

Comment

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|---|---|
| Consultee | Mr & Mrs Peter & Sue Clark (1164264) |
| Email Address | [REDACTED] |
| Address | [REDACTED] [REDACTED] [REDACTED] |
| Event Name | Darlington Local Plan 2016-2036 (Regulation 19) |
| Comment by | Mr & Mrs Peter & Sue Clark (1164264) |
| Comment ID | DBLPPS220 |
| Response Date | 15/09/20 12:56 |
| Consultation Point | Policy H 1 Housing Requirement (Strategic Policy) (View) |
| Status | Processed |
| Submission Type | Email |
| Version | 0.3 |
| 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">. 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.

Legal compliance

We consider that policy H1 has not been prepared in accordance with the statement of community involvement (SCI). In addition, that it 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 the residents and consultant of Low Coniscliffe and Merrybent Parish to the proposed housing requirement have been ignored. Therefore the process is not transparent resulting in the lack of transparency in preparing the local plan. This means it 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.

Soundness

To be considered 'sound' the local plan must be positively prepared, justified, effective and consistent with national policy. The policy 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. We 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 realistic and justified.

The level of additional housing growth proposed for the borough is excessive, therefore not realistic and very limited justification is provided for this significant difference.

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 and Merrybent neighbourhood area is 1,520.

Low Coniscliffe and Merrybent Neighbourhood Plan was made in June 2019. • 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.

No consideration appears to have been given to this robust local HNA in the calculation of the neighbourhood area housing requirements for the Low Coniscliffe and Merrybent neighbourhood area.

Policy LCM12 of the Low Coniscliffe and Merrybent Neighbourhood Plan aims to create and maintain a balanced and sustainable community. It allocates three housing sites to deliver 25 new dwellings over the plan period to meet existing and future needs.

It is clear, therefore that both the housing requirement for the borough and Low Coniscliffe and 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 should show how its policies and proposals help to ensure that the social, environmental, economic and resource objectives of sustainability will be achieved.

As a result of the information outlined above, we submit that the local plan is not supported by a robust evidence base to justify the vastly inflated housing numbers proposed both borough wide and for our 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.

As previously outlined, the council has not published details of cross boundary discussions that have been undertaken as part of the duty to cooperate. It is therefore not possible to conclude that the housing requirement is based on effective joint working.

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.

As detailed above, the council has not provided evidence to justify the significantly inflated housing requirement figures. Robust justification is a requirement of national guidance. Policy H1 is therefore not consistent with national policy.

In conclusion, both the overall housing figure and that proposed for the Low Coniscliffe and Merrybent neighbourhood area contained within Policy H1 are not sound because they are not positively prepared, justified, effective 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.

Reduction of the housing requirement to 177 net additional dwellings per annum to reflect the national standard method.

Reduction of the neighbourhood area housing requirement for Low Coniscliffe and Merrybent to between 19 and 76 dwellings over the plan period, which reflects the findings in the Housing Needs Assessment conducted during the preparation of the Low Coniscliffe and Merrybent Neighbourhood Plan.

Clarification regarding the use of two housing figures for the borough to ensure effective implementation.

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 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 & Mrs Peter & Sue Clark (1164264) |
| Email Address | [REDACTED] |
| Address | [REDACTED] [REDACTED] [REDACTED] |
| Event Name | Darlington Local Plan 2016-2036 (Regulation 19) |
| Comment by | Mr & Mrs Peter & Sue Clark (1164264) |
| Comment ID | DBLPPS221 |
| Response Date | 15/09/20 12:56 |
| Consultation Point | Policy H 2 Housing Allocations (Strategic Policy) (View) |
| Status | Processed |
| Submission Type | Email |
| Version | 0.7 |
| 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">. 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.

Legal compliance

To be legally compliant the local plan must meet a number of procedural tests. It appears H2 has not been prepared in accordance with the statement of community involvement (SCI). In addition, that it does not fulfil the duty to cooperate.

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 made by the residents of the Parish and the Consultant representing Low Coniscliffe and Merrybent Parish, relating to the proposed allocation of two strategic sites at Coniscliffe Park (site 41 and site 249) have been ignored therefore the process is not transparent and the local plan has not been prepared in accordance with the SCI. In addition these sites were not identified for development in the Low Coniscliffe and Merrybent Neighbourhood Plan which was made in June 2019, to which there is no mention.

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.

Soundness

To be considered 'sound' the local plan must be positively prepared, justified, effective and consistent with national policy. 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.

However, there are significant unresolved objections to the overall level of housing growth proposed. As a result of this vastly inflated housing figure, the local plan proposes to allocate an unnecessarily high level of housing sites.

The Low Coniscliffe and Merrybent Neighbourhood Plan stated: "the standard national methodology (2017) – identifies an annual requirement of 1 new dwelling per annum, 19 new dwellings between 2017 and 2036." It also stated "the Strategic Housing Market Assessment – identified 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."

To include a development of 1520 properties in the draft Local Plan in a Parish which currently has less than 300 dwellings is clearly far in excess of those needed by the Parish.

It is clear, therefore that both the housing requirement for the borough and for Low Coniscliffe and 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 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

Also, Coniscliffe Park has not been justified as the most appropriate location for housing development as it will be physically detached from the urban area, resulting in the merger of Darlington, Merrybent

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, the plan contains no clear policy to guide the future development of over 1,500 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. 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.'

Furthermore, the proposed allocation of Coniscliffe Park will not accord with the vision of the plan to maintain the identity of Darlington as a cohesive historic market town.

Consistent with national policy

To meet this requirement, the local plan should enable the delivery of sustainable development in accordance with the NPPF.

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 a vast area 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) within policy H2 are not sound because they are not positively prepared, justified, effective 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 of sites 41 and 249 at Coniscliffe Park and include the sites within 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? Yes, I request to be notified

Comment

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|---|---|
| Consultee | Mr & Mrs Peter & Sue Clark (1164264) |
| Email Address | [REDACTED] |
| Address | [REDACTED] [REDACTED] [REDACTED] |
| Event Name | Darlington Local Plan 2016-2036 (Regulation 19) |
| Comment by | Mr & Mrs Peter & Sue Clark (1164264) |
| Comment ID | DBLPPS236 |
| Response Date | 15/09/20 12:56 |
| Consultation Point | Policy SH 1 Settlement Hierarchy (Strategic Policy) (View) |
| Status | Processed |
| Submission Type | Email |
| 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 unsound because it is not: (tick all that apply) | <input type="checkbox"/> Effective <input type="checkbox"/> 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.

This strategic policy is not effective as it does not form the basis for the spatial approach of the local plan.

The focus of new development should be to make efficient and sustainable use of existing buildings and infill opportunities.

Low Coniscliffe and Merrybent have a Neighbourhood Plan which was made in June 2019 and states: "Low Coniscliffe and Merrybent villages will maintain their individual identities as sustainable, thriving communities, accessible to people of all ages. The Parish will remain a gateway to Darlington, but visually distinct and separate from the conurbation. New development will be of a scale and design which respects the rural setting of the Parish, conserves and enhances its unique rural and riverside environment, open spaces and heritage, for the benefit of current and future generations."

However, completely contrary to this, the plan proposes the construction of 1520 new houses within the parish of Low Coniscliffe and Merrybent which will:

Remove the individual identity of the villages
Remove the villages distinctiveness and separation from the conurbation.
Create development outside of the areas allocated in the Low Coniscliffe and Merrybent Neighbourhood Plan and result in a loss of valued agricultural land.
Build vast amounts of housing in numbers far in excess of those identified in the Neighbourhood Plan as needed within the Parish.

Therefore, the policy is not effective or justified and will not be delivered by the proposals contained within the local plan.

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.

The strategic approach of the neighbourhood plan should be adopted to reflect the settlement hierarchy set out within policy SH1. Correctly applying the settlement hierarchy would result in changes to:

- The neighbourhood area housing requirements set out within policy H1 – this should be amended to reflect the level of housing that is appropriate for the rural parish;
- The strategic housing allocations at Coniscliffe Park, identified within policy H2, should be removed; and
- The identification of a rural gap between Low Coniscliffe and Darlington to conserve the rural settlement pattern which is identified as important to the character of the local area.
- The identification of a rural gap between Merrybent and Darlington to conserve the rural settlement pattern which is identified as important to the character of the local area.

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?

Yes, I request to be notified

Comment

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| Consultee | Mr & Mrs Peter & Sue Clark (1164264) |
| Email Address | [REDACTED] |
| Address | [REDACTED] [REDACTED] [REDACTED] |
| Event Name | Darlington Local Plan 2016-2036 (Regulation 19) |
| Comment by | Mr & Mrs Peter & Sue Clark (1164264) |
| Comment ID | DBLPPS465 |
| Response Date | 17/09/20 12:35 |
| Consultation Point | Policy H 3 Development Limits (Strategic Policy) (View) |
| Status | Processed |
| Submission Type | Email |
| Version | 0.5 |
| 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? | Yes |
| Question 2 | |
| Do you consider that this part of the Local Plan is unsound because it is not: (tick all that apply) | <input type="checkbox"/> Effective <input type="checkbox"/> 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.

Legal compliance

Policy Map 15 does not appear to have been 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. It appears that objections to the proposed settlement boundaries for the villages of Low Coniscliffe and Merrybent have been ignored. No cognisance has been paid to the Policies Maps in the Low Coniscliffe and Merrybent Neighbourhood Plan. Therefore, the process is not transparent and the local plan has not been prepared in accordance with the SCI.

Soundness

It does not appear that policies map 15 is sound for the following reasons:

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.

Low Coniscliffe and Merrybent Neighbourhood Plan, dated June 2019, identifies the settlement boundaries of the villages of Low Coniscliffe and Merrybent. The new settlement boundaries were informed by a settlement boundary methodology and evidence contained within a background paper. The boundaries, which were tested at examination, were drawn to support the sustainable growth of the villages, taking into account extant permissions and establishing a logical shape to the edge of the villages.

The settlement envelopes proposed on policy map 15 do not appear to be supported by evidence. No details have been provided as to how they have been defined and no consideration has been given to the Low Coniscliffe and Merrybent Neighbourhood Plan. The proposed policies map does not include:

the 83 properties in the Merrybent Drive development situated at the east end of Merrybent and within the Merrybent settlement boundary

nor the area to the western edge of Merrybent, to the northern side of the A67, which incorporates a site designated for development.

The proposed boundaries are 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.

The lack of consistency between the boundaries shown within the neighbourhood plan and local plan will result in confusion and therefore implementation will be ineffective.

In conclusion, the proposed settlement boundaries for Low Coniscliffe and Merrybent on map 15 are not sound because they are not justified or effective.

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.

The settlement boundaries for the villages of Low Coniscliffe and Merrybent on policies map 15 should be amended to reflect those within the made neighbourhood plan.

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? Yes, I request to be notified

Comment

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| Consultee | Mr & Mrs Peter & Sue Clark (1164264) |
| Email Address | [REDACTED] |
| Address | [REDACTED] [REDACTED] [REDACTED] |
| Event Name | Darlington Local Plan 2016-2036 (Regulation 19) |
| Comment by | Mr & Mrs Peter & Sue Clark (1164264) |
| Comment ID | DBLPPS466 |
| Response Date | 17/09/20 12:35 |
| Consultation Point | Policy ENV 3 Local Landscape Character (Strategic Policy) (View) |
| Status | Processed |
| Submission Type | Email |
| Version | 0.5 |
| 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? | Yes |
| 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">. 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.

Legal compliance

To be legally compliant the local plan must meet a number of procedural tests. Policy ENV3 has not been 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. The objections made by residents of Low Coniscliffe and Merrybent Parish and their consultant regarding the lack of designation of a rural gap between Darlington and Low Coniscliffe have been ignored therefore the process is not transparent and the local plan has not been prepared in accordance with the SCI.

Soundness

To be considered 'sound' the local plan must be positively prepared, justified, effective and consistent with national policy. The 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.

There is an 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 Low Coniscliffe and Merrybent neighbourhood plan which was made in June 2019 was to maintain the individual identities of the villages and although the parish will remain a gateway to Darlington, it will be visually distinct and separate from the conurbation.

Not identifying a rural gap between the conurbation and the villages of Low Coniscliffe and Merrybent undermines both the vision of the neighbourhood plan and 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 should 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. The lack of identification of a rural gap in such close proximity to the conurbation, 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.

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. The approach 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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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.

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?

Yes, I request to be notified