

Darlington Borough Council Hearing Statement

April 2021

Matter 1 - Legal and Procedural Requirements and Other General Matters

The duty to cooperate

Q1.1. Is there any substantive evidence to demonstrate that, during the preparation of the Plan, the Council failed to undertake effective and on-going joint working with relevant bodies on strategic matters that affect other local planning authority areas?

No, the evidence clearly demonstrates that the Council has undertaken effective and on-going joint working with relevant prescribed bodies on strategic cross-boundary matters throughout the preparation of the Local Plan. The Statement of Common Ground (CD05) sets out all the strategic matters that were identified and addressed by joint working throughout the plan preparation process. These were:

- *Housing Development*
- *Economic Growth*
- *Teesside International Airport*
- *Town Centre Development*
- *Services and Facilities*
- *Strategic Transport Infrastructure*
- *Natural Environment*
- *Historic Environment (Stockton and Darlington Railway)*
- *Gypsies and Traveller Accommodation*

As set out further in Appendix 1: Evidence of Joint Working within the Statement of Common Ground (CD05) a range of mechanisms were used to ensure effective and ongoing joint working on the identified strategic matters at each of the key stages of preparation of the Local Plan. These were tailored to local circumstances as recommended by NPPG (61-015-20190315) and incorporated member involvement. These methods were:

- *Consultation with duty to cooperate partners through Local Plan evidence gathering and preparation*
- *Responding to and engaging in consultations from neighbouring Local Planning Authorities through their Local Plan preparation and evidence gathering*
- *Undertaking collaborative Policy Development*
- *Regional working with Local Planning Authorities*

The Statement of Common Ground (CD05) also sets out that agreement has been reached with the relevant prescribed bodies on all strategic matters and there are no outstanding unresolved strategic issues. In most cases no cross-boundary issues were identified. However, there were three key matters where further work, discussion and collaborative policy development was undertaken to establish an agreed approach. These were:

- Darlington Borough Council, Stockton Borough Council and Durham County Council developed a consistent policy approach and will continue working together to ensure the conservation and enhancement of the Stockton and Darlington Railway;*
- Darlington and Stockton Borough Councils created a compatible and consistent policy approach across their Local Plans in relation to the ongoing use of Teesside International Airport and associated uses;*
- Darlington Borough Council and Highways England has worked together on modelling the traffic impacts of the development proposed in the Local Plan and identifying agreed solutions to accommodate the additional traffic expected to be generated.*

In conclusion the Statement of Common Ground (CD05) along with the separate Statements of Common Ground with Historic England and Highways England respectively demonstrate there are no unresolved issues with the identified strategic matters and the Council has cooperated and worked effectively with neighbouring Local Planning Authorities and other relevant prescribed bodies throughout the preparation of the Local Plan.

Public consultation and engagement

Q1.2. Is there any substantive evidence to demonstrate that the public consultation carried out during the plan-making process failed to comply with the Council's *Statement of Community Involvement* or legal requirements?

No, the Council updated Part 1 of the Statement of Community Involvement (SCI) prior to beginning the Issues and Scoping Consultation. A six-week consultation on the draft SCI was held, running until the 6th June 2016, and the draft SCI was updated in response to the comments received. The draft SCI was also discussed in detail at the Place Scrutiny Committee on the 31st March 2016. The revised Part 1 of the SCI, adopted on 28th July 2016, guided the first two stages of consultation on the emerging Local Plan. The SCI was also temporally updated in August 2020 to comply with the restrictions and regulation changes caused by the COVID19 pandemic, this updated version guided the Regulation 19 Representation Period. This process has ensured the SCI, and the subsequent consultations it guided, were up to date with and in line with national guidance and legal requirements throughout the development of the new local plan. The Council's Consultation Statement was prepared in accordance with Regulation 22(1)(c) of the Town & Country Planning Regulations 2012 and demonstrates that consultation on the

preparation of the Local Plan has been undertaken in accordance with the relevant Regulations and the adopted SCI.

Q1.3. Was the Plan shaped by early, proportionate and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees?

Yes, the Consultation Statement sets out in detail how the Council has undertaken community participation and stakeholder involvement in the production of the Local Plan from inception to submission. This has included three main consultation stages, as well as stakeholder events, and the use of other engagement techniques. Appendix A of the Consultation Statement sets out a list of over 270 organisations that have taken part in the consultation process for the Local Plan.

Proportionate and effective engagement began early at the Issues and Scoping Stage. This stage was designed to achieve a high-level understanding of strategic locations and issues; with the feedback received being used to develop the detailed local plan. A summary of responses to the Issues and Scoping Consultation is given in Table 3 on pg. 19 of the Consultation Statement. As part of the Issues and Scoping stage multiple key stakeholder events were held including a Housebuilder Development Day on 16th January 2016, and a Business Summit on 4th July 2016. Planning Officers also attended meetings of Association of Parish Councils on 8th June 2016, the Town Centre Board on 8th June 2016, and the Tees Valley Nature Partnership on 30th June 2016. Details of other stakeholder events at this stage are listed in Table 2, pg. 11, of the Consultation Statement.

The Council also pursued engagement through multimedia at this early phase to raise awareness of the development of the local plan. This included the creation of a local plan microsite with regular blogs are posted informing viewers of news topics, forthcoming events, and deadlines for consultation comments. The microsite has since remained running throughout the development of the new local plan. A video was also posted on the microsite of the Cabinet Portfolio Holder at the time discussing the new Local Plan and what it meant for Darlington. The Council also used the existing corporate Facebook and Twitter accounts to send messages out in relation to key stages of the issues and scoping consultation, such as it being launched and the microsite being available. A total number of 31 posts were put on Facebook and Twitter over the course of the Issues and Scoping consultation, providing information about the consultation period, links to webpages and online comments facilities, links to the video prepared by the Portfolio Holder, and information about the various meetings and events that were held. Up to the end of August 2016, the microsite had 1,750 unique users to the site, 898 had accessed the site through manual input, 759 had used an external link from Facebook, and 93 had used an external link from Twitter.

Early, proportionate, and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees, continued to occur throughout the rest of the development of the new local plan. Significant changes were made to the plan following the Draft

Local Plan Consultation. This was an additional stage of consultation not required by legislation that enabled stakeholders to comment on an early version of the plan in its entirety. The key responses and subsequent changes are set out in Table 7 on pg. 44 of the Consultation Statement and were the result of 1,344 comments from 292 stakeholders.

Engagement also occurred outside of the main consultation stages to gain the views of key stakeholders or to examine key issues. Residents of Heighington and Middleton St George, and relevant organisations, took part in a series of workshops and a consultation to identify issues and opportunities in their respective service villages based around selected themes. This engagement was used to refine the preferred options for Heighington and Middleton St George. Full details are provided in Section 4 of the Consultation Statement. Darlington's residents were also kept up to date with progress on the local plan, and informed of any forthcoming consultations, by frequent updates via the 'One Darlington' community magazine delivered to every household every 2 months. Appendix B of the Consultation Statement provides examples of these One Darlington articles.

Finally, great care was taken to ensure that effective engagement could still be carried out during the Regulation 19 Representation Period despite it occurring during the COVID19 pandemic. For example, the Council continued to accept paper copies of representations, abiding by the relevant quarantining advice prior to them being handled by Officers. Representations by email were also accepted and were logged onto the consultation portal by Officers on behalf of the responder. Furthermore, on each day of the consultation, pre-booked timeslots were made available for members of the public so that they could view the consultation documents in a designated, isolated room.

Sustainability appraisal

Q1.4. Is there any substantive evidence to demonstrate that the sustainability appraisal failed to meet the relevant legal requirements¹?

No. A thorough and robust Sustainability Appraisal (SA) of the Local Plan has been prepared by the Council in order to assess the environmental, social and economic effects of the Local Plan (and any reasonable alternatives), help to inform its development, and identify opportunities to improve the contribution of the Local Plan to sustainable development. The SA has been prepared in line with both Sections 19(5) and 39 of the Planning & Compulsory Purchase Act 2004, and the Environmental Assessment of Plans & Programmes Regulations 2004.

Regulations require that the views of consultees (public consultees and consultation bodies) are invited on the SA Report and the Council has complied with this for each stage of the process where the SA Report has been made available for comment.

¹ Sections 19(5) and 39 of the 2004 Act, and the *Environmental Assessment of Plans and Programmes Regulations 2004*.

Q1.5. Did the sustainability appraisal consider and compare reasonable alternatives as the Plan evolved, including for the broad spatial distribution of housing, economic and other development? Was the Plan informed by the findings of the sustainability appraisal?

Yes. The SA has been an integral part of the preparation of the Local Plan with each stage of the Plan's development having been accompanied by a SA, as follows:

- *SA Scoping Report (August 2016);*
- *SA Framework (First Published November 2016 and updated September 2017);*
- *Draft Local Plan SA (June 2018),*
- *Publication Local Plan SA (August 2020) published alongside submission of the Local Plan for Examination.*

The SA of the Proposed Submission Local Plan (CD03) was published in August 2020 included an appraisal of the potential social, economic and environmental impact of the Draft Local Plan and includes:

- *Review of relevant policies, plans, programmes that will informed the Darlington Local Plan (APPENDIX A);*
- *Baseline information in relation to Darlington Borough (APPENDIX B);*
- *Identification of sustainability issues facing the Borough (Table 3.3);*
- *Sustainability objectives and decision making criteria against which sustainability will be considered (Table 4.1);*
- *Appraisal methodology for considering Local Plan objectives, Local Plan policy options, strategic development options and potential development sites (Sections 5, 6, 7 & 8 and APPENDIX F) ;*
- *An assessment of local plan objectives (APPENDIX C);*
- *An assessment of reasonable alternative Local Plan policy options (APPENDIX D);*
- *An assessment of strategic development options for the emerging Local Plan (APPENDIX E); and*
- *Individual site assessments of potential development sites options (APPENDIX G).*

Early in the Sustainability Appraisal process, and as a result of the consultation on the Issues and Scoping report in 2016, the response to the Call for Sites and the Housing and Employment Land Availability Assessment (HELAA) process, twelve broad strategic development options were identified with potential to accommodate growth in the Local Plan. The Sustainability Appraisal assesses 9 of these potential growth strategies:

- 1. North West Darlington*
- 2. North and North East Darlington*
- 3. East Darlington*
- 4. South Darlington*
- 5. South West Darlington*
- 6. Central Darlington*

7. Create a new settlement to the West of the A1(M)
8. Middleton St George
9. Export an element of housing to neighbouring authorities

The Sustainability Appraisal identifies the high level pros and cons of each option, providing an indication of their potential overall social, economic and environmental effects. These pros and cons were then used to identify the main benefits, risks, disadvantages and potential mitigation measures associated with each strategy. The criteria were developed in order to pick out the key elements within the SA objectives that are most relevant to a strategic assessment.

All sites submitted to the Council for consideration following a 'call for sites' and during consultation on the Local plan that are considered to be suitable, available and achievable by the HELAA have been assessed by the Sustainability Appraisal. Appendix F of the SA sets out the criteria that sites have been assessed against which are based on the Sustainability Appraisal objectives. Appendix G of the SA includes the individual assessments of sites. Each assessment includes a summary of the effects along with mitigation that would be required to minimise, or remove entirely, potential negative effects.

The Spatial Distribution of Development Topic Paper prepared by the council describes and justifies the distribution of development. Background information and detail are provided, outlining how the approach to distributing the identified development needs has been established. Key factors include the settlement hierarchy, economic factors, transport and infrastructure, physical and environmental constraints, site selection process and development limits methodology.

Habitat regulations assessment

Q1.6. Does the habitat regulations assessment comply with relevant legal requirements², and is there any substantive evidence to indicate that its conclusions are incorrect?

The Habitat Regulations Appropriate Assessment (CD07) was carried out in accordance with the Conservation of Habitats and Species Regulations 2017, the amendments in the Conservation of Habitats and Species Regulations 2018 (as amended) do not introduce any new provisions which alter the conclusions of the Habitat Regulations Assessment. Therefore the Council submit that the Habitat Regulations Assessment complies with the relevant legal requirements.

Equalities

Q1.7. Is there any substantive evidence to indicate that the Plan would have significant effects on equalities and in particular on groups with protected characteristics that have not been identified in the Council's assessment?

² Conservation of Habitats and Species Regulations 2018 (as amended).

The Council's response to PQ4 summarises how it considers the Plan will affect people from those different groups and the other two aims of section 149(1) of the Equality Act 2010. The Equality Impact Assessment (PDO3) goes into more detail on how the provisions of the Act have been met.

The Local Plan recognises the diverse community within Darlington and has been developed with a commitment to equalities and making Darlington a fairer place. There is a commitment to the One Darlington principle established in the Sustainable Community Strategy, One Darlington Perfectly Placed. This requires the Council to have regard to the needs of everyone in the community, and to ensure that groups of people at risk of disadvantage and discrimination are able to access and benefit from services and facilities fairly.

The One Darlington principle is included in all decision-making activities including strategies and policies through equality impact assessments and appropriate staff training as well as working with partners to tackle discrimination and equality across the community.

Climate change

Q1.8. Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?

Yes, the Council considers that the Local Plan as a whole, taking account of the relevant proposed main modifications, has been prepared and is designed to secure that the development and use of land in the Borough contributes to the mitigation of, and adaptation to, climate change as required by section 19(1A) of the Planning and Compulsory Purchase Act (2004).

The Local Plan, as required by paragraph 149 of the NPPF (2019), takes a proactive approach to mitigating and adapting to climate change through the implementation of a range of policies and seeks to help shape places in a way that contributes to radical reductions in greenhouse gas emissions, minimises vulnerability and improves resilience as required by paragraph 148 of the NPPF (2019).

A detailed explanation of how the Council considers the Local plan and its policies are consistent with national planning policy relating to the mitigation and adaptation to climate change is provided in the Climate Change Topic Paper, however, some of the key areas are set out below.

The overarching aims such as specific aim 6 ensure the plan seeks to mitigate and adapt to climate change. A main modification is proposed to this aim to ensure it is clear that the Local Plan policies will contribute towards the updated national commitment through the amendments to the Climate Change Act (2008) for net zero carbon and greenhouse gas emissions by 2050 in accordance with paragraph 148 of the NPPF (2019).

There are other Specific Aims and Objectives that also contain a range of measures which contribute towards mitigating and adapting to climate change

including Objective A of specific aim 3 and specific aim 4 and 5 and their supporting objectives. Further explanation is provided on these in the Climate Change Topic paper.

Another way in which the Council has ensured the Local Plan is consistent with national policy in the mitigation and adaptation to climate change is the Sustainability Appraisal process and the assessment of the proposed aims, objectives, policies and sites along with reasonable alternative options against 16 sustainability objectives, which together incorporate a range of measures seeking to avoid, mitigate and adapt to climate change and reduce carbon emissions. The relevant sustainability objectives and prompt questions are set out in the Climate Change Topic Paper.

The Sustainability Appraisal in summary concluded that none of the selected policy options or sites would have a significant negative impact upon Objective 8 to reduce greenhouse gas emissions and increase the Borough's resilience to climate change.

The Submission Local Plan has also been prepared to include a range of proposed policies, which through their implementation at the application stage will enable the Council to ensure development mitigates and is adaptable to climate change. The policies which secure this include Policy SH1, DC1, DC2, DC3, E4, TC6, ENV4, ENV7, IN1, IN2, IN4 AND IN9. Further explanation on how they achieve this is provided in the Climate Change Topic Paper.

As can be seen from the response above, the Local Plan contains a range of policies covering the wide variety of issues relating to climate change. Overall, the Council believes the Local Plan has a balanced approach to sustainable development with respect to climate change.

Neighbourhood Plans

Q1.9. Does the Plan set an appropriate framework, and allow an appropriate role, for neighbourhood plans in the Borough? In particular:

- a) Does the Plan appropriately identify "strategic policies"?
- b) Are the Council's proposed main modifications to policy H1 and the reasoned justification necessary to make the Plan sound with regard to the housing requirement figures for neighbourhood areas? If so, would they be effective in so doing?

Yes. It is the Council's view that the Plan sets an appropriate framework and allows an appropriate role for neighbourhood plans in the Borough.

Part a)

The Plan does appropriately identify "strategic policies". Local plans are required to make explicit which policies are strategic policies having regard to national policy and guidance in the NPPF (paragraphs 20 -23) and PPG ID 41-076-20190509. The Plan identifies 25 policies as being strategic and 12 sites as strategic.

At the highest strategic level, the Borough's priorities for the development and use of land are set out in the Local Plan's Vision. To help achieve this Vision and inform the Local Plan's policies, the Plan also includes four overarching aims and a series of specific aims and objectives (pages 16-18 of Chapter 2). These provide more detail on the priorities. Covering 6 key areas these are the 'hooks' for the policies – each of the subsequent Local Plan chapters and associated policies are designed to reflect and deliver these aims and objectives.

25 of the Local Plan's policies and 12 sites are identified as being 'Strategic' and therefore as being particularly important in identifying and delivering the strategic priorities of the Local Plan. The Plan's Key Diagram (page 21) also sets out the higher level strategic approach to meeting the Borough's strategic priorities. The identification of a policy or site as strategic for the development and use of land was informed by an analysis against criteria set out in the NPPF (paragraphs 20-23, 28 – 30) and the PPG (ID 41-076-20190509). It was considered whether they:

- provide overarching direction / objective;*
- shape broad characteristics of development;*
- are of strategic scale;*
- provide strategic framework for decisions / balancing competing priorities;*
- are required as essential to achieving wider vision/ aspirations of the Local Plan; and*
- if bringing a site forward is central to achieving the vision or spatial development strategy.*

Part b)

Yes. It is the Council's view that the main modifications proposed to policy H1 and the reasoned justification in relation to the housing requirement figures for neighbourhood areas, are necessary to make the plan sound and are effective in doing so. The first modification clarifies that the requirements are a minimum and not restrictive maximum figures. This ensures that the policy is clear and effective.

Paragraph 65 of the NPPF states strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. The PPG provides further guidance and explains there is no specific method for setting a requirement however the general policy making process can be utilised to direct development requirements and balance needs and protections (PPG ID 41-101-20190509).

As outlined in the Council's response to PQ6 the above policy and guidance has been followed in setting the neighbourhood area housing requirements in policy H 1 table 6.1. The figures are based on the total yield of the housing allocations in that neighbourhood area. This however does not reflect the full context of housing growth as the figures do not include the housing commitments in the Plan (table 6.4). To ensure that the policy is positively prepared, justified and effective it is proposed as a main modification to amend the requirement figures to include any commitments within the neighbourhood areas, reflecting any completions to date. The figures are also to be amended to reflect what delivery

is expected during the plan period. A number of sites (Coniscliffe Park) are anticipated to be building out post 2036.

Darlington Council take a pro-active approach to Neighbourhood Plans and officers are readily available throughout the process in an advisory capacity. This includes discussing housing options with neighbourhood planning groups and setting out the Council's housing position (existing and emerging). Whilst there is no requirement for neighbourhood plans to allocate housing sites, they are able to identify housing sites if they wish to do so.

As outlined in the response to PQ6, the neighbourhood area housing requirements in the Plan are not intended to be additional supply. The neighbourhood planning body does not have to allocate sites to accommodate the requirement. The Local Plan provides sufficient sites through the allocations and commitments to meet the housing requirement. However, this does not prevent groups from planning for additional housing sites if they wish and suitable windfall sites that accord with local and national policy can be brought forward by developers.

The Council believes that the above position needs to be made clearer to ensure the policy is effective. A modification is proposed setting out new text to the reasoned justification to provide clarity on the approach and also to ensure the policy is effective by providing explanation on how the neighbourhood area housing requirements have been derived.

Plan period

Q1.10. Is the Plan period 2016 to 2036 consistent with national policy or otherwise justified?

Yes. The Council hope the Plan will be adopted in 2021 and therefore will have a 15 year life span which is consistent with national policy. Bearing in mind the Council has planned development for outside the Plan period and there is a requirement for the Plan to be reviewed every 5 years it is argued the Plan will never reach the end of its life span. If the provisions of the White Paper are brought through with legislation there will be a requirement to replace the Plan in any event.

Use Classes Order

Q1.11. Are the Council's proposed modifications to policies H11, E1, E2, E3 and TC4 along with the allocation statements at appendix B for sites 355 (Lingfield Point) and 368 (Central Park South) necessary to make the Plan sound and, if so, would they be effective in so doing?

Yes, as set out in the Councils response to PQ8 the changes to the Use Classes Order came in to effect on the 1 September 2020 which was after the Proposed Submission Local Plan was drafted and no subsequent changes were made to the Local Plan in this regard prior to its submission for examination. Therefore,

the proposed modifications to the Local Plan and Policies referred to in the question above are necessary to ensure the policies remain effective by referring to the current rather than previous use classes and to also ensure that the Local Plan is consistent with national policy in this regard.

The proposed modifications are considered effective in achieving this consistency with the proposed modifications to policies H11, E1, E2, E3, TC4 and the allocations statements for sites 355 and 368 to simply replace reference to use classes such as B1 or A1 to A5 which now no longer exist with reference to the new use class such as E or Sui generis. Reference is proposed to the specific sub-category within class E so for example where the previously suggested use was B1 it would now be E(g) to ensure the policy remains effective in promoting the specific types of uses that would be supported in that location or context which the policy is referring or relating to.

The further main modifications proposed to ensure policies E1 and E2 remain effective as a result of the changes to the Use Classes Order is the addition of the following sentence: 'The Council will consider the use of planning conditions for applications which are for offices, research and development or light industrial uses (Use Class E(g)) to ensure that they remain in that use in perpetuity'. This is necessary to ensure that proposals remain in appropriate uses for the location rather than the broader E use class and to maintain the supply for the uses required. A condition of this nature is considered to be consistent with the criteria set out in paragraph 55 of the NPPF (2019).

Supplementary Planning Documents, and other documents that are not part of the statutory development plan

Q1.12. Are the Council's proposed modifications to policies DC1, DC2(f), H4, H8, ENV3, and ENV5 necessary to make the Plan sound and, if so, would they be effective in so doing?

Yes, a number of references within the submitted plan were too prescriptive in relation to adherence with Supplementary Planning Documents and other documents not forming part of the development plan. Modifications have therefore been proposed to make it clear that development would be encouraged to follow such documents and guidance rather than required to.

Superseded policies

Q1.13. Are the Council's proposed modifications to paragraphs 1.0.1 to 1.0.13 and figures 1.1 and 1.2 and the inclusion of an additional appendix F necessary to make the Plan sound and legally compliant and, if so, would they be effective in so doing?

Yes paragraphs 1.0.1 to 1.0.13 and figures 1.1 and 1.2 relate to the proposed submission version of the Local Plan and will be out of date upon adoption so the proposed modifications referred to are necessary and effective in ensuring the plan is sound and legally compliant.

The main modification proposed to paragraphs 1.01 and 1.0.2 refers to the adopted plan rather than the proposed submission version to ensure it is effective upon adoption. Additional text is also proposed to refer to a new appendix – appendix f which is a further proposed main modification which provides a table of the existing Local Plan (1997) and Core Strategy (2011) policies that will be superseded and no long saved. This is considered effective and is necessary in ensuring the plan is compliant with Regulation 8(5) of the Local Plan regulations which states that where a Local Plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy

The main modification proposed to figure 1.1 is a necessary and effective way of removing reference to the Local Plan (1997) and the Core Strategy (2011) and referring to the Local Plan (2016-2036) as the adopted rather than draft Local Plan.

The main modification proposed to figure 1.2 to incorporate the future stages in to the stages of preparation of the Local Plan and update dates when these have taken place is necessary and effective way of ensuring the figure is up to date.

The main modification proposed to delete paragraphs 1.0.4 to 1.0.13 is necessary and effective as they relate to the proposed submission stage and would be out of date when the Plan is finalised and adopted. Deleting these polices will also be an effective approach in removing inconsistencies in paragraph 1.0.11 with the NPPF (2019) in relation to the soundness tests set out.

Viability

Q1.14. Is the Plan informed by a proportionate and up to date assessment of viability that takes into account all relevant policies, and local and national standards?³

Yes, the Local Plan Viability Assessment (CD08) has been produced which provides a proportionate and up to date cumulative assessment of the viability of all relevant local policy requirements and national standards as required by national policy.

A proportionate approach, consistent with national policy and guidance, was taken to site testing with a range of site typologies tested that are broadly reflective of the scale and type of sites proposed for allocation or expected to come forward for development during the plan period rather than testing every single site allocation individually. These are set out in table 1 (page 37) for residential and table 11 (page 71) for non-residential in the Local Plan Viability Assessment (CD08). Site specific viability assessments (Addendum to Local Plan Viability Assessment) were undertaken for the two largest strategic site allocations – Skerningham (Site 251) and Greater Faverdale (Site 185) as their indicative capacities are significantly above the typologies and to ensure, given their scale and nature, that more specific and realistic assumptions could be

³ NPPF 31 and 34 and PPG ID:10-001-20190509.

made regarding costs such as infrastructure. This approach is consistent with paragraph 034 of the National Planning Practice Guidance (PPG) which states that it is important to consider the specific circumstances of strategic sites. Plan makers can undertake site specific viability assessment for sites that are critical to delivering the strategic priorities of the plan.

Assumptions made within the viability testing relating to development values and costs are considered to be robust and based upon local and regional evidence or those recommended in national guidance. Further detail of these is provided along with supporting justification in section 5 for residential and section 7 for non-residential in the Local Plan Viability Assessment (CD08).

The Viability Assessment and evidence underpinning it are up to date having been completed recently in December 2020. A Draft Local Plan Viability Assessment was produced and published for consultation alongside the Proposed Submission Local Plan in August 2020 which had been prepared in consultation with developers and relevant stakeholders. This consultation generated several representations from developers and their representatives on the overall assessment outcomes, specific policy requirements and assumption made on development cost, values and land values. These comments were reviewed and resulted in some amendments been made in light of the evidence provided in relation to allowances for inputs such as land values, finance costs and abnormal costs.

In accordance with paragraph 34 of the NPPF (2019) it is considered that all relevant local policies setting policy requirements and additional relevant national standards which require contributions for development have been included within the testing undertaken. They have also been tested at the levels or percentage requirements proposed within the proposed Local Plan Policies or proposed main modifications. The policy requirements included within the testing undertaken in summary are:

- *Affordable Housing Provision*
- *Housing Mix*
- *Adaptable and Accessible Housing*
- *Highways and Off-site Infrastructure*
- *Sustainable Transport*
- *Biodiversity Net Gain*
- *Open Space*
- *Education*

Further explanation on the assumptions made regarding each of these is provided within section five of the Local Plan Viability Assessment (CD08) and within the Addendum to the Local Plan Viability Assessment for the Skerningham (Site 251) and Greater Faverdale Sites (Site 185).

Representations have been made suggesting that a cost allowance should also be included in the testing for electric vehicle charging points. As per the Local Plan Viability Assessment (CD08) the Council considers this cost to be nominal and can be accommodated within the build cost allowance made.

Q1.15. Does the viability evidence demonstrate that the policies in the Plan are realistic, and that the cumulative cost of all relevant policies will not undermine deliverability of the Plan?⁴

Yes, the Council considers that through the robust viability testing undertaken within the Local Plan Viability Assessment (CD08) and the Addendum to Local Plan Viability Assessment that the relevant Local Plan policies and requirements are realistic and cumulatively will not undermine the deliverability of the plan as required by paragraph 34 of the NPPF and guidance. This testing was related to appropriate and relevant site typologies and incorporated robust and realistic assumptions of development values and costs informed by developers and further updated in light of representations received at the regulation 19 stage.

Policy requirements have been adjusted to reflect viability in areas such as affordable housing where the percentage requirements have been set at levels which are broadly viable within each of the value areas.

It is acknowledged that the Local Plan Viability Assessment (CD08) does identify limited viability in the Low Value Areas across all applicable site typologies reflecting particularly the lower sales values achievable in these locations and the application of the affordable housing requirement. The 10% affordable housing requirement for 100% affordable home ownership products is set because it is required to be by paragraph 64 of the NPPF (2019).

In addition this limited viability in the low value areas is not considered to undermine the deliverability of the plan as of the sites allocated for development only three are located in the Low Value Areas – Site 11 – Cattle Mart, Site 411 – Chesnut Street Car Park and Site 412 – 12-18 Skinnergate providing a total indicative yield of 125 homes which is 1.8% of the overall indicative site yield from the proposed housing allocations and an even smaller percentage of the overall supply of sites available to meet the overall housing requirement when existing commitments are taken in to account. These three sites are also in the ownership of the Council which it is anticipated will be developed by the Council and its partners for predominantly affordable housing.

In the medium value areas all but one of the proposed housing allocations is an urban extension or village site which the Local Plan Viability Assessment (CD08) has demonstrated are viable to meet the cumulative policy requirements and not undermine the deliverability of the Local Plan. The only site which falls in to a site typology demonstrated to be not viable is Site 318 – N. of Allington Way, however this again is a council owned site which will be developed for affordable housing so will provide significantly greater amount of affordable housing than the requirement.

The site-specific viability testing (Addendum to Local Plan Viability Assessment) for the strategic site allocations at Skerningham (Site 251) and Greater Faverdale (158) has demonstrated they are viable to meet the cumulative policy and site specific infrastructure requirements and will therefore not undermine the deliverability of the Local Plan.

⁴ PPG ID:10-002-20190509.

There are two proposed housing allocations in the higher value area where all site typologies are identified as viable in the Local Plan Viability Assessment (CD08) and therefore the policy requirements will not undermine the deliverability of the plan in this regard.

Overall it is considered that the cumulative cost of all relevant policies will not undermine deliverability of the Plan. In addition, the Local Plan does set out that the policy requirements are subject to viability so requirements such as affordable housing would be negotiable at the planning application stage should additional costs over and above those included in the Local Plan Viability Assessment(CD08) and Addendum to Local Plan Viability Assessment are identified.