

Darlington Borough Council Hearing Statement

May 2021

Matter 7 - Economic development

Use Classes Order

Q7.1. Are the Council's proposed main modifications to policies E1, E2 and E3 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? In particular, is the approach to planning conditions for applications for offices, research and development or light industrial uses (Class Eg) to ensure that they remain in that use in perpetuity justified and consistent with national policy?

Yes, as set out in the Council's response to PQ8 the changes to the Use Classes Order came in to effect on the 1 September 2020 which was after the Proposed Submission Local Plan was drafted and no subsequent changes were made to the Local Plan in this regard prior to its submission for examination. Therefore, the proposed modifications to the Local Plan Policies and Allocations Statements referred to in the question above are necessary to ensure the policies remain effective by referring to the current rather than previous use classes and to also ensure that the Local Plan is consistent with national policy in this regard.

The proposed modifications are considered effective in achieving this consistency with the proposed modifications to policies E1, E2, E3, and the allocations statements for sites 355 and 368 to simply replace reference to use class B1 which now no longer exists with reference to the new use class E. Reference is proposed to the specific sub-category within class E so where the previously suggested use was B1 it would now be E(g) to ensure the policy remains effective in promoting the specific types of uses that would be supported in that location or context which the policy was originally referring or relating to.

The further main modification proposed to ensure policies E1 and E2 remain effective as a result of the changes to the Use Classes Order is the addition of the following sentence: 'The Council will consider the use of planning conditions for applications which are for offices, research and development or light industrial uses (Use Class E(g)) to ensure that they remain in that use in perpetuity'. This is necessary to ensure that proposals remain in appropriate uses for the location rather than the broader E use class and to maintain the supply for the uses required. A condition of this nature is considered to be consistent with the criteria set out in paragraph 55 of the NPPF (2019). In addition, the wording proposed is to consider the use of planning conditions, so this would not necessarily be applied in all circumstances.

Employment allocations (policy E2 and appendix B)

Q7.2. Subject to the Council's proposed modifications, will the existing employment sites listed in policy E1 table 7.2 and employment allocations listed in policy E2 table 7.3 provide sufficient opportunities to meet the anticipated need for business, industrial and storage/distribution developments over the plan period?

Yes, the Council is confident that the employment sites outlined for Policy E1, Table 7.2. and the allocations listed in Policy E2 and table 7.3 provide sufficient opportunities to cater for the need of various sectors of employment to grow within the plan Period.

The range, size and the variety of location of sites is well geared up to offer a suitable portfolio of sites for various sectors of the economy. The Plan identifies over 225ha (gross) 158ha (net) of available employment land as identified within the Employment Land Review 2017 (2019 Update) within the Borough to invest and grow economic development opportunities. The most optimistic employment projections suggest a requirement for approx. 110ha (net).

To be in a good position to attract businesses in an ever-competing market it is important to have a range of available serviced sites. We believe our range of sites in different locations as well as the Boroughs excellent connectivity by road, rail and air gives the Borough an excellent opportunity to attract inward investment. The Council believe we not only have enough land but in a range of locations to meet the demand for business, industrial and storage/distribution developments over the plan period.

Darlington Farmers Auction Mart Relocation (policy E3)

Q7.3. Subject to the Council's proposed modifications, is policy E3 justified and effective?

The Darlington Farmers Auction Mart has already relocated to the site and is in operation. The Policy is to allow associated operations to take place on the new site such as the sale of farm machinery, livestock food and ancillary operations to support the mart and its customers. The proposed modifications reflect the changes to the Use Classes Order and is therefore justified and effective.

Economic development in the countryside (policy E4)

Q7.4. Are the Council's proposed modifications to policy E4 necessary to make the policy sound and, if so, would they be effective in so doing?

Yes all of the modifications proposed to policy E4 are necessary to make the policy sound and are considered effective in doing so. Below is an explanation as to why each of the modifications are necessary and how they are effective in ensuring the policy is sound.

A main modification is proposed to ensure that part (a) of E4 is consistent with NPPF paragraphs 83 and 84 in relation to new buildings. The policy as drafted prioritises conversion of existing buildings and limits new buildings to where they are well-related to existing buildings. This is acknowledged to be inconsistent with NPPF (2019) paragraph 83(a) which supports the conversion of existing buildings and well designed new buildings for all types of businesses in rural areas. The modification proposed is considered effective in achieving this by supporting conversions and new builds subject to criteria and suggests new builds are located physically well related to buildings where ever possible.

The main modification is also proposing to set out part A as overarching principles of the policy deleting the 'A' reference with each of the additional criteria for the different uses following as a,b,c... afterwards. This again will ensure the policy is effective.

A main modification is proposed to part B regarding equestrian related development to incorporate reference to ready and safe access to bridleways as stated in paragraph 7.2.7. This is necessary for effectiveness to ensure what is a justifiable policy requirement is included in the policy wording and not just the supporting justification. The proposed modification wording is considered effective in achieving this.

A main modification is also proposed to Policy E4 part C (b). It is acknowledged as drafted this seems to allow for tourist accommodation development in an "area susceptible to flooding" if a flood risk warning and evacuation plan is provided which would not be consistent with national policy and guidance and Policy DC2 of the Local Plan relating to flood risk and the location of more vulnerable and highly vulnerable uses. It is therefore proposed to delete this sentence to ensure consistency. The deletion of this sentence will be effective as development in areas of flood risk can be sufficiently addressed by policy DC2 of the Local Plan in conjunction with national policy and guidance.

A main modification is also proposed to policy E4 part E to make it clear that part E is not intended to be a stand alone approach to the establishment or expansion of retail development in the countryside and the general principles in part A of Policy E4 are intended to also apply. This modification is required to ensure the policy can be applied effectively and the approach for doing this setting out that "If proposals are for the establishment and expansion of retail development outside of development limits then, in addition it should be demonstrated that..." is considered to effective.

A main modification is proposed to Policy E4 part E (a) and (b) to expand on the reference to "primary holding" to "primary agricultural holding or existing rural business". This modification is required to ensure the policy is justified and effective by being consistent with the explanation provided in paragraph 7.2.5. This modification is considered effective in achieving this.

A main modification is proposed to Policy E4 part E c which it is acknowledged as drafted is inconsistent with national policy regarding the sequential approach and impact assessment. To ensure consistency the proposed modification refers to the centres defined in Policies TC1 and TC4 and the approach to sequential

test, retail impact and the threshold set out in TC5. The main modification will also remove reference to village shops in the context of retail impact but state that proposals should enable existing local village shops to be retained in accordance with paragraph 83 of the NPPF. This modification is effective in ensuring this part of the policy is sound.

Skills and training (policy DC5)

Q7.5. Is the Council's proposed modification to delete policy DC5 necessary to make the Plan sound?

As the requirements in Policy DC5 were not required to make a planning permission acceptable the Council feel the deletion of the policy would make the Plan sound in this respect.