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Report on Stainton & Thornton Neighbourhood Plan 2021-2036

An Examination undertaken for Middlesbrough Council with the support of the Stainton and Thornton Parish Council on the June 2021 submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP (Nott) MRTPI

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Intelligent Plans and Examinations (IPE) Ltd, 3 Princes Street, Bath BA1 1HL
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Contents	Page
Main Findings - Executive Summary	4
1. Introduction and Background	4
• Stainton & Thornton Neighbourhood Plan 2021–2036	4
• The Independent Examiner	5
• The Scope of the Examination	5
• The Basic Conditions	6
2. Approach to the Examination	6
• Planning Policy Context	6
• Submitted Documents	7
• Site Visit	8
• Written Representations or Public Hearing	8
• Modifications	8
3. Procedural Compliance and Human Rights	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	9
• Development and Use of Land	9
• Excluded Development	9
• Human Rights	10
4. Compliance with the Basic Conditions	10
• EU Obligations	10
• Main Issues	10
• Issue 1: General compliance of the Plan as a whole having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies	11
• Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services	13
- Policy ST1 – Green Infrastructure	13
- Policy ST2 – Local Green Spaces	14
- Policy ST3 – Natural Environment	15
- Policy ST4 – Heritage Assets	16
- Policy ST5 – Community Assets	17
- Policy ST6 – Traffic/Parking/Public Transport and Roads	18
- Policy ST7 – Infrastructure and Right of Way	19
- Policy ST8 – Services/Schools/Shops/Unicorn Centre/Larchfield	20
- Policy ST9 – Design Principles and Policy ST10 – New Developments on Greenfield Sites	21

- Policy ST11 – Planning Obligations	24
- Policy ST12 – Renewable Energy & Energy Efficiency	24
• Factual and Minor Amendments and Updates	26
5. Conclusions	26
• Summary	26
• The Referendum and its Area	26
• Overview	27
Appendix: Modifications	28

Main Findings - Executive Summary

From my examination of the Stainton & Thornton Neighbourhood Plan (the Plan/STNP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Stainton and Thornton Parish Council;
- The Plan has been prepared for an area properly designated – the Stainton and Thornton Parish area, Figure 1 in the Plan;
- The Plan specifies the period to which it is to take effect – 2021-2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Stainton & Thornton Neighbourhood Plan 2021-2036

- 1.1 Stainton and Thornton Parish lies within, but on the edge of the urban area of the Borough of Middlesbrough, located south-east of the junction between the A19 and A174. The Parish consists of two villages, Stainton and Thornton, with a combined population of around 2,080 according to estimates for 2015.¹ This is an increase from 1,240 in the 2011 Census, reflecting the amount of new development taking place within the Parish. New developments surround the two settlements but they, nevertheless, retain distinct 'village' characters and are separated by a small, but significant area of open countryside. The core areas of the two villages have been designated as a Conservation Area. The area to the south of the Parish is largely open countryside.
- 1.2 The relatively rapid development of Stainton and Thornton Parish led to a Neighbourhood Plan Group being formed under the auspices of the Stainton and Thornton Parish Council (STPC) with the object of ensuring "*..that future development within the Parish is of the type, style and position to be carried out in accordance with the wishes and desires of the residents*".² Residents were notified of the development of the

¹ Tees Valley Combined Authority (TVCA) estimate for 2015.

² Draft Neighbourhood Plan, June 2021, Page 2, Foreword.

Neighbourhood Plan in the Stainton and Thornton Community Council Newsletter, dated June 2017. Posters were displayed and the Plan Group has provided regular updates throughout the development of the Plan.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Stainton & Thornton Neighbourhood Plan by MBC, with the agreement of STPC.
- 1.4 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').
- 1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

- 1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with and not breach European Union (EU) obligations (under retained EU law);³ and
 - Meet prescribed conditions and comply with prescribed matters.
- 1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.⁴

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of Middlesbrough Borough Council, not including documents relating to excluded minerals and waste development, comprises the Housing Local Plan 2014 (HLP); the Middlesbrough Core Strategy 2008 (MCS), which looks forward to 2023; the Saved 1999 Local Plan Policies, which includes saved policies on green space, countryside and built environment; and the Regeneration

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

Development Plan Document 2009 (RDPD). MBC is presently preparing a new, emerging local plan which will set out a vision for the future development of Middlesbrough in relation to housing, the economy, community facilities and infrastructure, up to 2037. When adopted, this will replace existing planning policy documents, and provide a basis for determining planning applications within Middlesbrough. Although the Local Development Scheme (LDS) indicates that this emerging local plan is expected to reach the adoption stage by March 2022, the STNP, paragraph 2.3, indicates that draft documentation has recently been withdrawn.⁵

- 2.2 Planning Practice Guidance (PPG) indicates that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. It also advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.⁶ However, in this instance the absence of up-to-date documentation means that I have no basis on which to have regard to the emerging local plan.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. All references in this report are to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC).

Submitted Documents

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Stainton & Thornton Neighbourhood Plan 2021-2036, June 2021;
 - The map at Figure 1 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
 - the Consultation Statement, undated;
 - the Basic Conditions Statement, undated;
 - the Strategic Environmental Assessment Screening Opinion prepared by STPC, undated;
 - Habitats Screening Report, February 2021;
 - all the representations that have been made in accordance with the Regulation 16 consultation; and

⁵ [Planning policy | Middlesbrough Council](#)

⁶ PPG Reference ID: 41-009-20190509.

- the responses from STPC and MBC to my letters of 17 and 22 September.⁷

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 21 September 2021 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There were no requests for an appearance amongst the Regulation 16 representations and the responses clearly articulated objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The STNP has been prepared and submitted for examination by STPC, which is a qualifying body for an area that was designated by MBC on 7 March 2017.
- 3.2 It is the only neighbourhood plan for the Stainton and Thornton Neighbourhood Plan Area and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.3 The Plan specifies the period to which it is to take effect in paragraph 1.1, which is from 2021 to 2036. In the interests of clarity, this should be stated prominently on the front cover and I recommend accordingly (**PM13**).

⁷ View at: <https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy/neighbourhood-planning/stainton-and-thornton-neighbourhood-plan>

Neighbourhood Plan Preparation and Consultation

- 3.4 The application to designate Stainton and Thornton as a Neighbourhood Plan Area received approval on 7 March 2017 from MBC, following a consultation period from 20 January until 20 February 2017. Two public resident surveys were carried out to establish the wishes and desires of the residents, following which the Neighbourhood Plan Group was formed under the auspices of the Parish Council tasked with preparation of the Neighbourhood Plan.
- 3.5 First notification of the proposal to develop a neighbourhood plan was sent out with the Stainton and Thornton Community Council Newsletter, dated June 2017. There followed a short initial survey and a further more comprehensive survey in October 2017 to establish local residents' views and aspirations, together with a shorter questionnaire given to children at the village Gala Day.
- 3.6 A formal Regulation 14 Consultation ran from 12 October to 23 November 2020. In addition to the document being available online with copies available through the Parish Council, a consultation letter and response form were hand delivered to local residents and businesses. Letters were also sent to all relevant statutory bodies. Responses were received from the statutory bodies, developers, and a number of local residents, these latter mostly supporting the draft Plan. Modifications were made in response to points raised by respondents.
- 3.7 The Regulation 16 Consultation was undertaken by MBC from 5 July to 16 August 2021. However, because of the ongoing COVID-19 pandemic restrictions, some engagement procedures were modified to comply with the public health guidelines, with most of the consultation being undertaken online. The schedule shows the responses received, including 6 from statutory consultees and 5 from local residents.
- 3.8 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having due regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

Development and Use of Land

- 3.9 Subject to my recommended modifications to Policies ST7 (**PM8**) and ST8 (**PM9**), the Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.11 Stainton and Thornton Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.⁸

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by STPC, which found that it was unnecessary to undertake SEA. The statutory consultees have not raised objections⁹ and, having read the SEA Screening Opinion,¹⁰ I support this conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. There are three sites of European significance within 15km proximity of the Plan area but the effect of the Plan on these sites is not considered to be significant.¹¹ Natural England agrees with the conclusions of the screening assessment, that the Plan will not adversely affect the integrity of any European or International site,¹² and from my independent assessment of this matter I have no reason to disagree.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Stainton & Thornton Neighbourhood Plan as two main matters:

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

⁸ Basic Conditions Statement, Paragraph 4.

⁹ Letters submitted by STPC 23 September 2021.

¹⁰ Screening Assessment, undated.

¹¹ HRA Screening Report. Section 6.

¹² Letter from Natural England dated 3 March 2021.

determining planning applications. It should be concise, precise and supported by appropriate evidence.¹³

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies

- 4.5 The Plan sets out a vision, stating that *“The Parish will develop appropriately, but also retain its rural village character, along with green spaces both within, and surrounding, the parish. It will maintain its community spirit and historical connections and remain distinct in its character from the urban town of Middlesbrough”*. The vision was shared with the community, with 94% agreeing with the statement. Following this, the Neighbourhood Plan Group established a set of sustainable development principles¹⁴ to ensure that the Plan contributes to achieving the economic, social and environmental aspects of sustainable development.¹⁵
- 4.6 The approach in the MCS is accepted as not being successful in delivering the housing required for Middlesbrough and the HLP was based on a scenario of a stable population requiring a building rate of 410 dwellings per annum. This results in a housing requirement for a minimum of 6,970 dwellings over a plan period to 2029.¹⁶ The HLP allocated land for a minimum of 1,230 dwellings at Hemlington Grange (Policy H23) and 326 dwellings at Stainton (Policy H27 – Rose Cottage Farm), a total of at least 1,556 dwellings.
- 4.7 In the event, Rose Cottage Farm has been completed, producing a total of 314 dwellings, whilst planning permissions and the subsequent replacement of a care home with further housing has led to a projected total for Hemlington Grange of between 1,385 and 1,410 dwellings. This gives 1,699 to 1,724 dwellings across both sites. Paragraph 2.2 in the STNP suggests a total of 1,708 dwellings across both sites. From the above, it is clear that sufficient land has been allocated to meet the net housing requirement proposed in the HLP for the period to 2029 and that, as a consequence, there is no necessity for additional allocations within this neighbourhood plan. Paragraph 1.1 of the STNP advises that the Plan will be reviewed every five years to ensure compliance with national and local planning requirements.
- 4.8 The basis for the Neighbourhood Plan arose from strong views concerning the impact of the new developments proposed by the HLP on the Parish, including those on the character and identity of the Parish and the countryside, and on the local road network. The guarantee of future sustainability was also a matter of concern. In terms of any further new developments, the Plan sets down a series of policies which attempt to

¹³ PPG Reference ID: 41-041-20140306.

¹⁴ Draft Plan: Section 7, Plan Vision and Objectives, page 11.

¹⁵ NPPF: Paragraph 8.

¹⁶ HLP: Table 1, Adjusted Housing Requirement.

ensure that the identified impacts are minimised and that important community and heritage assets of the neighbourhood are safeguarded. Most important to the local community, the Plan seeks to protect green spaces and the natural environment which were identified as the local community's top priority. The Plan also sets down a series of sustainable development principles (section 7) which underpin the overall approach.

- 4.9 As noted previously, a new local plan is in preparation and this will set out a vision for future development up to 2037 but for the reasons stated in paragraph 2.2, above, there is no basis on which the STNP has been able to take account of the emerging local plan. There has been concern raised that the STNP Plan period does not align with the strategic policies set down in the HLP which runs to 2029 and that, as a consequence, there is no strategic steer beyond this date. However, the PPG¹⁷ makes it clear that neighbourhood plans can be brought forward before an up-to-date local plan is in place. I am satisfied that there is a satisfactory and collaborative working relationship between STPC and MBC which will ensure that conflict between the STNP and the emerging local plan will be minimised. It is also stated that the Plan will subject to review every 5 years.¹⁸
- 4.10 I have noted representations on behalf of those promoting sites for allocation for housing developments beyond those proposed in the HLP. Since, as previously stated, the present allocations are intended to fulfil the housing requirement to 2029, and the scope of the Neighbourhood Plan is to provide non-strategic policies, it is appropriate that the allocation of further sites is a matter for the emerging local plan. However, I have taken account of the general points regarding flexibility within the Plan's policies in my assessment of individual policies.
- 4.11 The planning context for the Plan is set out in Section 2 of the STNP. However, there is no mention of the national framework to which the STNP must have regard. This is an omission which should be addressed through the inclusion of a new paragraph following paragraph 2.3, as provided by proposed modification **PM1**. However, paragraph 1.6 indicates that the Plan must be in general compliance with the NPPF and it is clear from specific references within the document that the STPC has had regard to the national policy and advice in the framing of policies. In particular, I am satisfied that the three overarching objectives for achieving sustainable development¹⁹ have underpinned the development of the STNP.
- 4.12 In respect of Issue 1, therefore, I consider that the Plan's vision and objectives should contribute to the achievement of sustainable development, having regard to the recently updated national policy and guidance. I also consider that the STNP, as a whole and subject to my

¹⁷ PPG Reference ID: 41-009-20190509.

¹⁸ Foreword and paragraph 1.1 of the STNP.

¹⁹ NPPF, Paragraph 8.

detailed analysis (and associated PMs) dealing with Issue 2, is in general conformity with the strategic policies contained in the MCS and the HLP. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has had regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

- 4.13 Having regard to the need for policies to be clear and unambiguous, concise, precise and supported by appropriate evidence, a number of the policies include material which should properly form part of the justification for the policy. As a general point, there is also a degree of overlap between policies with the same requirement being included in more than one policy. Since the Plan should be read as a whole, such duplication is unnecessary and creates ambiguity. During my consideration of each policy, below, I have sought to reduce the extent of duplication and exclude statements of justification to ensure clear and concise policies. This will ensure due regard is had to the guidance in the PPG.

Issue 2: - The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services

Policy ST1 – Green Infrastructure

- 4.14 Retention of the green infrastructure is a significant local issue addressed by the Plan, identified in the first sentence of the vision along with retention of the rural village character. The first three policies are therefore directed towards aspects of protection for the green infrastructure. In general terms, therefore, the approach provided by Policy ST1 takes account of Government guidance in the NPPF²⁰ and is also in general conformity with the HLP Policy CS20. This emphasis does lead to duplication and overlap with other green infrastructure policies and, to a lesser extent, with other parts of the Plan. This is not helpful to the Plan's users and their understanding of the requirements and issues to be addressed by developers. The Development Plan should be read as a whole and the NPPF, paragraph 16, makes it clear that the Plan should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area". This applies to policies within a neighbourhood plan as well as those in other plans comprising the Development Plan.
- 4.15 The first statement of Policy ST1 indicates a requirement for new developments to contribute towards the protection and enhancement of green infrastructure. It also continues to deal with new provision, including spaces and linkages. However, these matters (criteria 2 and 3) are better dealt with in more detail in Policy ST3 - Criterion 7, for example – and Policy ST7 so far as rights of way are concerned. The final

²⁰ NPPF, Paragraphs 179 and 180.

statement in Policy ST1 deals with developments proposing 'a net loss' (a term not defined in the Plan) which would be supported only in certain circumstances. This is an unnecessary complication of the policy, particularly as the first policy statement indicates support for proposals that contribute towards the protection or enhancement of green infrastructure. An addition to the final sentence of the policy would ensure that account has been taken of the updated NPPF.²¹

- 4.16 Appropriate amendments to Policy ST1 are provided by proposed modification **PM2** to ensure the Basic Conditions are met.

Policy ST2 – Local Green Spaces

- 4.17 The NPPF (paragraph 101 in the July 2021 version) allows for the designation and protection of land as Local Green Space (LGS) where it is of particular importance to the community. Paragraph 102 provides three criteria to be met in order for the designation to be used, whilst paragraph 103 states that "*policies for managing development within a Local Green Space should be consistent with those for Green Belts*".
- 4.18 The Plan has followed the process for designation and included at Appendix 4 detailed assessments of nine locations for designation and protection. I have looked at each of these during my site visit. Whilst most of these fulfil the requirements for designation, I am concerned that one of the locations does not appear to fully meet the criteria provided by the NPPF.
- 4.19 Thornton Plantation (LGS8) appears to be a privately owned and managed wood which, although not an extensive tract of land, has no permitted access for the public. However, PPG Reference ID: 37-017-20140306 is clear that land can be considered for designation even if there is no public access, but in this instance the assessment in Appendix 4 concludes that it has no recreational value and there is no evidence that it holds a particular local significance or is special to the local community. It cannot, therefore, be said to be demonstrably special to the local community. As a result, I do not consider the Plantation meets the criteria of designation.
- 4.20 I have noted concerns raised in the representations regarding the LGS designation of Stainton Low Wood (LGS6). The site is woodland which I understand to be owned and managed by the Woodland Trust and I believe is well used by locals. Having visited the site and read the documentation I am satisfied that it meets the requirements for designation.
- 4.21 The churchyard to St Peter and St Paul's Church (LGS7) clearly already benefits from protection as consecrated ground as well as forming the setting of a Grade II* listed building. Nevertheless, it is an historic focus of village life and makes a significant contribution to the character of the

²¹ NPPF, Paragraph 98.

village core. As such, the designation as LGS is appropriate. The remaining areas to be designated as LGS are grouped within two locations: firstly, LGS 1, 2 and 4, which are linked open spaces forming a continuous belt of recreational land adjacent to Stainton Way, and LGS 3, 5, and 9 (along with LGS7 discussed above) together provide a distinct separation between the two settlements of Stainton and Thornton as well as providing a locally much loved area of recreation. Individually, all of these areas in my judgement meet the criteria for designation as LGS.

- 4.22 Turning to the policy, it is important to bear in mind the guidance in NPPF, paragraph 103, which requires the policy to be consistent with Green Belt policy. It is important, therefore, that the policy makes this clear, and that development will not be permitted except in very special circumstances. Having made this clear, the criteria a) and b) are unnecessary and introduce an element of confusion.
- 4.23 Similar confusion arises from the criteria for measuring the appropriateness of development, 1) and 2), which attempt to reframe national Green Belt policy (notably NPPF, Paragraph 149). The first sentence of the paragraph that follows seeks to introduce, without supporting evidence, the concept of permission being possible in the event of 'no net loss'. The final two sentences of that paragraph refer to the provision of new green space provision in relation to new developments but this is not relevant to a policy concerned with the protection of designated LGS.
- 4.24 As a consequence, amendments to the policy are necessary in order to properly reflect national policies and advice in the NPPF, and to be in general conformity with the local plan strategy which includes a need to enhance the quality of existing open space by maintaining "*all open space where it makes a positive contribution*" (MCS: paragraph 11.6 of the justification for MCS Policy CS20). The proposed modification **PM3** provides an amended text to Policy ST2 to ensure that it meets the Basic Conditions.
- 4.25 For clarity, the Parish Council may wish to amend the order and numbering of the sites included in the policy with the order and numbering of the sites in Appendix 4.

Policy ST3 – Natural Environment

- 4.26 Following on from my general comments regarding Policy ST1, it is important to ensure that the intention behind Policy ST3 is clearly distinct in its purpose. The first part of the policy provides a set of criteria to be met by proposals in order to gain the support of the local community. As a general point, the policy would be more effective if the support were not qualified by the word "*only*".
- 4.27 Turning to the criteria, 3 and 8 – relating respectively to rights of way and trees - are duplications of policies elsewhere in the Plan and should be

deleted. The protection of valued views and vistas provided by Criterion 2 mirrors in its entirety the protection for the same views and vistas protected by Policy ST4. The latter is a more appropriate location for the criterion and so Criterion 2 should be deleted. Some amendments are necessary in respect of the remaining criteria in order to ensure clarity of purpose and to avoid unnecessarily detailed measures of control, for example regarding the nature of treatment for water courses. In order to ensure the policy has had regard to the latest Government advice and guidance, a new criterion should include reference to the NDG and the NMDC as shown in the proposed modification.

- 4.28 The reference to the importance of maintaining “green buffer zones” responds to an objective stated on page 17 “to ensure green spaces between us and neighbouring developments to maintain our parish character”. This is a significant overlap with the strategic intention expressed in the MCS to maintain “green wedges” defined as “large tracts of mainly undeveloped land” (paragraph 11.4) and forming part of a network of green infrastructure to be delivered through Policy CS20. The existing Green Wedge Allocation is shown on Figure 4 in the STNP. No defined “green buffer zones” are shown on Figure 4 and STPC, in its response to my question (dated 30 September 2021), indicated that “it is very difficult to define these”. As a result of the lack of clarity regarding the extent of the green buffer zones and the degree of overlap with the strategic function of Policy CS20, this part of Policy ST3 does not meet the Basic Conditions and should be deleted.
- 4.29 The final part of the policy seeks to ensure biodiversity net gain for all developments but requires greater clarity and a more precise statement of policy if the requirement that “a decision maker can apply it consistently and with confidence when determining planning applications”²² is to be achieved.
- 4.30 Necessary amendments to ensure the policy meets the Basic Conditions are provided by proposed modification **PM4**.

Policy ST4 – Heritage Assets

- 4.31 Although the Basic Conditions Statement advises that there is no specific MBC policy relating to heritage assets, MCS Policy CS5, requires development proposals to take account of Conservation Areas and buildings of special historic or architectural interest (criteria h) and i)). However, in general terms, Policy ST4 seeks to ensure proposals do take account of heritage assets in a similar vein to the strategic policy. It also has had regard to national advice contained in Section 16 of the updated NPPF.

²² PPG Reference ID: 41-041-20140306.

- 4.32 In order to take full account of the recent publication of the NDG and the NMDC so far as the cultural heritage is concerned I consider it necessary to insert a new criterion making specific mention of these publications.
- 4.33 The key views, subject of Criterion 1, require identification in order that protection can be sought through the policy. The supporting text on page 22 of the STNP refers to the views being detailed in the Conservation Area Character Appraisal (CACA) and refers to the map on page 67 of the document. The CACA, paragraph 8.02 highlights the importance of views into and out of the CA and are identified on the map (which is located on page 27 of the Appraisal). However, so far as I can establish, this does not relate to all 5 views listed in the STNP (the night sky views, numbered 6, cannot be protected by planning policy in this instance). As a consequence a map must be included in the Plan to identify the views to be protected, and referenced in the criterion.
- 4.34 The text of each criterion requires some amendments to ensure clarity and precision and to ensure they can be applied consistently and with confidence.
- 4.35 Appropriate amendments to the policy are included in the proposed modification **PM5** to ensure the Basic Conditions are met.

Policy ST5 – Community Assets

- 4.36 The sentiments of Policy ST5 are clear and heartfelt, supported by a community that values those assets and has concerns about their loss (STNP, Section 10, policy justification).
- 4.37 The thrust of the policy is to ensure that any development proposals provide support for the community assets and not result in their loss. The message could be expressed more clearly for the purpose of the appropriate application of the policy to development proposals.
- 4.38 The first issue lies in the identification of community assets since these include assets which provide facilities and services used by the community, those which are commercial enterprises and those which are not clearly defined. Having identified the assets, the policy intends that development should support their retention and enhancement. Of course, all development is likely to provide a measure of support, however small, for local facilities simply by providing an increase in the local population. MCS Policy CS6 includes community facilities (paragraph 5.22) amongst those matters for which developer contributions will be sought. However, beyond this, 'support' suggests measures imposed upon developments to provide continuing support of an unspecified nature. This cannot be justified in planning terms since it appears to introduce a degree of unjustified burden upon all developments. For this reason, the first part of the policy lacks clarity of intent and should be deleted. The identification of local community assets should not be included as part of the policy statement but provided for information in an appendix.

- 4.39 The remainder of the policy provides a basis for assessing the impact of development proposals on the provision and maintenance of community assets. In the final paragraph, it is not the Parish Council, through the Neighbourhood Plan, which permits or refuses development – that is the responsibility of MBC. Accordingly “*permitted*” should be replaced with “*supported*”. The use of “normally” should be avoided in policy wording for reasons of clarity and precision. Finally, the increase in provision “*commensurate to any proposed growth in population*” is not quantifiable in this context and should be omitted.
- 4.40 Although in broad terms Policy ST5 is in conformity with the MCS so far as CS6 is concerned, and has regard to national advice in the NPPF (paragraphs 34 and 93), from my analysis, some amendments are required to Policy ST5 to ensure the Basic Conditions are met. The proposed modifications in **PM6** will ensure this is the case.

Policy ST6 – Traffic/Parking/Public Transport and Roads

- 4.41 There are a number of issues with Policy ST6 relating to the level of detail which would be difficult to enforce in practice, and the nature of the matters covered. Items 2 and 3 are covered in detail in the Tees Valley Highway Design Guide (also known as the Design Guide & Specification (DGS)) adopted by participating authorities within Tees Valley area, and further design guidance is provided by the NDG and the NMDC. As a consequence the policy should make reference to these documents rather than repeating information and items 2 and 3 should be deleted.
- 4.42 Having made reference to the guidance available, much of the detail contained in the first paragraph is unnecessary and could result in confusion over the application of standards and guidance. The proposed modifications include amendments to the text of the first paragraph to ensure clarity.
- 4.43 Item 4 of the policy relates to the use of Section 106 obligations for road improvements. However, not all highway works are covered by the use of such agreements, and those which are will be subject to Policy ST11 and MCS Policy CS6. Accordingly, the paragraph should be deleted.
- 4.44 The final sentence of the policy stipulates a requirement that all developments be served by sustainable transport links. However, this requirement may not be applicable in all circumstances and so it should be qualified by “*where possible and appropriate*”. The inclusion of transport provision subsidies cannot be included as a requirement of planning permission, although there are instances where it may be secured by a Section 106 agreement. In this latter case, it would be subject to the provisions of Policy ST11.
- 4.45 The policy title is unnecessarily complex and clarity would be improved through a simplification. All of the necessary amendments to meet the

requirements of the Basic Conditions are incorporate in the proposed modification **PM7**.

Policy ST7 – Infrastructure and Right of Way

- 4.46 This policy is problematic for a number of reasons. The title refers to infrastructure, and to rights of way. However, its real purpose appears to ensure the provision of routes for pedestrians, riders (horse) and cyclists. In other words, it is about movement other than by car or public transport.
- 4.47 The statements requiring provision *'before building starts'*; *'infrastructure should be incorporated in and built prior to occupation of any dwelling'* and *'occupation in advance of the completion of the infrastructure must be clearly justified'* are too onerous and would not be enforceable against developers. The usual development process relies on the provision of infrastructure as development proceeds in a phased manner and, in financial terms, it is impractical to expect developers to fund provision in advance of building.
- 4.48 The term *'better infrastructure'* is not defined and so could not be imposed on proposals. The 10 numbered points are expressions of intent or aspirations that do not have the precision or clarity to be enforced against developments. As such, they should be clearly separated from a statement of policy²³, for example, by including the list as an appendix.
- 4.49 For similar reasons, the 'bullet point' items are not a defined list of requirements that can be attached to planning permission for individual development proposals. The items comprise specific proposals for improvements which the community would wish to see implemented, or Parish projects and aspirations – for example to resist an increase in traffic and to upgrade pavements. The grant of individual planning permissions cannot be directly linked to the provision of these facilities, or to solving particular perceived problems. As a result their provision or creation cannot be enforced against individual developers. They should also be separated from the statement of policy as wider community aspirations, clearly identifiable as such, and not forming part of the statutory development plan.
- 4.50 The core statement of policy is contained in the second and third from last paragraphs. However, these paragraphs have problems in policy terms. The first of the two paragraphs requires developments to align green infrastructure to a "green link" network. Although there is a reference to such a network in the first paragraph of the policy justification, there is no defined network or identified green links within the Plan, or in the reference material. It would not be possible, therefore, to "require" developers to align their proposals with the green links. The "broad location" of the green link network is also not defined so it would not be

²³ PPG Reference ID: 41-004-20190509.

possible to identify proposals as being within or outside the network. The requirement to include safe pedestrian and cycle routes within development proposals is included as Criterion 8 (incorporation of appropriate pathways and cycleways) of Policy ST9.

- 4.51 The final statement of policy, regarding surface water and sewage, largely duplicates criterion 10 of Policy ST9 and does not relate well to the remainder of the policy which is almost wholly devoted to safe provision for walkers and cyclists.
- 4.52 The Government has made it clear that neighbourhood plan policies should address the development and use of land²⁴, should be concise, precise and supported by appropriate evidence, and should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications²⁵. Regrettably as a consequence of my analysis above, my conclusion is that Policy ST7 does not meet these requirements and should be deleted in its entirety together with the policy justification, as shown in proposed modification **PM8**.

Policy ST8 – Services/Schools/Shops/Unicorn Centre/Larchfield

- 4.53 There are two parts to Policy ST8: the first and third paragraphs are concerned with new developments and their potential to address local shortcomings in service provision; the second and fourth paragraphs relate to support and protection for existing facilities. The policy would benefit from re-structuring to assist potential users. It would also help if the policy title were to be simplified to ensure clarity.
- 4.54 The NPPF, paragraph 84(d), provides a basis for the policy in national guidance by stating that policies and decisions should enable “*the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*”. At the local strategic level, MCS Policy CS4 requires all development to contribute to achieving sustainable principles, including by ensuring “*everyone has access to the health, education, jobs, shops, leisure and other community and cultural facilities that they need in their daily lives*”.
- 4.55 Whilst the policy addresses the generality of these matters, some aspects of the policy require attention. The second and third sentences of the second paragraph should be deleted: the second sentence pre-empts strategic planning decisions on future developments on the basis they may encroach on the ability of these resources to deliver services. This is not possible since planning is concerned with land use in the public interest and the protection of private interests is not a material

²⁴ PPG Reference ID: 41-004-20190509.

²⁵ PPG Reference ID: 41-041-20140306.

consideration.²⁶ The third sentence seeks to influence the management of surrounding areas. However the management of activities which may affect a neighbouring use is not generally a matter to be dealt with through the planning system.

- 4.56 Turning to new developments, the provisions and requirements included in paragraphs one and three overlap to a significant extent. As a result there is a lack of clarity concerning what exactly developers are being asked to do. Additionally, those proposing development cannot be required to address existing shortfalls in provision, and relevance to the development to be permitted is a prerequisite for the imposition of planning conditions or where a planning obligation is sought. It follows that the text for the first and third paragraphs requires careful and simplified wording. Clarity would also be helped by the use of sub-headings to distinguish between policy relating to existing provision and the provision of services and facilities through new developments, and by a simplified main heading.
- 4.57 A suggested revised text for the policy is provided by proposed modification **PM9** to ensure the policy is in accord with national advice and meets the Basic Conditions in all respects.

Policy ST9 – Design Principles and Policy ST10 – New Developments on Greenfield Sites

- 4.58 There are two design policies in the Plan which I propose to consider together. Both policies provide criteria to be met by new developments. The policy justification appears in a brief paragraph on page 38, preceding Policy ST10. This provides the sole clarification that Policy ST9 would be applied to small developments, of 10 or less dwellings and infill developments, whilst Policy ST10 would apply to greenfield developments aimed at fulfilling any future – as yet undetermined – need.
- 4.59 The consequence of providing two design policies is a degree of complexity and a lack of clarity, contrary to the requirement that there should be “..sufficient clarity that a decision maker can apply it (i.e. the policy) consistently and with confidence when determining planning applications”.²⁷ There is also a significant amount of overlap between the criteria of the policies; for example, both seek to prevent the coalition of settlements (ST9, criterion 7 and ST10, criterion 12) and both require the provision of green open space (ST9, criterion 7 and ST10, criterion 6). Both policies also require a mix of housing types (criterion 2 in both policies) and include an affordable housing requirement (criterion 3 in both policies).
- 4.60 In their present form the two policies do not give a clear guide to those proposing new developments. Clarity would be achieved by providing a

²⁶ PPG Reference ID: 21b-008-20140306.

²⁷ PPG Reference ID: 41-041-20140306.

single design policy with a set of criteria to be met by all proposals for new residential developments, including those for smaller and infill developments, together with additional criteria to be met where major new greenfield developments are proposed. To achieve this, the proposed modifications provided by **PM10** show a reframed Policy ST9, the first part of which includes criteria to be applied to all proposals, with the second part applying only to major new greenfield proposals. The new policy would require a revised heading with two sub-headings to distinguish the different levels of proposal to which the criteria would apply.

- 4.61 The reference in the justification to Policy ST10 refers to 10 or less homes. This should be amended to "*less than 10 homes*" to accord with the Government's definition of "major developments" being for 10 or more homes in the NPPF.²⁸ The sub-title to part one of the policy should include this clarification as shown in the proposed modification.
- 4.62 In relation to both policies MBC has offered a fairly detailed assessment of some criteria and the following comments include responses, where appropriate, in addition to amendments resulting from my analysis of the policies. For Part 1 of the proposed new policy these are, as follows:
- In the absence of local design guidance a new criterion should be included making reference to the National Design Guide and National Model Design Code.
 - Justification for Criterion 2 should not be included in the policy statement, and reference to enhancement of the character should be avoided as it is too onerous.
 - There should not be reference to housing needs of residents since neither this, nor the requirement for 10% bungalows has been supported by evidence.
 - Policy H12 in the LHP makes it clear that the provision of affordable housing on site should not be provided on sites of under 30 dwellings, so Criterion 3 is not applicable to small developments and should be deleted.
 - A requirement for Building for Life principles may not always be applicable so Criterion 4 should be prefaced by "*where appropriate*".
 - Criterion 5 requires amendment for reasons of clarity.
 - Criterion 6 is a duplication of Criterion 2 of Policy ST4 and should be deleted.
 - There is a great deal of confusion regarding Criterion 7 which appears to make a number of different demands, not all of which are quantifiable or can be enforced against developments. Significant revision to the text is necessary for clarity and applicability.
 - Criteria 10 and 11 should be deleted since the requirements are a duplication of those included in other policies or criteria.

²⁸ NPPF. Annex 2: Glossary.

- 4.63 For Part 2 of the proposed new policy, criteria have been imported from Policy ST10, lettered to prevent confusion with criteria provided by Part 1, with appropriate revision as follows:
- Criterion 12 (new b)) has been imported in a simplified form to provide a clear statement that only those proposals which would assist in meeting MBC's housing need would be supported.
 - Criterion 2 (new c)) has been simplified to provide a more flexible statement, particularly in respect of meeting both needs and aspirations.
 - Criterion 4 should be deleted as it is potentially in conflict with the requirements of Criterion (c) and contrary to national advice that "*planning policies and decisions should promote an effective use of land*".²⁹
 - New criterion e) provides a simple requirement that developments should not result in the coalescence of urban areas in the spirit of criteria 9 and 12 but in a more readily comprehensible form.
 - Criteria 7 and 8 are unrealistic in terms of implementation as they provide insufficient guidance to ensure they can be applied with consistency. Criterion 7 appears to seek links to routes beyond the Plan boundary, whilst Criterion 8 does not specify how the items would be assessed for retention.
 - Criterion 10 indicates a broad requirement for addressing any significant impacts resulting from increased traffic on specified parts of the highway network. It is not immediately clear how these matters would be addressed except through the imposition of conditions on any permission, or through the negotiation of planning obligations. These are matters to be addressed in the context of specific applications for planning permission, including through the use of transport assessments (NPPF, Paragraph 113) and it is difficult to see how the criterion would assist the process. It should be deleted.
 - Criterion 11 relates to risk of flooding which is adequately addressed by MCS, Policy CS4, and includes reference to sustainable drainage which is dealt with by Policy ST12. The criterion is an unnecessary duplication.
- 4.64 As detailed above, the numerous amendments necessary to policies ST9 and ST10 result in a reframed Policy ST9, as shown in proposed modification **PM10**. This will ensure the Basic Conditions are met.
- 4.65 The section of the Plan headed "Landscape and Heritage Assessment (MBC Local Plan Review 2016)" does not sit comfortably as part of the justification for the design policies. Rather, it is a distraction from the reasoning behind the policy statement. Its inclusion in the Plan as an appendix would be preferable and the Parish Council may wish to give consideration to this course of action.

²⁹ NPPF, Paragraph 119.

Policy ST11 – Planning Obligations

- 4.66 The strategic policy for developer contributions is MCS Policy CS6, which sets down general matters which will determine the nature and scale of contributions. This is in line with national guidance in the NPPF.³⁰ In its present form Policy ST11 does not have sufficient regard to national advice and some amendments are necessary in this respect.
- 4.67 It is the local planning authority's responsibility to determine the nature and extent of contributions and developers cannot be required to discuss these matters with the local community. However, the NPPF makes it clear (paragraph 40) that applicants should be encouraged to engage with the local community prior to submitting applications. It follows that the first sentence requires amended text to make this clear.
- 4.68 The second paragraph of the policy seeks to determine the nature of the contributions to be sought. Again, it is the responsibility of MBC to negotiate these matters and the purpose of the Neighbourhood Plan policy is to inform on the local community's concerns and aspirations regarding these matters. Accordingly the approach set down in the paragraph requires some amendments to ensure general conformity with the MCS policy. It is unnecessary for the paragraph to repeat the advice in the NPPF regarding the requirements for an obligation and there is a need to simplify some of the text to ensure clarity of intent.
- 4.69 The penultimate paragraph also requires amendment since it is not the purpose of neighbourhood plan policy to determine developer contributions. It is also necessary to clarify the purpose of the local priorities listed in Appendix 9 since this will only be relevant if the particular proposal can be shown to have an adverse impact on those identified priorities. The final sentence of the policy should be deleted since the NP cannot require developers to provide an open book viability assessment and the matter is, in any event, fully provided for by paragraph 58 of the NPPF.
- 4.70 In order to meet the Basic Conditions proposed modifications are shown in **PM11**.

Policy ST12 – Renewable Energy & Energy Efficiency

- 4.71 Large scale energy developments involving wind and solar power generation schemes generally fall within the scope of strategic planning policies³¹ rather than being the subject of neighbourhood planning. However, there is no reason why a neighbourhood plan should not encourage developers to engage with the local community prior to making a planning application³², and set down issues which would be of particular

³⁰ NPPF, Paragraphs 34 and 57–58.

³¹ NPPF, Paragraph 20.

³² NPPF, Paragraph 40.

concern.³³ However, the text of the first part of Policy ST12 does require re-ordering and some amendments to ensure the policy takes account of the national advice.

- 4.72 It is also necessary to limit the issues which the developer would be expected to address in order to gain the local community's support, by concentrating on those suggested in the NPPF and in local strategic planning policy. In respect of the latter, there is no specific local strategic planning policy relating to renewable energy generation, although MCS Policy DC1 provides general criteria for all development proposals whilst Policy CS4 provides sustainable development principles which all developments are required to meet.
- 4.73 The second part of the policy addresses energy efficiency in new developments. For major developments a series of measures for inclusion in any new major housing development are set out. A more general paragraph relating to small scale housing is also provided. In the context of these measures, the NPPF, paragraph 154, indicates that new development should be planned in ways that *"can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards"*. In respect of vehicle charging points, the advice at paragraph 106 is that policies should take into account *"the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles"*. So far as local strategic planning policy is concerned, MCS Policy DC1 provides criteria for general development which concentrates on the effects of development on levels of pollution and an emphasis on the use of sustainable construction.
- 4.74 Taking the above points into consideration, there is no basis or support for the requirements concerning the provision of water butts or the avoidance of flat roof construction. However, the Government has indicated³⁴ that *"major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate"*. This is a broader indication of policy than making reference solely to permeable driveways and road surfaces. As a consequence, the final criterion should be revised to take account of national advice.
- 4.75 The clarity of the policy would be enhanced by the inclusion of sub-headings to identify the two parts. All of the above points are addressed by proposed modifications in **PM12** in order to ensure the policy has taken account of national guidance and therefore meets the Basic Conditions.

³³ NPPF, Paragraph 155(a) and 157.

³⁴ NPPF, Paragraph 168.

Factual and Minor Amendments and Updates

- 4.76 I have not identified any typographical errors in the text of the STNP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, including updated references to the revised NPPF (for example, the reference on page 14 should refer to paragraph 102) in agreement between MBC and STPC.³⁵ For consistency and clarity reasons, all of the policy titles should be in upper case text.
- 4.77 Paragraph numbers have been used for Sections 1 to 5 but appear to have been abandoned thereafter. This makes reference to particular parts of the Plan difficult and may cause misunderstanding in its use. As a general point, therefore, STPC may wish to consider utilising paragraph numbers for easy reference by the Plan's users.
- 4.78 Whilst a policies map is not a requirement of neighbourhood plans, reference is made to their use in the PPG, for example at Paragraph: 098 Reference ID: 41-098-20190509. In the case of the STNP a policies map would be helpful by illustrating the locational aspects of policies. Accordingly, STPC is encouraged to incorporate a policies map in the final version of the Neighbourhood Plan.

5. Conclusions

Summary

- 5.1 The Stainton & Thornton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Stainton & Thornton Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the

³⁵ PPG Reference ID: 41-106-20190509.

boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 Stainton and Thornton has a particular character involving two distinct villages which, together, have been designated as a Conservation Area. The impact of extensive new developments has been significant and has caused concerns within the community. At the same time the emerging local plan has not progressed to a draft form. This has created a complex situation and has set the Parish Council a particularly onerous task of devising policies which are intended to deal with the different challenges. The Council is to be commended for the manner in which it has faced up to and completed this difficult task, and sought to collaborate with the Borough Council in an effective manner. The resulting Plan should provide appropriate policy responses to complement the local strategic planning framework, and the emerging local plan and assist with decision making for development proposals.

Patrick T Whitehead DipTP(Nott) MRTPI

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 6	<p>Insert a new paragraph following paragraph 2.3, as follows, and renumber consequent paragraphs:</p> <p>"The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. The NPPF was first published in March 2012, and most recently updated on 20 July 2021. This Plan has had regard to the July 2021 NPPF and its accompanying PPG. Alongside the updated NPPF, the Government has published the final version of the National Design Guide (NDG) and National Model Design Code (NMDC) which has also been taken into account".</p>
PM2	Page 18	<p>Policy ST1</p> <p><i>"Development proposals <u>will be expected to supported if they contribute towards the protection, or enhancement and provision of new green infrastructure spaces and linkages. In particular, support will be given to proposals that further enhance:</u></i></p> <p><i>1. The quality, accessibility and usage of green spaces, public open spaces and areas of sport/play provision;</i></p> <p><i>2. Existing public rights of way within the parish, as set out in Appendix 8 and seek opportunities to create new public rights of way to create linkages into the wider countryside locally;</i></p> <p><i>3. The preservation of local habitats.</i></p> <p><i>Green infrastructure and development proposals that seek to improve the connectivity between green spaces, <u>can</u></i></p>

		<p><u>deliver wider benefits for nature and support efforts to address climate change will be supported. in order to enhance the green infrastructure of the parish. Where possible, new routes should comply with the requirements listed in Policy ST7 Infrastructure and Rights of Way: Developments that propose a 'net' loss of existing Green Infrastructure will only be supported where it has been demonstrated that an appropriate alternative scheme will both benefit the community and the local environment without having any detrimental impact on the green infrastructure provision in the parish."</u></p>
PM3	Page 19	<p>Policy ST2</p> <p>The text of the policy should be amended as follows:</p> <p><i>"The following sites, as shown on in Figure 4, are designated as Local Green Spaces:</i></p> <ol style="list-style-type: none"> <i>1) Maelor's Wood</i> <i>2) High Rifts Field</i> <i>3) Kell Gate Green</i> <i>4) The Spinney</i> <i>5) The Quarry</i> <i>6) Stainton Low Wood</i> <i>7) St Peter & Paul's churchyard</i> <i>8) Thornton Plantation</i> <i>9) The Pony Fields</i> <p><u>The management of development within a Local Green Space will be consistent with the Green Belt policy in section 13 of the NPPF. Development within these areas will not be permitted other than in very special circumstances. unless: a) It is considered appropriate to its function as a local green space within the parish; or b) There are mitigating circumstances that demonstrate that development on Local Green Space clearly outweighs other considerations.</u></p>

		<p>The remaining text of the policy from “Development considered appropriate....” should be deleted.</p> <p>Figure 4 should be amended by deleting reference to Thornton Plantation.</p>
PM4	Page 21	<p>Policy ST3</p> <p>The policy should be amended as follows:</p> <p><i>“Development proposals will only be supported where:</i></p> <p><i><u>1) They have taken account of guidance in the National Design Guide and the National Model Design Code.</u></i></p> <p><i>± 2) They do not adversely affect the distinctive local character of the open landscapes of the parish.</i></p> <p><i>2) They do not harm the following valued public views and vistas (identified on Figure xx), in particular:</i></p> <p><i>a. The views from Thornton Road, overlooking Kell Gate Green towards the Church.</i></p> <p><i>b. From the top of Stainton Quarry to Thornton which overlooks part of the quarry and open fields.</i></p> <p><i>c. Kell Gate Green and the view over the bridge and stream to the oak tree.</i></p> <p><i>d. Views of Thornton plantation from Seamer Road</i></p> <p><i>e. Meldyke Place including the Memorial Hall and Methodist Chapel</i></p> <p><i>3) They protect and where possible enhance footpaths and public rights of way.</i></p> <p><i>4 3) They contain measures that will help to mitigate the impacts of, and adapt to, climate change.</i></p> <p><i>5 4) They protect and enhance wildlife areas and contain measures to sustain and improve biodiversity. —Net gain sites?</i></p> <p><i>6 5) There are no adverse impacts on the watercourse and/or ponds, habitats</i></p>

	<p>and wildlife or the quality of the water. and where possible should enhance this natural environment; watercourses should run through any proposed development rather than creating culverts. To prevent disturbance, d</p> <p><u>Developments which bound watercourse should provide an appropriate buffer zone to minimise impacts on wildlife.</u></p> <p>7 6) They P provide habitat linkages and permeability for wildlife through effective incorporation of green spaces and wildlife corridors (including watercourses), use of native planting and habitat features such as ponds and areas of meadow are encouraged.</p> <p>8) Any trees removed for the purpose of the development are as a minimum replaced; the planting of additional trees as part of managed landscaping schemes within new developments is encouraged. Any damaged \diseased trees felled should be replaced with a suitable new planting.</p> <p>Green buffer zones must be maintained to clearly separate built areas within the parish and adjoining areas, this is essential to prevent coalescence of settlements and maintain the rural / semi-rural character of the parish.</p> <p>Biodiversity and wildlife corridors: Biodiversity net gain is <u>should</u> will be supported on all developments.</p> <p>Verges, hedges, tree corridors and watercourses throughout the parish should be maintained and enhanced; any d <u>Development which detrimentally impacts on V verges, hedges, tree corridors and watercourses these will only not be supported unless suitable alternative in exceptional circumstances where fully justified and offsetting for any loss is provided <u>provision is made elsewhere within the</u></u></p>
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		<p>parish. The creation of new wildlife corridors is encouraged and will be supported. where they:</p> <p>1) Create a buffer between existing housing and proposed development; 2) Create access to more green space and woodland; 3) Mitigate the loss of green infrastructure by new housing development.</p> <p>Any proposed loss will only be supported where mitigation is in place ensuring enhancement of biodiversity in an identified alternative location."</p>
PM5	Pages 24 and 25	<p>Policy ST4</p> <p>The policy should be amended as follows;</p> <p>"Any p <u>Proposals</u> which affects a heritage asset or its setting must demonstrate how the impact of the development avoids or minimises any conflict with the significance of the asset. Proposals will be supported where this has been appropriately assessed and the outcome sustains and enhances the heritage asset. Where a proposal would result in <u>any less than substantial</u> harm to a heritage asset this must be appropriately justified and balanced against identified public benefits.</p> <p>Any proposal affecting the Stainton and Thornton Conservation Area (see map Appendix 6) including in its setting should demonstrate how it would sustain or enhance the its character or appearance of the Conservation Area, including as defined in the Conservation Area Character Appraisal.</p> <p>Proposals in the Conservation Area and its setting should pay special attention to the following:</p>

	<p><u>1. They have regard to the guidance contained in the National Design Guide and the National Model Design Code.</u></p> <p><u>± 2. Key views with into and out of the conservation area (identified in Figure X) ; - proposed development including householder development and new dwellings should seek to protect or enhance existing views. Trees within these views are important to the character of the area and as such should, where possible, be protected.</u></p> <p><u>32. The impact of new design; - all new development including householder development and new dwellings should, where possible, carefully consider the make use of vernacular materials, designs and scaling, reflecting those present within the conservation area.</u></p> <p><u>43. Appropriate boundaries; -new Boundaries of new developments should contribute positively to the conservation area. boundary treatments should provide enclosure, ; H and historic walls and hedges should be retained;+ . The removal and alterations of boundaries which negatively impact on the character of the conservation area will not be supported.</u></p> <p><u>54. Densities – the density of proposals should take account of the impact on character of the heritage asset; low density of the built environment should be reflected in any development within the conservation area and its setting.</u></p> <p><u>Archaeological features within the parish should be protected and whenever possible, enhanced.; to allow further knowledge to be sought of such sites. Where development impacts on archaeology, appropriate investigation and recording should be undertaken.</u></p> <p><u>The Neighbourhood Plan values the heritage assets in the parish and supports the recognition of these</u></p>
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		<i>through designated or non-designated listing as appropriate."</i>
PM6	Page 27	<p>Policy ST5</p> <p>The policy should be amended as follows:</p> <p><i>"In order to promote a thriving village for all, development should support the retention and enhancement of community facilities for community uses and provision of services. Identified Community Facilities are:</i></p> <ul style="list-style-type: none"> <i>• St Peter & St Paul's Church</i> <i>• Stainton Methodist Church</i> <i>• Stainton Memorial Hall</i> <i>• The Stainton Inn</i> <i>• The Gables</i> <i>• The Sporting Lodge (particularly the Old Poste House and sporting facilities)</i> <i>• Small businesses on Hemlington Road</i> <i>• Larchfields Community</i> <i>• The Unicorn Centre</i> <i>• Playground (Rose Cottage, Phase 3)</i> <p><i>Development proposals to sustain or extend the viable use of existing community facilities and the development of new facilities will normally be supported if they comply with other policies in this Neighbourhood Plan.</i></p> <p><i>Development <u>leading directly to that will result in the loss or significant reduction in the scale and value of a community facility or do not increase community facility provision commensurate to any proposed growth in population;</u> will not normally be permitted <u>supported</u> unless:</i></p> <ol style="list-style-type: none"> <i>1. It is essential to meet utility infrastructure needs and there is no viable alternative, or</i> <i>2. Alternative facilities of equal or better accessibility, size and suitability are provided, or</i>

		<p>3. It can be clearly demonstrated that the operation of the asset or its ongoing delivery is no longer of value to the community, or</p> <p>4. It is no longer economically viable for its current use and has been marketed at an independently agreed price by a property professional for at least a year as a community use or other suitable employment or service trade uses and it is verified that no interest in acquisition has been expressed.”</p>
PM7	Page 28	<p>Policy ST6</p> <p>The text of the policy should be amended as follows:</p> <p><u>Policy ST6: ACCESS AND TRAFFIC/PARKING/PUBLIC TRANSPORT AND ROADS</u></p> <p><u>“1. Whilst t The Tees Valley Highway Middlesbrough Council’s Design Guide and Specification, together with advice provided by the National Design Guide and National Model Design Code, should be used for determining the design of highways and accesses to new developments, and as a starting point for discussions regarding the level of car parking provision. specific</u> <u>Consideration must should be given to the rural nature of Stainton and Thornton and measures should be actively pursued to ensure –€ car parking should does not visually dominate developments nor actively promote car use. but likewise developments should ensure that car parking can be managed within the site boundary. Areas of the parishes such as Strait Lane are historic and suffer from existing issues with on-street parking, often due to the lack of off-street parking for existing properties. Such on-street parking hinders through traffic and obstructs public transport services to the detriment of service</u></p>

		<p>reliability and journey time. Development proposals should ensure that parking is not displaced exacerbating such issues and that adequate provision is made for all needs including visitors/casual callers.</p> <p>2. Where a garage is included in the design of the house, the garage must be built to a minimum size to ensure a modern medium sized car can adequately fit. A single garage should have minimum internal dimensions of 6m x 3m and a double garage minimum dimension of 6m x 5.5m.</p> <p>3. Managed areas of on-street parking, where appropriate, should be incorporated into development proposals and be supported with build outs/carriageway narrowing using soft landscaping to reduce their visual impact on the streetscene."</p> <p>4. Road improvements deemed necessary to meet the above objectives should come in the form of a 106 agreement for any new development within the parish. All new residential and commercial developments should, where possible and appropriate, be served by sustainable transport links, this should including e bus routes, cycle routes, and footpaths. and transport provision subsidies."</p>
PM8	Pages 30 and 31	<p>Policy ST7</p> <p>The policy and its policy justification should be deleted in their entirety. Subsequent policies will require renumbering.</p>
PM9	Page 32	<p>Policy ST8</p> <p>The text of the policy should be amended as follows:</p> <p><u>"Policy ST8: SERVICES AND COMMUNITY FACILITIES /SCHOOLS/SHOPS/UNICORN CENTRE/LARCHFIELD</u></p> <p><u>Retention of existing facilities:</u></p>

		<p>The Neighbourhood Plan will promote the inclusion of services, shops, schools and play facilities within the controlled growth on the allocated sites in accordance with the Middlesbrough Council Local Plan and the National Planning Policy Framework.</p> <p>The Unicorn and The Larchfield Centres will continue to be supported as part of the village community. These are valuable resources that contribute significantly to supporting vulnerable people and no development should be permitted which will encroach on their ability to continue delivering services from these sites. Surrounding areas around these two facilities must be managed with care and sensitivity and particular attention on noise, traffic and vistas be a priority. The retention and development of fitness facilities at the Sporting Lodge site will also be supported.</p> <p><u>Provision of services and facilities through new developments:</u></p> <p>Residential development should help Developers will be encouraged to address the lack of any identified shortfall in retail facilities, doctors, pharmacies, post office, schools, medical and child care facilities, and be as part of the overall plan for the area development. Any development will only be supported where it is deemed that the school place requirement has been addressed, accessible through safe and sustainable routes Support will only be given to those proposals that include appropriate provision. "</p>
PM10	Page 34	<p>Policies ST9 and ST10</p> <p>The policies should be deleted and replaced with a reframed single Policy ST9 as follows:</p> <p>"Policy ST9: Design Principles For New Residential Developments</p> <p><u>PART 1</u></p>

	<p>All new developments (including those of less than 10 homes and infill developments) should: -</p> <ol style="list-style-type: none"> 1. Take account of design guidance in the National Design Guide and the National Model Design Code. 2. Reflect the character of the villages or rural area, respecting the scale, density, proportion, form and materials. 3. Include a mix of housing to meet the identified housing needs. 4. Where appropriate, incorporate Building for Life principles throughout the design process. 5. Be of two-storeys or less, unless there is a clear design justification for developments in excess of two storeys. 6. Avoid contributing to the coalescence of Stainton and Thornton with other areas of greater Middlesbrough and surrounding urban areas. 7. Be accessed safely from the highway and incorporate appropriate pathways, cycle ways and sufficient parking spaces. 8. Include green space within the development site. <p><u>PART 2</u></p> <p>In addition to meeting the above criteria, major new residential developments on green field sites should:</p> <ol style="list-style-type: none"> a) Seek to create distinct new communities designed to instill a sense of place, containing a community centre, shops and other local services on a scale that meets the needs of the new community.
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		<p>b) Assist in meeting Middlesbrough Council's housing need.</p> <p>c) Incorporate a diverse housing mix with a variety of house types, sizes and tenures to meet local housing needs and aspirations, including flexible lifetime homes and bungalows.</p> <p>d) Include affordable housing in line with local plan policy requirements.</p> <p>e) Include a strong landscape buffer where the development adjoins the countryside to reduce the visual impact of the development and create a continuous habitat for wildlife linked into existing natural areas and wildlife habitats.</p> <p>f) Include landscaped open spaces, roads and footpaths, incorporating children's play areas, throughout the development linked to the peripheral landscape buffer to provide green routes through the housing areas that enhance the quality of the development and provide wildlife habitats.</p> <p>As part of any future major development of the parish, the development of community, retail, sports and leisure facilities would be supported at an appropriate scale. The Neighbourhood Plan also supports the enhancement of local infrastructure where appropriate.</p> <p>The Neighbourhood Plan also supports the production of a village design guide in accordance with guidance in the National Model Design Code.</p> <p>Subsequent policies will require renumbering.</p>
PM11	Page 40	<p>Policy ST11</p> <p>The text of the policy should be amended as follows:</p>

		<p><i>"Developers should be encouraged to discuss their proposals and projects with the community at an early opportunity in project development to ensure early consultation on planning obligations and community infrastructure.</i></p> <p><i>Developers will be expected to address the impacts of proposals on contributions towards improved community and green infrastructure will be sought where it is shown that the obligation is necessary to make the development acceptable in planning terms, is that are directly related to the development, and is fairly and reasonably related in scale and type to the development. Projects should be delivered in close vicinity to the site and within the Neighbourhood Plan area. In relation to habitat creation, it may be appropriate to consider off site provision within the local vicinity of the site, where a development cannot mitigate harm (or a biodiversity net loss) to protected species and/or habitat within the development layout.</i></p> <p><i>Developer contributions will be determined considered on a site by site basis and, where appropriate, due consideration should be given developers will be encouraged to take account of the local to priorities listed in Appendix 9.</i></p> <p><i>Where a developer deems a scheme's viability may be affected, they will be expected to submit an open book viability assessment to justify any reduction in planning obligations".</i></p>
PM12	Page 41	<p>Policy ST12</p> <p>The text of the policy should be amended as follows:</p> <p><i>"Renewable energy developments:</i></p> <p><i>Developers of large scale wind and solar energy developments will only be supported where encouraged to engage</i></p>

	<p><u>with the local community prior to the submission of applications has been actively involved through meaningful consultation in the development of proposals.</u></p> <p><u>Wind and solar energy developments will be supported provided the following issues are addressed in a satisfactory manner should consider and satisfactorily address the following criteria:</u></p> <ul style="list-style-type: none"> ● The impact on the amenity of residents, including visual intrusion, noise, glare and traffic; ● S siting and scale in relation to take into account the appearance, topography, landscape and character of the area as identified in existing and any future landscape and visual impact assessments; ● Impact on species, habitats and biodiversity; ● Impact ,and on heritage assets.; ● Impact on rights of way. <p><u>Energy efficiency in new developments:</u></p> <p><u>The following should be considered for inclusion in any new major housing development in the parish:</u></p> <ol style="list-style-type: none"> 1. Solar panels 2. Electric vehicle charge points 3. <u>Sustainable Drainage Systems (SuDS), where appropriate</u> 3. Provide water butts in each garden to store rainwater for ponds and gardens, thus saving money and protecting water supplies. 4. Flat roofs to be avoided where at all possible and where unavoidable to be planted with succulents or other recommended appropriate species for Green Roofs, thereby reducing water run-off into drains and preventing flooding. 5. Permeable driveways and road surfaces to allow drainage. <p><u>The inclusion of renewable and energy efficiency systems are encouraged on</u></p>
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		<i>small scale housing development and extensions to existing dwellings."</i>
PM13	Front cover	Insert after Draft Neighbourhood Plan "2021-2036" .