

Response to Inspector's Matters Issues & Questions on Darlington Local Plan

Matter 1

Q 1.3 – The plan was NOT shaped by early, proportionate or effective community engagement with communities and local organisations: Various community groups & Parish Councils state they were contacted by the council regarding the statement of community involvement, so they cannot say they have not been consulted at all. However, they still feel there was a lack of effective consultation, issues such as:

- Consultation was not early enough – no community (master)planning workshops to allow them to be involved and so have approachable, viable and valid early input into development principles, layout & design, to express how (and where, and how much) they wanted a development to be, to best meet the needs of the eventual residents and neighbouring communities in their area.
- Consultation was dishonest / skewed in favour of developers: community groups felt that DBC had liaised closely with the developers before consultation, and were assisting them to meet their tokenistic community consultation requirements. At consultation events for specific allocation developments, they had already been designed and printed on display boards (with the possibility for only relatively minor tweaks), questionnaires used were felt to be leading / biased - not allowing for a good range of input, or indeed objection to the development or aspects of it on certain principles e.g. sustainability of location. Development was presented as a fait-accompli with the main issues already decided and no opportunity for community input into / open discussion of the principles behind it. For example, the Springfield Park "Information Delivery Event" (which could not be called consultation otherwise a further round of consultation would have had to be allowed for all) was similar to normal consultation events: one-way, top-down information provision to residents, with little opportunity for their input.
- Opposing views & ideas were not considered: valid arguments which conflicted with the council's intended plan were dismissed / ignored, without full and proper consideration. This can be seen in the vast number of comments from the June 2018 consultation which were filed in the "comments which did not result in any changes to the Plan" section¹, including my own comments. As someone who works in the field of energy efficiency and fuel poverty, and was previously a local authority Sustainable Development Officer, I would hope that some of my comments should have been relevant and properly considered!

This leads the Plan to be ineffective as the community does not have trust in it or the principles behind it, and may make it unsound as many valid issues which communities have raised have not been addressed.

Q 1.5 – I am uncertain whether the standard dropped so low as to say that the Sustainability Appraisal did not meet the legal requirements (as per Q 1.4), however it is lacking in any appraisal of major sustainability impacts. As per my submission at the Regulation 19 stage², I requested the Centre for Sustainable Energy to review the sustainability of the Local Plan and they found it significantly lacking, both in the Sustainability Appraisal itself and Sustainability policies in the Plan itself. Key points were:

- There appear to be no climate adaptation policies, as required by national policy.
- No attempt is made to assess / measure, or seek to minimise, the climate change impact of development as part of the SA, which does not meet the requirements of the Climate Change Act 2008: The policies presented around climate change are "supportive", "encouraging" good design. This makes it inadequate and ineffective – strong policies must be set, on:
 - prioritising development locations which allow use of active transport to reach services,

¹ <https://democracy.darlington.gov.uk/documents/s9094/200220%20EG%20Local%20Plan%202016-2036%20-%20APP4%20Comments%20Not%20Resulting%20in%20Changes.pdf>

² <https://microsites.darlington.gov.uk/media/1653/holroyd-bryony-cllr-dblpsa26.pdf>

- prioritising low-car development sites,
 - prioritising use of low-embedded carbon building materials,
 - requiring a proportional improvement over minimum building standards for insulation, that renewable energy and heating must be provided in new homes, policies on green roofs for large business and retail sites.
- It does not make any recognition of embedded emissions from building, nor hence seek to minimise unnecessary home-building over-and above the demographic need (with the housing target set far in excess of the 166 homes per year OAN, and no justifiable rationale or consideration for this provided in sustainability terms); nor does it acknowledge the ongoing emissions from homes for heating, transport etc.; the extra induced traffic from building new roads, and car-dependent development on the outer edge of the town.
 - There is no attempt to assess sustainability in terms of seeking to ensure that over-/inappropriate development does not occur which could cause damage to existing communities and residents. There is an inherent assumption that all growth is good. In many settlements there is an optimum size population relative to services and jobs it has, beyond which further growth would reduce residents' quality of life: health and wellbeing, job prospects, access to green space, safety, ability to travel by active and public transport. There's no mention of assessing this, or trying to direct growth to sectors of the economy and types of (e.g. zero-carbon, dense, brownfield) housing which are good for the health and wellbeing of the town's economy and residents. These types of growth should be prioritised over sectors which are damaging e.g. growth in use of private cars with their inefficient use of urban space, danger to other road users and pollution, and mostly fossil-fuelled. The SA does not consider less damaging alternative modes of development to allow the required housing need to be met, and ensure the urban revitalisation needed, without increasing emissions.
 - Darlington has clay soil, prone to surface water retention, and already suffers from flooding issues, both fluvial and surface water at various places within the Borough. There is no recognition that building so many new homes – many in areas of flood plain, adjacent to watercourses, and on greenfield sites – would significantly worsen flood risk for existing homes. There is no mention of mitigation measures such as requiring green roofs for homes or business / retail, permeable paving for hard-standing, or grassed HomeZone areas to minimise impermeable surfaces, nor landscaping of development with tree / shrub planting to slow the flow of water into drains and rivers.
 - The Sustainability Appraisal does not appear to have informed the Local Plan – it was consulted upon at the same time, and seems to have been written at the same time as it, to justify the choices already made within the Plan. Some policies in the SA are good (IN.1) yet do not inform the Local Plan e.g. prioritising active and sustainable transport options, yet development sites where residents can easily access services using these modes are not selected. Nor does the plan propose to build sustainable & active travel corridors through existing areas to new town-edge developments (e.g. using Section 106 agreements to fund this), yet new road infrastructure is included “by default” – the concept of designing for sustainable transport, and the Council's own Healthy New Towns principles, appear not to have been used.

Q 1.7 – Darlington's demographics show we have an ageing population. It is also well-known that younger people are finding it harder to get on the housing ladder, or afford to rent property to move out of their family home, so both these groups are likely to increase in size. Given 69% of homes are 3+ bedrooms, we are likely to have a shortage of smaller more manageable and affordable properties to buy and rent at either end of people's lives. Both young people leaving home for the first time, and older people with a higher probability of failing health, eyesight, and confidence, with access to free bus passes, are less likely to drive / have access to a car than the working age population. Indeed, independent of age, those on lower incomes, and from marginalised communities including those with protected characteristics are less likely to own or have access to a car. This Local Plan – which designs for car-based development so does not adequately provide for the needs of those without a car – will negatively affect them as they may have to

live in out-of-town residential areas with worse access to services, employment, life chances etc. Loneliness is a scourge in our society, and we should be seeking to design it out³ not leave the oldest, youngest, and other marginalised communities unable to meet people and have opportunities in their community. Older people may require specialised properties e.g. adequate smaller (potentially disabled accessible) bungalows and flats close to services – but younger and lower income people (again including more marginalised groups with protected characteristics) are likely to also need more smaller flats or houses close to employment, services and entertainment so they can live & work well without a car. Such aspects do not appear to have been considered in the council's equalities assessment.

It is a requirement of a Local Plan to plan for the demonstrated demographic needs of the community including those with protected characteristics. This Plan does not do so, as it does not seek to provide adequate accessible and affordable homes close to Town Centre services, employment etc. (Instead, seeking to provide excess "family homes" in mainly greenfield edge-of-town locations for which the need has not been demonstrated.) As such, this renders the plan unsound.

Q 1.8 – No, the Plan is not consistent with national planning policy re. the mitigation of and adaptation to climate change. Referring to my previous submission of the Centre for Sustainable Energy's review of the Darlington Local Plan²: The Planning and Compulsory Purchase Act (section 19) and NPPF (Paragraph 148) require Local Plans to be carbon audited, and to achieve radical carbon emission reductions in line with the Climate Change Act (upgraded to a -100% requirement by 2050, and -78% by 2035). Paragraphs 1 and 7 of the online Planning Practice Guidance (PPG) resource, published by the MHCLG provides further detailed interpretation of the NPPF requirements. The details are summarised in a legal briefing⁴ from TCPA, RTPI and Client Earth.

- This Plan isn't carbon audited to show how it meets the NPPF requirement to meet the aims of the Climate Change Act 2008 - it won't achieve radical reductions in carbon emissions in line with this as required by national policy and legislation, and is unsound and legally challengeable as a result.
- Climate mitigation policies for new build development are just supportive policies encouraging "high levels" of energy efficiency. They don't objectively measure carbon emissions from new development, and aren't going to achieve much. There is no requirement for on-site renewable energy, green roofs, higher levels of insulation than minimum building regulations. This makes these policies ineffective, and any which are present are unenforceable due to the lack of clear, specific requirements.
- There is a district heating policy – development should be prioritised in locations which can be served by this.
- There appear to be no climate adaptation policies, as required by national policy. On challenging this, I was referred to the section of the Plan on green and blue infrastructure. It is inadequate to consider that climate change adaptation requirements can be met via watercourse and green space policies alone. Requirements must be included to e.g. design homes so as to prevent over-heating, include renewable heating where this is viable (the 300 home limit is too high), renewable electricity generation to power appliances (the renewable heating) and electric vehicles, green roofs to reduce runoff, more street trees to provide shade, water retention and space for biodiversity whilst reducing the urban heat island effect.
- Whilst the plan professes to prioritise cycling and walking, the infrastructure spending is strongly slanted towards new road construction, with barely any infrastructure spend for cycling / walking. We need to see what the projected infrastructure investments for new roads vs. walking, cycling and public transport are, and if these match the stated priorities. If not, the policies are ineffective and unsound.

³ <https://citu.co.uk/citu-live/designs-that-tackle-loneliness>

⁴ <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=4927d472-a9f0-4281-a6af-463ddc642201>

- Car-based development (and identifying development sites likely to require car-dependent lifestyles) does not meet national requirements for carbon emission reductions, nor recent government announcements prioritising active transport. Development sites should be reassessed to prioritise dense town & local centre development within the urban area.
- Discussion of the cycling network implies it's already pretty good within Darlington. This is not true - it's not safe enough to encourage kids and families to use it (a good useable cycle network should be suitable for unsupervised use by those aged 8-88). It consists of painted lines on the road with no physical separation, or painted lines on pavements not designed for cyclists. There are very few safe segregated routes on main routes, or off-road, and those which exist are not prioritised over motor traffic at junctions.
- All mention of locating development to "support infrastructure", and applying for infrastructure funding implies strategic road-building, primarily for motor vehicles. This is not compatible with the NPPF and should instead be replaced with policies to design new developments to be mostly "car-free" (very low car ownership) with walking, cycling and public transport access within and to/from them as the norm. Infrastructure funding sought should be to connect these developments with / through other existing areas of the town, particularly to employment, schools, medical and hospital facilities, shops, services and leisure.
- There's inadequate policy to enable and prioritise development of large-scale, community and micro-renewable energy:
 - Other authorities, e.g. Stroud and Bath, have carried out assessments to create maps for different wind, solar and heat density resources, and their constraints.
 - The omission of policies identifying suitable sites for large-scale wind is particularly concerning, as if sites are not noted in a Local Plan, this effectively bans them from being developed during the Plan period. To correct this, assessment should be carried out of the Borough's wind resources and constraints, to identify sites where development of large-scale wind (and ideally solar too) might potentially be acceptable. Ideally it should also identify high electricity-using sites which would benefit from co-location of renewable generation to supply their energy needs.
 - Policy should be inserted to specify how the council will engage with and support (creation of) community renewable energy projects, with their proven economic and social benefits as well as the expected environmental and energy outcomes.
 - Other authorities have set requirements to install small-scale renewables on new domestic properties and new commercial / industrial properties and sites. This must be corrected to include such a requirement, particularly for renewable heat prior to the 2025 phase out of gas boilers in new-build homes, to prevent the need to retrofit new homes and business premises. Business and retail premises which mainly use power during the daytime should as default be required to install solar panels to reduce their grid energy needs, and a green roof if the roof area is larger than a relatively small area such as 30m², potentially also a wind turbine if in a suitable location and the building has high energy use, including overnight.

Q 1.9 – Communities I have worked with have expressed shock at the lack of weight given to Neighbourhood Plans (NPs) in the Local Plan process. Well-evidenced NPs such as Low Coniscliffe & Merrybent which identified a local need for 23 homes in their parish feel it was a pointless exercise when they can be "strategically" allocated such a disproportionately large number of homes as 1087 (at the last count) – despite being classed as a rural village site.

- a) The Plan identifies sites where houses can be built, and there is a willing developer. The "strategic" sites are related to site size only, and are not related to the (evidenced) local housing need of the neighbourhoods in which they are placed.

- b) This means that in many cases housing allocations are not proportionate to the existing population of the neighbourhood compared to other areas of the Borough. Local Plan allocations vastly exceed the housing needs identified by the Neighbourhood Plan process. In Middleton St. George, the allocation also does not take into account that the village has recently been subject to huge population growth from relatively recently delivered housing sites (some prior to the time period of this Local Plan), so its services and infrastructure are already struggling. If areas have recently received (part of) their quota of new development, this should reduce their future allocation in this Plan period in order to prevent their swamping with unsustainable over-development, negatively affecting their character, and in some cases leading to their being subsumed into the urban area of Darlington. In my view this excessive and unsustainable development in service villages renders the plan unsound: allocations must be amended to ensure they match local need better in each ward.

Q 1.12 – Whilst the proposed modifications to ENV3 and ENV5 may be necessary to make the plan sound, they would make it less effective in terms of good design, energy efficiency and climate change. To mitigate this, key principles and requirements of the SPDs must be included in the body of the Local Plan itself, so that it remains effective in these aspects.

Q 1.14 – DBC viability assessments often rely on developer-produced assessments of viability rather than providing “push-back”. This leads to reduced infrastructure quality for the community and higher profits than normal for the developer. This should be addressed by ensuring a second opinion e.g. by a non-housebuilding developer, or smaller home-builder. Exceptions made have in the past included waiving national requirements such as building mixed developments, with provision of affordable housing on-site – essential for best community cohesion. Allowing “executive” housing developments increases “exclusivity” for prospective home-owners and so profit for the developer, yet often results in an unhealthy / distrustful and entitled community, disconnected from other parts of society with a sense that they “should have been a gated community”, where visitors are viewed with suspicion.

Q 1.15 – Given plans to deliver way more than the ONS-derived housing OAN, this suggests the viability assessment is too lenient and there is adequate headroom for higher building standards, funding sustainable transport infrastructure etc.