

Darlington Local Plan Examination in Public
Response to Inspectors Matters, Issues and Questions
Made on Behalf of Bellway Homes

Introduction

- 1.1 This Hearing Statement is made on behalf of Bellway Homes (our 'Client') in advance of making verbal representations at the Examination in Public of the Darlington Local Plan. Our Client has made comments throughout the Local Plan consultation process, including at the Proposed Submission Draft stage in September 2020.
- 1.2 This Hearing Statement represents our Client's view on the overarching policies and targets in the Plan, but is also specifically related to our Client's land interest at Great Burdon (housing allocation reference 20). The site is an allocated urban extension to the east of the main urban area with an indicative yield of 1,250 homes. Darlington Borough Council set out in the Local Plan that this includes 500 homes in the plan period. Our Client believes delivery will be greater than this though. Our Client has other land interests in the town, including at Burtree Lane and Elm Tree Farm.
- 1.3 Our response to the relevant questions in Matter 1 to 3 are found below. We have had specific regard to the tests of soundness outlined in the National Planning Policy Framework (NPPF); namely that the policies in the Local Plan must be justified, effective, positively planned and consistent with national policy in order to be found sound.

Matter 3- Vision, Aims, Objectives and Spatial Strategy

Q3.1 Subject to the Council's proposed modification, is policy SD1 consistent with national policy and would it be effective in helping decision makers know how to react to development proposals?

- 1.4 Policy SD1 is not consistent with national policy and it would not be effective in the decision-making process.
- 1.5 Policy SD1 is meant to reiterate the Presumption in Favour of Sustainable Development as set out in paragraph 11 of the NPPF. Paragraph 16(f) of the NPPF is clear that local plans should avoid duplicating policies including those in the NPPF.
- 1.6 Notwithstanding the above, the Councils proposed modification is not consistent with the NPPF and does not enable the delivery of sustainable development in Darlington and is therefore not sound. Although, the proposed modifications go some way to rectify the issue, the policy is still not consistent with the NPPF.
- 1.7 Policy SD1 includes several other additions to the Policy over and above what is set out in national policy including text on Neighbourhood Plans and material considerations. It is also unclear as to why the Council has chosen to re-word the section on relevant policies being out of date.
- 1.8 The Council's response to policy PQ11, states that the intention behind the divergence from national policy *"was to assist in making local communities, developers and stakeholders more aware of the presumption and how it is applied"*. However, this has, and will continue to have, the opposite effect. Paragraph 11 is sufficiently clear and understood by developers and stakeholders and our Client considers that the differences will only confuse local communities and/or stakeholders who have less experience of the planning process.
- 1.9 Our Client considers that the policy is not required as it is an effort to duplicate the NPPF. If the Council consider that the policy is necessary, then it should be amended to reflect the wording in national policy precisely in order to make it sound and to ensure that no confusion arises.

Q3.4. Are the development limits to the Darlington urban area, three service villages, and eight rural villages defined on the policies map based on evidence that is relevant, up to date, adequate and proportionate?

- 1.10 The development limits set out in the Plan are not based on evidence or up to date adequate and proportionate evidence but are a fait accompli drawn up based on proposed allocations, and existing planning permissions, rather than being justified, rational and based on appropriate site assessment and evidence.
- 1.11 A key restriction to delivering homes is development limits of previous policies preventing any development on the 'wrong' side of an arbitrary boundary. Sites adjoining settlements can be equally sustainable, if not more sustainable, than those within settlements. It is therefore considered that this Policy should be revised to allow flexibility for appropriate developments to come forward on sustainable sites that are well related to existing settlements.
- 1.12 By using the 1997 Local Plan as a starting position (a Plan that is now nearly a quarter of a century old), the development limits are not positively prepared and therefore not sound. In the first instance, the Council should have reviewed the development limits of the 1997 Local Plan, and the justification for them, to see if they were still fit for purpose. The Council undertook a review all sites in the Borough in the form of a Housing and Economic Land Availability Assessment (2017) (document reference SD10). All sites recognised as sustainable as well as suitable, available and achievable should then have been included within the development limits particularly where they are well related to or adjacent to the urban area in particular. As indicated, the Council has disregarded its own evidence base in the form of the HELAA by not including sites which it considered sustainable, and therefore able to contribute to sustainable development, in the development limits.
- 1.13 The Council's response to PQ12 does not give the whole picture. The Council states that the limits were drawn around the main built form whilst incorporating proposed allocations. A number of these allocations have only recently been granted consent but have had 'minded to grant' resolutions in place for several years. Our Client considers that it is permissions and not allocations that have shaped development limits in some areas across the Borough.
- 1.14 In order to ensure that the overall aims and objections of the Local Plan can be met, it is important that the settlement development limits allow for future expansion and flexibility. This is essential to ensure that the identified housing need can be delivered should some allocations and/or commitments not come forward. The identified development limits should therefore not be overly restrictive and should allow for future development in and around

the existing and proposed urban area. A very good example of this can be found in the Burtree Lane area north of the town where two housing schemes recently secured consent, materially changing the context. Details can be found in our previous representations.