

## Comment

<b>Consultee</b>	Mark Armstrong (1250898)
<b>Email Address</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Darlington Local Plan 2016-2036 (Regulation 19)
<b>Comment by</b>	Mark Armstrong (1250898)
<b>Comment ID</b>	DBLPPS273
<b>Response Date</b>	16/09/20 21:00
<b>Consultation Point</b>	Policy H 2 Housing Allocations (Strategic Policy) ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.7
<b>Question 1a</b>	
<b>Do you consider that the Local Plan is Legally compliant?</b>	No
<b>Question 1b</b>	
<b>Do you consider that the Local Plan sound?</b>	No
<b>Question 1c</b>	
<b>Do you consider that the Local Plan complies with the Duty to Cooperate?</b>	No
<b>Question 2</b>	
<b>Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)</b>	<ul style="list-style-type: none"><li>. Positively prepared</li><li>. Effective</li><li>. Justified</li><li>. Consistent with national policy</li></ul>
<b>Question 3a</b>	
<b>Your Comments</b>	

**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 proposed Local Plan housing target reflects Darlington Council's growth aspirations in order to remain independent however, it does not reflect the needs of the Darlington people, rural landscape and environment, all to be adversely impacted by an excessive and unjustified new housing target. Legal compliance - to be legally compliant the local plan must meet a number of procedural tests. Policy H1 has not been prepared in accordance with the statement of community involvement (SCI) and does not satisfy the duty to cooperate. One of the principles of the adopted SCI is that the council will ensure that involvement of the public and other stakeholders is effective. Paragraph 6.2 explains that the process of preparing the Local Plan will be transparent, so that everyone can see how the policies have developed. Despite this commitment, it is not clear how comments made on the previous drafts of the local plan have been considered by the council. It appears that the objections to the proposed housing requirement have been ignored and the process is not transparent therefore, the local plan has not been prepared in accordance with the SCI. In order to fulfil the duty to cooperate, the council must demonstrate that the duty has been undertaken appropriately. The council has not published a duty to cooperate statement or any information to set out how it has engaged with neighbouring local planning authorities on the approach to housing and other strategic matters. Paragraph 1.6.3 of the proposed submission local plan states that 'a full statement of the actions taken by the council under the duty to cooperate will be published in statements of common ground alongside the local plan'. These statements are not available for review or comment. The proposed submission local plan therefore fails to demonstrate how the duty has been met. Sound - to be considered 'sound' the local plan must be positively prepared, justified, effective and consistent with national policy. I consider that policy H2 is not sound for the following reasons: Positively prepared - to meet this requirement, the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. There are significant unresolved objections to the overall level of housing growth proposed which is vastly inflated and consequently the local plan proposes to allocate an unnecessarily high level of housing sites. It is clear, therefore that both the housing requirement for the borough and Low Coniscliffe & Merrybent parish are not an objective assessment of development needs and therefore not positively prepared. Justified - to meet this requirement, the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate, robust and credible evidence. The Local Plan by virtue of its lack of evidence base, fails to demonstrate how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved. The need for the allocation of the two strategic sites at Coniscliffe Park has not been justified within the Local Plan or its supporting evidence base. The justification for the sites appears to be to deliver an the excessive housing requirement for growth and may be because Darlington Council have been in receipt of the planning applications and associated fees for over 2 years and they may have an obligation to the developer Gladman following the Middleton St George (Gladman vs Darlington Council) court decision found in favour of Gladman in November 2015, however costs against Darlington Council were not levied and consultations for the Coniscliffe Park development followed. The CPRE response to the Local Plan, which I duly support, clearly illustrates that not all of the sites which are proposed to be allocated are required to meet the excessive Local Plan housing target. Furthermore, if the housing requirement were set using the national standard method, no housing allocations would actually be necessary. I would also propose that Coniscliffe Park not been justified as the most appropriate location for housing development. It will be physically detached from the urban area, resulting in the merger of Darlington and Low Coniscliffe. This is in clear conflict with the vision, aims and objectives of the Local Plan and indeed policy SH1 (settlement hierarchy).

Effective - to meet this requirement, the Local Plan must be deliverable over its plan period, embracing sound infrastructure delivery planning and based on effective joint working on cross boundary strategic priorities. Whilst it is noted that Appendix B of the Local Plan provides guidance related to each housing allocation, it does not contain any clear policy to guide the future development of 1,520 new homes at Coniscliffe Park. Without this policy guidance the proposed strategic allocations are not effective. The Secretary of State Screening Direction under the Environmental Impact Assessment Regulations regarding the proposed residential development at Coniscliffe Park concluded that the proposed developments would represent a major physical change in the locality, sufficient to indicate that they are likely to have significant effects on the environment. The parish council assessed the suitability of sites 41 and 249 (Coniscliffe Park) as part of the preparation of the now made Low Coniscliffe and

Merrybent Neighbourhood Plan (2019). The conclusion for the assessment of site 41 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of high value rural and amenity landscape would be highly detrimental to the people of Darlington. The impact on existing road network would be highly detrimental. The National grid pylons split the site. Local schools and basic services would not be capable of providing places for such a major development. This development in this location is not sustainable.' The conclusion for the assessment of site 249 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of highly valued rural landscape would be extremely detrimental and significant. Local schools and basic services would not be able to provide for such a major development. The biggest concern is the existing road infrastructure in particular Carmel Road, Coniscliffe Road, Woodland Road and Staindrop Road being incapable of being modified to cope with the highly significant increase in traffic and resultant congestion, increased pollution therefore posing a risk to public health and safety. This development in this location is not sustainable.' Consistent with national policy - to meet this requirement, the Local Plan should enable the delivery of sustainable development in accordance with the NPPF however, as detailed in my response to policy H1, the council has not provided evidence to justify the significantly inflated housing requirement figures. Robust justification is a requirement of national guidance. The identification of sites to deliver the inappropriate housing figures is therefore contrary to national policy and guidance. Paragraph 117 of the NPPF requires planning policies to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. It requires the strategic approach of policies to make as much use as possible of previously developed land. Contrary to this, the Local Plan does not demonstrated why previously developed land cannot be used to deliver housing, prior to the development of Greenfield sites. Paragraph 170 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment. It includes a number of criteria to explain how this can be achieved. This includes protecting sites of bio-diversity value, minimising impacts on and providing net gains for biodiversity. In addition, recognising the intrinsic character and beauty of the countryside and its wider benefits, these benefits include that of agricultural land. The development of Coniscliffe Park will result in the loss of agricultural land, wildlife habitats, landscape of natural beauty and much much more, therefore not according with paragraph 170 f the NPPF. In conclusion, the proposed identification of strategic sites at Coniscliffe Park (sties 41 and 249) within policy H2 of the Local Plan are not sound because they are not positively prepared, justified, effective or consistent with national policy.

#### Question 4

##### Changes Sought

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**Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.**

Removal of the strategic allocations at Coniscliffe Park. If it is resolved through the examination process that the allocations are necessary and justified then the Local Plan should provide detailed policy guidance to ensure the effective delivery of the strategic housing sites.

#### Question 5

##### Attendance at Examination Hearings

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

No, I do not wish to participate at the examination hearings

**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?**

No, I do not request to be notified

## Comment

Consultee	Mark Armstrong (1250898)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Mark Armstrong (1250898)
Comment ID	DBLPPS274
Response Date	16/09/20 21:00
Consultation Point	Policy H 1 Housing Requirement (Strategic Policy) ( <a href="#">View</a> )
Status	Processed
Submission Type	Email
Version	0.6
Question 1a	
Do you consider that the Local Plan is Legally compliant?	No
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?	No
Question 2	
Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)	<ul style="list-style-type: none"><li>. Positively prepared</li><li>. Effective</li><li>. Justified</li><li>. Consistent with national policy</li></ul>
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 proposed Local Plan housing target reflects Darlington Council's growth aspirations in order to remain independent however, it does not reflect the needs of the Darlington people, rural landscape and environment, all to be adversely impacted by an excessive and unjustified new housing target. Legal compliance - to be legally compliant the Local Plan must meet a number of procedural tests. Policy H1 has not been prepared in accordance with the statement of community involvement (SCI) and does not satisfy the duty to cooperate. One of the principles of the adopted SCI is that the council will ensure that involvement of the public and other stakeholders is effective. Paragraph 6.2 explains that the process of preparing the Local Plan will be transparent, so that everyone can see how the policies have developed. Despite this commitment, it is not clear how comments made on the previous drafts of the local plan have been considered by the council. It appears that the objections to the proposed housing requirement have been ignored and the process is not transparent therefore, the Local Plan has not been prepared in accordance with the SCI. In order to fulfil the duty to cooperate, the council must demonstrate that the duty has been undertaken appropriately. The council has not published a duty to cooperate statement or any information to set out how it has engaged with neighbouring local planning authorities on the approach to housing and other strategic matters. Paragraph 1.6.3 of the proposed submission local plan states that 'a full statement of the actions taken by the council under the duty to cooperate will be published in statements of common ground alongside the Local Plan'. These statements are not available for review or comment. The proposed submission local plan therefore fails to demonstrate how the duty has been met. Sound - to be considered 'sound' the Local Plan must be positively prepared, justified, effective and consistent with national policy but I believe it is not sound for the following reasons: Positively prepared - to meet this requirement, the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. There are significant unresolved objections to the overall level of housing growth that is proposed within policy H1. The level of growth appears to range between 422 and 492 net additional dwellings per annum. Crucially, paragraph 6.1.3 of the Local Plan explains that using the national standard method for calculating housing needs results in a figure of 177 dwellings per annum for the borough. I fully acknowledge that the Government supports the provision of housing above levels generated through use of the standard method to support economic growth however, national guidance is clear that any increase is to be realistic and justified. The level of additional housing growth proposed by the Local Plan is excessive and unrealistic with only very limited justification provided for the significant excess.

Policy H1 also includes a housing requirement for the five neighbourhood plan areas within the borough. This housing requirement should also be objectively assessed. No information is included within the Local Plan or its supporting evidence base to explain how these figures have been calculated. The proposed housing requirement for Low Coniscliffe & Merrybent (LC&M) neighbourhood area is 1,520 and it appears to me based the fact that Darlington Council have been in receipt of the planning applications (known as Coniscliffe Park development) and associated fees for the development of 1,520 homes for over 2 years that they may have an obligation to the developer Gladman following the Middleton St George (Gladman vs Darlington Council) court decision found in favour of Gladman in November 2015, however costs against Darlington Council were not levied and consultations for the Coniscliffe Park development followed. The LC&M Neighbourhood Plan was supported by almost 95% of those voting in the referendum and was made in June 2019. The plan was informed by a robust evidence base including a housing needs assessment (HNA) , which was undertaken by AECOM as part of the government's technical support package. The HNA was prepared in accordance with good practice guidance and therefore estimated the OAN for the plan area by considering five different sources which are: • The adopted Local Plan requirement (2011 Core Strategy) – which identifies a housing requirement of 8,675 homes for Darlington as a whole over the plan period 2004 to 2026. The proportional share for the Plan area equates to 50 dwellings between 2017 to 2036;• The emerging Local Plan (Strategic Housing Market Assessment) – which identifies an objectively assessed need for Darlington of 11,160 homes between 2011 and 2036. The proportional share for the Plan area equates to 65 dwellings between 2017 to 2036;• National household projections (2014 based) – which identifies the total number of households for Darlington as 283 from 2011 to 2031, which would equate to 19 new dwellings between 2017 and 2036;• Past dwelling completion rates (2001 to 2011 and 2011+) - between 2001 and 2011 there was an increase of 79 homes in the Plan area, an annual increase of 8 homes. Between 2011 and 31 March 2016, no new dwellings were completed. Taking

an average over the period 2001 and 2017 provides a figure of 4 dwellings per annum, equating to 76 new dwellings between 2017 and 2036; and • Draft standard national methodology (2017) – based on the proposed approach the annual requirement would equate to 1 new dwelling per annum, 19 new dwellings between 2017 and 2036. Consideration appears not to have been given to this robust local HNA in the calculation of the neighbourhood area housing requirements for the LC&M neighbourhood area. Policy LCM12 of the LC&M Neighbourhood Plan aims to create and maintain a balanced and sustainable community, allocating 25 new dwellings in the plan period. It follows therefore that both the housing requirements for the Darlington borough and LC&M parish are not an objective assessment of development needs and therefore not positively prepared.

Justified - to meet this requirement, the local plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate, robust and credible evidence. The local plan should show how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved. Clearly from the information outlined above, the Local Plan cannot be said to be supported by a robust evidence base to justify the vastly inflated housing numbers proposed both borough wide and for the LC&M parish. Effective - to meet this requirement, the Local Plan must be deliverable over its plan period, embracing sound infrastructure delivery planning and based on effective joint working on cross boundary strategic priorities but as previously outlined, the council has not published details of cross boundary discussions that have been undertaken as part of the duty to cooperate therefore, it is not possible to conclude that the housing requirement is based on effective joint working. I also consider that the justification for the use of both objectively assessed need figures and target housing figures, or the purpose of identifying two separate figures within policy H1 is unclear. Given this lack of clarity, it is considered that this would result in the implementation of the policy being ineffective. Consistent with national policy - to meet this requirement, the Local Plan should enable the delivery of sustainable development in accordance with the NPPF. Once again as stated above, the council has not provided evidence to justify the significantly inflated housing requirement figures. Robust justification is a requirement of national guidance therefore in view of lack of evidence and justification, it should be concluded that Policy H1 of the Local Plan is not consistent with national policy. In conclusion, the housing figures proposed for Darlington borough and LC&M neighbourhood area contained within Policy H1 of the Local Plan are not sound because they are not positively prepared, justified, effective or consistent with national policy.

#### **Question 4**

##### **Changes Sought**

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**Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.**

A reduction of the housing requirement for Darlington Borough to 177 net additional dwellings per annum to reflect the national standard method. A reduction of the Low Coniscliffe and Merrybent parish area housing requirement to between 19 and 76 dwellings per annum over the plan period, which reflects the findings of the LC&M HNA.

#### **Question 5**

##### **Attendance at Examination Hearings**

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

No, I do not wish to participate at the examination hearings

**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?**

No, I do not request to be notified

## Comment

<b>Consultee</b>	Mark Armstrong (1250898)
<b>Email Address</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Darlington Local Plan 2016-2036 (Regulation 19)
<b>Comment by</b>	Mark Armstrong (1250898)
<b>Comment ID</b>	DBLPPS276
<b>Response Date</b>	16/09/20 21:00
<b>Consultation Point</b>	Site 41 - Coniscliffe Park, South ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.7
<b>Question 1a</b>	
<b>Do you consider that the Local Plan is Legally compliant?</b>	No
<b>Question 1b</b>	
<b>Do you consider that the Local Plan sound?</b>	No
<b>Question 1c</b>	
<b>Do you consider that the Local Plan complies with the Duty to Cooperate?</b>	No
<b>Question 2</b>	
<b>Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)</b>	<ul style="list-style-type: none"><li>. Positively prepared</li><li>. Effective</li><li>. Justified</li><li>. Consistent with national policy</li></ul>
<b>Question 3a</b>	
<b>Your Comments</b>	

**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 proposed Local Plan housing target reflects Darlington Council's growth aspirations in order to remain independent however, it does not reflect the needs of the Darlington people, rural landscape and environment, all to be adversely impacted by this excessive new housing target. Legal compliance - to be legally compliant the Local Plan must meet a number of procedural tests. I consider the proposed housing sites 41 and 249 on policies map 9 have not been prepared in accordance with the statement of community involvement (SCI). In addition, that this does not fulfil the duty to cooperate. One of the principles of the adopted SCI is that the council will ensure that involvement of the public and other stakeholders is effective. Paragraph 6.2 explains that the process of preparing the Local Plan will be transparent, so that everyone can see how the policies have developed. Despite this commitment, it is not clear how comments made on the previous drafts of the Local Plan have been considered by the council. It appears that the objections by LC&MPC to the proposed allocation of two strategic sites at Coniscliffe Park (site 41 and site 249) have been ignored. I believe the process is not transparent therefore and the Local Plan has not been prepared in accordance with the SCI. In order to fulfil the duty to cooperate, the council must demonstrate that the duty has been undertaken appropriately. The council has not published a duty to cooperate statement or any information to set out how it has engaged with neighbouring local planning authorities on the approach to housing and other strategic matters. Paragraph 1.6.3 of the proposed submission Local Plan states that 'a full statement of the actions taken by the council under the duty to cooperate will be published in statements of common ground alongside the Local Plan'. These statements are not available for review or comment and the proposed Local Plan therefore fails to demonstrate how the duty to cooperate has been met. Sound - to be considered 'sound' the Local Plan must be positively prepared, justified, effective and consistent with national policy. I consider that the proposed allocation of sites 41 and 249 on policies map 9 is not sound for the following reasons: Positively prepared - to meet this requirement, the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. I have explained in my response to policy H1 that there are unresolved objections to the overall level of housing growth proposed and as a result of this vastly inflated housing figure, the Local Plan proposes to allocate an unnecessarily high level of housing sites. It is clear, therefore that both the housing requirement for the borough and LC&M parish are not an objective assessment of development needs and therefore not positively prepared. Justified - to meet this requirement, the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate, robust and credible evidence. The Local Plan should demonstrate how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved. The need for the allocation of the two strategic sites at Coniscliffe Park has not been justified within the local plan or its supporting evidence base. The only justification for the sites appears to be to deliver the excessive housing requirement.

I consider it to be the case that Coniscliffe Park has not been justified by the Local Plan as the most appropriate location for housing development. It will be physically detached from the urban area, resulting in the merger of Darlington and Low Coniscliffe. This is in clear conflict with the vision, aims and objectives of the local plan and indeed policy SH1 (settlement hierarchy). Effective - to meet this requirement, the local plan must be deliverable over its plan period, embracing sound infrastructure delivery planning and based on effective joint working on cross boundary strategic priorities. I do not consider the Coniscliffe Park strategic allocation to be effective for the following reasons: The Secretary of State Screening Direction under the Environmental Impact Assessment Regulations regarding the proposed residential development at Coniscliffe Park concluded that the proposed developments would represent a major physical change in the locality, sufficient to indicate that they are likely to have significant effects on the environment. As part of the preparation of the now made Low Coniscliffe and Merrybent Neighbourhood Plan (2019), the parish council assessed the suitability of sites 41 and 249. The conclusion for the assessment of site 41 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of high value rural and amenity landscape would be highly detrimental to the people of Darlington. The impact on existing road network would be highly detrimental. The National grid pylons split the site. Local schools and basic services would not be capable of providing places for such a major development. This development in this location is not sustainable.' The conclusion for the assessment of site 249 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of highly valued rural landscape would be extremely detrimental and significant. Local schools and basic services would not be able to provide for such a major

development. The biggest concern is the existing road infrastructure in particular Carmel Road, Coniscliffe Road, Woodland Road and Staindrop Road being incapable of being modified to cope with the highly significant increase in traffic and resultant congestion, increased pollution therefore posing a risk to public health and safety. This development in this location is not sustainable.' Consistent with national policy - to meet this requirement, the local plan should enable the delivery of sustainable development in accordance with the NPPF. As detailed in response to policy H1, the council has not provided evidence to justify the significantly inflated housing requirement figures. Robust justification is a requirement of national guidance. The identification of sites to deliver the inappropriate housing figures is therefore contrary to national policy and guidance. Paragraph 117 of the NPPF requires planning policies to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. It requires the strategic approach of policies to make as much use as possible of previously developed land. It is submitted that the local plan has not demonstrated why previously developed land cannot be used to deliver housing, prior to the development of greenfield sites. Therefore, contrary to the NPPF.

Paragraph 170 of the NPPF is clear that planning policies and decisions should contribute to and enhance the natural and local environment. It includes a number of criteria to explain how this can be achieved. This includes protecting sites of biodiversity value, minimising impacts on and providing net gains for biodiversity. In addition, recognising the intrinsic character and beauty of the countryside and its wider benefits, these benefits include that of agricultural land. The development of Coniscliffe Park will result in the loss of agricultural land and habitats for wildlife, therefore not according with paragraph 170. In conclusion, the proposed identification of strategic sites at Coniscliffe Park (sites 41 and 249) on policies map 9 are not sound because they are not positively prepared, justified or consistent with national policy.

#### Question 4

##### Changes Sought

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Removal of the strategic allocations (sites 41 and 249) at Coniscliffe Park from policies map 9.

#### Question 5

##### Attendance at Examination Hearings

**If your representation is seeking a change, do you consider it necessary to participate in the examination hearings?** No, I do not wish to participate at the examination hearings

#### 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?** No, I do not request to be notified

## Comment

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<b>Email Address</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Darlington Local Plan 2016-2036 (Regulation 19)
<b>Comment by</b>	Mark Armstrong (1250898)
<b>Comment ID</b>	DBLPPS278
<b>Response Date</b>	16/09/20 21:00
<b>Consultation Point</b>	Site 249 - Coniscliffe Park, North ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.7
<b>Question 1a</b>	
<b>Do you consider that the Local Plan is Legally compliant?</b>	No
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<b>Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)</b>	<ul style="list-style-type: none"><li>. Positively prepared</li><li>. Effective</li><li>. Justified</li><li>. Consistent with national policy</li></ul>
<b>Question 3a</b>	
<b>Your Comments</b>	

**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 proposed Local Plan housing target reflects Darlington Council's growth aspirations in order to remain independent however, it does not reflect the needs of the Darlington people, rural landscape and environment, all to be adversely impacted by this excessive new housing target. Legal compliance - to be legally compliant the Local Plan must meet a number of procedural tests. I consider the proposed housing sites 41 and 249 on policies map 9 have not been prepared in accordance with the statement of community involvement (SCI). In addition, that this does not fulfil the duty to cooperate. One of the principles of the adopted SCI is that the council will ensure that involvement of the public and other stakeholders is effective. Paragraph 6.2 explains that the process of preparing the Local Plan will be transparent, so that everyone can see how the policies have developed. Despite this commitment, it is not clear how comments made on the previous drafts of the Local Plan have been considered by the council. It appears that the objections by LC&MPC to the proposed allocation of two strategic sites at Coniscliffe Park (site 41 and site 249) have been ignored. I believe the process is not transparent therefore and the Local Plan has not been prepared in accordance with the SCI. In order to fulfil the duty to cooperate, the council must demonstrate that the duty has been undertaken appropriately. The council has not published a duty to cooperate statement or any information to set out how it has engaged with neighbouring local planning authorities on the approach to housing and other strategic matters. Paragraph 1.6.3 of the proposed submission Local Plan states that 'a full statement of the actions taken by the council under the duty to cooperate will be published in statements of common ground alongside the Local Plan'. These statements are not available for review or comment and the proposed Local Plan therefore fails to demonstrate how the duty to cooperate has been met. Sound - to be considered 'sound' the Local Plan must be positively prepared, justified, effective and consistent with national policy. I consider that the proposed allocation of sites 41 and 249 on policies map 9 is not sound for the following reasons: Positively prepared - to meet this requirement, the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. I have explained in my response to policy H1 that there are unresolved objections to the overall level of housing growth proposed and as a result of this vastly inflated housing figure, the Local Plan proposes to allocate an unnecessarily high level of housing sites. It is clear, therefore that both the housing requirement for the borough and LC&M parish are not an objective assessment of development needs and therefore not positively prepared. Justified - to meet this requirement, the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate, robust and credible evidence. The Local Plan should demonstrate how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved. The need for the allocation of the two strategic sites at Coniscliffe Park has not been justified within the local plan or its supporting evidence base. The only justification for the sites appears to be to deliver the excessive housing requirement.

I consider it to be the case that Coniscliffe Park has not been justified by the Local Plan as the most appropriate location for housing development. It will be physically detached from the urban area, resulting in the merger of Darlington and Low Coniscliffe. This is in clear conflict with the vision, aims and objectives of the local plan and indeed policy SH1 (settlement hierarchy). Effective - to meet this requirement, the local plan must be deliverable over its plan period, embracing sound infrastructure delivery planning and based on effective joint working on cross boundary strategic priorities. I do not consider the Coniscliffe Park strategic allocation to be effective for the following reasons: The Secretary of State Screening Direction under the Environmental Impact Assessment Regulations regarding the proposed residential development at Coniscliffe Park concluded that the proposed developments would represent a major physical change in the locality, sufficient to indicate that they are likely to have significant effects on the environment. As part of the preparation of the now made Low Coniscliffe and Merrybent Neighbourhood Plan (2019), the parish council assessed the suitability of sites 41 and 249. The conclusion for the assessment of site 41 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of high value rural and amenity landscape would be highly detrimental to the people of Darlington. The impact on existing road network would be highly detrimental. The National grid pylons split the site. Local schools and basic services would not be capable of providing places for such a major development. This development in this location is not sustainable.' The conclusion for the assessment of site 249 was: 'The landscape has a high agricultural value and provides for public amenity and the loss of highly valued rural landscape would be extremely detrimental and significant. Local schools and basic services would not be able to provide for such a major

development. The biggest concern is the existing road infrastructure in particular Carmel Road, Coniscliffe Road, Woodland Road and Staindrop Road being incapable of being modified to cope with the highly significant increase in traffic and resultant congestion, increased pollution therefore posing a risk to public health and safety. This development in this location is not sustainable.' Consistent with national policy - to meet this requirement, the local plan should enable the delivery of sustainable development in accordance with the NPPF. As detailed in response to policy H1, the council has not provided evidence to justify the significantly inflated housing requirement figures. Robust justification is a requirement of national guidance. The identification of sites to deliver the inappropriate housing figures is therefore contrary to national policy and guidance.

Paragraph 117 of the NPPF requires planning policies to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. It requires the strategic approach of policies to make as much use as possible of previously developed land. It is submitted that the local plan has not demonstrated why previously developed land cannot be used to deliver housing, prior to the development of greenfield sites. Therefore, contrary to the NPPF. Paragraph 170 of the NPPF is clear that planning policies and decisions should contribute to and enhance the natural and local environment. It includes a number of criteria to explain how this can be achieved. This includes protecting sites of biodiversity value, minimising impacts on and providing net gains for biodiversity. In addition, recognising the intrinsic character and beauty of the countryside and its wider benefits, these benefits include that of agricultural land. The development of Coniscliffe Park will result in the loss of agricultural land and habitats for wildlife, therefore not according with paragraph 170. In conclusion, the proposed identification of strategic sites at Coniscliffe Park (sites 41 and 249) on policies map 9 are not sound because they are not positively prepared, justified or consistent with national policy.

#### Question 4

##### Changes Sought

**Please Note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. There is the opportunity to attach Word or PDF files before submitting your comment.

**After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues identified for examination.**

**Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.**

Removal of the strategic allocations (sites 41 and 249) at Coniscliffe Park from policies map 9.

#### Question 5

##### Attendance at Examination Hearings

**If your representation is seeking a change, do you consider it necessary to participate in the examination hearings?** No, I do not wish to participate at the examination hearings

#### 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?** No, I do not request to be notified

## Comment

<b>Consultee</b>	Mark Armstrong (1250898)
<b>Email Address</b>	[REDACTED]
<b>Address</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Event Name</b>	Darlington Local Plan 2016-2036 (Regulation 19)
<b>Comment by</b>	Mark Armstrong (1250898)
<b>Comment ID</b>	DBLPPS279
<b>Response Date</b>	16/09/20 21:00
<b>Consultation Point</b>	Policy ENV 3 Local Landscape Character (Strategic Policy) ( <a href="#">View</a> )
<b>Status</b>	Processed
<b>Submission Type</b>	Email
<b>Version</b>	0.5
<b>Question 1a</b>	
<b>Do you consider that the Local Plan is Legally compliant?</b>	No
<b>Question 1b</b>	
<b>Do you consider that the Local Plan sound?</b>	No
<b>Question 1c</b>	
<b>Do you consider that the Local Plan complies with the Duty to Cooperate?</b>	No
<b>Question 2</b>	
<b>Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply)</b>	<ul style="list-style-type: none"><li>. Positively prepared</li><li>. Effective</li><li>. Justified</li><li>. Consistent with national policy</li></ul>
<b>Question 3a</b>	
<b>Your Comments</b>	

**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 proposed Local Plan housing target reflects Darlington Council's growth aspirations in order to remain independent however, it does not reflect the needs of the Darlington people, rural landscape and environment, all to be adversely impacted by an excessive and unjustified new housing target. Legal compliance - to be legally compliant the local plan must meet a number of procedural tests. I do not consider the Local Plan has been positively prepared in accordance with the statement of community involvement (SCI). One of the principles of the adopted SCI is that the council will ensure that involvement of the public and other stakeholders is effective. Paragraph 6.2 explains that the process of preparing the Local Plan will be transparent, so that everyone can see how the policies have developed. Despite this commitment, it is not clear how comments made on the previous drafts of the Local Plan have been considered by the council and it appears that previous objections by Low Coniscliffe & Merrybent Parish Council (LC&MPC) regarding the lack of designation of a rural gap between Darlington and Low Coniscliffe have been ignored. I consider the of consultation is not transparent therefore and the Local Plan has not been prepared in accordance with the SCI. Sound - to be considered 'sound' the local plan must be positively prepared, justified, effective and consistent with national policy. I consider that policy ENV3 is not sound for the following reasons: Positively prepared - to meet this requirement, the Local Plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, consistent with achieving sustainable development. Whilst I strongly support the principles of policy ENV3, to protect and improve the character and local distinctiveness of the borough, I object to the notable omission of reference to retaining the openness and green infrastructure functions of the rural gap between Darlington and the villages of Low Coniscliffe and Merrybent. The vision of the LC&M Neighbourhood Plan (June 2019) , which was supported near 95% of those voting in the referendum, is clear that the villages will maintain their individual identities and that whilst the parish will remain a gateway to Darlington, it will be visually distinct and separate from the conurbation.

Policy ENV3 of the Local Plan fails to identify a rural gap between the conurbation and the villages of Low Coniscliffe and Merrybent and therefore undermines the vision of the Neighbourhood Plan, the vision of the Local Plan and is contrary to the principles of sustainable development. Justified - to meet this requirement, the Local Plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate, robust and credible evidence. The Local Plan does not show how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved. The importance of the rural villages to the character of the borough is highlighted within the vision and objectives of the Local Plan however this vision is not fulfilled for the village of Low Coniscliffe. The lack of identification of a rural gap in such close proximity to the conurbation as shown by the Local Plan is therefore not justified. Effective - to meet this requirement, the Local Plan must be deliverable over its plan period, embracing sound infrastructure delivery planning and based on effective joint working on cross boundary strategic priorities. Policy ENV3 seeks to maintain the character and local distinctiveness of the borough. The lack of identification of a rural gap between the conurbation and the villages of Low Coniscliffe and Merrybent will result in the policy not being effective. Consistent with national policy - to meet this requirement, the local plan should enable the delivery of sustainable development in accordance with the NPPF. Again, by not identifying a rural gap between the conurbation and the villages of Low Coniscliffe and Merrybent there is a significant risk that future development within this area would not protect and enhance the landscape character, setting and identity of the area. In addition, it could risk the loss of connectivity of the green infrastructure network, as well as the protection and enhancement of biodiversity. This approach within Policy ENV3 of the Local Plan is therefore not consistent with national policy.

In conclusion, the lack of identification of a rural gap between Darlington and the villages of Low Coniscliffe and Merrybent by policy ENV3 is not sound because it is not positively prepared, justified, effective or consistent with national policy.

#### **Question 4**

#### **Changes Sought**

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*normally be a subsequent opportunity to make further representations based on the original representation at publication stage. There is the opportunity to attach Word or PDF files before submitting your comment.*

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**Please set out what change(s) to the Local Plan you consider necessary to make it legally compliant or sound. You will need to say why this change will make the Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording for any policy or text.**

Add the gap between the conurbation and the villages of Low Coniscliffe and Merrybent to the list of rural gaps identified in policy ENV3.

#### **Question 5**

##### **Attendance at Examination Hearings**

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

No, I do not wish to participate at the examination hearings

#### **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?**

No, I do not request to be notified