

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS395
Response Date	17/09/20 15:25
Consultation Point	Local Plan Vision (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We remain supportive of the vision for Darlington which included the overarching aim to protect and enhance the quality of Darlington's built, natural and historic environment, and to use it positively to create great places.

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

Question 7

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS558
Response Date	17/09/20 15:24
Consultation Point	Specific Aims and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.7
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We are supportive of specific objective 5 and however would still provide a suggested rewording of clause d) to 'Enhance the natural environment Mitigate flood risks through the provision of Sustainable Drainage Systems, Natural Flood Management and environmental and ecological improvement of the River Skerne and River Tees.' This objective should be more aligned to water quality and the requirements of the Water Framework Directive.

We are supportive of specific objective 6 and note the Council have included our previous comments for clause c).

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	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS560
Response Date	17/09/20 14:24
Consultation Point	Policy DC 1 Sustainable Design Principles and Climate Change (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We note positively that the Council have included our revised comments in respect to clause f) of this policy.

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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS562
Response Date	17/09/20 14:24
Consultation Point	Policy DC 2 Flood Risk & Water Management (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

The policy text references the 2018 SFRA although the most up-to-date SFRA listed in the Plan's evidence based is a level 1 SFRA (April 2019). This will need to be amended.

We have noted that the use of SUDs and the priority of discharging to ground (infiltration) is included. We previously advised that this policy advises developers of potential groundwater constraints in the Darlington area, such as confined and artesian groundwater conditions, which should be considered in the design of any SUDS schemes. All proposed drainage schemes, for both foul and surface water discharges, should be appropriate in their chosen location to avoid potential flooding events. An assessment of the suitability of any non mains drainage schemes is likely to be required. For example, consideration should be given by the developer when designing infiltration based SUDS as to whether the ground in the chosen location has capacity to absorb any excess water from the proposed schemes both now and in the future. We note this is referenced in paragraph 5.2.10. It may useful here to reference, that in taking a precautionary approach to groundwater protection, the Environment Agency may object to SUDs proposals which seek to include direct pathways to groundwater.

We are pleased to see that the Level 1 SFRA has been updated following our comments made in July and August 2018. However, we have noted that a Level 2 SFRA has not been prepared and we would have preferred this to be have been done following national planning policy and guidance.

In the government guidance for how to prepare an SFRA it notes that you may need to produce a Level 2 SFRA depending on whether your local authority has plans for development in flood risk areas. You should include enough detail in your Level 1 SFRA so that you can identify whether it's possible to allocate land for all your development outside of flood risk areas. You may need to carry out a Level 2 SFRA if either:

You cannot allocate all land for development outside of flood risk areas

You can allocate all land outside of flood risk areas, but you believe you may get high numbers of applications in flood risk areas on sites identified in the local plan.

The council are seeking to not carry out a Level 2 SFRA and leave these matters to sitespecific flood risk assessments. The Level 1 SFRA notes that there are a total of 17 sites within Flood Zone 2, 15 sites within Flood Zone 3a and 11 sites within Flood Zone 3b. These sites are residential, employment and mixed. We appreciate that the data set will place sites into FZ3b even if the percentage of the site within this extent may be marginal. It should be noted that the area percentages (with flood zones) shown in the SFRA are not consistent with those shown in the Sustainability Appraisal.

We are satisfied with the Council's strategy and decision to not carry forward a level 2 SFRA, despite a justification not being provided for this and despite this being noted as a recommendation for further work in the Level 1 SFRA. We have taken a reasonable, risk-based approach to the proposed allocations and the percentages of the site within areas of flood risk. **We are satisfied that this can be dealt with by way of robust planning policies requiring site specific flood risk assessments to steer vulnerable development within site to low flood risk areas.**

Climate Change

We have previously expressed that a detailed climate change assessment and impacts needed to be carried out in the level 2 SFRA. This should not have solely relied upon site specific flood risk assessments in the applications stage.

We are satisfied with the Council's strategy to not carry out a level 2 SFRA subject to site-specific flood risk assessments, although we must stress this would not have been our preference. You should bear in mind that the level 1 SFRA has not considered the most up-to-date climate change data. Further information can be found here:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Question 5

Attendance at Examination Hearings

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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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

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Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS563
Response Date	17/09/20 14:24
Consultation Point	Policy DC 3 Health and Wellbeing (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We are supportive of this policy and clause f.

Question 4

Changes Sought

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However, we would recommend that this is reworded to: "All new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to prevent and reduce **to a minimum** their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings; the character and appearance of the surrounding area **and the landscape; and the natural environment.**"

Question 5

Attendance at Examination Hearings

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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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS565
Response Date	17/09/20 14:24
Consultation Point	Policy H 10 Skertingham - Strategic Site Allocation (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.7
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

This allocation is largely within FZ1 (89.14%) followed by FZ2 (5.69%), FZ3b (3.82%) and FZ3a (1.35%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy.

Question 4

Changes Sought

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This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an FRA.

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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS566
Response Date	17/09/20 14:24
Consultation Point	Policy H 11 Greater Faverdale - Strategic Site Allocation (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.8
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

This allocation is largely within FZ1 (96.07%) followed by FZ3b (2.13%), FZ2 (1.56%) and FZ3a (0.25%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy

Question 4

Changes Sought

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This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an FRA.

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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS568
Response Date	17/09/20 14:24
Consultation Point	Site 20 - Great Burdon (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We would have preferred to see such a strategic site, with a higher percentage of the site in areas of flood risk, to have a specific policy as with Policies H10 and H11.

Question 4

Changes Sought

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Clause d) notes that the western area of the site is within FZ2 and 3a and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS570
Response Date	17/09/20 14:24
Consultation Point	Site 41 - Coniscliffe Park, South (View)
Status	Processed
Submission Type	Web
Version	0.6
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

Clause c) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Clause d) notes a requirement for an adequate buffer to Baydale Beck and potential green infrastructure enhancement opportunities which we are supportive of.

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

Question 7

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Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS572
Response Date	17/09/20 14:24
Consultation Point	Site 100 - Hall Farm, Branksome (View)
Status	Processed
Submission Type	Web
Version	0.7
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

Clause b) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development). Clause c) notes that the Beck Valleys should be protected and opportunities taken to extend and enhance green corridors would be required which we are supportive of.

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

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Yes, I request to be notified

Question 7

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Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS574
Response Date	17/09/20 14:24
Consultation Point	Site 249 - Coniscliffe Park, North (View)
Status	Processed
Submission Type	Web
Version	0.6
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	
Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

Clause f) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach.

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.

We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development). We note that approximately 99% of this site is within FZ1.

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

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Yes, I request to be notified

Question 7

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Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS575
Response Date	17/09/20 14:24
Consultation Point	Policy TC 6 Darlington - Town Centre Fringe (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
Question 1c	
Do you consider that the Local Plan complies with the Duty to Cooperate?	Yes
Question 2	
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Question 3b	

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We have also considered this site/policy in respect to SFRA and our previous responses. Within the SFRA this site is noted as having 21.23% of its development area within Flood Zone 3a and we had recommended that this is assessed in a Level 2 SFRA.

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.

If carried forward, we would require this policy to include reference to ensuring the most vulnerable development is located outside of areas of highest flood risk.

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

Question 7

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS576
Response Date	17/09/20 14:24
Consultation Point	Policy ENV 4 Green and Blue Infrastructure (Strategic Policy) (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We are supportive of this policy and consider this **sound**.

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

Question 7

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[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS577
Response Date	17/09/20 14:24
Consultation Point	Policy ENV 7 Biodiversity and Geodiversity and Development (Strategic Policy) (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

Based on our previous comments, we are supportive of this policy and consider this **sound**.

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

Question 7

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

[EA consultation response to Darlington Local Plan reg 19](#)

Comment

Consultee	Ms Caitlin Newby (1164655)
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] [REDACTED]
Event Name	Darlington Local Plan 2016-2036 (Regulation 19)
Comment by	Environment Agency (Ms Caitlin Newby - 1164655)
Comment ID	DBLPPS578
Response Date	17/09/20 14:24
Consultation Point	Policy ENV 8 Assessing a Development's Impact on Biodiversity (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	EA consultation response to Darlington Local Plan reg 19
Question 1a	
Do you consider that the Local Plan is Legally compliant?	Yes
Question 1b	
Do you consider that the Local Plan sound?	Yes
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)	

Question 3b

Your Comments

As you have supported this part of the plan do you wish to provide any additional comments?

We are supportive of this policy and consider this sound. We are pleased to see reference to the forthcoming Environment Bill and likely requirement for net gain.

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

Question 7

Please **upload any supporting documents** here. Please do not include any signatures or other personal data such as home addresses which you would not wish to see published on the Council's website.

[EA consultation response to Darlington Local Plan reg 19](#)

Mr David Hand
Head of Planning Policy, Economic Strategy
and Environment
Darlington Borough Council
Planning Policy
Darlington
County Durham
DL1 5QT

Our ref: NA/2009/104453/CS-03/SB1-
L01
Your ref:
Date: 17 September 2020

Dear Mr Hand,

CONSULTATION ON DARLINGTON BOROUGH PROPOSED SUBMISSION LOCAL PLAN (REGULATION 19).

Thank you for referring the above local plan document for the Environment Agency to review. We have taken the time to review the Proposed Submission Local Plan Document and the Sustainability Appraisal (SA) alongside other relevant supporting evidence documents, namely:

- Darlington Level 1 Strategic Flood Risk Assessment (2019)

We are making comments to the plan in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) to assess whether they have been prepared in accordance with legal and procedural requirements.

Having reviewed the submission plan, we consider it to be **sound**. However, we have recommended the following changes below:

Darlington Local Plan (Submission Document)

We remain supportive of the vision for Darlington which included the overarching aim to protect and enhance the quality of Darlington's built, natural and historic environment, and to use it positively to create great places.

We are supportive of specific objective 5 and however would still provide a suggested rewording of clause d) to 'Enhance the natural environment ~~Mitigate flood risks~~ through the provision of Sustainable Drainage Systems, Natural Flood Management and environmental and ecological improvement of the River Skerne and River Tees.' This objective should be more aligned to water quality and the requirements of the Water Framework Directive.

We are supportive of specific objective 6 and note the Council have included our previous comments for clause c).

Chapter 5 Design, Climate Change and Construction

Policy DC1 - Sustainable Design Principles and Climate Change

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We note positively that the Council have included our revised comments in respect to clause f) of this policy.

Policy DC2 - Flood Risk and Water Management

The policy text references the 2018 SFRA although the most up-to-date SFRA listed in the Plan's evidence based is a level 1 SFRA (April 2019). This will need to be amended.

We have noted that the use of SUDs and the priority of discharging to ground (infiltration) is included. We previously advised that this policy advises developers of potential groundwater constraints in the Darlington area, such as confined and artesian groundwater conditions, which should be considered in the design of any SUDS schemes. All proposed drainage schemes, for both foul and surface water discharges, should be appropriate in their chosen location to avoid potential flooding events. An assessment of the suitability of any non mains drainage schemes is likely to be required. For example, consideration should be given by the developer when designing infiltration based SUDS as to whether the ground in the chosen location has capacity to absorb any excess water from the proposed schemes both now and in the future. We note this is referenced in paragraph 5.2.10. It may useful here to reference, that in taking a precautionary approach to groundwater protection, the Environment Agency may object to SUDs proposals which seek to include direct pathways to groundwater.

SFRA

We are pleased to see that the Level 1 SFRA has been updated following our comments made in July and August 2018. However, we have noted that a Level 2 SFRA has not been prepared and we would have preferred this to be have been done following national planning policy and guidance.

In the government guidance for how to prepare an SFRA it notes that you may need to produce a Level 2 SFRA depending on whether your local authority has plans for development in flood risk areas. You should include enough detail in your Level 1 SFRA so that you can identify whether it's possible to allocate land for all your development outside of flood risk areas. You may need to carry out a Level 2 SFRA if either:

- You cannot allocate all land for development outside of flood risk areas
- You can allocate all land outside of flood risk areas, but you believe you may get high numbers of applications in flood risk areas on sites identified in the local plan.

The council are seeking to not carry out a Level 2 SFRA and leave these matters to site-specific flood risk assessments. The Level 1 SFRA notes that there are a total of 17 sites within Flood Zone 2, 15 sites within Flood Zone 3a and 11 sites within Flood Zone 3b. These sites are residential, employment and mixed. We appreciate that the data set will place sites into FZ3b even if the percentage of the site within this extent may be marginal. It should be noted that the area percentages (with flood zones) shown in the SFRA are not consistent with those shown in the Sustainability Appraisal.

We are satisfied with the Council's strategy and decision to not carry forward a level 2 SFRA, despite a justification not being provided for this and despite this being noted as a recommendation for further work in the Level 1 SFRA. We have taken a reasonable, risk-

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based approach to the proposed allocations and the percentages of the site within areas of flood risk. **We are satisfied that this can be dealt with by way of robust planning policies requiring site specific flood risk assessments to steer vulnerable development within site to low flood risk areas.**

Policy DC3 - Health and Wellbeing

We are supportive of this policy and clause f. However, we would recommend that this is reworded to:

“All new development that may cause groundwater, surface water, air (including odour), noise or light pollution, either individually or cumulatively, will be required to prevent and reduce **to a minimum** their pollution so as not to cause unacceptable impacts on the living conditions of all existing and potential future occupants of land and buildings; the character and appearance of the surrounding area and the landscape; **and the natural environment.**”

Chapter 6 Housing

We have reviewed this chapter and the appropriateness of allocations, in co-ordination with the theme on Climate Change, Energy and Flood Risk, the Darlington SFRA 2019, Development Site Assessments and the proposed allocations in Policy H2.

Policy DC2 – Housing Allocations

In respect to recommendations for removal in the SFRA the following residential sites are included:

Site Name and ID	Site Area	% Area within FZ3b
020 Great Burdon (Strategic)	88.39	16.71
100 Hall Farm, Branksome	21.90	13.71

However, these allocations are included in Policy D2 (Housing Allocations) of the Local Plan. As well as this, several other sites are highlighted in the Development Sites Assessment accompanying the SFRA (2019). These sites range from 89% to 96% largely within FZ1 with marginal areas within zones 2, 3a and 3b.

Site Name and ID	Site Area	% Area within FZ3b
041 South Coniscliffe Park	28.32	2.06
185 Greater Faverdale	177.82	2.13
249 North Coniscliffe Park	50.08	0.67
251 Skertingham	492.50	3.82

Policy H10 Skertingham

This allocation is largely within FZ1 (89.14%) followed by FZ2 (5.69%), FZ3b (3.82%) and FZ3a (1.35%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy.

This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an



FRA.

Policy H11 Great Faverdale

This allocation is largely within FZ1 (96.07%) followed by FZ3b (2.13%), FZ2 (1.56%) and FZ3a (0.25%), respectively. Being mindful of this mix, we would be supportive of this allocation being carried forward subject to a robust policy

This policy should be amended to state that development should be located outside of areas of flood risk, and development should be planned sequentially placing the most vulnerable development in the lowest areas of flood risk, which is to be supported by an FRA.

Site 20 – Great Burdon

We would have preferred to see such a strategic site, with a higher percentage of the site in areas of flood risk, to have a specific policy as with Policies H10 and H11.

Clause d) notes that the western area of the site is within FZ2 and 3a and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Site 41 – South Coniscliffe Park

Clause c) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Clause d) notes a requirement for an adequate buffer to Baydale Beck and potential green infrastructure enhancement opportunities which we are supportive of.

Site 100 – Hall Farm, Branksome

Clause b) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development).

Clause c) notes that the Beck Valleys should be protected and opportunities taken to extend and enhance green corridors would be required which we are supportive of.

Site 249 – North Coniscliffe Park

Clause f) notes that part of the site is within FZ2 and 3 and this should be reflected in the site layout and development directed away from the area in line with the sequential approach. We are in agreement with this point, however this should be clear that no development should be within FZ3b (with exception to essential infrastructure or water compatible development). We note that approximately 99% of this site is within FZ1.

Policy TC6 Darlington – Town Centre Fringe

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We have also considered this site/policy in respect to SFRA and our previous responses. Within the SFRA this site is noted as having 21.23% of its development area within Flood Zone 3a and we had recommended that this is assessed in a Level 2 SFRA.

If carried forward, we would require this policy to include reference to ensuring the most vulnerable development is located outside of areas of highest flood risk.

Chapter 9 Environment

Policy EN4 Green and Blue Infrastructure

We are supportive of this policy and consider this **sound**.

Policy ENV7 Biodiversity and Geodiversity and Development

Based on our previous comments, we are supportive of this policy and consider this **sound**.

Policy ENV8 Assessing a Development's Impact on Biodiversity

We are supportive of this policy and consider this **sound**. We are pleased to see reference to the forthcoming Environment Bill and likely requirement for net gain.

Sustainability Appraisal (SA)

Local Sustainability Issues

We have noted that table 3.3 states in the environmental protections that a number of potential development areas are at risk of flooding. Properties are also at risk in neighbouring authorities downstream of Darlington Borough. Flood risk is likely to increase over the next 25 years due to climate change. Whilst we have no objection to the overall SA has not fully considered the impacts of climate change upon the proposed allocations in relation to flood risk, although this is an assessment question in table 4.1.

Climate Change

We have previously expressed that a detailed climate change assessment and impacts needed to be carried out in the level 2 SFRA. This should not have solely relied upon site specific flood risk assessments in the applications stage.

We are satisfied with the Council's strategy to not carry out a level 2 SFRA subject to site-specific flood risk assessments, although we must stress this would not have been our preference. You should bear in mind that the level 1 SFRA has not considered the most up-to-date climate change data. Further information can be found here:

<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

Should you have any queries in respect to this response, please contact me on the details below.

Yours sincerely,

Ms Caitlin Newby
Planning Adviser

Direct dial 02077140412

Direct e-mail caitlin.newby@environment-agency.gov.uk

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