

Gladman Developments Ltd.

Darlington Local Plan Examination

Matter 1

Hearing Statement



April 2021

Matter 1 – Legal and Procedural Requirements and Other General Matters

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?

- 1.1 Gladman consider that Darlington Borough Council has engaged actively and constructively with its neighbouring authorities and other relevant bodies during the preparation of the Darlington Local Plan. The Council have therefore met their legal obligations under the Duty to Cooperate.
- 1.2 The Council have set out their approach to the Duty to Cooperate in Document CD05 which was prepared in December 2020. It shows the detailed discussions the Council have had with their Local Planning Authority (LPA) neighbours and other relevant bodies and includes a number of signed declarations that set out that there are no unresolved strategic issues, as a result of the Darlington Local Plan.
- 1.3 Whilst the Council indicate at paragraph 1.2 of CD05, that Statements of Common Ground (SoCG) have not been religiously produced throughout the preparation of the Darlington Local Plan, this has been a result of the Council contributing to, and signing, SoCG with the neighbouring LPAs, as part of their Local Plan making processes.
- 1.4 The current version of the SOCG for the Darlington Local Plan (CD05) is up-to-date and contains a clear acknowledgement from the LPAs surrounding Darlington, and other relevant bodies, that they agree that the Duty to Cooperate has been discharged and there remains no unresolved issues of a strategic nature as a result.

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?

- 1.5 The Council have set out, in their Consultation Statement (PD01), the stages of consultation which have been undertaken during the preparation of the Darlington Local Plan and how these have adhered to the Statement of Community Involvement (SCI).
- 1.6 Section 2 of PD01 sets out clearly and in some detail, how the general principles of the SCI have been implemented through the consultation process, and it is Gladman's view, that there is no substantive evidence that the plan making process failed to comply with the SCI or legal requirements.

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

1.7 Yes. As set out in the Council's Consultation Statement (PD01), the Council clearly engaged early and in an effective manner with local communities and all relevant bodies, during the preparation of the Darlington Local Plan.

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

1.8 Gladman consider that the Sustainability Appraisal (SA) accompanying the Darlington Local Plan is adequate and complies with the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations).

1.9 The SA has been undertaken in a robust and comprehensive manner to a consistent and appropriate methodology, considering the effects of the policies and allocations in the Plan against a reasonable set of objectives.

1.10 Reasonable alternatives to the policies and allocations have been considered through the SA and clear reasoning for rejecting alternatives have been set out.

1.11 It is important to recognise that the SA is simply one tool that is used to consider whether the submitted Local Plan is an appropriate strategy as required by Paragraph 35 of the National Planning Policy Framework (the Framework). It is not a tool which determines the overall strategy of the Local Plan and it should be considered alongside all other evidence-based documents in coming to a rounded decision on the appropriate strategy for the Plan to pursue.

1.12 Gladman consider that the submitted SA achieves these objectives and supports the premise that the Darlington Local Plan is an appropriate strategy for the borough.

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?

1.13 Yes, the Sustainability Appraisal (SA) clearly considered reasonable alternatives as the Plan evolved, as set out in CD03 Appendix D. Each policy option was considered against a clear set of sustainability objectives and a Preferred Option was identified with reasons given for adopting the chosen approach.

1.14 The broad approach to the spatial distribution of development across the borough was also adequately assessed by the Sustainability Appraisal (CD03).

1.15 The Council's Spatial Distribution of Development Topic Paper (February 2021) sets out in detail in Appendix 2, the approach taken to strategic development locations in the borough and how the reasonable alternatives were assessed.

1.16 As set out above, it is important to recognise that the SA is simply one tool that is used to consider whether the submitted Local Plan is an appropriate strategy as required by Paragraph 35 of the Framework. It is not a tool which determines the overall strategy of the Local Plan and it should be considered alongside all other evidence-based documents in coming to a rounded decision on the appropriate strategy for the Plan to pursue.

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

1.17 Gladman have no comments to make on this question.

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?

1.18 Gladman have no comments to make on this question.

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

1.19 Gladman have no comments to make on this question.

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

1.20 Gladman have no comments to make on this question.

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

1.21 The Plan period 2016 to 2036 is both appropriate and justified and is consistent with National Policy.

1.22 Paragraph 22 of the Framework states that strategic policies should look ahead over a minimum 15-year period from adoption. However, this is not mandatory. Given the issues facing Darlington and the urgency of need to address these issues, the focus should remain on getting a Local Plan adopted as soon as possible.

1.23 It is likely, following the inevitable delays caused by the recent pandemic, that the Darlington Local Plan will be adopted in 2022, therefore resulting in a 14-year plan period up to the end date of 2036. Whilst the Plan period when adopted will not quite cover the full 15 years, it is imperative that this process is not delayed any further, whilst the Local Plan is amended to account for an additional year at the end of the plan period.

1.24 In addition, there are sites proposed for allocation in the Darlington Local Plan that will deliver units beyond the end of the Plan period, which will provide for a degree of flexibility. However, with the requirement to review a Local Plan at least once every five years, there will inevitably be a number of Local Plan reviews undertaken to the Darlington Local Plan, before the end date of the proposed Darlington Local Plan (2036) is reached.

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?

1.25 Gladman have no comments to make on this question.

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?

1.26 Gladman have no comments to make on this question.

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 doing so?

1.27 Gladman have no comments to make on this question.

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?

1.28 Gladman have no comments to make on this question.

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 the deliverability of the Plan?

1.29 Gladman welcome the flexibility set out in Policy H5 which states that where an applicant considers that the provision of affordable housing is unachievable, due to viability concerns, a detailed viability assessment would be required to demonstrate that this is the case. Indeed, the Council's own Viability Assessment (CD08) states at Paragraph 6.3.1, that individual site testing will still be appropriate to take into account, site specific circumstances and fluctuations in market conditions.