

Comment

Agent	Mr Andrew Moss (1168351)
Email Address	[REDACTED]
Company / Organisation	Ward Hadaway
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Consultee	Mr Nigel Swinbank (1168369)
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS132
Response Date	15/09/20 10:33
Consultation Point	Policy SH 1 Settlement Hierarchy (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is . Effective
unsound because it is not: (tick all that apply) . Justified
. Consistent with national policy

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

Support the policy to the extent that Neasham is classified as a Rural Village. It is noted that in criterion 3 the policy states that development in the Rural Villages will make efficient and sustainable use of existing buildings and infill opportunities. It is further noted that in the Glossary to the Plan, '*infill development*' is defined as '*the development of a small area of vacant land between existing buildings*'. That infill development is limited to the filling of gaps between existing buildings means in practice there will be limited opportunities for such development. An objection is submitted that the policy approach is too restrictive. A parallel objection is submitted to the Glossary definition of infill, namely that the definition should include the '*filling of gaps and the rounding off of villages*'.

Following on from the above, criterion 3 additionally states that on the edges of Rural Villages, housing development will meet clearly identified local needs recognising that an element of open market housing may be required to deliver essential affordable units. Reasoned justification paragraph 4.0.12 provides further detail and refers to the delivery of 'exception sites (affordable housing schemes)'. A holding objection is submitted that the interrelationship between policies SH1, H3, H5 and H6 needs to be worked through including in relation to terminology, local needs, exception sites and affordable housing schemes being variously referred to. Parallel objections are submitted to policies H3, H5 and H6.

An objection is submitted that the use of Development Limits and restricting the development of land is not fully consistent with the NPPF as they are seen to stifle sustainable development, whereas the NPPF seeks a more flexible and positive approach. It is submitted therefore that Development Limits should not be used in the Plan.

Question 4

Changes Sought

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Amend definition of infill to 'filling of gaps and rounding off of villages'.

Work through interrelationship between SH1, H3, H5 and H6.

Not use development limits in Plan.

Increase development opportunities in Rural Villages.

Question 5

Attendance at Examination Hearings

If your representation is seeking a change, do you consider it necessary to participate in the examination hearings? Yes, I wish to participate at the examination hearings

Question 5a

Participation at Examination Hearings

Please note the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the examination hearings.

If you wish to participate at the examination hearings, please outline why you consider it to be necessary?

To enable debate on issues arising.

Question 6

Do you request to be notified that the Local Plan has been submitted to the Secretary of State for independent examination under section 22(3) of the regulations and to be notified of the adoption of the Local Plan? Yes, I request to be notified

Comment

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Consultee	Mr Nigel Swinbank (1168369)
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS133
Response Date	15/09/20 10:35
Consultation Point	Policy H 1 Housing Requirement (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is . Positively prepared
unsound because it is not: (tick all that apply) . Effective
. Justified
. Consistent with national policy

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

Objection lodged that housing allocations should be made in the Rural Villages in addition to in the main urban area and service villages. In this respect the Plan period is until 2036. It is not sound for growth in the Rural Villages to be limited to existing commitments and windfall sites. The allocation of appropriately sized sites in the Rural Villages throughout the Plan period would amongst other things provide a range and choice of sites including sites attractive to small house builders. Additionally it would provide a range and choice in the housing market. In turn the housing which would be delivered would help support existing services in the Rural Villages and the smaller villages / settlements which rely upon them.

Without prejudice to the above, objection lodged that Rural Villages should be included as a location where planning permission may be granted where there is no longer a demonstrable supply of sites to fully meet the five year requirement. In this respect site 54, Neasham Nursery, Neasham, a commitment listed in Table 6.4 and shown on the Policies Map as such, was approved following an application in 2016 when there was not a five year supply. The site proved attractive to the market, was acquired by a small local builder and following the approval of Reserved Matters in 2018, all of the dwellings have now been completed, their occupants amongst other things contributing to housing supply and supporting existing services in Neasham which include The Fox & Hounds Pub and Restaurant and the Village Hall in which clubs meet and events held in the Hall and on the associated Village Green.

Paragraph 6 of the policy should be amended to state;

"At any point in the Local Plan period where there is no longer a demonstrable supply of sites to fully meet the five year land requirement, sustainable housing sites located beyond development limits, that would make both a positive contribution to the five year supply of housing land and be well related to the development of the main urban area, service villages or rural villages (as defined in Policy SH1 will be supported....".

Question 4

Changes Sought

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Allocations to be made to Rural Villages.

Amend paragraph 6 in policy to state;

"At any point in the Local Plan period where there is no longer a demonstrable supply of sites to fully meet the five year land requirement, sustainable housing sites located beyond development limits, that would make both a positive contribution to the five year supply of housing land and be well related

to the development of the main urban area, service villages or rural villages (as defined in Policy SH1 will be supported....".

Question 5

Attendance at Examination Hearings

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Question 6

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Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS135
Response Date	15/09/20 10:40
Consultation Point	Policy H 2 Housing Allocations (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

- . Positively prepared
- . Effective
- . Justified
- . Consistent with national policy

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

Following on from objection to policy H1, objection lodged that housing allocations should be made in the Rural Villages in addition to in the main urban area and service villages. In this respect the Plan period is until 2036. It is not sound for growth in the Rural Villages to be limited to existing commitments and windfall sites. The allocation of appropriately sized sites in the Rural Villages throughout the Plan period would amongst other things provide a range and choice of sites including sites attractive to small house builders. Additionally it would provide a range and choice in the housing market. In turn the housing which would be delivered would help support existing services in the Rural Villages and the smaller villages / settlements which rely upon them.

NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. An example of this is Neasham Nurseries, site 54, Neasham Nursery, Neasham, a commitment listed in Table 6.4 and shown on the Policies Map as such, was approved following an application in 2016 when there was not a five year supply. The site proved attractive to the market, was acquired by a small local builder and following the approval of Reserved Matters in 2018, all of the consented 10 dwellings have now been completed. An objection is submitted that site reference 54 in Table 6.4 should be deleted and the Policies Map amended to show site 54 not being a commitment, the development being complete. A parallel objection is submitted to Appendix A. It is material that the site was completed a year in advance of projections demonstrating that small sites in Neasham are deliverable and can make an important contribution to meeting housing requirements in accordance with NPPF para 68.

Further objections are lodged;

- 1 There is an undue emphasis on housing in the urban area and that there should be additional housing accommodated in the villages for the Plan to be sound;
- 2 That allocation 99, Maxgate Farm is too large at 260 dwellings;
- 3 It needs to be demonstrated that at least 10 percent of the housing requirement can be delivered on sites no larger than 1 hectare. This should be demonstrable over the Plan period;
- 4 Land to the north / east of Neasham Nursery should be allocated for residential development in the Plan. The extent of the land available is shown in the Borough of Darlington Housing and Employment Land Availability Assessment (HELAA) under reference 54. The land is put forward in whole or part of allocation. There is a potential for an allocation to be accompanied with a tree planting scheme. In this respect it is noted that the Council are currently consulting on a Draft Tree and Woodland Strategy 2021 – 2031. A proactive approach should be taken towards securing more tree planting.

Question 4

Changes Sought

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Allocate more small and medium sites;

Update table 6.4 to delete reference to site 54, Neasham Nursery, the development being complete. Amend Policies Map to no longer show it as a commitment.

Allocate more housing to the Villages;

Reduce scale of allocation 99, Maxgate Farm;

Provide at least 10 percent of the housing requirement on sites not larger than 1 hectare over the Plan period;

Allocate HELAA site 54 in whole or part for housing development.

Question 5

Attendance at Examination Hearings

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Question 5a

Participation at Examination Hearings

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Question 6

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Consultee	Mr Nigel Swinbank (1168369)
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS136
Response Date	15/09/20 10:41
Consultation Point	Policy H 3 Development Limits (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply) . Positively prepared
 . Consistent with national policy

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

An objection is submitted that the use of Development Limits and restricting the development of land is not fully consistent with the NPPF as they are seen to stifle sustainable development, whereas the NPPF seeks a more flexible and positive approach. It is submitted therefore that Development Limits should not be used in the Plan.

Question 4

Changes Sought

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Not use Development Limits in the Plan.

Question 5

Attendance at Examination Hearings

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Question 5a

Participation at Examination Hearings

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Question 6

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Comment

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Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS137
Response Date	15/09/20 10:42
Consultation Point	Table 6.5 Affordable Housing Requirement (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is . Positively prepared
unsound because it is not: (tick all that apply) . Effective

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

A holding objection is lodged that the interrelationship between this policy, H3 and H6 needs to be worked through.

Question 4

Changes Sought

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Interrelationship between this policy, H3 and H6 needs to be worked through.

Question 5

Attendance at Examination Hearings

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Question 5a

Participation at Examination Hearings

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Question 6

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Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS138
Response Date	15/09/20 10:43
Consultation Point	Policy H 6 Rural Exceptions (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is . Effective
unsound because it is not: (tick all that apply) . Justified

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

A holding objection is lodged that the interrelationship between this policy, H3 and H5 needs to be worked through.

Further objection submitted that rural exception sites should be allocated in the Plan.

Question 4

Changes Sought

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Interrelationship between this policy, H3 and H5 needs to be worked through.

Rural exception sites should be allocated in the Plan.

Question 5

Attendance at Examination Hearings

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Consultee	Mr Nigel Swinbank (1168369)
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Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS139
Response Date	15/09/20 10:44
Consultation Point	12 GLOSSARY (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)

- . Positively prepared
- . Effective
- . Justified

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

The definition of 'infill development' should include the filling of gaps and the rounding off of villages.

Question 4

Changes Sought

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Amend definition of 'infill development' to include 'the filling of gaps and the rounding off of villages'.

Question 5

Attendance at Examination Hearings

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Question 5a

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Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mr Nigel Swinbank (1168369)
Comment ID	DBLPPS140
Response Date	15/09/20 10:45
Consultation Point	Table A.1 (View)
Status	Processed
Submission Type	Web
Version	0.7
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	No
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	

Do you consider that this part of the Local Plan is Justified
unsound because it is not: (tick all that apply)

Question 3a

Your Comments

Please give details of why you consider that this part of the Local Plan is not legally compliant or unsound or fails to comply with the Duty to Cooperate.

The entry for Site 54 needs to be updated, the authorised 10 dwellings have now been completed on the site, a year in advance of projections.

Question 4

Changes Sought

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Record entry 54 as complete.

Question 5

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