

Darlington Borough Council Hearing Statement

May 2021

Matter 10 - Other strategic and development management policies

Sustainable design principles and climate change (policy DC1)

Q10.1. Subject to the Council's proposed modification, is policy DC1 consistent with national policy and will it be effective in helping to ensure that development in the Borough is of good design?

The Council considers that subject to the proposed modifications Policy DC1 is consistent with national policy as it seeks to achieve good design and recognises the role of good design in creating attractive, desirable places people want to live, work and invest in which is in accordance with paragraph 124 of the NPPF (2019). It also, as per the requirements of paragraph 125 of the NPPF (2019), seeks to establish a clear design vision and set out broad design principles and expectations to provide as much certainty to applicants as possible about what is likely to be acceptable. Policy DC1 also sets out that proposals should, subject to a proposed modification, have regard to the design principles of the Design of New Development SPD which will be updated. This approach is consistent with local plan regulations.

Policy DC1 also recognises the key role good design can have in reducing carbon emissions and increasing the resilience of developments to the effects of climate change and supports and encourages developments to incorporate a range of sustainable design, energy efficiency and carbon saving measures in relation to the design, layout and construction of new development. This approach and associated requirements are all consistent with paragraphs 148, 150 (a & b) and 153 (b) of the NPPF (2019).

Overall, the Council therefore believes that the implementation of the policy criteria within Policy DC1 the Local Plan will be effective in ensuring development in the Borough is of good design.

Flood risk and water management (policy DC2)

Q10.2. Subject to the Council's proposed modifications, does policy DC2 set out a sound approach to flood risk and water management?

Yes. Subject to the proposed modifications, policy DC2 sets out a sound approach to flood risk and water management. The two main modifications proposed to the policy itself are to ensure that it is effective in its approach. Other modifications to various parts of the Plan, including policy TC6 (town centre fringe) and appendix B (allocation statements), are aimed at ensuring that development will be avoided in areas of high flood risk. These alterations are to ensure consistency with paragraphs 157 and 158 of the NPPF.

Policy DC2 states that new development will be focused in areas of low flood risk (Flood Zone 1). It reflects the requirements of national policy relating to the use of sequential and exception tests. Policy DC2 also sets out various development management requirements relating to flood risk, drainage and water management.

As set out in the Council's response to PQ13 and the Council's Sequential and Exception Test 2020 (SD03) the Strategic Flood Risk Assessment (2019) identifies 6 housing allocations, 1 mixed use allocation and 2 employment allocations where sites are at high flood risk. The intention is that development will be avoided in those parts of the allocations and flood risk mitigated via the policy framework. The requirements of site specific policies, allocation statements (Appendix B) and policy DC2 will ensure that development will be directed to areas of low flood risk in line with the NPPF.

The Environment Agency have stated that they considered the Plan to be sound but recommended a number of changes. Some of the changes have been accepted where they are considered necessary to resolve issues of soundness and are set out as alterations in the modification tables.

Health and wellbeing (policy DC3)

Q10.3. Subject to the Council's proposed modification, is policy DC3 justified and consistent with national planning policy relating to health and wellbeing?

Yes, it is considered that policy DC3 provides a justified and consistent approach to applying national policy. Since being named a Healthy New Towns demonstrator site the Council has been keen to encourage the delivery of healthy new towns principles through appropriate planning policy mechanisms. The NPPF (Section 8) is dedicated to providing healthy and safe communities.

There are a number of facets to policy DC3 which aim to achieve this from provision and protection of new facilities to inclusive design. Whilst these principles will be encouraged in all developments it was considered 'major' developments of 100+ dwellings have the largest potential to integrate these principles to deliver most benefit. Through a requirement to undertake a Health Impact Assessment (HIA) this will encourage these 'major' developments to demonstrate how health considerations have informed the design process.

National Planning Practice Guidance (NPPG), on healthy and safe communities was updated in July 2019, provides guidance on how local planning authorities should ensure that health and wellbeing and health infrastructure, are considered in local plans. The NPPG also provides information on the range of issues to consider through the decision-making process in developments in respect of health and healthcare infrastructure. There is also reference in the NPPG to the HIA and acknowledgement as to how an HIA can be a useful tool where there might be significant health impacts.

Safeguarding amenity (policy DC4)

Q10.4. Subject to the Council's proposed modification, does policy DC4 set out a sound approach to safeguarding amenity?

With the proposed modification it is considered policy DC4 provides a sound approach to safeguarding amenity.

Historic environment (policies ENV1 and ENV2)

Q10.1. Subject to the Council's proposed modifications, would policy ENV1 provide an unambiguous approach so that it is evident how a decision maker should react to a development proposal that affects the historic environment when read alongside relevant parts of the NPPF, PPG and the statutory tests?

As set out by the Inspector in the preamble to the question a main modification is proposed to the first paragraph of part a to ensure the policy is consistent with paragraphs 193-195 of the NPPF in relation to designated heritage assets. Main modifications are also proposed to part D, relating to non-designated heritage assets, and part F relating to viable uses to ensure consistency with the relevant paragraphs of the NPPF.

As per the Council's response to PQ61 of the Inspector's preliminary questions, once these proposed modifications are taken account of it is considered that ENV1 does provide an unambiguous approach to how a decision maker should react to a development proposal consistent with national policy, guidance and statutory tests in the context of Darlington Borough. This includes the further detailed criteria set out within the policy which provide greater local clarity on how proposals will be considered and the specific characteristics they should take account of. This is considered to improve the local effectiveness of the policy. Again, the detailed justification explains how the Council will fulfil its statutory duties and provides explanation of how this policy will be applied consistently alongside national policy along with providing a local context in relation to identifying in some instances relevant heritage assets.

Historic England, the main statutory consultee on the historic environment, have confirmed within the Statement of Common Ground (DBC5.1) with the Council that they support the inclusion of the proposed modifications to ENV1 for effectiveness and have raised no objections to its wider content or ability to provide an unambiguous approach to the NPPF alongside the PPG and other Statutory Tests.

Rural gaps (policy ENV3)

Q10.2. Is policy ENV3(A)(1), which seeks to retain the openness and green infrastructure functions of the rural gaps between Middleton St George and Middleton One Row; Middleton St George and Oak Tree; Hurworth on Tees and Hurworth Place; and Darlington and the villages of Great Burdon and Barmpton by restricting development to that which meets criteria (i) to (v), justified? If so, to be effective, should the policies map be changed to define the geographical areas to which the policy will apply?

The rural gaps between Middleton St George and Middleton One Row; Middleton St George and Oak Tree; Hurworth on Tees and Hurworth Place; and Darlington and the villages of Great Burdon and Barmpton contribute to the openness, setting and landscape character of these villages and have enabled more than one village to develop alongside and nearby one another over time, retaining their distinctive identities and character and avoided coalescence. They remain important to the settlement pattern, the character of the rural area and its residents and providing links to the wider landscape.

The rural Gaps also perform a range of green infrastructure functions including biodiversity, ecological and habitat value, accessibility and connectivity, recreational value, amenity, agricultural use and flood storage.

The rural gaps provide the setting for distinctive settlements and provide valued openness between them as well as contributing to the distinctive landscape character, setting and identity of their respective parts of the Darlington Borough. It is therefore justified and consistent with paragraph 170(a) of the NPPF (2019) that part Ai of Policy ENV3 seeks development proposals within these areas to protect these characteristics of the rural gaps which form valued local landscapes and contribute to the openness. Part Ai is also consistent with paragraphs 127(c) and 127(d) which seek to ensure development is sympathetic to local landscape character and history including the surrounding built environment and landscape setting and also establishes and maintains a strong sense of place.

The rural gaps also contribute significantly to the biodiversity value and offer a range of habitat including priority habitat for species including priority species. Also, reflecting their links to the wider landscape and countryside they provide corridors for wildlife to travel to the surrounding countryside and also link to the strategic and local green corridors. It is therefore justified and consistent with paragraph 170(d) of the NPPF (2019) and Policy ENV7 of Part Aii of Policy ENV3 to seek development proposals within the rural gaps to enhance their biodiversity value by promoting protected and priority species.

Some of the rural gaps also contain walking and cycling routes which provide accessibility and links with the wider green infrastructure network as well as retaining connectivity to a range of multi-functional spaces for sport, recreation, play, nature, movement and amenity. It is therefore considered justified and consistent with paragraph 91(c) of the NPPF (2019), which requires planning policies and development proposals to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, and paragraph 110 of the NPPF (2019) and Policy IN1 of the Local Plan, which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, to require development proposals within the rural gaps to retain connectivity within the green infrastructure network as proposed by part Aiii of Policy ENV3.

Criterion iv and v seek to acknowledge that green infrastructure uses within the rural gaps may require ancillary forms of development and that the redevelopment of previously developed land, which will not have a greater impact than the existing on the openness of the landscape character may be

appropriate. This approach is considered pragmatic, justified and consistent with national policy including paragraph 118c of the NPPF (2019).

Overall Policy ENV3 A1 and the identification of the rural gaps is considered to be justified because, as explained, the rural gaps contribute significantly to the overall openness and provide distinctive and unique settlements, local landscape value and character within the Darlington Borough as well as performing numerous green infrastructure functions. Criterion i-v are considered justified as they seek to ensure that development proposals protect, retain and enhance these key features, consistent with national policy and the other policies in the Local Plan, whilst also supporting appropriate forms of development which do not negatively impact upon the key characteristics identified within the criterion. The overall approach taken is therefore considered to balance the protection of the rural gaps key attributes and purpose whilst not precluding potentially appropriate forms and locations of development consistent with the overall presumption in favour of sustainable development established in paragraph 11 of the NPPF (2019).

Regarding defining the geographical areas on the policies map, the Council does acknowledge there would be benefits in identifying the rural gaps on the policies map. However, taking all matters into account, as set out in our response to PQ62, it is considered justified and effective to refer to the rural gaps between settlements in words in the policy rather than specifically mapping gap areas to ensure the policy is not overly restrictive in the context of the NPPF's overall presumption in favour of sustainable development approach and therefore remains consistent with the NPPF. This still affords protection for these areas and the overall specific landscape sensitivities can be addressed through landscape assessment at the application stage. In addition, in certain locations allocations and masterplan frameworks such as between the urban area and Barmpton and Great Burdon the Skertingham masterplan framework have been created to ensure the purpose of the policy can still be achieved which is to enable their distinctive separate characters to be maintained from the main urban area.

Should it considered that the rural gaps need to be geographically defined on the policies map to ensure the policy is effective then the Council would endeavour to undertake this.

Green wedges (policy ENV3)

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?

Yes, consistent with paragraph 171 of the NPPF, rather than managing and developing green infrastructure in a piecemeal fashion, the Council has through its Green Infrastructure Strategy (SD38) adopted a comprehensive, coordinated and strategic landscape-scale approach to providing, managing and maintaining multi-functional green infrastructure across the Borough.

The three green wedges at Cocker Beck/Mowden, Blackwell/Skerne Park and Haughton/Red Hall are integral to the Darlington urban areas Green Infrastructure network and were identified within the Green Infrastructure Strategy (SD38) and are identified in the Councils adopted Core Strategy (2011). These green wedges contribute to the openness, landscape character and identity of the Darlington Urban Area as well as performing a range of green infrastructure functions including biodiversity, ecological and habitat value, accessibility and connectivity, recreational value, amenity and flood storage.

These green wedges are unique in character and provide valued openness in the urban area as well as contributing to the distinctive landscape character, setting and identity of their respective parts of the Darlington urban areas. It is therefore justified and consistent with paragraph 170(a) of the NPPF (2019) that part Ai of Policy ENV3 seeks development proposals within these areas to protect these characteristics of the green wedges which form valued local landscapes.

The green wedges also contribute significantly to the biodiversity value and offer a range of habitat including priority habitat for species including priority species within the Darlington urban area. Also, reflecting their location along watercourses and the urban fringe they provide corridors for wildlife to travel from the urban area to the surrounding countryside and also travel to the strategic and local green corridors. It is therefore justified and consistent with paragraph 170(d) of the NPPF (2019) and Policy ENV7 of Part Aii of Policy ENV3 to seek development proposals within the green wedges to enhance their biodiversity value by promoting protected and priority species.

The green wedges also contain walking and cycling routes which provide accessibility and link with the wider green infrastructure network as well as retaining connectivity to a range of multi-functional spaces for sport, recreation, play, nature, movement and amenity. It is therefore considered justified and consistent with paragraph 91(c) of the NPPF (2019), which requires planning policies and development proposals to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, and paragraph 110 of the NPPF (2019) and Policy IN1 of the Local Plan, which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, to require development proposals within the green wedges to retain connectivity within the green infrastructure network as proposed by part Aiii of Policy ENV3.

Criterion iv and v seek to acknowledge that green infrastructure uses within the green wedges may require ancillary forms of development and that the redevelopment of previously developed land, which will not have a greater impact than the existing on the openness of the landscape character may be appropriate. This approach is considered pragmatic, justified and consistent with national policy including paragraph 118c of the NPPF (2019).

Overall Policy ENV3 A2 and the identification of the three green wedges is considered to be justified because the green wedges as explained contribute significantly to the overall openness and provide distinctive and unique local landscape value and character within the Darlington urban area as well as performing numerous green infrastructure functions. Criterion i-v are considered

justified as they seek to ensure that development proposals protect, retain and enhance these key features, consistent with national policy and the other policies in the Local Plan, whilst also supporting appropriate forms of development which do not negatively impact upon the key characteristics identified within the criterion. The overall approach taken is therefore considered to balance the protection of the green wedges key assets and functions whilst not precluding potentially appropriate forms and locations of development consistent with the overall presumption in favour of sustainable development established in paragraph 11 of the NPPF (2019).

Local and strategic green corridors (policies ENV3 and ENV4)

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?

Yes, subject to the Council's proposed modification to make it clear and effective that this policy requirement relates to existing strategic and local green corridors then it is considered justified. Consistent with paragraph 171 of the NPPF, rather than managing and developing green infrastructure in a piecemeal fashion, the Council has through its Green Infrastructure Strategy (SD38) adopted a comprehensive, coordinated and strategic landscape-scale approach to providing, managing and maintaining multi-functional green infrastructure across the Borough.

The network of green corridors is at the heart of Darlington's Green Infrastructure network and the Green Infrastructure Strategy (SD38), following detailed analysis, has identified existing strategic and local green corridors which provide accessibility for nature and the local population within the urban area, from and to some proposed strategic development areas and from the urban area to outlying villages such as Middleton St George.

These corridors are unique in character and contribute to the distinctive identities and settings of adjoining neighbourhoods. It is therefore justified and consistent with paragraph 170(a) of the NPPF (2019) that the Local Plan seeks to retain and enhance these corridors which form valued landscapes as well as having a wide range of other beneficial attributes referred to in the policy such as adding to landscape character, biodiversity, ecological and habitat value, accessibility, recreational value and heritage value.

The retention and enhancement of the existing strategic and local green corridors by developments within or immediately adjacent to them will provide the opportunity to retain existing natural assets and distinctive features such as ancient and semi-natural woodland and hedgerows, as appropriate, as well as retaining connectivity to a range of multi-functional spaces for sport, recreation, play, nature, movement and amenity. This approach is wholly consistent with paragraph 91(c) of the NPPF (2019) which requires planning policies and development proposals to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.

The retention and enhancement of the existing strategic and local green corridors by proposed developments will also assist in minimising the impacts on their biodiversity value as required by Policy ENV7 and consistent with paragraph 170(d) of the NPPF (2019). It will also enable existing walking and cycling links with the wider network to be retained and therefore support the policy requirements of Policy IN1 which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, an approach which is consistent with paragraph 110 of the NPPF (2019).

It is considered justified that this requirement applies to sites which contain an existing strategic or local green corridor, sites within the buffer zones identified and also to sites immediately adjacent to the corridors and their associated buffer zones as all of these has the potential to impact upon or compromise the corridors varying attributes including distinctive landscape character; heritage value; ability to provide appropriate and sufficient space for access and recreation and; appropriate spaces for habitats within or adjacent to the corridor to function.

This requirement and criterion i-v are therefore considered to be justified and without it the existing value, beneficial attributes and potential enhancements to existing strategic and local green corridors for both the local population and local nature will be significantly eroded. The exclusion of this requirement and criterion would result in conflict with various sections of the NPPF (2019) in relation to landscapes, landscape character, biodiversity, green infrastructure provision and the historic environment.

<p>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?</p>
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Yes, consistent with paragraph 171 of the NPPF, rather than managing and developing green infrastructure in a piecemeal fashion, the Council has through its Green Infrastructure Strategy (SD38) adopted a comprehensive, coordinated and strategic landscape-scale approach to providing, managing and maintaining multi-functional green infrastructure across the Borough.

The network of green corridors is at the heart of Darlington's Green Infrastructure network and the Green Infrastructure Strategy (SD38), following detailed analysis, has identified existing strategic and local green corridors which provide accessibility for nature and the local population within the urban area, from and to some proposed strategic development areas and from the urban area to outlying villages such as Middleton St George. It is therefore justified and important that the Local Plan seeks to conserve and enhance the green corridors which have the wide range of beneficial attributes referred to in the policy such as adding to landscape character, biodiversity value, accessibility and recreational value.

The conservation and enhancement of the various attributes of the existing strategic and local green corridors by developments within or immediately

adjacent to them will provide the opportunity to retain existing natural assets and distinctive features, as appropriate, as well as retaining connectivity to a range of multi-functional spaces for sport, recreation, play, nature, movement and amenity. This approach is wholly consistent with paragraph 91(c) of the NPPF (2019) which requires planning policies and development proposals to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.

The conservation and enhancement of the existing strategic and local green corridors by proposed developments will also assist in minimising the impacts on their biodiversity value as required by Policy ENV7 and consistent with paragraph 170(d) of the NPPF (2019). It will also enable existing walking and cycling links with the wider network to be retained and therefore support the policy requirements of Policy IN1 which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, an approach which is consistent with paragraph 110 of the NPPF (2019).

It is considered justified that this requirement applies to sites which contain an existing strategic or local green corridor, sites within the buffer zones identified and also to sites immediately adjacent to the corridors and their associated buffer zones as all of these has the potential to impact upon or compromise the corridors varying attributes including distinctive landscape character; ability to provide appropriate and sufficient space for access and recreation and; appropriate spaces for habitats within or adjacent to the corridor to function.

This requirement is therefore considered to be justified and without it the existing beneficial attributes and potential enhancements to existing strategic and local green corridors for both the local population and local nature will be significantly eroded. The exclusion of this requirement would also conflict with paragraphs 91(c) and 171 of the NPPF (2019) in relation to providing green infrastructure and supporting and enabling healthy lifestyles.

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?

Yes, consistent with paragraph 171 of the NPPF, rather than managing and developing green infrastructure in a piecemeal fashion, the Council has through its Green Infrastructure Strategy (SD38) adopted a comprehensive, coordinated and strategic landscape-scale approach to providing, managing and maintaining multi-functional green infrastructure across the Borough.

The network of green corridors is at the heart of Darlington's Green Infrastructure network and the Green Infrastructure Strategy (SD38), following detailed analysis, has identified proposed strategic and local green corridors in locations where they are able to enhance this further either effectively filling gaps in the existing network or provide new or enhanced green corridor connections improving accessibility for nature and the local population within the urban area, from and to proposed strategic development areas and from the

urban area to outlying villages such as Sadberge, Hurworth, Heighington and Piercebridge.

The incorporation of the proposed strategic and local green corridors in a sites layout and design will also provide the opportunity to retain existing natural assets and distinctive features, as appropriate, as well as connecting a range of multi-functional spaces for sport, recreation, play, nature, movement and amenity. This approach is wholly consistent with paragraph 91(c) of the NPPF (2019) which requires planning policies and development proposals to enable and support healthy lifestyles through the provision of safe and accessible green infrastructure.

The incorporation of the proposed strategic and local green corridors in a sites layout and design that link in to the wider network will also support the policy requirements of Policy IN1 which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, an approach which is consistent with paragraph 110 of the NPPF (2019).

This requirement is therefore considered to be justified and without it the potential to deliver all these benefits and enhancements to both the local population and local nature will be significantly eroded and result in disconnected green corridors separated and not accessible to all. The exclusion of this requirement would also conflict with paragraphs 91(c) and 171 of the NPPF (2019) in relation to providing green infrastructure and supporting and enabling healthy lifestyles.

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 Council?

As set out in the Council's response to PQ62 it is acknowledged that identifying the existing and proposed local and strategic corridors and their buffers on the policies map is necessary to ensure that ENV3B and ENV4 can be effectively applied and so that the location of these is clear to applicants and decision-makers equally.

In addition, the nature of these designations, their proposed protection and level of permanence means that it is unlikely their inclusion would result in the policies map becoming quickly out of date due to them being changed or updated.

Historic routes (policy ENV3)

Q10.8. Are the requirements of policy ENV3(B) for all development that adjoins the six specified historic routes to meet criteria (i) to (v) justified? If so, should the policies map be changed to define those routes as proposed by the Council?

The historic routes identified are locally significant routes that historically connected nearby towns, villages, hamlets and scattered farms to the market town of Darlington and many were trading routes for the purchasing and selling

of goods. Some routes, such as Cemetery Lane, have kept much of their original width and features including walls and gateposts and others such as Salters Lane have original hedgerows, ditches and banks in place. It is therefore considered justified, as established in parts B ii, iv and v of Policy ENV3, that proposals protect, conserve and enhance the heritage value, landscape features and incorporate appropriate interpretation of these routes in to any proposals adjoining them to ensure the insight in to the past the historic routes offer is conserved and enhanced for future generations. This approach is considered consistent with paragraphs 127 (c) and (d) of the NPPF (2019) which requires planning policies to ensure that developments are sympathetic to local character and history, including the landscape setting and to also maintain a strong sense of place.

The historic routes are also identified as strategic and local green corridors and remain important in providing accessibility and connectivity for particularly walking and cycling through the urban area, to surrounding villages and also to proposed strategic development areas. The application of part B iii of Policy ENV3 will therefore enable existing walking and cycling links with the wider network to be retained and therefore support the policy requirements of Policy IN1 which seeks to encourage greater use of sustainable modes of transport and make walking and cycling the first choice for short journeys, an approach which is consistent with paragraph 110 of the NPPF (2019).

The historic routes are also unique in landscape character and are of ecological value and continue to play an important role, particularly in the urban area in contributing to the distinctive landscape settings of the different neighbourhoods and providing habitat and corridors for wildlife particularly through their traditional landscape features such as ancient and semi-natural woodland, veteran trees and hedgerows. The requirements in Policy ENV3 Parts B i-v for development proposals adjoining these historic routes to positively respond to their landscape setting, conserve and enhance these features, retain connectivity for habitats and wildlife, protect and enhance their ecological value and incorporate appropriate interpretation of these ecological features is therefore considered justified and consistent with Policy ENV7 and paragraphs 170(a) and 170(d) of the NPPF (2019).

These corridors are unique in character and contribute to the distinctive identities and settings of adjoining neighbourhoods. It is therefore justified and consistent with paragraph 170(a) of the NPPF (2019) that the Local Plan seeks to retain and enhance these corridors which form valued landscapes

Overall it is considered that the policy approach established in part B of Policy ENV3 regarding the historic routes is justified and consistent with national policy by seeking to ensure their heritage, landscape and ecological values as well as the green infrastructure functions are protected, retained and enhanced and therefore not precluding appropriate development adjoining them.

As per our response to PQ62, the Council considers that identifying the historic routes on the policies map will improve the effectiveness of the policy map as this is a layer identified specifically within the Local Plan. The historic routes also not expected to change in the future so it is unlikely they will become out of date or require updating soon after the policies map is adopted and published.

Urban and rural parklands (policy ENV3)

Q10.9. Is policy ENV3(C) relating to the specified urban and rural parklands justified? If so, should the policies map be changed to define those routes as proposed by the Council?

There are eleven historic ornamental parklands in the Borough, seven of which are in a rural location and the remaining four within the main urban area of Darlington. The manner in which they are 'designed' through their deliberate creation, in many cases over long periods of time, means that these are all distinctive in character to their surrounding agricultural or urban landscape setting and contribute significantly to local landscape character. This also means that the parklands have generally been identified to be elements of local landscape character of higher sensitivity to development within the Landscape Character Assessment (SD35).

In recognition of this the Council therefore considers it justified to identify these parklands within Policy ENV3(C) and seek to require development to retain and improve their special landscape, heritage and ecological qualities.

It is acknowledged that two of the parklands identified are nationally registered parks and gardens and number of the others (six) contain designated heritage assets such as listed halls or buildings which the parkland forms the setting of and therefore developments proposals affecting them would be considered against Policy ENV1 which would offer some degree of protection in relation to their heritage significance. Equally proposals would need to be considered against Policies ENV7 and ENV8 of the Local Plan in relation to impacts on any of the parklands ecological and biodiversity qualities. However, as explained above it is considered justified to include specific reference to the parklands as proposed within Policy ENV3 due to their importance and contribution to the overall local landscape character of the Borough. This approach is considered consistent with paragraph 170a of the NPPF (2019) which states the planning policies should protect and enhance valued landscapes in a manner commensurate with their identified quality in the development plan.

As set out in the Council's response to PQ62 it is acknowledged that identifying the urban and rural parklands on the policies map is necessary to ensure that ENV3(C) can be effectively applied and so that the location of these is clear to applicants and decision-makers equally.

In addition, the nature of these designations, their proposed protection and level of permanence means that it is unlikely their inclusion would result in the policies map becoming quickly out of date due to them being changed or updated.

Loss of existing open space (policy ENV4)

Q10.10. Subject to the Council's proposed modification, is policy ENV4 consistent with national policy? Is it necessary to identify other sites on the policies map in

addition to those already included or that the Council proposes to add so that the geographical areas to which the policy will apply are defined?

As per the Councils response to PQ67, policy ENV4 part (g) relating to the loss of existing green space is considered consistent with national policy and specifically paragraphs 97(a-c) subject to the modification proposed to ensure part iii is consistent with paragraph 97(c).

Part g i sets out that the green spaces defined in footnote 39 should not be lost unless there is a surplus of that type of green space and its loss will not affect the recreational needs of residents which is consistent with paragraph 97(a) of the NPPF (2019).

Part g ii, consistent with paragraph 97(b) sets out that green space should not be lost unless replacement provision of at least equivalent quality and size can be provided which is accessible to local residents.

Finally, part g iii taking in to account the proposed modification to ensure consistency with paragraph 97(c) of the NPPF sets out that the green space should not be lost unless the proposal is for an alternative sport and recreational facility the benefits of which clearly outweigh the loss.

The green spaces defined in footnote 39 are consistent with the definition of open space set out in the NPPF (2019) which is "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and as a visual amenity".

The Council does not consider it necessary to geographically identify the other types of green spaces, which are: playing pitches; formal parks, cemeteries and civic spaces; informal play and amenity areas; internationally and nationally designated sites; and woodlands. This is because as set out in our response to PQ66, the general approach was to seek to identify on the policies map those green infrastructure features which are specifically designated by policies in the plan and of a more permanent nature which are less subject to change during the course of the Local Plan. These layers will be included along with other relevant layers on an online constraints map that will be available from the Council's website following the adoption of the Local Plan as well as being available in the Councils Green Infrastructure Strategy (SD38), Open Space Strategy (SD41) and from Natural England.

Footnote 41 within paragraph 9.4.8 (pg90) of the supporting justification to policy ENV4 sets out that the green space layers can be viewed on the Councils online mapping resource, so the Local Plan provides a clear steer to applicants and decision-makers where the geographical extent of these types of green space the policy applies to can be obtained.

Open space provision (policy ENV5)

Q10.11. Subject to the Council's proposed modification, are the requirements for the provision of green infrastructure in development set out in policy ENV5 consistent with national policy and justified?

Yes, subject to the modifications proposed the requirements for green infrastructure provision set out in Policy ENV5 are considered consistent with national policy. Paragraph 97 of the NPPF (2019) acknowledges that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities which this policy seeks to achieve for the Darlington Borough.

Following the proposed modifications which have made clear the requirements are to only meet the additional need generated by a development and are subject to the quantity, quality and accessibility of existing provision, the policy is now considered consistent with the planning obligation tests set out in paragraph 56 of the NPPF (2019) by being necessary to make the development acceptable in planning terms; directly related to the development; and; fairly and reasonably related in scale and kind to the development.

The modification proposed to the reference made to the Planning Obligations SPD from 'in line with' to 'consideration of' ensures this is consistent with PPG (61-008-2019031) which advises SPDs can build upon and provide detailed advice or guidance on policies in the Plan but cannot introduce new policies. It is however acknowledged on reflection that a further modification may be required to ensure that the formula for calculating the green infrastructure requirement, which could be considered to be policy, and currently outlined in the SPD should be included within the policy or its supporting justification. The Council would be open to this should it be considered necessary by the Inspector to ensure the policy is sound.

This policy is considered to be justified as the starting points for seeking the provision of green infrastructure of 20 dwellings(0.2 hectares) or more, non-residential development of 1000m gross floorspace or more and schemes of 11 dwellings (0.1 hectares) or more in areas of open space deficiency have been set based upon evidence from the Planning Obligations SPD, Green Infrastructure Strategy (SD38) and Open Spaces Strategy (SD41). These have demonstrated that the Borough is relatively rich in the amount of open space it contains therefore the provision is only sort from major developments where green infrastructure provision is required on-site to create sustainable neighbourhoods or appropriate leisure or business environments and in areas of known open space deficiency. The priorities for the order in which green infrastructure is provided set out in the policy have also been informed by these strategies.

It is acknowledged that these strategies and the SPD were produced a number of years ago however the Council through its local knowledge and understanding is content that the overall amount of green infrastructure and open space has not changed significantly during this time meaning that these strategies and the evidence underpinning them remain a robust and up to date starting point for requiring green infrastructure and open space until updated versions are

completed. This approach is considered consistent with paragraph 31 of the NPPF (2019) which requires evidence underpinning policies to be adequate and proportionate. In addition, the level of nearby accessible provision and its quality will be able to be ascertained at the application stage in consultation with the Council ensuring the policy is effective.

Local Green Space (policy ENV6)

Q10.12. Is the designation of each of the ten sites listed in Table 9.1 as Local Green Space consistent with national policy and justified? Subject to the Council's proposed modification, is the wording of policy ENV6 consistent with national policy?

A robust assessment has been undertaken on all sites submitted for consideration for Local Green Space. The latest report on the assessment is included in the evidence library (SD28). A set methodology has been used to assess submissions in line with requirements set out in the NPPF (Para 100). This requires spaces to only be designated where it can be demonstrated that the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

All ten sites proposed for designation in the local plan have been able to demonstrate fulfilling these criteria.

In relation to the wording of the policy requirements a modification is considered necessary to ensure consistency with the NPPF (Para 143 to 147) to ensure protection of designated Local Green Spaces is consistent with that afforded to Green Belt.

Biodiversity and geodiversity (policies ENV7 and ENV8)

Q10.13. Subject to the Council's proposed modifications, are policies ENV7 and ENV8 consistent with each other and national policy? When read together with NPPF 175-177, do they provide an unambiguous approach such that it is clear how a decision maker should react to a development proposal that may impact on biodiversity and/or geodiversity?

It is considered that ENV7 and ENV8 are both required and subject to the modifications proposed they are consistent with each other and national policy.

ENV7 is a strategic policy, setting out the broader policy requirements that will be applied to development in relation to protecting and avoiding significant harm to biodiversity and geodiversity and setting out the requirements in this regard specific to each of the different types and designations of sites in the Borough.

As was set out in the Councils responses to the preliminary questions 71-75 (DBC1) it is acknowledged that certain elements of ENV7 policy as submitted is not consistent with NPPF (2019) or effective. This included the effectiveness of parts A, B and C as to whether the specific actions set out were intended to have implications for development proposals; the inconsistency of wording in part Di on Sites of Special Scientific Interest (SSSIs) with paragraph 175(b) of the NPPF(2019); the inconsistency of wording in part Dii on Local Nature Reserves and Local Wildlife Sites with paragraph 175(a) of the NPPF(2019) and the second paragraph of policy ENV7 itself; and; the effectiveness of wording in part Dii relating to woodland compensation requirements.

A number of modifications have been proposed within the proposed main modification schedule (DBC2) to address these areas of inconsistency or lacking effectiveness which will ensure that overall Policy ENV7 is consistent with paragraphs 175-177 of the NPPF in relation to the approach to avoiding, mitigating or compensating for significant harm to biodiversity, sites affecting SSSIs, irreplaceable habitats and habitat sites. The modifications will also ensure that the policy is internally consistent and can also be applied consistently and effectively alongside Policy ENV8.

As set out in the Council response to PQ75 Policy ENV8 is intended to be a more detailed 'development management' type policy setting out the specific step by step approach and range of measures applicants should take to ensure that biodiversity and geodiversity is protected and measurable net gains for biodiversity is secured as per the requirements of national policy and Policy ENV7. This policy gives greater clarity to applicants of what is expected of them in this regard and some support has been received for this approach through representations. It is acknowledged that there are some inconsistencies within the wording of the submission version of Policy ENV8 with that in ENV7 and national policy particularly in relation to the mitigation hierarchy and the main modification proposed in this regard is consider effective in ensuring consistency. Main modifications are also proposed to include clearer reference to the biodiversity net gain requirements to ensure the policy is effective and consistent with paragraph 174(b) of the NPPF (2019) and to include the requirement for biodiversity masterplan, maintenance and management plan within the policy wording rather than the supporting justification for effectiveness.

Overall it is considered, subject to the main modifications proposed and explained above, that policies ENV7 and ENV8 along with paragraphs 175-177 of the NPPF provide a unambiguous approach to how a decision maker should react to a development proposal that may impact on biodiversity and there is a requirement to retain both policies to ensure the Local Plan is effective and consistent with national policy regarding biodiversity.