

The term 'neighbourhood area housing requirement' is a misnomer as it does not relate to the assessment of local need, which will be satisfied many times over by recent completions, sites under construction and future commitments.

The modification describes how the figure is calculated in accord with NPPF and NPPG, but this is more an explanation of how neighbourhood plans can identify more sites to meet additional need.

As for Maxgate Farm, it has already been explained at the EIP that this non-strategic site is not required to meet the Plan's overall requirement for 9840 dwellings. There is more than enough land elsewhere in the Borough.

The Council argues that Maxgate Farm is justified because MSG is a 'service village'. Development in service villages is promoted (even welcomed) in rural areas where it will help support essential existing services which might otherwise be faced with closure.

Precisely the opposite is the case at MSG.

The Council has allowed so many homes to be built that they have already overloaded existing services to such an extent that permission has had to be granted for four new retail units (totalling 1900 sq metres), a new primary school and a new and enlarged medical practice is proposed at Oak Tree.

It is clear that the Council has singled out MSG for treatment as a 'growth settlement' given the comparatively modest amount of new housing at the other service villages of Heighington and Hurworth and apparently no need there for additional shops, schools or medical centres to meet rising demand.

In view of the above, the Local Plan remains unsound.

Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

MSG Parish Council suggests that table 6.1 be amended to ensure the neighbourhood area housing requirements have been identified in response to the needs of the area, rather than as a result of development pressure.

Comment

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod38
Response Date	22/11/21 14:27
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM27 – Policy H1 –New paragraphs added after 6.1.9.
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

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It is proposed that the following is inserted here:

“With regards to the neighbourhood area housing requirements, the Council has followed policy and guidance in the NPPF and NPPG in setting the figures. The requirements are based on the number of dwellings that are

expected to be built on housing allocations and commitments in that neighbourhood area between 2021 and 2036.

This approach follows the guidance in reflecting the plan’s spatial strategy and supporting evidence base (e.g.

HELAA and SA). The neighbourhood planning body does not have to make specific provision for housing or seek

to allocate sites to accommodate the requirement. The requirements are met through the allocations in policy H 2 and the housing commitments set out in table 6.4. If monitoring indicated that the committed and allocated sites were not delivering the number of homes set out in table 6.1, there should not be an automatic expectation that development will be allowed on non-allocated sites within the neighbourhood area. Monitoring of housing completions is undertaken yearly and if such a situation was to occur it would be addressed through a review of the Local Plan.

The scope of neighbourhood plans is up to the neighbourhood planning body. Groups are not required to plan for housing. If they wish to do so a neighbourhood plan can allocate additional sites to those in a local plan where this is supported by evidence to demonstrate need above that identified in the Local Plan. Consequently, it is important to note that the neighbourhood area housing requirements are not a restrictive maximum figure. Groups can plan for additional sites if they wish and other suitable windfall sites can be brought forward by developers.

Early engagement with the Council is encouraged, where groups wish to exceed their housing requirement

figures, to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies.”

However, MSG Parish Council disagree with above text in relation to neighbourhood area housing requirements.

As Neighbourhood Plans are an intrinsic part of the Development Plan, the Local Plan should have regard to NP Housing Assessments which have independently assessed and calculated neighbourhood plan area local housing requirements, based on “need”. Whilst neighbourhood groups may or may not allocate sites for housing, it is the NP independently assessed housing needs assessment which must be taken into account when determining the housing need of the NP area, rather than this being determined by a top down random approach which has been led by development pressure rather than need. Paragraph 66 of the NPPF is clear that the housing requirement for neighbourhood areas should reflect the overall strategy for the pattern and scale of development and any relevant allocations. The wording within new paragraph 6.1.10 suggests that no consideration was given to the overall strategy/ spatial distribution and that it was merely the result of sites put forward by developers.

Question 5

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Regard should be had to local housing needs assessments that have informed the preparation of neighbourhood plans, rather than being developer led.

Comment

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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPM39
Response Date	22/11/21 14:29
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM35 – Policy H2 – table 6.3 Housing Allocations
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

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It is proposed to Replace Table 6.3 (with new numbered 6.5).

MSG Parish Council continue to object to the inclusion of site 99 (Maxgate Farm), for 260 houses, based on our previous comments on the Plan document, as well as in our written and verbal representations in the examination hearings. There is no justification for including this allocation based on the Government indicative figure of 177 houses per year for Darlington, and on the MSG Neighbourhood Plan independently assessed Housing Needs Assessment.

The inclusion of site 99 is not required in order to make the Plan sound. The issue of over allocation of housing sites has not been addressed.

We therefore ask for it to be removed from the Plan.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The inclusion of site 99 is not required in order to make the Plan sound.

We therefore ask for it to be removed from the Plan.

Comment

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Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsonan - 1164352)
Comment ID	DBLPMo41
Response Date	22/11/21 14:32
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM130 – Policy ENV3 – Policy Wording
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

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Whilst MSG Parish Council support the reference to rural gaps between Middleton St George and Middleton One Row as well as between Middleton St George and Oak tree, we consider there is confusion over the conflict of terminology used within the local plan compared to the neighbourhood plan and also over the boundaries.

The neighbourhood plan proposes to allocate a green wedge between Middleton St George and Middleton One Row and this boundary is different to that proposed in the local plan (we have previously provided maps within our hearing statements).

Although A2 has not been identified on the MM Table as a proposed modification, this entire policy wording has been identified in green as re-worded in the Local Plan.

Question 5

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To ensure clarity, we feel as a minimum, the boundary of the rural gap between Middleton St George and Middleton One Row should reflect that within the neighbourhood plan. It should extend eastwards and that this is reflected clearly in the policy wording and on the policies map.

Comment

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Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod42
Response Date	22/11/21 14:34
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Main Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM144 - Policy ENV7 - -- policy wording – para 7
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
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DBC proposed wording:

“Development proposals located within the areas listed below are encouraged, where relevant, to support the achievement of these specific actions will be taken as follows”

MSG Parish Council object to the proposal to change the wording to “encouraged, where relevant” from the previous more robust requirements (“specific actions will be taken”).

The biodiversity of sites must be given the utmost protection, and this should be reflected in the Plan by appropriately robust language. The proposed modification to the wording is providing the suggestion that the Council is encouraging development proposals within the areas!

We propose, therefore, that it would be better to say: “Where development proposals come forward within the areas listed below, they must support the achievement of the specific actions identified...” (or similar).

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The biodiversity of sites must be given the utmost protection, and this should be reflected in the Plan by appropriately robust language.

We propose, therefore, that it would be better to say: “Where development proposals come forward within the areas listed below, they must support the achievement of the specific actions identified...” (or similar).

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Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod46
Response Date	22/11/21 14:52
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Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Policies Map Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	PM2 – (ENV3) – Green Infrastructure Designations - Rural Gaps, etc.
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
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Middleton St George

Firstly, MSG Parish Council are pleased to see that the rural gaps between a) Middleton St George and Middleton One Row, and b) Middleton St George and Oak Tree, are now indicated on the Policies Map.

However, in our matter 10 hearing statement regarding Policy ENV3 (relating to MSG rural gaps), we asked that:

The gap between Middleton St George and Middleton One Row be extended further east in order to reflect the Green Wedge (indicated by the blue dots) as identified and proposed in the submission MSG Neighbourhood Plan, and that this is also amended on the Local Plan Policies Map

The rationale is all explained in the submission NP Design Guide and Settlement Background Paper.

It is important to the local residents, and others, to preserve that sweep of views east and west from Middleton Lane, essential in the protection of the valuable landscape of the rural gap that sits between the settlements.

The gaps between the settlements and glimpses of views into the countryside are identified as important. This is recognised within the design vision, which states “the three sub-settlements will remain separated by green gaps and hold on to their unique identity and different roles within the parish.”

The gap lying between Middleton St George and Middleton One Row. It is important to preserve the distinct identity and sense of place but also to protect and enhance the significance of the Middleton One Row Conservation Area.

It is not only essential to protect the green gaps identified previously by policies, but to “protect and enhance” them as much as possible.

The land to the east of Middleton Lane has been subject to three residential development planning applications, all of which were refused by the council (the most recent of which was subject to an appeal, and was dismissed – in the decision letter, the inspector refers to the importance of the site as a key feature of green space along Middleton Lane. Also, that the site allows the countryside to permeate the built-up area with its largely undeveloped agricultural appearance, therefore contributing to the rural qualities of the conservation area and its significance. Reference is also made to the importance of views through the site to the wider countryside and that the coalescence would unacceptably alter the character of the area).

The submission NP has sought to take the inspector’s reference to the “importance of views through the site to the wider countryside....” by identifying this in green wedge – to protect this area of land (the view to the wider countryside), so as to protect it from future impact of development.

Also, it is submitted that extending this area would help retain the openness and green infrastructure function of the important gap between Middleton St George and Middleton One Row, particularly when viewed in the context of housing site 146 (for 330 houses plus other development).

If, in the future, it transpires that Darlington lacks a 5 year land supply, this area could become very vulnerable to development, given that Middleton St George has been deemed a “service village” in the Local Plan.

Also, given that Neighbourhood Plans form part of the Development Plan, since the submission NP has identified this area as being essential green infrastructure, in order to ensure clarity and consistency we consider the area should be identified as part of the green infrastructure network on the local plan Policies Map.

Likewise, the Local Plan proposed main modifications policy wording does not include the green wedge in Middleton St George, as identified in the Neighbourhood Plan, and included in the written representation for the examination hearings. Although it does not use the same terminology in identifying this area, it would be helpful in the application of the policy that it had the same boundary.

We would like this green wedge to be incorporated into both the Local Policies Map and the Policy wording, by perhaps extending the boundary of the Rural Gap between Middleton St George and Middleton One Row eastwards so that it includes this area (in order to ensure that the policy is effective and consistent with the Neighbourhood Plan – which is part of the Development Plan). (It would add confusion if the areas are different).

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

There is a need for consistency between the policy approach and the boundary. We consider the boundary on the local plan policies map should reflect that contained within the submitted neighbourhood plan (see previous matter 10 hearing statements).

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod47
Response Date	22/11/21 14:59
Status	Processed
Submission Type	Web
Version	0.2
Files	Excerpt of MSG NP Policies Map with referenced area circled
Question 1	
Which document/modification does this representation relate to?	Policies Map Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	PM3 – ENV4 Green Infrastructure
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

There is a lack of consistency between the green infrastructure identified on the local plan policies map and that identified on the submission neighbourhood plan policies map. This lack of consistency could result in a lack of clarity of application. The main difference is the area to the north east of the parish. (Excerpt of MSG NP Policies Map attached with referenced area circled). MSG Parish Council re also concerned that the way in which the council have proposed to identify the green infrastructure network is not clear. The use of a dotted line, rather the identification of a specific area will be open to interpretation.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

There is a need for consistency with how the green infrastructure is identified on the local plan policies map and that identified on the submission neighbourhood plan policies map.

Add document

If you wish to attach supporting files please do so here. [Excerpt of MSG NP Policies Map with referenced area circled](#)

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod48
Response Date	22/11/21 15:02
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Policies Map Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	Policy Map – Map 13 (Middleton St George)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

With reference to the settlement boundary/green infrastructure boundary at Oak Tree, it does not appear that account has been taken of planning permissions 16/00500/FUL and 19/00183/FUL for two dormer bungalows at The Spinney (as per Middleton St George hearing statement on Matter 10, para 2.3).

This has been pointed out and should be corrected to make the Plan consistent and sound.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The settlement boundary/green infrastructure boundary at Oak Tree should be amended to take account of planning permissions 16/00500/FUL and 19/00183/FUL.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod49
Response Date	22/11/21 15:04
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Policies Map Modification Schedule *
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	PM16 – Key
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

It would be helpful if there was a key published against each area map, as it is difficult to use (currently you have to keep referring back to the start of the Policies Map. Most local authorities now have interactive policies maps which makes their interpretation much easier.

Green corridors, existing and new, are simply defined as dotted lines on the map, and do not give any indication of their dimensions. For clarity, and soundness, this should be corrected.

Red boundary areas are supposedly to denote parklands. However, it is not made clear that these areas (parklands) are not all accessible by the general public (the one in Middleton St George belongs to the Middleton Hall Retirement Village). For clarity, we suggest that this is made clear on the key/maps.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Ensure in some way that a key could be visible against each area map.

Amend the way green corridors can be better defined on the map.

Make it clear on the maps that the parkland areas (red boundary lined areas) are not all accessible by the general public.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod50
Response Date	22/11/21 15:21
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM17 Policy DC3 - (g) and footnote 10
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

As explained in our response to proposed MM17, MSG Parish Council believe that increasing the dwelling threshold for housing developments (from 100 to 150) for the requirement to submit a Health Impact Assessment (HIA) is not substantiated or evidenced. There is no robust evidence to justify changing the threshold. The Plan policies should remain as robust as possible, and should not become less so. The examples provided by the council, within the Public Health England document, referenced in MM18, include 100 a house threshold (Greater Norwich, South Cambridgeshire)

We believe that increasing the dwelling threshold for housing developments (from 100 to 150) for the requirement to submit a Health Impact Assessment (HIA) is not substantiated or evidenced. There is no supported argument for changing the threshold. The Plan policies should remain as robust as possible, and should not become less so.

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated: Not significant – SA mentions HIA as one way of considering impact. An increase in threshold does not impact the options considered.

MSG Parish Council consider the impact of this proposed amendment would be significant and would impact on the delivery of the sustainability objectives, particularly the social elements of sustainability. We disagree with the findings of the SA in respect of this MM. The Council should be making the Plan more robust (i.e. with stronger requirements on such matters) rather than less so.

We would propose that this threshold is left at 100.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

We would propose that this threshold is left at 100 given that the impact of the proposed amendment would be significant.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod51
Response Date	22/11/21 15:26
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM19 (Policy DC4 – policy wording paragraph 2)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

MSG Parish Council are opposed to the proposed deletion of the sentence 'Proposals which would result in excessive movements of Heavy Goods Vehicles (HGVs) on residential roads will not be permitted.'

From the main modifications schedule it is stated that the reason for the modification is to remove ambiguity. We assume that this ambiguity comes from the use of the term 'excessive movements' – which is not defined. We feel that the text could be modified to remove ambiguity.

It could be reworded to say 'Proposals which would result in a level of movement of Heavy Goods Vehicles in residential areas which would result in unacceptable harm to the amenity of those living in the area will not be permitted'

If deletion of this sentence is required here, then reference should be placed elsewhere.

For example, an extra bullet point could be added under paragraph 5.4.3 (The aspects of amenity taken into consideration through the planning process are:)

. (Extra bullet point): Noise, disturbance, pollution caused by Heavy Goods Vehicles (HGVs) on residential roads, (both construction traffic during building of development, and other HGVs once the development has been built

Under the column heading "Significant for Sustainability Appraisal?" the Council has stated:

Not significant – Option C of the SA for this policy considered restricting HGV movements in a standalone policy but this was not the preferred option as it was acknowledged there could be economic disbenefits. Its removal would not impact the other amenity considerations

This does not make sense. What does "could be economic disbenefits" mean? And why would it have any pertinence here? We consider that the potential social and environmental impacts of removing this requirement could be significant and therefore disagree with the conclusions of the SA.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

We consider that the potential social and environmental impacts of removing this requirement could be significant and therefore disagree with the conclusions of the SA.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod52
Response Date	22/11/21 15:31
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	(Housing Chapter –Paragraph 6.0.1)
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Modifications have been made to Paragraph 6.0.1. according to the tracked changes in the Plan document. However, reference has been omitted from the Main Modifications Table.

It is proposed that there is a deletion, and the following proposed to be inserted:

“Strategic policies should set out the minimum number of homes required. The size, type, and tenure of housing needed for different groups in the community should also be assessed and reflected in the planning policies.”

The number of homes required should be informed by the Housing Needs Assessments which have been prepared as part of neighbourhood planning activity, MSG Parish Council consider that some reference should be made to this. The housing needs assessment for neighbourhood plans should be considered by the Council to inform their overall housing requirements.

Therefore we propose that, for the purposes of clarity, there should be some reference to the above included here. We therefore suggest that the proposed wording be amended by adding that reference, as follows:

“Strategic policies should set out the minimum number of homes required. The size, type, and tenure of housing needed for different groups in the community should also be assessed and reflected in the planning policies. The level and type of housing needed in an area should be informed by local evidence, including that supporting neighbourhood plans. ”

The Sustainability Appraisal Addendum should consider the above-referenced proposed modifications, and also take into consideration the impact on the SA of the HNAs in the NPs.

The impact of this could be significant in that the number and type of homes in the policy does not reflect that identified to meet local need, and if even more housing is provided this could have greater impacts on the environment etc.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The Sustainability Appraisal Addendum should consider the above-referenced proposed modifications, and also take into consideration the impact on the SA of the HNAs in the NPs.

The impact of this could be significant in that the number and type of homes in the policy does not reflect that identified to meet local need, and if even more housing is provided this could have greater impacts on the environment etc.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod53
Response Date	22/11/21 15:34
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM23 – Policy H1 – Policy wording
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

It is proposed to add the word minimum to the final paragraph, as follows:

“The NPPF states that strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The table below outlines the minimum housing requirement for the neighbourhood areas in the Borough, following the above approach.”

MSG Parish Council object to this. Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Under the column heading “Reason”, the Council has stated:

To ensure the policy is effective and clarify that the requirements are a minimum and not restrictive maximum figures

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated:

Not significant – provides clarity on neighbourhood area housing requirements.

However, both the “Reason” and “Significance for the Sustainability Appraisal” are not justified because the Plan remains not effective and not sound because it still does not provide clarity with regard to neighbourhood area housing requirements, for the reasons stated above.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod54
Response Date	22/11/21 15:37
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM24 – Policy H1 – Table 6.1
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

The housing figures appear to have been amended for consistency with the whole of the Plan.

However, with regard to the specific figure for Middleton St George, together with the justification that the requirements are based on the number of dwellings that are expected to be built on housing allocations and commitments in that neighbourhood area between 2021 and 2036 –shows that these figures are not based on need.

860 is the sum of existing commitments (600) in revised table 6.4 plus 260 at the Maxgate Farm proposed allocation.

45 High Stell 186

65 Middleton Lane 19

89 W of Oak Tree 61

146 S of railway 330

386 Yarm Rd/ railway 4

99 Maxgate Farm 260

The term 'neighbourhood area housing requirement' is a misnomer as it does not relate to the assessment of local need, which will be satisfied many times over by recent completions, sites under construction and future commitments.

The modification describes how the figure is calculated in accord with NPPF and NPPG, but this is more an explanation of how neighbourhood plans can identify more sites to meet additional need.

As for Maxgate Farm, it has already been explained at the EIP that this non-strategic site is not required to meet the Plan's overall requirement for 9840 dwellings. There is more than enough land elsewhere in the Borough.

The Council argues that Maxgate Farm is justified because MSG is a 'service village'. Development in service villages is promoted (even welcomed) in rural areas where it will help support essential existing services which might otherwise be faced with closure.

Precisely the opposite is the case at MSG.

The Council has allowed so many homes to be built that they have already overloaded existing services to such an extent that permission has had to be granted for four new retail units (totalling 1900 sq metres), a new primary school and a new and enlarged medical practice is proposed at Oak Tree.

It is clear that the Council has singled out MSG for treatment as a 'growth settlement' given the comparatively modest amount of new housing at the other service villages of Heighington and Hurworth and apparently no need there for additional shops, schools or medical centres to meet rising demand.

In view of the above, the Local Plan remains unsound.

Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Under the column heading “Reason”, the Council has stated:

To include commitments within the requirement figures for completeness, to reflect the update to the housing trajectory set out in DBC6.2 and to ensure the policy is effective.

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated:

Not significant – provides clarity on neighbourhood area housing requirements.

However, both the “reason” and “significance for the Sustainability Appraisal” are not justified because the Plan remains not effective and not sound because it still does not provide clarity with regard to neighbourhood area housing requirements, for the reasons stated above.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Whilst the NPPF requires minimum numbers at the local authority level, paragraph 66 does not refer to minimum in the context of neighbourhood plans.

The number of homes required should be informed by the independent objectively assessed Housing Needs Assessment in the Neighbourhood Plans, and some reference should be made to this.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod55
Response Date	22/11/21 15:40
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM27 – Policy H1 –New paragraphs added after 6.1.9.
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

It is proposed that the following is inserted here:

“With regards to the neighbourhood area housing requirements, the Council has followed policy and guidance in the NPPF and NPPG in setting the figures. The requirements are based on the number of dwellings that are

expected to be built on housing allocations and commitments in that neighbourhood area between 2021 and 2036.

This approach follows the guidance in reflecting the plan’s spatial strategy and supporting evidence base (e.g.

HELAA and SA). The neighbourhood planning body does not have to make specific provision for housing or seek

to allocate sites to accommodate the requirement. The requirements are met through the allocations in policy H 2 and the housing commitments set out in table 6.4. If monitoring indicated that the committed and allocated sites were not delivering the number of homes set out in table 6.1, there should not be an automatic expectation that development will be allowed on non-allocated sites within the neighbourhood area. Monitoring of housing completions is undertaken yearly and if such a situation was to occur it would be addressed through a review of the Local Plan.

The scope of neighbourhood plans is up to the neighbourhood planning body. Groups are not required to plan for housing. If they wish to do so a neighbourhood plan can allocate additional sites to those in a local plan where this is supported by evidence to demonstrate need above that identified in the Local Plan. Consequently, it is important to note that the neighbourhood area housing requirements are not a restrictive maximum figure. Groups can plan for additional sites if they wish and other suitable windfall sites can be brought forward by developers.

Early engagement with the Council is encouraged, where groups wish to exceed their housing requirement

figures, to assess whether the scale of additional housing numbers is considered to be in general conformity with the strategic policies.”

However, MSG Parish Council disagree with above text in relation to neighbourhood area housing requirements.

As Neighbourhood Plans are an intrinsic part of the Development Plan, the Local Plan should have regard to NP Housing Assessments which have independently assessed and calculated neighbourhood plan area local housing requirements, based on “need”. Whilst neighbourhood groups may or may not allocate sites for housing, it is the NP independently assessed housing needs assessment which must be taken into account when determining the housing need of the NP area, rather than this being determined by a top down random approach which has been led by development pressure rather than need. Paragraph 66 of the NPPF is clear that the housing requirement for neighbourhood areas should reflect the overall strategy for the pattern and scale of development and any relevant allocations. The wording within new paragraph 6.1.10 suggests that no consideration was given to the overall strategy/ spatial distribution and that it was merely the result of sites put forward by developers.

Regard should be had to local housing needs assessments that have informed the preparation of neighbourhood plans, rather than being developer led.

Under the column heading “Reason”, the Council has stated:

To ensure the policy and reasoned justification is clear and effective in terms of the neighbourhood area housing requirements To include commitments within the requirement figures for completeness, to reflect the update to the housing trajectory set out in DBC6.2 and to ensure the policy is effective.

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated:

Not significant – provides clarity on the approach to neighbourhood area housing requirements and ensures the policy is effective.

However, both the “Reason” and “Significance for the Sustainability Appraisal” are not justified because the Plan remains not effective and not sound because it still does not provide clarity with regard to neighbourhood area housing requirements, for the reasons stated above. The proposed neighbourhood plan housing requirements are based on the desires of the housebuilding industry rather than an assessment of local needs.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The impact of the proposed modification to add the word ‘minimum’ into policy H1 regarding the neighbourhood plan area requirements could be significant in that the figure that has been included has not been identified to meet local need and if even more housing is provided this could have greater impacts on the environment etc.

Regard should be had to local housing needs assessments that have informed the preparation of neighbourhood plans, rather than being developer led.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod56
Response Date	22/11/21 15:42
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM35 – Policy H2 – table 6.3 Housing Allocations
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

It is proposed to Replace Table 6.3 (with new numbered 6.5).

MSG Parish Council continue to object to the inclusion of site 99 (Maxgate Farm), for 260 houses, based on our previous comments on the Plan document, as well as in our written and verbal representations in the examination hearings. There is no justification for including this allocation based on the Government indicative figure of 177 houses per year for Darlington, and on the MSG Neighbourhood Plan independently assessed Housing Needs Assessment.

The inclusion of site 99 is not required in order to make the Plan sound. The issue of over allocation of housing sites has not been addressed.

We therefore ask for it to be removed from the Plan.

Under the column heading “Reason”, the Council has stated:

To reflect updates to the housing trajectory set out in DBC6.2. To ensure the plan is effective

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated:

Not significant – provides clarity and consistency on housing figures throughout the plan.

However, both the “reason” and “significance for the Sustainability Appraisal” are not justified because the Plan remains not effective and not sound because it still does not provide clarity with regard to neighbourhood area housing requirements, for the reasons stated above.

The inclusion of site 99 is not required in order to make the Plan sound. The issue of over allocation of housing sites has not been addressed. This will have clear environmental impacts.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

The Plan remains not effective and not sound because it still does not provide clarity with regard to neighbourhood area housing requirements, for the reasons stated above.

The inclusion of site 99 is not required in order to make the Plan sound. The issue of over allocation of housing sites has not been addressed. This will have clear environmental impacts.

Comment

Consultee	Cllr Catherine Gilsenan (1164352)
Email Address	[REDACTED]
Company / Organisation	Middleton St George Parish Council
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Local Plan 2016-2036 Proposed Modifications
Comment by	Middleton St George Parish Council (Cllr Catherine Gilsenan - 1164352)
Comment ID	DBLPMod57
Response Date	22/11/21 15:45
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Which document/modification does this representation relate to?	Sustainability Appraisal Report Addendum
* Please provide the reference number (where applicable), for example MM1, PM1, MIN1	MM144 - Policy ENV7 - – policy wording – para 7
Question 2	
What best describes the nature of your representation?	Object
Question 3 Legally Compliant and Sound	
Do you consider the Plan, incorporating the proposed Modification is Legally Compliant?	No
Do you consider the Plan, incorporating the proposed Modification is Sound?	No
Question 4	

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

“Development proposals located within the areas listed below are encouraged, where relevant, to support the achievement of these specific actions will be taken as follows...”

MSG Parish Council object to the proposal to change the wording to “encouraged, where relevant” from the previous more robust requirements (“specific actions will be taken”).

The biodiversity of sites must be given the utmost protection, and this should be reflected in the Plan by appropriately robust language. The proposed modification to the wording is providing the suggestion that the Council is encouraging development proposals within the areas!

We propose, therefore, that it would be better to say: “Where development proposals come forward within the areas listed below, they must support the achievement of the specific actions identified...” (or similar).

Under the column heading “Reason”, the Council has stated:

To ensure the policy is effective

Under the column heading “Significant for Sustainability Appraisal?” the Council has stated:

Not significant – improve effectiveness of wording

MSG Parish Council are disappointed that such modifications are not considered significant and require further appraisal and evaluation.

We consider that the proposed change to the wording of policy ENV7 is significant, given that in effect, it would encourage development in areas identified for their biodiversity value, whereas the previous more robust language would have been preferable in order to go some way in protecting the environment.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

We consider that the proposed change to the wording of policy ENV7 is significant, given that in effect, it would encourage development in areas identified for their biodiversity value, whereas the previous more robust language would have been preferable in order to go some way in protecting the environment.

