

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

Matter 10- Other Strategic and Development Management Policies

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 Pre-Submission Draft stage in June 2018 and Submission Draft in August 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, including 500 which are estimated to be delivered during the plan period. Bellway Homes does have other land interests on the edge of the town, including at Burtree Lane.
- 1.3 Our response to the relevant questions in Matter 10 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.

Q10.3. Is policy ENV3(A)(2), which seeks to retain the openness and green infrastructure functions of the green wedges of Cocker Beck/Mowden, Blackwell/Skerne Park, and Haughton/Red Hall by restricting development to that which meets criteria (i) to (v), justified?

- 1.4 The requirement to take these factors into account is not justified and therefore not sound particularly in relation to Great Burdon.
- 1.5 The site has not been assessed as part of the Darlington Landscape Character Assessment (2015) (document reference SD35)- the key evidence in terms of landscape character and sensitivity. A previously commissioned landscape report by our Client considered that the development of the site would not undermine the Green Wedge designation. Therefore, our Client disagrees with the Council's latest Landscape Sensitivity of Potential Housing Sites Report (2020) (document reference SD31). It is unclear how the report has come to the conclusion that there is a 'High-Medium' sensitivity for the site (page 44) and this appears to suggest it is because of the Green Wedge rather than the sensitivity justifying the designation of a Green Wedge and certainly to the extent proposed.
- 1.6 Our Client does accept that the site does have some landscape value (more so to the north and around Burdon Hill), and there is merit in the provision of a Green Wedge between the site and Great Burdon. However, the extent of the Green Wedge should be revised.
- 1.7 The Council has prepared landscape and heritage evidence which proposes that development is excluded from the Green Wedge with the allocation boundary set back to the east from the easement along an existing field boundary. Our Client has previously commissioned Landscape and Heritage Assessments of the development on nearby assets of value and it is considered that the resultant effect of development in this location would not demonstrably impact the listed farmhouse to the north west of the scheme nor would it undermine the Green Wedge designation. Furthermore, it is considered that the Scheduled Ancient Monument can be successfully integrated within the scheme.
- 1.8 Our Client considers that the boundary of the Green Wedge should be revised to the alignment of the existing gas main as an alternative and equally defensible boundary. This would provide a degree of housing development within the north west of the allocation to ensure that the full capacity of the wider site can be met whilst respecting the character and setting of Great Burdon. Our Client will ensure that any housing on this edge of the site will be developed sensitively and having regard to the natural and heritage assets that are in close proximity through the detailed design process.

- 1.9 In addition, in terms of viability, our Client has always maintained that having a quantum of development to the north of Burdon Hill as part of the first phase will ensure the comprehensive deliverability of the wider scheme. Requiring development to extend further into the site at the north would increase infrastructure costs such as additional lengths of link road during the early part of the development. Therefore, unless amended the Local Plan Policy in its current form may impact upon deliverability of not only homes but the proposed link road at Site 20.
- 1.10 Therefore, we would request that the boundary of the Great Burdon site allocation and the adjacent Green Wedge is amended to follow the route of the existing gas main as per the attached plan set out at Appendix 1 to this Statement.
- 1.11 There is no ecological work undertaken by the Council setting out that the Green Wedges including at Great Burdon have any ecological value. Therefore, it may not be appropriate to seek enhancements within the Green Wedge area compared to wider proposals for the Great Burdon development which may be better suited to enhancements. Notwithstanding that, an application for the Great Burdon site would have to take into consideration the biodiversity status of the site and propose any appropriate and necessary mitigation in any event and therefore criterion ii) is also not justified and required in relation to the site.
- 1.12 Criterion iii) and iv) are too ambiguous and vague to be effective and are therefore not sound. There is no supporting text either to clarify these points either. Criterion v) appears to be based on national Green Belt policy. It is also ambiguous and vague and therefore not effective and sound. The Policy states that infilling is permitted where it does not impact the landscape more than the existing development.

The criteria set out are not justified of effective and should be deleted.

Q10.4. Subject to the Council's proposed modification, are the requirements of policy ENV3(B)(1) for all development that adjoins the strategic and local green corridors and their buffer zones to meet criteria (i) to (v) justified?

- 1.13 The requirement to accommodate these factors in all circumstances is not justified and therefore not sound. Our Client notes that all the criteria set out are all material considerations and all would be examined further as part of the evidence accompanying a planning application. Furthermore, with the exception of landscape, the Council has produced little evidence setting out that the corridor at the Great Burdon site has any intrinsic amenity, biodiversity, or heritage value. Again, if it did, this should be reviewed at

the application stage and relevant mitigation proposed through the design process for the site.

- 1.14 We would also note that Figure 9.1 appears to suggest that the widths of Strategic and Local Corridor Buffers will be 30m and 15m respectively. However, flexibility needs to be maintained that buffers respond to their specific local context rather than arbitrary dimensions set out in the Plan. We would welcome greater clarity of this in the Local Plan.
- 1.15 Our Client always aims to ensure that connectivity is maintained wherever possible. There is a public right of way traversing the allocation at Great Burdon and it is envisaged that this will be maintained. However, if our Client did propose to amend a public right of way, again this would be considered as part of the application process and the relevant consultees contacted for their views. The same applies to traditional landscape features such as hedgerows. In its current format the policy is overly prescriptive and has little flexibility.
- 1.16 To summarise, with the exception of landscape evidence, there is little evidence to justify the policy, and that all five criteria would be examined anyway as part of the planning application process as material considerations. If the criteria were to be retained then greater flexibility should be allowed for than specific requirements which would all to be met.

Q10.5. Is the requirement of ENV4(a) for all development within, or immediately adjacent to, the buffer of an existing strategic or local green corridor to conserve and enhance the function, setting, biodiversity, landscape, access and recreational value of the corridor justified?

- 1.17 The requirement to take these factors into account is not justified and therefore not sound. The Council has not produced any site-specific evidence to support that any of the corridors are of ecological or landscape value, or any information on the green corridors existing function, setting, access and recreational value. It is likely that some parts of a corridor will not have any value in terms of these criteria.
- 1.18 Furthermore, these are all material considerations that will be examined as part of the planning application process. In terms of conservation and enhancement a developer will have to consider the setting, biodiversity and landscape impact to ensure that there is no unacceptable residual impact subject to mitigation. In our experience, developers will always look to retain access to (and therefore the recreational value of) green space/ corridors too.
- 1.19 Further to our response to Question 10.4 we would welcome greater clarity of the status of the dimensions of Strategic and Local Corridors set out in Figure 9.1 of the Local Plan. It is important that these do not become rigid dimensions for corridors as they do not reflect

the local nature and characteristics of the corridors which should be addressed through detailed design processes at the planning application stage.

- 1.20 Our Client considers that ENV4(a) has not been justified by the Council, is not sound and therefore should be deleted. If the criteria were to be retained then greater flexibility should be allowed for than specific requirements which would all to be met.

Q10.6. Is the requirement of policy ENV4(b) for all development that is crossed by a proposed strategic or local green corridor to incorporate the corridor into the site's layout and design justified?

- 1.21 The requirement to incorporate the corridor into the layout and design of site is not justified and therefore not sound. As stated in our response to Q10.5, there is no evidence to support that any of the green corridors have any ecological or landscape value and these are two of several factors that would be involved when setting the parameters of a proposed development.
- 1.22 Please refer to our response to Q10.5 particularly that any corridors should be addressed through the detailed design process.
- 1.23 The layout and design of a site should be shaped by site-specific studies taking into account the facts on the ground rather than arbitrary lines on a strategic plan. In light of this, our Client considers that ENV4(b) has not been justified by the Council, is not sound and therefore should be deleted.

Q10.7. To ensure that policies ENV3B and ENV4 are effective, should the policies map be changed to define the existing and proposed local and strategic corridors and their buffers as proposed by the justified?

- 1.24 The policies map should not be modified to define strategic corridors and their buffers. Including uniform width corridors as set out in Figure 9.1 of the Local Plan without any assessment of each corridor would be overly restrictive and generic. The consideration and treatment of corridors should be taken into account when masterplanning the site including detailed assessments of the existing baseline. Furthermore, this would be appropriate as the corridors could change over time as site specific studies come forward particularly relating to the ecological status of some of the corridors.

Appendix 1- Revised Green Wedge Boundary and Site 20 Allocation Boundary

