
Inspector's Matters Issues and Questions

Examination of the Darlington Local Plan

Part 1 Hearings (Matter 1 – Legal, Procedural and
Other Matters)



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Introduction

We have been instructed on behalf of our clients, Hellens Land Limited and Homes England, to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions. Hellens Group have over 40 years' experience of delivering a range of housing, leisure and infrastructure developments across the North of England. Homes England is a non-departmental public body which works to accelerate housing delivery, working with developers across the country to improve neighbourhoods and grow communities.

Our client's joint interest is in respect of the Burtree Village which is located north west of Darlington and is located within the jurisdiction of Darlington Borough Council. These representations have been submitted to support the proposed strategic allocation for 2,000 residential dwellings, 200,000 sqm of employment space, community facilities, link road and associated infrastructure at Greater Faverdale (Burtree Garden Village).

This Statement should be read in conjunction with all previous representations made on behalf of our clients in relation to Burtree Garden Village.

Our clients are committed to ensuring the strategic allocation and the Publication Draft Local Plan (PDLP) is sound and robust. Our comments will therefore focus on the following Matters:

- Matter 1: - Legal and Procedural Requirements and other General Matters
- Matter 2: Amount of development needed in the Borough
- Matter 3: Vision, aims, objectives and spatial strategy
- Matter 4: Housing development
- Matter 5: Meeting particular housing needs
- Matter 7: Economic Development
- Matter 8 – Town Centres and Retail Development
- Matter 9- – Transport and other infrastructure
- Matter 10 - Other strategic and development management policies
- Matter 11 - Other Issues

Inspector's Matters Issues and Questions

Hellens Land Limited and Homes England



This statement addresses a number of questions raised by the Inspector under Matter 1: Legal and Procedural Requirements and other General Matters

Matter 1 – Legal and Procedural Matters

Sustainability Appraisal

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?

As required by the relevant legislation, namely Sections 19(5) and 39 of the Planning and Compulsory Purchase Act a Sustainability Framework was prepared in 2016 at the outset of plan making as part of the Issues and Scoping Report, leading to the preparation of a Sustainability Appraisal (SA) alongside the various stages of the Draft Local Plan in 2018 (Local Plan preferred options) and 2020 (regulation 19 draft). Indeed, as required by the European Directive 2001/42/EC (the SEA Directive) a Strategic Environmental Assessment (SEA) was also carried out to identify likely significant effects on the environment as a result of the implementation of the Draft Local Plan and this is integrated into the SA and supplemented by a Habitats Regulations Assessment.

Appendix B sets out the socio economic baseline within the Borough, with reasonable alternatives considered in Appendix E for strategic development approaches and Appendix G for non-strategic development sites. These strategic and non-strategic options are assessed as a means of meeting housing and employment growth. The rationale and approach to which is also explored within Appendix D, with options ranging from a minimum level of Local Housing Need to one which is focused upon and aligned with predicted job growth within the Borough. The latter (Option A) is justified as the chosen option and forms the basis of a positively prepared PDLP with ambitious growth targets.

A baseline was established at the outset in 2016 with the SA evolving and providing a rationale for the chosen strategic growth option within the PDLP. 9 options for strategic housing and employment growth were assessed in detail with 7 options considered positive for the Borough. This included growth in and around Darlington, including north western which the Greater Faverdale strategic allocation forms part. Wider approaches such as the creation of a new settlement or a dispersed approach with the majority of growth within rural villages were not deemed deliverable or sufficient to meet the needs of the Borough.

In short, the plans formulation has been based on a sound process of SA including the proportionate testing of reasonable alternatives, a clear explanation as to why preferred options have been chosen and reasons for rejecting reasonable alternatives and discounting unreasonable options. We understand that the SA remains a live document with regard to any plan modifications.

Climate Change

Q.1.8 Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?

Our clients position is set out in greater detail in response to Matter 10 (Other strategic and development management policies) and in prior regulation 19 Representations. In short, we welcome the amended policy wording for DC1 in relation to the Design of New Development SPD. However, the content of this SPD should not include requirements beyond the scope of the DC1 policy requirements.

The purpose of an SPD as explained by the 'Plan Making' PPG should be to *"build upon and provide more detailed advice or guidance on policies in an **adopted local plan.**"*¹ As such, we would request that the content of this SPD be made available for consultation at the earliest opportunity.

Please note that the July 2011 SPD contains explicit references to its policies. For example, the SPD requires all residential development from 2016 to achieve Code for Sustainable Homes rating 6 (page 18) and sets minimum renewable and low carbon targets for residential development (page 18). Some of these requirements are no longer up to date, however, if similarly detailed additional requirements are included in the forthcoming SPD, requirements beyond what is explicitly contained within the PDLP and within national standards may not yet have been considered within plan wide viability matters.

Plan Period

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

This plan period is justified and consistent with national policy² providing a 15 year period from 2021 to implement and deliver strategic policies.

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?

With regard to Policy H11 (Greater Faverdale) the change in reference to class is necessary to make the plan sound mindful of recent amendments to Use Classes as documented in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. This proposed amendment to reference Use Class E(g) is justified, it retains the flexibility of the original policy which permitted B1, B2 and B8 uses and ensures that criterion b) of H11 remains effective as a mechanism of facilitating the delivery of a range of employment uses over the plan period. This also applies to the retention of a reference to "mixed use" for Greater Faverdale in table 7.3 of Policy E2.

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?

¹ Plan Making, Planning Practice Guidance, Para 008; Reference ID: 61-008-20190315

² paragraph 22 of the NPPF

The PDLP is informed by a plan wide viability assessment which demonstrates that, in general, housing sites in medium value areas are viable, taking into account affordable housing requirements. With specific regard to strategic allocations, inclusive of the Greater Faverdale site, these sites are subject to site specific viability assessments. As required by the NPPG, the promoters of the Site have engaged in the viability assessment process. In short, all parties are agreed on the method used to demonstrate that the allocation in its entirety is viable.

However as noted above in response to Q1.8, depending on the proposed content of the revised Design of New Development SPD, it is unclear at this stage whether any new design matters would require consideration in plan wide viability or site specific assessments?

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?

Hellens Land and Homes England considers the plan and more specifically the Strategic Allocation at Greater Faverdale to be realistic and deliverable. The allocation of 2,000 homes provides the requisite critical mass to deliver the associated policy requirements including on-site link road infrastructure, developer contributions and community facilities. The allocation and wider plan policies as currently presented in the PDLP and modifications are sound with regards to viability.

The Councils delivery strategy, which the viability assessment is based upon, comprises a two phased approach to the delivery of the Faverdale Link Road between Burtree Lane and Rotary Way. This approach is sound, represents a deliverable baseline position for the purposes of plan making and does not raise concerns from our client's perspective. Any deviation from this approach would be through up front funding via funding streams available to Homes England on the basis of accelerating delivery and securing high quality design outcomes.