



# **Report on Coulby Newham Neighbourhood Plan 2024 - 2039**

**An Examination undertaken for Middlesbrough Council with the support  
of the Coulby Newham Neighbourhood Forum on the November 2024  
submission version of the Plan.**

Independent Examiner: Patrick Whitehead DipTP (Nott) MRTPI

Date of Report: 10 November 2025

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## Main Findings - Executive Summary

From my examination of the Coulby Newham Neighbourhood Plan (the Plan/CNNP) 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 designated Coulby Newham Neighbourhood Forum;
- The Plan has been prepared for an area properly designated – the Coulby Newham Neighbourhood Plan area, shown on the Map at Appendix 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2024 - 2039<sup>1</sup>; 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

### The Coulby Newham Neighbourhood Plan 2024 - 2039

1.1 Coulby Newham was formerly an area of farmland on the southern outskirts of Middlesbrough. Coulby 'Colebi' and Newham 'Nieweham' were separate medieval hamlets identified in the Domesday Book. The continuing southerly expansion of Middlesbrough reached the area south of the A174 Parkway in the 1970s, with building continuing through the 1980s to give a resident population in 2021 of around 8,300 (the area's construction was featured in the 1980 BBC TV Play for Today, Alan Bleasdale's "The Black Stuff"). There is a mix of private and social housing in the northern part of the area with a predominance of private housing in the south. The Parkway Centre, the largest retail centre outside of Middlesbrough town centre, is located at the heart of the area. There is also the Rainbow Leisure Centre, St Mary's Catholic Cathedral along with two medical practices, a dental surgery, veterinary practice and other related services. There is a small community hub, run by Everyone Active, which can be used for community events.

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<sup>1</sup> Subject to **PM1** (see paragraph 4.8 below)

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## The Independent Examiner

- 1.2 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Coulby Newham Neighbourhood Plan (CNNP) by Middlesbrough Council (MC), with the agreement of the Coulby Newham Neighbourhood Forum (CNNF).
- 1.3 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

- 1.4 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.
- 1.5 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').

1.6 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

1.7 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)<sup>2</sup>; and
- Meet prescribed conditions and comply with prescribed matters.

1.8 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.<sup>3</sup>

## 2. Approach to the Examination

### Planning Policy Context

2.1 The Development Plan for this part of Middlesbrough Council, not including documents relating to excluded minerals and waste development, is the Middlesbrough Core Strategy (MCS), adopted in February 2008; the Regeneration Development Plan Document (RDPD), adopted in 2009; the Housing Local Plan (MHLP), adopted in November 2014; and the saved policies of the Middlesbrough Local Plan 1999. The draft Middlesbrough Local Plan (MLP) was subject to Regulation 19 consultation from 11 March 2025 to 23 April 2025 and this version was

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<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</sup> 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.

submitted for examination on 30 September 2025. The public hearing sessions are yet to be scheduled.<sup>4</sup> However, subject to successful adoption, the emerging Local Plan will replace the existing Middlesbrough Council's planning policies. I have noted that there have been discussions between MC and the Neighbourhood Forum regarding the relationship between the Neighbourhood Plan and the emerging Local Plan<sup>5</sup> in accordance with the advice in the Planning Practice Guidance (PPG).<sup>6</sup>

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF), December 2024, and the accompanying PPG offers advice on how this policy should be implemented. The CNNP was submitted to MC under Regulation 15 (of the 2012 Regulations) prior to 12 March 2025. Therefore, in accordance with the transitional arrangements set out in paragraph 238 of the December 2024 NPPF, all references in this report are to the December 2023 NPPF and its accompanying PPG.

### Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:

- the draft Coulby Newham Neighbourhood Plan 2024 -2039, November 2024;
- the Map at Appendix 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 (SEA) Screening Opinion prepared by Middlesbrough Council, March 2025;
- the Habitats Regulation Screening Assessment prepared by Middlesbrough Council, March 2025;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the responses from CNNF of 6 October 2025 and MC of 11 September 2025 to my letter of 28 August.<sup>7</sup>

### Site Visit

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 4 September 2025 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>4</sup> <https://www.middlesbrough.gov.uk/planning-and-development/planning-policy/local-plan/local-plan-examination/>

<sup>5</sup> Response to examiner's questions by MC, dated 11 September 2025.

<sup>6</sup> PPG Reference ID: 41-009-20190509.

<sup>7</sup> View at: <https://www.middlesbrough.gov.uk/planning-and-development/neighbourhood-planning/coulby-newham-neighbourhood-plan/>

## Written Representations with or without Public Hearing

2.5 This examination has been dealt with by written representations. There were no requests to appear at a hearing session in the Regulation 16 representations and the consultation responses clearly articulated the 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

2.6 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 Coulby Newham Neighbourhood Plan has been prepared and submitted for examination by Coulby Newham Neighbourhood Forum, which is the relevant qualifying body. Both the Forum and the Coulby Newham Neighbourhood Area were designated by Middlesbrough Council on 27 April 2022.<sup>8</sup>

3.2 It is the only Neighbourhood Plan for Coulby Newham and does not relate to land outside the designated Neighbourhood Plan Area.

### Plan Period

3.3 Subject to the **PM1**<sup>9</sup>, the Plan specifies clearly the period to which it is to take effect, which is from 2024 to 2039.

### Neighbourhood Plan Preparation and Consultation

3.4 Notice of approval was given by Middlesbrough Council to set up the Coulby Newham Neighbourhood Forum on 27 April 2022 and, by the same notice, approval was given to establish the Neighbourhood Area. The approvals followed a six-week period of consultation during which no objections were received. Following a preliminary discussion with MC in September 2022, the Forum proceeded with a pre-plan survey of residents and a series of meetings and drop-in sessions for residents.

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<sup>8</sup> View the decision report and notice at: <https://www.middlesbrough.gov.uk/planning-and-development/neighbourhood-planning/coulby-newham-neighbourhood-plan/>

<sup>9</sup> See paragraph 4.8 below.

- 3.5 Following an Information Day held on 24 March, Regulation 14 consultation took place between 12 May and 31 August 2024 with the relevant Statutory Bodies and the general public. The Consultation Statement shows how responses to the consultation were taken into account.
- 3.6 The Regulation 16 consultation was carried out between 28 November 2024 and 20 January 2025 and this drew a total of 26 representations, four of which indicated no support for the Neighbourhood Plan.
- 3.7 It was subsequently identified that the CNNP had not been subject to screening in relation to Strategic Environmental Assessment or Habitats Regulation Assessment. Screening reports were duly produced by MC in March 2025 and a further consultation ran from Wednesday 28 May 2025 to Wednesday 9th July 2025. As a result, 3 formal representations were received. Whilst the screenings should have been undertaken at an earlier stage in the plan preparation process, the CNNP does not allocate any sites, and the outcomes of the screenings and responses to the additional consultation do not suggest that any substantive prejudice might have arisen as a result of their late production (I comment on the screening reports further in paragraph 4.1 - 4.2 below).
- 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 The Plan, as proposed to be modified, 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'.<sup>10</sup>

### [Human Rights](#)

- 3.11 The Forum 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.<sup>11</sup>

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<sup>10</sup> See section 61K of the 1990 Act.

<sup>11</sup> Basic Conditions Statement, paragraph 5.

## 4. Compliance with the Basic Conditions

### EU Obligations

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by Middlesbrough Council, which found that it was unnecessary to undertake SEA. Having read the Strategic Environmental Assessment Screening Opinion, I support this conclusion. The Coulby Newham Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA).<sup>12</sup> The report concluded that the proposed policies provide locally specific criteria and "*will not lead to likely significant effects on protected European Sites therefore Appropriate Assessment is not required*".
- 4.2 No objections were recorded from the statutory consultees 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 Coulby Newham Neighbourhood Plan as two main matters:
  - General issues of compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the adopted strategic local planning policies; and
  - Specific issues of compliance of the Plan policies, including 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 determining planning applications. It should be concise, precise and supported by appropriate evidence.<sup>13</sup>

### General issues of compliance of the Plan

- 4.5 The CNNP is concise and addresses a single issue of ensuring that future development in the Ward meets the wishes of local residents.<sup>14</sup> It provides principles for sustainable development (paragraph 24), a set of Specific Aims for each of three areas: Northern, Central and Southern (paragraphs 25-27) and 9 policies addressing various aspects of development.

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<sup>12</sup> Coulby Newham Neighbourhood Plan, HRA Screening Assessment, March 2025.

<sup>13</sup> PPG Reference ID: 41-041-20140306.

<sup>14</sup> Coulby Newham Neighbourhood Plan. Introduction, paragraph 1.

4.6 The context for the development is set out in Policy H8 of the MHLP 2014. This indicates that "*land to the south of Coulby Newham will be developed to create a mixed and sustainable community of a high quality design. 1,000 dwellings will be accommodated on the site*". The Policy sets down 3 additional points, that the development will include:

- a) *open space, play and community facilities focused on Lingfield Farm;*
- b) *enhancement of the role of Marton West Beck as a green corridor and integration with the new development; and*
- c) *access from the B1365.*

Policy HO2 of the MLP sets out the housing requirement for Coulby Newham, to provide 940 dwellings between 2022 and 2041, and this is given further detail in Policy HO4 and the detailed sites policies (HO4b and HO4m). The MLP, Policy HO4b, also includes a list of requirements to be fulfilled by development proposals (criteria a – t). These include, *inter-alia*, the retention and enhancement of Lingfield Farm as an area of open space and a local centre for recreational and community use, a new primary school, a mix of dwelling types, and protection and enhancement of woodland areas. It also requires access from a new roundabout onto the B1365.

4.7 The Basic Conditions Statement, paragraph 4, indicates that the Plan has been written to be in general conformity with the Middlesbrough Council Local Plan, 2014. Whilst I have noted, in paragraph 7, that no specific mention is made regarding general conformity relating to CNNP Policies CN5 – CN9, MC has indicated that these policies, in its opinion, are in general conformity with the Core Strategy and the Housing Local Plan.<sup>15</sup> However, MC has made some detailed comments regarding these policies to which I shall refer when dealing with the specific issues of each policy. I have also noted that MC considers the supporting text to Policy CN9, paragraph 63, is not considered to be in general conformity (particularly the reference to listed buildings not being altered). I shall consider this comment in relation to Policy CN9.

4.8 The Plan does not include an unambiguous statement of the period to which it is to take effect as required by the 2004 Act (section 38B(1)(a)). Paragraph 4 indicates that the Plan covers a period "...up to 2039" whilst the Basic Conditions Statement refers to a period of "...up to 2035" (paragraph 1(c)). The CNNF has since confirmed<sup>16</sup> that the correct end date for the Plan as 2039, as shown in proposed modification **PM1**. In the interests of clarity, the Plan period 2024 – 2039 should also be stated on the front cover.

4.9 The Specific Aims listed on pages 8-9 do not have the appearance of usual planning objectives derived from a vision for the future of the Plan area. This is, perhaps, understandable in the context of a Plan with the limited scope of ensuring future development, already the subject of detailed

<sup>15</sup> Response to examiner's questions by MC, dated 11 September 2025.

<sup>16</sup> Response to examiner's questions by CNNF, dated 6 October 2025.

policy requirements in the MHP (Policy H26) (and with a consultation Masterplan<sup>17</sup> in place), has regard to the wishes and concerns of local residents. In its response to the examiner's questions, CNNF has indicated that the list does, indeed, reflect the concerns of local residents and what they would like to see happen in Coulby Newham. Whilst most neighbourhood plans include a vision and objectives, there is no prescribed way of writing a neighbourhood plan. As expected, the Consultation Statement does include a statement of the main issues raised and this provides basis for the list included in the Plan. As such, the list of "Specific Aims" has a logical place within the Plan. However, the title of the section is misleading. The Forum has suggested the list could be amended to read "Resident Priorities from Feedback". In principle this makes sense, but there is a benefit in terms of ensuring clarity in amending the actual wording as shown in proposed modification **PM2**.

- 4.10 As a more general point, the Introduction to the Plan indicates that it is concerned with future development within the Ward as a whole, whilst some of the provisions of the policies within the Plan are directed at the proposed development in the southern part of the Ward – the Newham Hall Development. In some cases it is difficult to determine whether the content of policies is directed at the Ward as a whole, or the Newham Hall development proposals. This is an issue raised in the Regulation 16 responses. It should be addressed through a clearer structure to individual policies, and to the provision of a Policies Map indicating the different areas to which policies will be relevant. These are matters to which I will return later in respect of individual policies.
- 4.11 As previously indicated, my examination of the Plan has also considered whether sufficient regard has been had to the Government advice contained in the PPG. It advises that a policy "*should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*". A policy should be "*concise, precise and supported by appropriate evidence*".<sup>18</sup> It is also important that text justifying the Policy should be located in the supporting paragraphs rather than forming part of the Policy text. In general, I have concluded that, as drafted, the policies appear as statements of aspiration, or wish-lists, rather than as more conventional policy statements (eg: the use of phrases such as "*we would like to see...*"). Where appropriate, my recommendations for each Policy have included proposed amendments to the text to take account of the Government advice. This will ensure that the policies read as such, to those using the Plan, to guide the development of specific proposals.

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<sup>17</sup> Newham Hall Housing Site Masterplan, Gradon Architecture, undated.

<sup>18</sup> PPG Reference ID: 41-041-20140306.

## Specific issues of compliance of the Plan policies

### Policy CN1 – Housing Development

4.12 The purpose of the Policy is “*..to ensure that any development is sustainable and does not destroy the nature of the area*” (paragraph 29). To this end, it prescribes four specific requirements which proposals for significant housing development should seek to achieve. These appear to be in general conformity with the MHP, Policy H26 which, in broad terms, requires necessary improvements to the transport infrastructure, a new primary school, community facilities, open space provision and a mix of dwelling types. It also has regard to the advice in the NPPF, including the promotion of healthy and safe communities and achieving sustainable development.

4.13 In the interests of ensuring clarity, the Policy would benefit from being structured as a criteria-based policy whilst textual amendments could provide a more precise indication of the requirements being placed upon developers.

4.14 If, as paragraph 33 suggests, the intention is that the suggested improvements should be funded through Section 106 (S106) agreements, this should be stated as policy rather than as supporting text. This would be in accord with MCS, Policy CS6 Developer Contributions.

4.15 Recommended textual amendments to provide a criteria-based policy, together with providing a more precise statement of the requirements, is provided by proposed modification **PM3**. The modification also includes a proposal for an addition to the Policy concerning developer contributions. These modifications will ensure the Policy meets the Basic Conditions and, more specifically, has regard to Government advice regarding the drafting of policies.

4.16 I have noted suggestions arising from the Regulation 16 responses that a spur road to Newham Hall Farm and Newham Hall should be included as part of the Policy to support their re-use. To ensure timely delivery of the spur road, it is suggested that the Policy should include a requirement for its completion prior to the first occupation of a dwelling within the allocation. Whilst this may seem desirable, there are no specific proposals for the re-use of the buildings included within the Plan so that such a requirement would be premature and an onerous imposition on the developer.

4.17 I have also noted various suggestions arising from the Regulation 16 consultation, and the CNNF responses and, where appropriate, I have incorporated amendments to the text accordingly.

4.18 The supporting text to Policy CN1, paragraph 29, suggests the need for improvements to the road system including “*the dualling of Stainton Way*”. This suggestion does not find its way into either Policy CN1, or

Policy CN4 regarding transport infrastructure. In its response to the examiner's questions, the CNNF stated that "*several residents had suggested*" dualling Stainton Way but it has provided no supporting evidence to justify the proposal (although it has suggested that funding could come from Central Government or through a S106 agreement). There is no evidence that either of these would provide a likely source of funding and MC's position is that dualling is unnecessary. It follows that the reference should be deleted, as in **PM3**.

### Policy CN2 – Design Issues for Housing

- 4.19 Policy CN2 provides criteria and basic guidelines to guide the design of proposed developments. It is essentially a criteria-based policy in a similar manner to Policy CN1 and for the same reasons of clarity and precision, it is necessary to re-structure the text to make this clear. In general terms, the Policy is in conformity with strategic policies, including MHLB, Policy H26, and MCS, Policy CS5. It also follows Government advice in the NPPF, paragraph 132, encouraging neighbourhood planning groups to engage in the production of design policies.
- 4.20 The Policy makes specific reference to the Tees Valley Design Guide. This appears to refer to a document entitled 'Design Guide and Specification' produced by a working party of local authority engineers and relating to the construction of works proposed for adoption under the Highways Act 1980. Whilst this has relevance for those preparing schemes for development, of more relevance to those seeking planning permission, is the Middlesbrough Urban Design Supplementary Planning Document (SPD) adopted in January 2013. In its response to questions, the CNNF has accepted that the Plan should be amended accordingly.<sup>19</sup>
- 4.21 The proposed modification, **PM4**, provides recommended amendments to the text to provide a criteria-based policy, thereby ensuring the Policy meets the Basic Conditions.

### Policy CN3 – Green Spaces and Environmental Issues

- 4.22 The Plan seeks to protect existing open spaces and extend wooded areas, including those at Marton West Beck and Southwood. To this, end Policy CN3 provides for the expansion of the wooded areas, and indicates the need to protect green spaces. MC has indicated that the Policy is in accordance with policies in the MHLB (Policy H26) and the MLP – Policy HO4b (criteria a) and n)) appear particularly relevant. The Policy has also had regard to the NPPF, paragraphs 102 – 103, and 180.
- 4.23 The text of the Policy is neither sufficiently concise nor precise to accord with the Government advice.<sup>20</sup> The Policy should be clear that proposals for the expansion of wooded areas and the protection of existing green

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<sup>19</sup> Response to examiner's questions by CNNF, dated 6 October 2025.

<sup>20</sup> PPG Reference ID: 41-041-20140306.

spaces relates to the housing allocation and the Masterplan. The second paragraph mixes requirements for maintenance and accessibility. The text should be simplified and might reasonably draw on Policy NE4 in the MLP. Appropriate textual amendments are included within the proposed modification **PM5** to ensure the Policy meets the Basic Conditions.

#### Policy CN4 – Transport Infrastructure

4.24 Much of the supporting text to Policy CN4 relates to actions which would be the responsibility of the local Highways Authority. However, the Policy concentrates on 4 issues: new access requirements; a bus service link; pedestrian and cycle provision; and electric car charging points. The provision of transport infrastructure is a concern that can be addressed through the planning process and so it is a matter that can legitimately form the subject of planning policy. Funding for the short-term provision of transport services may be addressed through a S106 agreement provided the tests set down by Government<sup>21</sup> are met. These include the requirements that it is necessary to make the development acceptable in planning terms and is directly related to the development. With appropriate textual amendments, the Policy is in general conformity with local strategic planning policies, specifically MCS, Policy CS17 (duplicated in the MHP with the same reference) and MHP, Policy H26. It also has regard to the NPPF, paragraph 108.

4.25 The amendments included in proposed modification **PM6** include restructuring the text to provide a criteria-based format and to indicate support for the desired improvements. This will ensure the Policy meets the Basic Conditions.

#### Policy CN5 – Parks and Leisure Facilities

4.26 There are a range of issues covered by Policy CN5, some relating to the Newham Hall development proposals, some relating to provision within the existing Coulby Newham Ward, and some relating to existing problems which are not resolvable through the planning system. The Policy should be restructured to provide a criteria-based policy encompassing those elements which are subject to potential resolution within the planning process. Some elements of the draft Policy, whilst no doubt matters that concern local residents, should properly be addressed elsewhere, and should be excluded from the Policy. The third paragraph does not provide a clear indication of suggestions for proposed developments or for achievable facilities within the life of the Neighbourhood Plan. For these reasons it should be deleted.

4.27 With appropriate amendments, the Policy is in general conformity with local strategic planning policies, particularly MHP, Policy H26 regarding the provision of community facilities, open space and allotments, and is consistent with the emerging MLP, policies IN1 and IN4, whilst

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<sup>21</sup> NPPF, paragraph 57.

contributing to the aims of Policy IN6 regarding the creation of healthier communities. It also has regard to the NPPF's aim to promote healthy communities (paragraph 96).

4.28 A recommended restructured Policy is provided by proposed modification **PM7** to ensure the Basic Conditions are met.

#### Policy CN6 – Education Issues

4.29 The MHLR, Policy 26 (iii) indicates that an appropriate use at Coulby Newham would be the provision of a primary school, either on or off site. No direct evidence of need is provided in the Local Plan but the Policy suggests the school should be provided '*when the need arises*'. The emerging MLP, Policy IN5, goes further, indicating that land should be reserved for primary school provision within the housing allocation at Newham Hall Farm. The first part of Policy CN6 is in general conformity with the MHLR (and consistent with the emerging MLP). It also follows advice in the NPPF, paragraph 99 regarding the need for a proactive, positive and collaborative approach to ensuring an adequacy of school places to meet needs.

4.30 The supporting text to the Policy also identifies a major issue for some schools relating to car parking and parents dropping-off or picking up children. The text makes specific reference to King's Academy and Rosewood Academy. Parking for parents is, of course, a universal problem, but during my visit I did look at the particular circumstances relating to these schools – although I was not able to be present at the critical drop-off and pick up times. In the case of Rosewood Academy, there appeared to be a dedicated lay-by on Coulby Farm Way although there was no marking to indicate if this was for parents or school buses, but in both cases I could see that particular issues could result for local residents and businesses. The initiative by the CNNF is to be welcomed, although it is difficult to see how such proposals might arise, or be funded. Nevertheless, it is a positive proposal which should be included in the Policy with an appropriate amendment to the text.

4.31 The proposed modification, **PM8**, provides amended text to ensure the Policy meets the Basic Conditions and the Government advice regarding the drafting of policies.

#### Policy CN7 – Retail Development in Coulby Newham

4.32 The Policy comprises three elements: parking at the existing Parkway Centre; the provision of public transport services; and a new local centre within the Newham Hall development. Looking at these in turn, I saw during my visit that the car parking facilities at the Parkway Centre are limited relative to the scale of the centre, although it is obvious that the extent to which provision could be increased is limited. I also saw the logic of providing a second entrance to Tesco, although, again, this would not be easy to achieve without a major intervention. Nevertheless,

including support for such interventions, should the opportunity arise, could be of assistance. The provision of public transport services is properly considered under Policy CN4 and should be deleted as an unnecessary duplication of policy. On the third aspect of the Policy, there is a proposal for a new local centre as part of the Newham Hall development. Support for this is a helpful policy provision. An amended Policy, as shown in proposed modification **PM9** would be general conformity with MHLP, Policy H26, and have regard to the strategic policy within the emerging MLP. It would also be in accord with the NPPF, paragraph 97, and so meet the Basic Conditions.

#### Policy CN8 – Health Services in Coulby Newham

4.33 There is a clear desire amongst some residents for improved health services, particularly in terms of access to doctors' and dentists' services, although many residents appear content with the health service (CN8, paragraph 60). No supporting evidence of identified need is provided on which to base the Policy and MC, in its response to the examiner's questions, states that – in its opinion – there is no need for medical facilities in the south of the Ward. Nor is there evidence that health providers would seek to locate within the Ward or the Newham Hall development. It is a requirement that policies must be supported by appropriate evidence<sup>22</sup> and in these circumstances the Policy, in its present form, cannot be shown to have adequate regard to Government advice and therefore does not meet the Basic Conditions. Nevertheless, the NPPF, paragraph 97b, does suggest that policies should take into account improvement to health and other social and cultural well-being for all sections of the community. The emerging MLP also includes Policy ST1 which, amongst the needs of residents, identifies their health and well-being as a consideration (criterion k) and Policy IN6.

4.34 As a consequence of the above, with a degree of re-structuring of the text as shown in **PM10** the Policy would meet the Basic Conditions.

#### Policy CN9 – Key Buildings and Community Assets

4.35 The first part of the Policy identifies Coulby Manor Farm as a Grade II listed building. This is correct but, as has been indicated in the responses to the Regulation 16 consultation, this is not the only listed structure in the Plan area. The official listings also show that the "*walls enclosing carpark, C30M south-west of Coulby Manor*" are also listed as Grade II, whilst the correct title for the listing does not refer to Coulby Manor as a Farm or House, simply Coulby Manor. I have also noted that Newham Grange Farm (Newham Grange Leisure Farm) and Newham Hall Farm are included as non-designated heritage assets in the Local List of buildings and structures of Special Local Architectural or Historic Interest.

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<sup>22</sup> PPG Reference ID: 41-041-20140306.

4.36 The Policy title should be extended to indicate that the key buildings are of historic interest, whilst the text of the first part of the Policy should be extended to include all the assets of interest, including those in the Local List. In policy terms, the second part of the first paragraph needs to be properly aligned to the advice regarding historic assets contained in the NPPF, paragraphs 200 – 204, and potential impacts of development proposals, paragraphs 205 – 214. Notwithstanding the Plan must be assessed against the extant development plan, having regard to the advice in the PPG<sup>23</sup> it might also reasonably take account of the emerging MLP, particularly policies HI1, HI2 and HI3. The proposed modification, **PM11**, includes appropriate amendments to the text of the first part of the Policy to take account of these conclusions.

4.37 The second part of the Policy does not offer criteria for a would-be developer to take into account, neither does it suggest a way in which an appropriate development might be encouraged. It does not suggest any way in which development might be achieved within the Plan period. As a consequence this section cannot be considered as a land-use planning policy as described in the PPG.<sup>24</sup> For these reasons it must be considered as a community aspiration and should be set out in an appendix to clearly distinguish it as not part of the statutory Development Plan.

4.38 The reference to Newham Hall in policy terms in paragraph 63 should be deleted since this is located outside the Plan area. It is also incorrect in policy terms to indicate that Coulby Manor Farm '*should not be altered*'. The NPPF, paragraph 205, advises that when considering proposals affecting a designated heritage asset, the significance of the asset should be taken into account, it does not indicate that assets should not be altered. Additionally, references in paragraph 62 to any assets located outside the Plan Area, specifically Newham Hall, should be deleted. **PM11** refers.

### Factual and Minor Amendments and Updates

4.39 I have not identified any typographical errors in the text of the CNNP that would affect the Basic Conditions. Minor amendments to the text and numbering (sections, paragraphs etc) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between CNNF and the MC. However, a number of factual inaccuracies have been identified by MC in the responses to the Regulation 16 consultation. These factual updates should be addressed in consultation with MC prior to the final Neighbourhood Plan being produced.

4.40 Whilst not strictly necessary to meet the Basic Condition, CNNF and MC may wish to consider amending the Map of the Neighbourhood Plan at Appendix 1 form the Policies Map, which might be annotated to identify

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<sup>23</sup> PPG Reference ID: 41-009-20190509.

<sup>24</sup> PPG: Reference ID: 41-004-20190509.

the locations or areas to which individual policies will be applied. To be realistic, there should be a synthesis or alignment between the Policies Map and the Newham Hall Masterplan where these relate to the same areas and proposals (for example, the Neighbourhood Map indicates new facilities to be provided in 3 separate locations within the proposed development area compared to the Masterplan indicating a single location for a new local centre). The Plan might also differentiate between the northern, central and southern areas referred to in paragraphs 25 – 27. These are matters which may be resolved in agreement with MC prior to its incorporation in the CNNP.

4.41 Finally, and whilst again not strictly necessary to meet the Basic Conditions, it would be helpful to users of the Plan for the pages to be numbered.

## 5. Conclusions

### Summary

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

### Overview

5.4 The Forum has taken on a difficult undertaking in a location which has numerous complex planning issues. It is also a dynamic situation with proposals for development already in the process of evolution. As a consequence the options for the Plan to consider were, of necessity, limited. The resulting Plan is a tribute to those whose hard work has gone

into its production, and it will provide a useful addition to the Development Plan.

*Patrick T Whitehead DipTP (Nott) MRTPI*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./other reference	
PM1	Page 2	<p>Amend paragraph 4 as follows:</p> <p><del>"The draft plan covers the period up to 2024 - 2039".</del></p> <p>And add the Plan period to the front cover as follows: "2024 -2039".</p>
PM2	Page 8	<p>Amend the title of the section by deleting "Specific Aims" and replacing this as follows:</p> <p>"Main Issues Raised by Residents".</p>
PM3	Page 10	<p>Policy CN1</p> <p>Amend the Policy as follows:</p> <p><del>"We would look to see that a Any significant substantial new housing development proposals should have regard to the provisions of the Newham Hall Farm Masterplan and to the following: was matched with the provision of better road facilities and improved public transport services.</del></p> <ol style="list-style-type: none"> <li><del>1. The need for improvements to highways and public transport links;</del></li> <li><del>2. We would support the provision of extra The desirability of improvements to social facilities within the Newham Hall allocation south of the ward (potentially such as a new primary school and community centre);</del></li> <li><del>3. We would want to see any development split up with The inclusion of green spaces and wooded areas separating the different areas of housing;</del></li> </ol>

		<p><b>4. <del>Housing sites should aim to deliver The need for a wide variety of housing types including housing for older people. This could involve bungalows, low rise flats and assisted living accommodation;</del></b></p> <p><b>5. <del>The development should include inclusion of 15% affordable housing in line with the Local Plan.</del></b></p> <p><b><u>Where appropriate, necessary to make a proposed development acceptable in planning terms, and directly related to the proposal, developer contributions will be sought towards the improvement of community and leisure facilities".</u></b></p> <p>Amend the second sentence of paragraph 29 in the supporting text to read as follows:</p> <p>"In order to ensure this, there needs to be an improvement in the road system including the <del>dualling of Stainton Way and the provision of an extra means of access and egress from the estates in the southern area".</del></p>
PM4	Page 11	<p>Policy CN2</p> <p>Amend the Policy as follows:</p> <p><b><u>"<del>We would like to see a All new development should be built to a high standard of design. Developers should take into account the residential development guidance contained in the Middlesbrough Urban Design Supplementary Planning Document, and have particular regard to the following: This would involve estates located on a cul-de-sac or surrounding a courtyard located of the through roads.</del></u></b></p>

		<p><b>a. <u>A preference for culs-de-sac or courtyard developments located off through roads;</u></b></p> <p><b>b. <u>Adequate space between facing houses in line with the Tees Valley Design Guide;</u></b></p> <p><b>c. <u>Development of no more than two storeys, unless specific justification can be provided;</u></b></p> <p><b>d. <u>Materials should complement those characteristic of the locality;</u></b></p> <p><b>e. <u>Parking areas and public amenity space should form an integral part of the design be in accordance with the Tees Valley Design Guide;</u></b></p> <p><b>f. <u>All pathways should provide a safe route for pedestrians, including at night.</u></b></p> <p><b><del>We wish to see sufficient space provided between houses by providing a road of adequate width in line with the Tees Valley Design Guide. Houses should usually be no more than two storey in height with very limited three storey property, so as to avoid streets becoming overbearing and tunnel like in nature.</del></b></p> <p><b><del>We would expect all future housing to be built of good quality materials that complement the existing types of material use in the locality.</del></b></p> <p><b><del>Good design should include provision of parking areas and public amenity space in accordance with the Tees Valley Design Guide. Whilst pathways may be separate from the road network, we should ensure that such pathways provide a safe route for pedestrians at night."</del></b></p>
PM5	Page 12	<p>Policy CN3</p> <p>Amend the Policy as follows:</p> <p><b><u>The Newham Hall housing development at Newham Hall should</u></b></p>

		<p><b><i>allow for the expansion of several wooded areas <u>within the south of the ward allocation, including those at Marton West Beck and Southwood in accordance with the Masterplan, and for the protection maintenance of existing green spaces. The woods at Marton West Beck should be expanded westwards and those at Southwood should stretch further to the south.</u></i></b></p> <p><b><i>All green spaces need to be protected as far as possible and access to these areas enhanced. All wooded areas and green spaces created adjacent to the new housing development need to have a An effective <u>and sustainable long term maintenance programme for proposed green space and woodland should be included with any development proposals in place and should be easily accessible with waymarked routes".</u></i></b></p>
PM6	Page 13	<p>Policy CN4</p> <p>Amend the Policy as follows:</p> <p><b><u><i>The following improvements to the transport infrastructure would be supported:</i></u></b></p> <p><b><i>There is a need for An additional access and egress from the southern area Newham Hall development and as well as improved pedestrian access over the B1365;</i></b></p> <p><b><i>The new housing development at Newham Hall would need to be provided with The use of S106 agreements to launch a bus service to linking the development to the Parkway centre and other areas in south Middlesbrough;</i></b></p> <p><b><i>The extension of the existing cycle path and pathway system should be extended to cover serve the new</i></b></p>

		<p><b><del>housing development area and extra paths provided where necessary;</del></b></p> <p><b><del>The Pprovision of adequate publicly available vehicle charging points will be necessary, especially where residents cannot easily access their own property for this purpose".</del></b></p>
PM7	Page 15	<p>Policy CN5</p> <p>Amend the Policy as follows:</p> <p><b><i>"The following improvements to the existing parks and leisure facilities would be supported:</i></b></p> <p><b><del>The new housing development at Newham Hall is served by Improvements to the play area at Lingfield, which should be improved and maintained, along with the provision of an extra MUGA at this location;</del></b></p> <p><b><del>The protection and enhancement of the playing fields in the area Ward; should be protected and enhanced, by the provision of goalposts and pitch markings. In addition, we should seek to ensure that the MUGA on Newham Way is improved or revamped. Moreover, we would like to see the</del></b></p> <p><b><del>updating of Improvements to the leisure facilities provided at the Rainbow Centre subject to S106 funding being available from the Newham Hall development; - Contributions will be sought from new developments for these improvements.</del></b></p> <p><b><del>We would like to see the provision of another community centre in the south of the ward to serve the proposed increase in the number of residents. If the former Countryside Centre was available, it could be used for this purpose, but if not, a new facility should be constructed.</del></b></p>

		<p><b><u>Further development and improvement of The Community Gardens at Lingfield; should be developed and properly signposted. It is suggested a further Community Garden could be located adjacent to Marton West Beck</u></b></p> <p><b><u>We would support The provision of extra allotments in the south of the Ward, subject to demand being established, but steps must be taken to ensure that they are properly managed.</u></b></p>
PM8	Page 16	<p>Policy CN6</p> <p>Amend the Policy as follows:</p> <p><b><u>We would want to support the provision of an Extra primary school facilities in the area, to meet additional demands of new developments, will be supported.</u></b></p> <p><b><u>In addition, p Support will also be given to proposals for improved car parking provision at existing local schools within the Ward such as including specific proposals for Rosewood Primary school, would be supported".</u></b></p>
PM9	Page 17	<p>Policy CN7</p> <p>Amend the Policy as follows:</p> <p><b><u>Any P-proposals for additional car parking facilities at the Parkway Centre, would be supported. It would also be helpful if and a second entrance to the Tesco car park could be provided to ease traffic flow problems at peak times would be supported.</u></b></p> <p><b><u>In order to enhance the appeal of the new development at Newham Hall, proposals to provide appropriate public transport services in the area should be supported.</u></b></p>

		<p><b><u>In addition, The provision of a new local shopping centre should be included within the Masterplan proposal for the Newham Hall development would be supported.</u></b></p>
PM10	Page 18	<p>Policy CN8</p> <p>Amend the Policy as follows:</p> <p><b><u>The improvement of health services within the Ward would be supported, including:</u></b></p> <p><b><u>Proposals for additional health facilities located at the local centre proposed for the Newham Hall development, if the need can be demonstrated; The provision of an extra doctors' surgery and also increased dental practice provision would be supported. Locating the surgery in the south of the ward within the new housing development should be considered.</u></b></p> <p><b><u>In addition, we would like to see aAdditional car parking provision at the existing doctors' surgeries at the Parkway Centre.</u></b></p>
PM11	Page 19	<p>Policy CN9</p> <p>Amend the Policy as follows:</p> <p><b><u>"CN9 Key buildings of historic interest and community assets</u></b></p> <p><b><u>Key buildings of historic interest within the Ward are include Coulby Manor House, is a Grade II listed building and the walls enclosing the car park which is a Grade II listed structure. Additionally, Newham Grange Farm and Newham Hall Farm are included as locally listed heritage assets.</u></b></p> <p><b><u>Any development to affecting these buildings, structures, or within their its settings will be subject to the</u></b></p>

	<p><b><u>following considerations: managed to enhance its significance</u></b></p> <p><b><u>In the case of listed buildings or structures and their settings, any loss or substantial harm should be exceptional and should be outweighed by substantial public benefits;</u></b></p> <p><b><u>In the case of non-designated assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.</u></b></p> <p><b><u>Newhall Hall Farm, on Middlesbrough's Local List, is vacant and would benefit from a sustainable use that sustains or enhances its significance, which could include community use. Alternatively, the former Countryside Centre at Lingfield, which is presently being used as an education facility, could be used by the community in the future if no longer required for education purposes".</u></b></p> <p>The second part of the Policy should be deleted and replaced as an appendix to the Plan, entitled "Community Aspirations", and labelled as Community Aspiration 1. Paragraph 62 delete and amend as follows:</p> <p>"In addition, Newham Hall, just outside the south of the ward is also a Grade 2 listed building, whilst close by is t The abandoned Newham Hall Farm is locally listed as an asset of architectural or historic interest".</p> <p>Paragraph 63 amend the first sentence as follows: "The Coulby Manor House and Newham Hall are is presently in good condition and should not be altered".</p>
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