

Comment

Consultee	Peter & Margaret Ellerton (1164324)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Peter & Margaret Ellerton (1164324)
Comment ID	DBLPPS193
Response Date	15/09/20 10:12
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">. 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.

1 We strongly object to the figures Darlington Borough Council is using, considering the locally calculated baseline OAN of 422 houses per annum which are far higher than required and also conflicts with Low Coniscliffe and Merrybent Neighbourhood Plan. This is compounded if the figure of 492 houses per annum mentioned in this Policy is the "target" figure. We question the use of two conflicting figures, and OAN and a "target" figure. As para 6.1.3 says, the standard methodology put forward by the Government identifies an Objectively Assessed (housing) Need (OAN) baseline of 177 hpa 2016-26 (houses per annum). And since March 2018, Government guidance requires any Local Planning Authority (LPA) Plan that has not reached submission stage to adopt the standard methodology OAN (Objectively Assessed Need). Increased provision above the baseline OAN to support economic growth is actively encouraged by the Government, but the level of increase must be realistic and justified. We consider that the Council has not put forward any exceptional circumstances to justify this higher figure and we are not convinced that there will be the creation of an additional 7,000 full time equivalent jobs over the Plan period. Therefore the locally calculated baseline OAN of 422 (or 492) hpa needs to be discarded and the Plan redrafted adopting a baseline OAN of 177 hpa.

2. In addition we also object in the strongest possible terms to the second last paragraph (beginning "At any point in the Local Plan period...") as it effectively renders useless all the policy in the Plan and the consultation process if there is no longer a demonstrable supply of sites to fully meet the five year land requirement. This is particularly pertinent as we consider the housing figure the Council is proposing to use is vastly assessed and the Council is effectively "setting itself up to fail".

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.

1 The reduction of the locally calculated base line OAN of 422 hpa or target of 492 hpa and the plan redrafted adopting a baseline OAN of 177 hpa

2 The removal of the second last paragraph beginning "At any point in the local plan period"

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

Consultee	Peter & Margaret Ellerton (1164324)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Peter & Margaret Ellerton (1164324)
Comment ID	DBLPPS194
Response Date	15/09/20 10:12
Consultation Point	Policy ENV 3 Local Landscape Character (Strategic Policy) (View)
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?	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. We consider that 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. It appears that the objections by LC&MPC to the lack of designation of a rural gap between Darlington and Low Coniscliffe have been ignored. We believe that the process is not transparent therefore, 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. We 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 we both strongly support the principles of policy ENV3, to protect and improve the character and local distinctiveness of the borough, we 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)[1], which was supported by 94.7% 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.

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.

[1]<https://www.darlington.gov.uk/media/9090/lcm-np-final.pdf>

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.

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

Comment

Consultee	Peter & Margaret Ellerton (1164324)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Peter & Margaret Ellerton (1164324)
Comment ID	DBLPPS197
Response Date	15/09/20 10:12
Consultation Point	Policy SH 1 Settlement Hierarchy (Strategic Policy) (View)
Status	Processed
Submission Type	Email
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?	No
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"/> 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.

Whilst we support the intentions of the proposed settlement hierarchy, this strategic policy is not effective as it does not form the basis for the spatial approach of the local plan.

We agree that the local plan should protect and where possible enhance the character of Low Coniscliffe and Merrybent as rural villages. Also, that the focus of new development should be to make efficient and sustainable use of existing buildings and infill opportunities.

This approach accords with the visions of the adopted Low Coniscliffe and Merrybent Neighbourhood Plan (2019) which is:

“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 approach, the plan proposes that 1520 new houses should be built within the parish of Low Coniscliffe and Merrybent.

Therefore, the policy is not effective as it 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 parish council's specific representations on policies H1, H2 and ENV3, provide further details on these matters.

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

Consultee	Peter & Margaret Ellerton (1164324)
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Peter & Margaret Ellerton (1164324)
Comment ID	DBLPPS198
Response Date	15/09/20 10:12
Consultation Point	APPENDIX C DARLINGTON'S HERITAGE ASSETS (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.

Within Low Coniscliffe there is a bronze age burial site, which due to its importance should be designated as a scheduled monument. This should be included within appendix c. The extent of the archaeological site was defined by a large outer enclosure ditch with a single entrance facing towards the southeast. This has been interpreted as remains of a large Neolithic Barrow (burial mound)

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.

Inclusion of the Bronze Age Burial Site in Low Coniscliffe within Appendix C – Summary of Designated Assets, under the ‘Scheduled Monuments’ heading

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