

Delegated Decision

12 March 2024

Pre-Submission Public Consultation – Middridge Neighbourhood Plan



Report of Michael Kelleher Head of Development & Housing

Electoral divisions affected:

Aycliffe North and Middridge.

Purpose of the Report

1. This report provides an update on the Middridge neighbourhood plan to:
 - (a) advise on issues posed by the pre-submission draft Middridge Parish Council neighbourhood plan;
 - (b) agree Durham County Council's response as the Local Planning Authority (LPA); and
 - (c) set down the next steps for the neighbourhood plan.

Executive summary

2. Middridge Parish Council have published their draft neighbourhood plan for consultation. This marks the first formal version, known as the pre-submission draft, and regulations require at least a six-week public consultation. The consultation ran from 5 February 2024 to 17 March 2024.
3. The neighbourhood plan contains three policies which identify:
 - (a) a protected rural setting (PRS) defining the historic character and identity of the village as a self-contained rural settlement, separate from Newton Aycliffe and Shildon;
 - (b) valued local green spaces (LGS); and

- (c) seek to retain and safeguard two important community facilities, the village hall and the Bay Horse Public House as valued village assets.
4. As the local planning authority, Durham County Council has a 'duty to support' the group with their plan making activity. Middridge Parish Neighbourhood Plan Working Group (MPNPWG) have liaised with Durham County Council officers in the preparation of this plan over several years. Durham County Council officers have helped shape the document including through a recent informal 'health check'. The group have usefully incorporated many of these suggestions however there are some further minor matters to address and areas where further improvements can be made to the neighbourhood plan. These are set out below and will be formally submitted to the Parish Council as Durham County Council's response for their consideration.
 5. Following the close of the current consultation the Parish Council will prepare their final submission draft neighbourhood plan. This draft of the neighbourhood plan will be subject to a further formal consultation which will be the responsibility of Durham County Council. A further report will be prepared at this stage to agree Durham County Council's response and to update Members on progress and next steps.

Recommendation

6. It is recommended that the report is noted and the attached comments submitted as the formal response of Durham County Council.

Background

7. The current consultation has been organised by the Parish Council. Officers have worked with the group in helping to shape the neighbourhood plan through meetings and informal feedback on draft content.
8. In preparing the current consultation draft plan the group have undertaken a series of public consultations. Durham County Council has also undertaken a 'health check' on a draft of the neighbourhood plan incorporating views of relevant specialist officers. A Durham County Council screening of the draft neighbourhood plan has concluded that the plan would be unlikely to create significant environmental effects. Officers are therefore of the view that Strategic Environmental Assessment (SEA) and appropriate assessment (a stage within Habitat Regulation Assessment [HRA]) are not required however the Environment Agency, Historic England and Natural England have been asked to verify this position. To date, feedback has been received from the Environment Agency which confirms their agreement on the council's conclusions and that SEA and appropriate assessment (a stage within HRA) are not required and it is anticipated that the other bodies will be of the same view.
9. In considering the pre-submission draft Durham County Council need to check the neighbourhood plan accords with the 'basic conditions'. These conditions require the neighbourhood plan to:
 - (a) contribute to the achievement of sustainable development;
 - (b) have regard to national policy and guidance; and
 - (c) be in general conformity with adopted strategic local planning policies; this is important as the examiner will need to be satisfied that the plan accords with the basic conditions to enable it to pass examination.
10. A notice of the consultation and a copy of the pre-submission draft neighbourhood plan has been published on Durham County Council's website. The Parish Council have advertised the consultation locally, held a consultation event in the village hall and circulated flyers to households. Furthermore, the Parish Council have provided an email address for queries on the neighbourhood plan. The Parish Council have also prepared to inform landowners of the neighbourhood plan.

Scope of the Draft Plan

11. The neighbourhood plan covers the period 2023 to 2038. It includes the following policies:

- (a) Policy MNP1: Protected Rural Setting: this policy identifies and safeguards an area of countryside extending out from Middridge as a PRS. This recognises the essential role it plays in defining the historic character and identity of the village as a self-contained rural settlement, separate from Newton Aycliffe and Shildon.
- (b) Policy MNP2: Local Green Space: this policy identifies and safeguards the most valued LGS in the village for the important open space roles they fulfil and the contribution they make to the character and appeal of the village; and
- (c) Policy MNP3: Valued Village Assets: this policy identifies and safeguards the village hall and the Bay Horse Public House as valued village assets for the important role they play in the wellbeing of the local community and the character and appeal of the village.

Robustness of the Neighbourhood Plan for Future Decision Taking

12. When adopted, a neighbourhood plan becomes part of the statutory development plan for the area that it covers. The Middridge neighbourhood plan will therefore be a significant planning policy document and the following checks are of relevance:

- (a) whether the draft plan has been adequately informed by sustainability appraisal/SEA: a screening opinion has been undertaken by Durham County Council; this concludes that the Middridge neighbourhood plan is not likely to create significant environmental issues and, subject to confirmation by statutory undertakers (Environment Agency, Natural England and Historic England), it is considered that SEA and appropriate assessment are not required in this instance however the final decision is to be made by the LPA;
- (b) evidence base: the group have carried out informal consultation events and have distributed questionnaires to all households within the parish and assessment work has been undertaken to identify the PRS and each of LGS and valued views;
- (c) clarity of policies: the policies of the plan will impact Durham County Council as decision maker, asset holder and stakeholder in matters including regeneration and long-term sustainability of the parish and the plan will also have an impact on businesses, developers and residents therefore it is important that policies are clear to users; and
- (d) effective consultation: the group have sought to engage the community, landowners and businesses, interest groups and statutory consultees throughout the process.

Sustainability

13. The draft neighbourhood plan provides an important opportunity to create a suite of focused and detailed local policies to compliment the County Durham Plan. This provides an opportunity for managing the continued sustainability of the area; for example, by protecting the rural setting of Middridge through defining the PRS and through policies which identify important LGS and community facilities.

County Durham Plan

14. The draft plan would not have an adverse impact on the delivery of the overall strategy of the County Durham Plan however some minor amendments are recommended as set out in Appendix 2.

Next Steps

15. Durham County Council are required to submit their representations to the Parish Council by 17 March 2024.
16. The group have the opportunity to amend their plan following the consultation and progress to submission stage where Durham County Council host a further public consultation (six weeks minimum) and make arrangements for the independent examination. As part of the submission consultation Durham County Council can submit any outstanding concerns for consideration through the examination.
17. When adopted a neighbourhood plan becomes part of the statutory development plan for the area it covers. It will sit alongside the County Durham Plan forming the starting point for planning considerations. Durham County Council has a statutory duty to support the Parish Council, whilst at the same time advise them of the requirements within the basic conditions and any opportunities to improve the plan including through the formal public consultation process.

Conclusion

18. Officers have worked with the group to ensure that the neighbourhood plan is consistent with local and national guidance. Nevertheless, there are some minor areas where officers consider that changes are required to improve the plan to ensure clarity of policies and alignment with Durham County Council objectives. These are set out within Appendix 2 and will form the basis of the council's formal representation to the Parish Council.

Background Papers

- Middridge Neighbourhood Plan

Other useful documents

- None

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Appendix 1: Implications

Legal Implications

Legal opinion and advice has been provided during the preparation of the plan.

Finance

None.

Consultation and Engagement

None.

Equality and Diversity / Public Sector Equality Duty

Equality and diversity have been considered however this proposal is not expected to impact either positively or negatively on any particular group.

Climate Change

There are potential benefits given the policies aim to protect valued LGS and the setting of Middridge.

Human Rights

None.

Crime and Disorder

None.

Staffing

The council will need to continue to provide support to the Parish Council as the plan progresses through examination.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Response to Middridge Parish Council

Response to Middridge Parish Council:

Policy / Section	Suggested Amendment
Pg 8 - Para. 1.27	Minor change to 'However, in brief, the intent of the Neighbourhood Plan is that its policies will operate alongside and be supportive of the existing framework of planning policies at a national and local level ...'
Pg 24 Objective 1 (chapter 4)	Possibly include reference to safeguarding against/preventing certain types of development as a means to achieve vision of safeguarding the rural setting.
Pg 24 Objective 1 (chapter 4)	<p>Currently reads:</p> <p>'To safeguard the valued rural setting of Middridge village and maintain its separateness from neighbouring settlements'</p> <p>Could be improved and read:</p> <p>'To safeguard the valued rural setting of Middridge village and maintain the separateness of the village from neighbouring settlements'</p>
Pg 29 - Policy MNP1 – Protected Rural Setting	<p>Currently reads:</p> <p>'Accordingly, development proposals within or encroaching into the PRS will not be supported if they diminish the rural character of the PRS or the role it plays in maintaining the physical separation between Middridge and the neighbouring settlements Shildon and Newton Aycliffe....'</p> <p>Could be improved and read:</p> <p>'Accordingly, development proposals within or encroaching into the PRS will not be supported where they will diminish the rural character of the PRS or the role it plays in maintaining the physical separation between Middridge and the neighbouring settlements Shildon and Newton Aycliffe'</p>
Pg 29 - Policy MNP1 – Protected	Consideration should be given to the requirement for further explanation in the policy and/or policy justification as to how Policy MNP1 works alongside Policies 6 and 10 of the County Durham Plan.

Rural Setting	
Policies Maps (all)	Typo on title of plan within legend 'Mlddridge' should be 'Middridge'
General	There are numerous references to National Planning Policy Framework September 2023 throughout the neighbourhood plan, including paragraph numbers which have now been superseded by the December 2023 edition. The next version of the Plan will therefore require some factual updating to ensure consistency with the latest NPPF