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## Darlington Local Plan Examination

### Hearing statement prepared on behalf of Low Coniscliffe and Merrybent Parish Council

#### Matter 1 Statement – Legal and procedural requirements and other general matters April 2021

#### 1. Introduction and context

- 1.1 This statement has been prepared by Jo-Anne Garrick Ltd on behalf of Low Coniscliffe and Merrybent Parish Council (LC&MPC). The parish council has made detailed representations at each stage of the preparation of the Darlington Local Plan (DLP). Furthermore, LC&MPC engages fully in development management process, providing detailed comments on planning applications within and potentially impacting on the parish.
- 1.2 LC&MPC was the first parish in the Darlington Borough Council area to successfully prepare a neighbourhood development plan. The plan was subject to referendum in May 2019, where there was a 46.23% turnout, it was supported by 94.7% of those who voted. The Low Coniscliffe and Merrybent Neighbourhood Plan was adopted in June 2019.
- 1.3 The parish council is therefore an important stakeholder in the plan making process and welcome the opportunity to participate in the examination process.

#### 2. Response to the Inspector's Matters, Issues and Questions

##### The duty to cooperate (Q1.1)

- 2.1 At the regulation 19 consultation stage LC&MPC expressed concern that DBC had not published a duty to cooperate statement or any information to explain how it had met the requirements of the duty. It is noted that as part of the examination process the council has published a statement of common ground (CD05) which includes information regarding the duty to cooperate.
- 2.2 LC&MPC considers that the failure to publish information on housing and other strategic matters during the preparation of the local plan has resulted in a lack of openness, understanding and scrutiny of any strategic discussions that were informing the preparation of the DLP. This approach is clearly contrary to the description in paragraph 1.3 (page 2) of the statement of common ground, which states that it 'documents where effective cooperation is and is not happening throughout the plan-making process...'. LC&MPC believe it is not clear from the statement, how DBC has met the requirement of section 33A of the Planning and Compulsory Purchase Act to engage constructively, actively and on an ongoing basis.

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- 2.3 Whilst the statement sets out areas on which there appears to be agreement, there does not appear to be any details of outstanding concerns from adjoining authorities or other duty to cooperate bodies. LC&MPC consider that in order to ensure the DLP is sound, this must be clearly set out by DLP and stakeholders provided with an opportunity to input.

Public consultation and engagement (Q1.2 and Q1.3)

- 2.4 LC&MPC expressed concern within the regulation 19 response that it is not clear how comments made on previous drafts of the DLP have been considered and whether or not they informed its preparation. No further information has been presented by the DBC to change the opinion of LC&MPC.
- 2.5 LC&MPC fully support the statement submitted by the Darlington Green Party in response to this question.

Sustainability appraisal (Q1.4 and Q1.5), habitat regulations assessment (Q1.6), equalities (Q1.7) and climate change (Q1.8)

- 2.6 LC&MPC does not have any specific comments to make in response to these questions, but they wish to reserve the right to make further representations regarding these issues in so far as they may impact on the parish.
- 2.7 LC&MPC fully support the statement submitted by the Darlington Green Party in response to this question.

Neighbourhood plans (Q1.9)

- 2.8 LC&MPC have no comments on part 'a' of the question. Although it is acknowledged that the draft plan does define which policies are strategic in nature.
- 2.9 LC&MPC note the main modifications proposed by the council in response to PQ6 (DBC2) which proposes to insert a new paragraph after paragraph 6.1.9. It is submitted that the proposed text does not provide any explanation other than to say the neighbourhood plan area requirement figures are the total yield of the housing allocations and commitments. This approach is unacceptable. Although neither the NPPF or PPG provides detailed guidance on the identification of housing requirement figures for neighbourhood areas, PPG (ID:41-101-20190509) is clear that local planning authorities should balance needs and protections by taking into consideration the characteristics of the neighbourhood area, including its population and role in providing services, not merely adding up housing allocations and commitments.
- 2.10 Through its submissions to the local plan process LC&MPC, have consistently sustained objection to the proposal to provide over 11% of the inflated total housing requirement

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for the borough within the parish of Low Coniscliffe and Merrybent, which are identified as rural villages.

- 2.11 No consideration has been given by DBC to the evidence base which supports the made LC&MNP, particularly the independent Low Coniscliffe and Merrybent Housing Needs Assessment (2017). The housing needs assessment estimated the housing needs of the parish by considering a number of different sources. This resulted in the identification of a range of between 19-76 dwellings were needed in the plan area over the plan period (2017-2036). The neighbourhood plan therefore identifies sites to deliver 23 dwellings. Since the neighbourhood plan was made, 52 dwellings have already received permission in the parish.
- 2.12 The proposed LC&M housing requirement figure of 1087 dwellings, which represents an increase of 388% of dwellings in the parish, is not effective. It is not supported by any evidence to set out how it has been arrived at. It is considered that the council, prior to the consultation on the draft plan, should have prepared an evidence paper, clearly explaining how this has been informed by latest evidence of local housing need as well as other key information regarding the level of development in recent years and the ability for the parish to accommodate further development. This should have been informed by emerging evidence informing the preparation of the neighbourhood plans and full engagement with neighbourhood planning bodies. An example of a possible approach is that which was undertaken by Northumberland County Council (NCC), their local plan is currently undergoing examination. NCC prepared a housing distribution technical paper, which set out a clear understanding of the current position with regards to neighbourhood plan preparation.

Plan period (Q1.10), Use Classes Order (Q1.11), supplementary planning documents and other documents that are not part of the statutory development plan (Q1.12), superseded policies (Q1.13) and viability (Q1.14 and Q1.14)

- 2.13 LC&MPC does not have any specific comments to make in response to these questions, but they wish to reserve the right to make further representations regarding these issues in so far as they may impact on the parish.