

## Darlington Local Plan Examination

### Hearing statement prepared on behalf of Middleton St George 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 Middleton St George Parish Council (MSGPC). The parish council has made detailed representations at each stage of the preparation of the Darlington Local Plan (DLP). Furthermore, MSGPC engages fully in development management process, providing detailed comments on planning applications within and potentially impacting on the parish.
- 1.2 On 13 April 2021, MSGPC submitted the Middleton St George Neighbourhood Plan (MSGNP) to Darlington Borough Council (DBC) for examination. The plan has been subject to significant community engagement and substantial evidence work to inform the planning policy approach.
- 1.3 MSGPC 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 MSGPC 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 that the council has now published a statement of common ground (CD05) which includes some limited information regarding the duty to cooperate.
- 2.2 MSGPC 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...*". MSGPC 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.

- 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. MSGPC consider that to ensure the DLP is sound, this must be clearly set out by DBC and stakeholders provided with an opportunity to input.

**Public consultation and engagement:**

(Q1.2)

- 2.4 MSGPC considers that DBC has failed to comply with its statement of community involvement (PD05). Reference is made throughout the statement of community involvement to effective community engagement. The general principles (paragraph 2.1 on page 2) are clear that the council will ensure involvement is effective and that it will share information and provide feedback.
- 2.5 MSGPC expressed concern within its response to the regulation 19 consultation that it was not clear how comments made on previous drafts of the DLP have been considered by the council, particularly whether or not they informed its preparation. The parish council consider figure 1.2 on page 6 of the proposed DLP (CD01) to be misleading, particularly suggesting that the village engagement was meaningful. There are several examples of concerns that were raised throughout the process that have not been adequately addressed.
- 2.6 It is only since the publication of consultation statement (PD01) as part of the examination process that stakeholders have been able to see the exact timeline of early engagement on the plan. MSGPC is extremely concerned that the consultation process started in January 2016 with developers, and it was not until over one year later, in March 2017, that MSGPC was invited to engage. Furthermore, it should be noted that the workshops which took place in March, June and July 2017 did not take place in Middleton St George, but at the town hall, where discussions were dominated by housing developers (see below), therefore the reference to 'Middleton St George Workshops' in paragraph 4.3 is wholly misleading.
- 2.7 MSGPC submit that the consultation statement should have been updated following each engagement event on the emerging DLP to ensure the process was open and transparent in accordance with the requirements of the statement of community involvement.

(Q1.3)

- 2.8 MSGPC consider that the response to Q1.2 above demonstrates that the early engagement did not shape the plan. Significant concerns expressed by organisations such as parish councils, as well as the local community were ignored, with no understanding of the reasons their views were discounted.

- 
- 2.9 Throughout the local plan preparation process MSGPC believe the consultation process was very much biased towards developers, with the focus on allocating sites for development; the experience of the consultation was that it was a tick-box exercise.
- 2.10 MSGPC consider it is important to set the context to how councillors experienced the consultation process on the local plan. In 2016, the new Middleton St George Parish Council was established following boundary changes. At that time there was significant development pressure for housing around the village. MSGPC held a meeting with residents in October 2016 to seek to fully understand the concerns of the local community. MSGPC then attempted to engage with DBC to understand the approach it was going to take to considering the proposals with little success.
- 2.11 DBC organised two workshops, to which parish councillors were invited. These took place in March and June 2017 and were held in the Town Hall, not in Middleton St George as suggested in the consultation statement (PD01). At the workshops attendees were divided into small groups to look at different issues. The group discussions were dominated by housing developers. As a result, the information and ideas were distorted, and not representative of the local community. Following the workshops, MSGPC held a meeting with residents early in July 2017 to explain what had been presented and discussed at the workshops, seeking feedback.
- 2.12 Late July 2017, MSGPC feedback to DBC at their workshop the results of their discussion with residents. DBC presented MSGPC with six spatial plan options and were asked to identify the most appropriate. As all of the options were dominated by housing sites put forward by developers, this was very difficult. A drop-in session was then held in the village in December 2017 on the preferred approach. This took place during the working week, despite requests from MSGPC for it to take place at a weekend, to allow it to be more accessible to residents.
- 2.13 The spatial options presented by DBC resulted in the perception that the only role of MSGPC and the wider community is to try to protect the remaining valued green areas within the parish and that residents must accept that there was going to be a significant level of development in the village. This is not what spatial planning is about, it should not be dominated by housing developers choosing the most profitable sites, it should be about full community engagement, discussing what is needed in an area to ensure it is sustainable into the future. This is one of the key reasons MSGPC decided to prepare a neighbourhood plan, to seek to ensure local needs were clearly expressed.
- 2.14 MSGPC considers that the consultation has been limited and could not be considered true and honest community engagement, as it has not taken on board the needs of the community in that the village cannot sustain such a large amount of housing.

- 
- 2.15 MSGPC support the submissions made by the Darlington Green Party particularly regarding the way in which information was presented to the public. The lack of an interactive policies map has been a significant barrier to effective engagement.

**Sustainability appraisal:**

(Q1.4)

- 2.16 MSGPC do not believe the sustainability appraisal has met the legal requirements. MSGPC are particularly concerned that the comments submitted at the regulation 19 stage do not appear to have been considered or taken account within the sustainability appraisal that accompanies the submission local plan. Indeed, paragraph 9.1 (page 36) of the submitted sustainability appraisal (CD03) states:

*“Following the completion of the consultation on the Proposed Submission Local Plan the Council will review the need to update the contents of the Sustainability Appraisal in the light of responses and make the Planning Inspector appointed for the examination in public aware of the amendments made to the submission version of the Sustainability Appraisal.”*

- 2.17 The sustainability appraisal that accompanies the submission plan is the same document that accompanied the draft DLP at regulation 19 stage. Neither the proposed main modifications (DBC2) or proposed minor modifications (DBC3) identify any amendments to the sustainability appraisal.

(Q1.5)

- 2.18 MSGPC believe that the sustainability appraisal process has failed to compare reasonable alternatives and was not based on correct information. MSGPC has identified significant concerns with the sustainability appraisal, particularly regarding the assessment of Middleton St George being a location for housing growth (development option 8). MSGPC highlighted in their response to the draft plan that despite the number of approvals on sites proposed for allocation, affordable housing delivery has been very low. Concerns were also expressed regarding the lack of priority given to brownfield sites, that the type, density and amount of housing proposed is not proportionate to the character of Middleton St George. Furthermore, no improvements have been made to the village centre, community infrastructure, sustainable transport provision or highway capacity.

- 2.19 The parish council believe that there is no justification for the level of development proposed for Middleton St George, particularly as there is no robust evidence to demonstrate that the village meets the definition of a service village. This was not considered in the sustainability appraisal process. Middleton St George does not have a range of services and facilities to support the level of development that is proposed within the plan. There is a very poor bus service (only serving the village hourly to 6pm Mon-Sat, with no Sunday service), MSGPC believe this does not meet the requirement



set out in paragraph 4.0.10 (page 22) of the draft DLP (CD01) which states that service villages must provide a core set of essential services. It is not well connected to higher service centres (towns). Furthermore, the GP surgery is located on the edge of the village, not the centre (1.3miles / 2 kilometres) – 25 minutes walking distance. There is no adequate bus service to the GP surgery; therefore, it is inaccessible unless you use a private car.

- 2.20 No consideration has been given within the sustainability appraisal to the impact of the level of traffic that will result from the development proposed. Middleton St George is a village, with a village road network. Traffic monitor data collected by the parish council in 2019 illustrated that at the north of the village there were 1,685 vehicle movements per day and 1,704 to the south.
- 2.21 MSGPC consider that in order to ensure the DLP is sound, the sustainability appraisal must be updated to reflect accurate information on Middleton St George.
- 2.22 MSGPC support the hearing statement submitted by Darlington Green Party which further highlight the failings of the sustainability appraisal process.

Habitat regulations assessment (Q1.6), equalities (Q1.7) and climate change (Q1.8)

- 2.23 MSGPC 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.
- 2.24 MSGPC fully support the submissions made by the Darlington Green Party in respect of these issues.

Neighbourhood plans (Q1.9)

- 2.25 In response to part 'a' of the question, MSGPC considers the DLP does appropriately identify strategic policies. The emerging strategic policies were referred to in the MSGPC Neighbourhood Plan Basic Conditions Report.
- 2.26 MSGPC 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 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.

- 
- 2.27 MSGPC, through its submissions to the local plan process, have consistently sustained objection to the proposal to provide over 10% of the inflated total housing requirement for the borough within an area, Middleton St George, with only 4% of the population of the borough, as well as a limited level of services and infrastructure. No consideration has been given by DBC to the evidence base which supports the submitted MSG Neighbourhood Plan, particularly the independent Middleton St George Housing Needs Assessment (January 2020). The housing needs assessment identified that a range of between 119-136 dwellings were needed in the plan area over the plan period (2019-2036).
- 2.28 The proposed MSG housing requirement figure 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)

- 2.29 MSGPC 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.