

DINNINGTON PARISH NEIGHBOURHOOD PLAN 2021 - 2036

Dinnington Parish Neighbourhood Plan Examination
A Report to Newcastle City Council

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Chapter Contents

- 1, Summary of Main Findings**
- 2, Introduction and the Role of the Examiner**
- 3, Basic Conditions and Statutory Requirements**
- 4, Public Consultation**
- 5, The Neighbourhood Plan: Introductory Section**
- 6, The Neighbourhood Plan: Policies**
- 7, The Neighbourhood Plan: Other Matters**
- 8, Referendum**

1. Summary of Main Findings

- 1 This is the Report of the Independent Examination of the Dinnington Parish Neighbourhood Development Plan, prepared by Dinnington Parish Council.
- 2 The Dinnington Parish Neighbourhood Plan includes policies relating to the development and use of land. It does not seek to allocate land for development.
- 3 Subject to the detailed recommendations set out within this Report and made in respect of enabling the Dinnington Parish Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 4 Taking the above and the detailed content of this Report into account, I find that the Dinnington Parish Neighbourhood Plan meets the basic conditions¹.
- 5 I recommend to Newcastle City Council that, subject to the modifications recommended in this Report, the Dinnington Parish Neighbourhood Plan should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Dinnington Parish Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction and the Role of the Examiner

6 This Report provides the findings of the examination into the Dinnington Parish Neighbourhood Plan (referred to below as the Neighbourhood Plan) prepared by Dinnington Parish Council.

7 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development by influencing local planning decisions as part of the statutory development plan.”

(Paragraph 30, National Planning Policy Framework)

8 As above, this Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Newcastle City Council.

9 The made Neighbourhood Plan would then form part of the relevant development plan and as such, it would carry statutory weight and be used to help determine planning applications and guide planning decisions in the Dinnington Neighbourhood Area.

10 The Dinnington Neighbourhood Area covers the whole of the Parish of Dinnington, which is located within the area administered by Newcastle City Council.

11 Newcastle City Council is the Local Planning Authority.

Role of the Independent Examiner

- 12 I was appointed by Newcastle City Council to conduct the examination of the Dinnington Parish Neighbourhood Plan and to provide this Report of the independent examination.
- 13 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body (Dinnington Parish Council) and of the relevant Local Authority (Newcastle City Council). I do not have any interest in any land that may be affected by the Neighbourhood Plan.
- 14 I possess appropriate qualifications and experience. I have over thirty years' experience in land, planning and development. I am a chartered town planner and have been a Member of the Royal Town Planning Institute (MRTPI) since 1995.
- 15 I have been an Independent Examiner of Neighbourhood Plans and Orders since 2012. During this time, I have completed the independent examination of neighbourhood plans across all regions of England, covering a full range of rural and urban areas.
- 16 As the Independent Examiner of the Dinnington Parish Neighbourhood Plan, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum; or
 - that modifications are made and the Neighbourhood Plan, as modified, should proceed to Referendum; or
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the necessary legal requirements.
- 17 It is also a requirement that my Report must contain a summary of its main findings and give reasons for each of its recommendations.
- 18 My recommendation in respect of the Dinnington Parish Neighbourhood – that modifications are made and the Neighbourhood Plan, as modified, should proceed to Referendum - is confirmed in the introductory and concluding Chapters of this Report.

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. The Planning Practice Guidance states that:

“...it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing...”²

- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing can be called for. This is a matter for the judgement of an Examiner.
- 21 Further to consideration of the information submitted, I decided not to hold a public hearing as part of the examination of the Dinnington Parish Neighbourhood Plan. I am satisfied that all parties have had the opportunity to state their case and I am mindful that no party has indicated that they have been disadvantaged by the written procedure, or that they consider a public hearing to be necessary.
- 22 I also note that, following my consideration of the submission documents, I wrote a letter to the Qualifying Body in respect of matters where I sought further clarification or information. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.
- 23 All submitted information, including responses to questions set out in my letter of clarification, has been taken into account as part of the examination of the Neighbourhood Plan.

² Planning Practice Guidance, Paragraph 056, Ref: ID 41-056-20180222.

3. Basic Conditions and Statutory Requirements

- 24 This section of the Report considers the submitted information and the extent to which the Neighbourhood Plan as a whole meets the basic conditions and other statutory requirements. The Report goes on to consider the Neighbourhood Plan's introductory chapters and land use planning policies against the basic conditions.

Basic Conditions

- 25 As part of this process, the Independent Examiner must consider whether a neighbourhood plan meets the "*basic conditions.*" These were *set out in law*³ following the Localism Act 2011.
- 26 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.⁴
- 27 In respect of the above, I note that the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for the continuation of primary and subordinate legislation, and other enactments in domestic law.

³ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

⁴ *ibid* (same as above).

- 28 Also, for information, Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation. Of these, the basic condition referred to in the last bullet point above was brought into effect on 28th December 2018.

Statutory Requirements

- 29 In recommending that the Neighbourhood Plan should go forward to Referendum, I must consider whether the Referendum Area should extend beyond the Neighbourhood Area to which the Neighbourhood Plan relates and I set out my consideration in this regard in the concluding Chapter of this Report.
- 30 In examining the Neighbourhood Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act) and Sections 61F and 61G of the Town and Country Planning Act 1990 (as amended), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a Qualifying Body;
 - has been prepared for an area that has been properly designated for such plan preparation;
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 31 It is a legislative requirement that a Basic Conditions Statement be submitted alongside a Neighbourhood Plan. Amongst other things, a Basic Conditions Statement should identify the Qualifying Body and should provide evidence to demonstrate how the Neighbourhood Plan meets the basic conditions.
- 32 Dinnington Parish Council submitted a Basic Conditions Statement alongside the Neighbourhood Plan which sets out how the Neighbourhood Plan meets the Basic Conditions.

- 33 Paragraphs 2.2 and 2.3 of the Basic Conditions Statement confirm that Dinnington Parish Council is the appropriate *Qualifying Body* responsible for the Neighbourhood Plan.
- 34 Paragraphs 2.4 and 2.5 of the Basic Conditions Statement confirm that the boundary of the Dinnington Neighbourhood Area coincides with that of the Parish of Dinnington. The boundary of the Dinnington Neighbourhood Area is identified on page 3 of the Neighbourhood Plan.
- 35 Paragraph 2.9 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates to the designated Dinnington Neighbourhood Area and that there are no other neighbourhood plans in place in the Dinnington Neighbourhood Area.
- 36 The Dinnington Neighbourhood Area was designated by Newcastle City Council in December 2013. The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).
- 37 The title page of the Neighbourhood Plan refers to the plan period as “2021 – 2036” and in this way, the Neighbourhood Plan meets the requirement of specifying the period during which it is to have effect.
- 38 Further to all of the above, it is also a requirement for examination to consider whether or not a neighbourhood plan is compatible with the Convention rights.⁵
- 39 Noting the absence of any substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 40 In this respect, I am mindful that information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

⁵ The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights into domestic British law.

Strategic Environmental Assessment and the Habitats Directive

- 41 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”
(Planning Practice Guidance⁶)

- 42 This process is often referred to as “screening”⁷. If likely environmental effects are identified, then an environmental report must be prepared.
- 43 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. Assessment must determine whether significant effects on a European (Natura 2000) site can be ruled out on the basis of objective information⁸. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment⁹ of the implications of the plan for the site must be undertaken.
- 44 A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report was produced and submitted alongside the Neighbourhood Plan.
- 45 This recognised the need to assess whether the implementation of the Neighbourhood Plan’s policies might have negative or adverse consequences for social, economic or environmental assets in the area, including European sites.

⁶ Planning Practice Guidance, Paragraph 027, Ref: 11-027-20150209.

⁷ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

⁸ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

⁹ In the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind” April 2018)*, the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an appropriate assessment of those effects must be undertaken. In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an appropriate assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.

- 46 In this latter regard, the Screening Report identified two European sites within 10km of the Neighbourhood Area, being the North Pennine Moors Special Area of Conservation (SAC) and the Northumbria Coast Special Protection Area (SPA).
- 47 However, the Screening Report goes on to note that implementation of the Neighbourhood Plan is not expected to result in likely significant effects on designated sites and concludes that:

“...a full HRA is not required for the Dinnington Neighbourhood Plan.”

- 48 In respect of Strategic Environmental Assessment (SEA), the Screening Report states that, further to assessment:

“...it is unlikely that there will be any significant environmental effects arising from the (Neighbourhood Plan) and thus an SEA is not required.”

- 49 The statutory bodies, Historic England, Natural England and the Environment Agency, were consulted on the findings of the SEA and HRA Screening Report and none demurred from the conclusions above.

- 50 Historic England stated:

“Based on the analysis set out in the Screening Opinion...we agree that the emerging plan is unlikely to result in significant environmental effects and therefore it does not need SEA.”

- 51 The Environment Agency stated:

“...it is considered that the Dinnington Neighbourhood Plan is unlikely to have significant effects on the environment when considered against the criteria in Schedule 1 of the SEA Regulations. Therefore, a SEA will not be required.”

- 52 In addition to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan is compatible with EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance¹⁰).

- 53 Newcastle City Council has not identified any outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 54 Noting this and the clear conclusions of the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report, along with all of the above, and taking into account the recommendations set out in this Report, I am satisfied that the Neighbourhood Plan meets its statutory requirements and obligations and that it meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2024) and Planning Practice Guidance (as updated).

¹⁰ ibid, Paragraph 031 Reference ID: 11-031-20150209.

Background Documents

- 55 In completing this examination, I have considered various information in addition to the Dinnington Parish Neighbourhood Plan. I also spent an unaccompanied day visiting the Dinnington Neighbourhood Area.
- 56 Information considered as part of this examination has included the following main documents and information:
- The Neighbourhood Plan
 - National Planning Policy Framework¹¹ (referred to in this Report as "*the Framework*") (2024)
 - Planning Practice Guidance (as updated)
 - Relevant Ministerial Statements
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Core Strategy and Urban Core Plan for Gateshead and Newcastle-upon-Tyne 2010-2030 (2015)
 - Newcastle-upon-Tyne Development Allocations Plan (2020)
 - Basic Conditions Statement
 - Consultation Statement
 - Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report
 - Representations received

¹¹ The National Planning Policy Framework (NPPF) was revised in December 2024. This revision took place during the Submission Consultation period, prior to the examination of the Neighbourhood Plan. Consequently, in respect of national planning policy, this Report examines the Neighbourhood Plan against the current NPPF - as published in December 2024.

4. Public Consultation

Introduction

- 57 As land use plans, the policies of neighbourhood plans comprise part of the development plan and such, they form part of the basis for planning and development control decisions. Given this, legislation requires the production of neighbourhood plans to be supported by public consultation.
- 58 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Dinnington Neighbourhood Plan Consultation

- 59 A Consultation Statement was submitted alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹².
- 60 The Consultation Statement addresses these matters in a clear and proportionate manner.
- 61 During 2014, following the designation of Dinnington Neighbourhood Area in December 2013, the Steering Group, comprising Parish Councillors and members of the community, undertook an initial round of consultation. An information leaflet was posted to all addresses in the Parish, a drop-in session was held in the Village Hall and feedback and survey forms were collected.
- 62 Information gathered, including comments made by the (100) attendees at the drop-in session, informed subsequent stages of plan-making.

¹² Neighbourhood Planning (General) Regulations 2012.

- 63 Questionnaires were delivered to every address in the Parish during the second half of 2017 and a public event was held in the Parish Hall at the end of the year. Well over 100 completed questionnaires were received. These were analysed and informed the development of the draft plan. Further to completion of the draft plan, both pre-submission plan and submission plan consultation took place during 2022.
- 64 However, due to a significant policy change, it was decided to re-consult on the draft plan during 2024. This consultation took place between July and September that year. It was supported by a leaflet sent to all addresses in the Parish and a drop-in event. Responses received were taken into account and the plan was submitted for consultation and examination.
- 65 In addition to all of the above, it is notable that the extended plan-making period was consistently supported by the ongoing provision of information and updates in the Parish Newsletter and via a dedicated page of the Parish Council's website.
- 66 Taking the Consultation Statement and the brief summary above into account, I find that community engagement and public consultation have been demonstrated to have formed an important part of the plan-making process. There were plentiful opportunities for people to have a say, people were encouraged to engage with plan-making, and responses and matters raised were duly considered.
- 67 The consultation process for the Dinnington Neighbourhood Plan was robust and it complied with the neighbourhood planning regulations.

5. The Neighbourhood Plan – Introductory Section

- 68 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 69 The Neighbourhood Plan is an informative and well-presented document. It provides the reader with relevant background information and the Plan's Policies reflect a clear vision, which itself is demonstrated to have emerged from community-driven objectives.
- 70 For clarity and accuracy, I recommend the following changes to the introductory (pre-Policy) sections of the Neighbourhood Plan:
1. **Page 3, Para 1.3, line three, for clarity and precision, change to:**

"...policies. The Plan forms part of the statutory planning framework and is used by Newcastle..."

 2. **Page 4, Para 1.7, line two, for precision and clarity, change to:**

"...2036. The Plan will be subject to regular..."

 3. **Page 8, Para 1.32, line two, for clarity and precision, change to:**

"...last updated in December 2024."

 4. **Page 8, Para 1.32, last line, for clarity and precision, change to:**

"(NPPF footnote 17)."

 5. **Page 11. Paras 1.48 to 1.50 have been overtaken by events: Delete Paras 1.48 to 1.50 inclusive (including title in italics).**

6. Page 27, Para 4.12, line one, Paragraph 145 of the NPPF has been revised. For clarity and accuracy, change the wording of the quoted Para to:

“Once established, Green belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”

7. Page 28. The diagram at the bottom of the page is incomplete (the wording in the two lower boxes ends mid-sentence). For clarity and precision, complete the sentences in the diagram.

8. Page 30, Para 5.11, line three, for clarity and precision, change to:

“(para 106).”

9. Page 30, Para 5.15, line two, for clarity and precision, change to:

“(para 107).”

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Policy DNP1: Local Green Spaces

- 71 Local communities can identify areas of green space that are of particular importance to them for special protection. Paragraph 106 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 72 Paragraph 108 of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 73 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable within the Neighbourhood Plan.
- 74 The individual Local Green Space plans provided in the Neighbourhood Plan are clear and well-presented. They show the precise boundaries of each proposed Local Green Space designation.
- 75 However, taking into account the overall number of proposed designations and the subsequent implications for Dinnington village as a whole, I am concerned that the absence of a single small-scale plan (or if necessary, more than one plan) identifying the location of each Local Green Space in relation to the village as a whole, runs the risk of unnecessarily detracting from the clarity of Policy DNP1 and consequently, from the Neighbourhood Plan which, in other respects, appears exemplary in terms of its presentation.
- 76 Given this, I recommend below that a large village-wide plan, or if clearer, more than one large plan, at a smaller scale than the individual Local Green Space plans, be provided within the Policy DNP1 section of the Neighbourhood Plan.

- 77 The purpose of this/these would be to identify the location of the areas of Local Green Space within the context of the village. This would add significantly to the clarity of the Neighbourhood Plan.
- 78 Policy DNP1 designates eleven areas of Local Green Space. As above, the individual Local Green Space plans provided clearly identify the boundaries of each Local Green Space.
- 79 The Local Green Space tests set out in Paragraph 107 of the Framework are that the Local Green Space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 80 The designation of the proposed areas of Local Green Space is supported by a detailed Local Green Space Assessment, appended to the Neighbourhood Plan. Taking this and my own observations into account, I am satisfied that each proposed Local Green Space designation meets the appropriate national policy tests referred to above.
- 81 In addition to the above, I note earlier in this Report that the Neighbourhood Plan has been the subject of robust consultation and I am mindful that there were no objections during the Submission stage consultation to any of the proposed Local Green Space designations.
- 82 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. National Green Belt policy is precise.
- 83 The final sentence of the Policy wording provided in Policy DNP1 is not consistent with policies for managing development in Green Belts. As set out, the Policy would afford blanket "*in-principle*" support for the creation of any Local Green Space; and would support the "*enhancement*" of existing areas of Local Green Space, without indicating what such enhancement would comprise. No justification is provided in respect of the resulting departure from national policy.

- 84 This is a matter that is addressed in the recommendations set out below in a manner that reflects a judgement provided by the Court of Appeal¹³, where a Qualifying Body sought to include Local Green Space policy requirements which clearly strayed from the succinct and precise requirements of national policy:

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

(Paragraph 108, the Framework)

- 85 I recommend:

1. Policy DNP1, change the wording of the Policy to:

“The sites listed below, shown on the accompanying plan(s) and identified in detail in Policies Map 1 (1-11) are designated as areas of Local Green Space (LGS). The management of development within LGS’s will be consistent with that for development within Green Belts.

LGS1: Village Greens...”

(delete “Proposals that will...in principle.”)

2. Provide a large village-wide plan, or if clearer, more than one large plan, at a smaller scale than the individual Local Green Space plans, within the Policy DNP1 section of the Neighbourhood Plan (to follow the Policy wording).

(continued overleaf)

¹³ Lochailort Investments Ltd, R (On the Application Of) Mendip District Council [2020] EWCA Civ 1259. Lord Justice Lewison considered that the Local Green Space policy (Policy 5) in the Norton St Philip Neighbourhood Plan departed from national policies for managing development within the Green Belt. *“In my judgement that means that it is not consistent with national Green Belt policy. It does not, therefore, comply with...the NPPF...if a neighbourhood plan departs from the NPPF it must be a reasoned departure. No reasons for the departure were given in this case.”*

3. Whilst the above change does not necessitate any changes to the Table on page 38 of the Neighbourhood Plan (as the new plan(s) will follow directly on from the Policy itself), I recommend that Paragraph 5.15, line four be changed as below:

“...Spaces. A summary table of the assessment outcomes for these sites is included in Appendix 1. A plan (or “Plans”) showing the location of the designated LGS’s is provided following Policy DNP1 and the detailed boundaries of each site are identified in Policies Map 1 (1 to 11).”

4. Page 32, Para 5.18, line four, for clarity and precision, change to:

“(NPPF paragraph 108).”

5. Page 32, Para 5.18, taking account of the recommendations above:

Delete last sentence (“Where opportunities...acceptable.”)

Policy DNP2: Valued Village Assets

- 86 National planning policy seeks to support a prosperous rural economy. In so doing, it requires planning policies to 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."
(Paragraph 88, the Framework)

- 87 In addition, Paragraph 96 of the Framework states that:

"Planning policies and decisions should aim to achieve healthy, inclusive and safe places..."

- 88 Paragraph 98 of the Framework goes on to require planning policies and decisions to:

"...plan positively for the provision and use of...community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments...(and to) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs."

- 89 Policy DNP2 seeks to prevent the loss of important local community facilities and services, as well as to support the provision of new and/or improved facilities and services. In this way, the Policy has regard to national policy and meets the basic conditions.

- 90 Policy DNP2 identifies nine "Valued Village Assets." Further to a query set out in the Examiner's Clarification Letter, the Qualifying Body has confirmed that VVA8 (The (former) Bay Horse) can appropriately be referred to by its current name (The Raj restaurant). This is a matter addressed in the recommendations below.

- 91 As set out, the wording of the Policy could be inferred to suggest that it is only concerned with the physical “loss” of a Valued Village Asset, as opposed to the loss *or* the change of use of an existing asset. Again, this is a matter addressed in the recommendations below.
- 92 In presenting criteria to be met whereby Policy DNP2 would support the loss of a Valued Village Asset, the Policy wording appears ambiguous contrary to national guidance, which requires planning policies to be unambiguous¹⁴:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 93 As set out, it is not clear how a commercial entity might demonstrate that it is no longer economically viable, or who might determine whether there is need or demand for a social entity. The recommendations below address these matters in the interests of clarity and precision.
- 94 I also note that, in the absence of further detail, it is not clear what the difference between “support” and “support in principle” might comprise and consequently, in the context of Policy DNP2, the words “*in principle*” appear to add uncertainty and confusion.
- 95 Taking this and the above into account, I recommend:

1. Policy DNP2, change the name of VVA8 to:

“The Raj restaurant”

This change will subsequently require a change to be made to Policies Map 2 and it would be helpful if page 57 of Appendix 2 of the Neighbourhood Plan was also updated.

(continued overleaf)

¹⁴ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

2. Policy DNP2, for clarity and precision, change the second part of the Policy to:

“Proposals resulting in the loss or change of use of a VVA will not be supported unless:

a) It has been demonstrated through a formal marketing strategy that the facility has been proactively marketed for a use of value to the community, at a market rate for at least a twelve month period; or

b) It has been demonstrated that the facility is no longer needed or required as a VVA by the local community; or

c) The facility will be replaced by equivalent or better provision in an equally or more accessible location”

3. Policy DNP2, last sentence, for clarity and precision, change to:

“The development of existing VVA's and/or the development of new community facilities, services and/or amenities will be supported.”

4. Page 32, Para 5.19, line one, for clarity and precision, change to:

“...NPPF (paragraph 98).”

7. The Neighbourhood Plan: Other Matters

- 96 The recommendations made in this Report may have a subsequent impact on the contents of the Neighbourhood Plan, including for example, Paragraph numbering.
- 97 The Neighbourhood Plan cannot impose requirements upon the Local Planning Authority and whilst Chapter 6 seeks only to provide clarity in respect of the future monitoring of the Neighbourhood Plan, a minor recommendation in this regard is set out below.
- 98 I recommend:
- 1 Update the contents, including for example, Paragraph numbering, as appropriate, taking into account the recommendations set out in this Report**
 - 2 Para 6.5, line two, for clarity and precision, change to:**

“...will, however, undertake its own *monitoring to ensure that the Plan...*”
(delete “in liason with the City Council”)

8. Referendum

- 99 I recommend to Newcastle City Council that the modifications recommended in this Report are made and that **the Dinnington Parish Neighbourhood Plan, as modified, should proceed to Referendum.**

Referendum Area

- 100 I am required to consider whether the Referendum Area should be extended beyond the Dinnington Neighbourhood Area.
- 101 I consider the Dinnington Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 102 Consequently, I recommend that the modified Plan should proceed to a Referendum based on the Dinnington Neighbourhood Area which was approved and designated in December 2013.

Nigel McGurk, March 2025
Erimax Ltd – Land, Planning and Communities