
Inspector's Matters Issues and Questions

Examination of the Darlington Local Plan

Part 1 Hearings
(Matter 4 – Housing Development)



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Introduction

We have been instructed on behalf of our clients, Hellens Land Limited (HLL) and Homes England (HE), to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions. This statement addresses a number of questions raised by the Inspector under Matter 4: Housing development. It is prepared by Savills with technical inputs also provided by Highways Consultants SAJ Transport Consultants.

Hellens Group have over 40 years' experience of delivering a range of housing, leisure and infrastructure developments across the North of England. Homes England is a non-departmental public body which works to accelerate housing delivery, working with developers across the country to improve neighbourhoods and grow communities.

Our client's joint interest is in respect of the Burtree Garden Village which is located in north west Darlington and is located within the jurisdiction of Darlington Borough Council (DBC). These representations have been submitted to support the proposed strategic allocation for 2,000 residential dwellings, 200,000 sqm of employment space, community facilities, link road and associated infrastructure at Greater Faverdale (Burtree Garden Village).

This Statement should be read in conjunction with all previous representations made on behalf of our clients in relation to Burtree Garden Village and the Statement of Common Ground between HLL, HE and DBC .

Matter 4 – Housing Development

Methodology for selecting housing allocations

Q4.3. Was the approach to selecting the housing allocations in the Plan justified and consistent with national policy and guidance?

As established in our response to Matters 2 and 3. The Sustainability Appraisal (SA) has assessed policy and spatial growth options and justified a level of Local Housing Need (H1 – Appendix D) which reflects projections on employment growth, adopting an approach which reflects paragraph 60 of the NPPF. This is the context and rationale by which the location, scale and nature of allocations have been established and the rationale for including specific sites has been informed by the call for sites and HELAA. The type of information collected to inform allocations and the process of doing so is in line with NPPG which suggests a proportionate and integrated approach for housing and employment early in the plan process¹.

HLL and HE are supportive of this approach which is clearly justified and contributes to a positively prepared plan which is also resilient due a mix of larger strategic and smaller scale allocations. Indeed, the HELAA was able to conclude that the majority of proposed development sites put forward for assessment (110 sites) were suitable for development, with only 86 sites deemed unsuitable. As part of this process, the Greater Faverdale Strategic allocation (site 185) was identified and assessed as being suitable, available and achievable in 2017 for a mix of uses with high level masterplanning work having already commenced. The Council allocates, but is not over reliant upon, several large scale sites including a second Garden Village at Skertingham. This is recognised as a sound approach within NPPF which recognises that the supply of large numbers of new homes can often be best achieved through planning for larger scale development including significant extensions to villages and towns.²

As noted in representations to the Regulation 19 draft, our clients support the Sites subsequent inclusion within the PDLP and its policies map as a means of allocating sufficient sites to deliver the strategic housing and employment growth priorities of the area as required³. The inclusion of the Greater Faverdale site is justified and it is evident within the supporting documentation and consideration of alternatives that this site a sustainable and deliverable location within Darlington for a mixed use allocation.

¹ NPPG 038 Reference ID: 61-038-20190315 and 039 Reference ID: 61-039-20190315.

² Paragraph 72 of NPPF.

³ Paragraph 23 of NPPF.

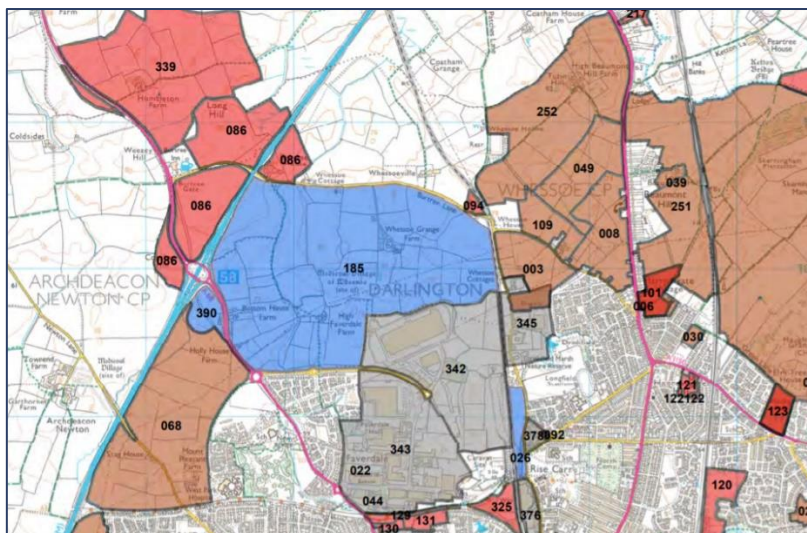


Figure M4.1 HELAA extract (2017)– Site 185/Greater Faverdale – suitable for mixed use.

Strategic and non-strategic housing allocations

Q4.4. Is the Council's proposed modification to policy H2 to distinguish between "strategic" and "non-strategic" housing allocations necessary to make the Plan sound and, if so, would it be effective in that regard?

This modification is sound and in accordance with paragraphs 21 and 22 of the NPPF. Some strategic policies, including Greater Faverdale set out a broad area of growth for development beyond the minimum 15 year period to 2036. A combination of the labelling of strategic policies and the yield of development before and after 2036 in table 6.3 makes this clear to the reader.

Greater Faverdale strategic site allocation (policy H11)

Q4.7. Is the proposal in policy H11 for a mixed use development including approximately 2,000 homes; 200,000 sqm of employment space; a neighbourhood centre; a primary school and other community facilities; roads and other transport infrastructure; and a network of green and blue infrastructure on 178 hectares at Greater Faverdale justified? In particular:

a) Would the development be suitably located in the context of policy SH1?

b) Is there a reasonable prospect that the site will be available and could be viably developed at the point envisaged?

c) Subject to the modifications proposed by the Council, would the requirements of policy H11, along with other relevant policies in the Plan, be effective in achieving sustainable development on the site having regard to NPPF 72?

Yes, please see the enclosed SOCG with the DBC which outlines the commitment between all parties to ensure this strategic allocation is delivered. This Statement acts as a supplement to the information provided within the SOCG, presented with policy context associated with plan making and provides comments on elements of the policy wording in H11.

As a strategic policy, H11 is positively prepared, justified, effective and consistent with national policy as required by paragraph 35 of the NPPF. It forms a key part of the Council's housing and economic strategy and now has the backing and support of national government having obtained Garden Village status in 2019. Indeed, there have been very few objections to this allocation throughout the Regulation 18 and 19 stages, despite its size. HLL and HE can confirm the site is available for development in its entirety (subject to planning consent). The site has Garden Village status which further indicates the intention at local and national level to ensure it is delivered. For a site to be considered "developable", sites should be in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged⁴. We can confirm that the site is developable and we respond to each of the related sub questions in turn. However, we have also requested minor policy amendments which will assist with the delivery of the allocation in due course.

Q4.7a – is the site suitably located?

Yes, with regard to the settlement hierarchy, Greater Faverdale is located in a strategically sustainable location, forming a natural infill between established development and infrastructure to the north west of Darlington, mindful of the West Park Garden Village to the south west, a natural western boundary with the A1 and Burtree lane to the north. Housing allocations and commitments also abut the site to the east at Burtree Lane East and Berrymede Farm to the east beyond the railway line. Accessibility will be improved via masterplanning and public transport improvements (please see Appendix 4.2).

The site has been identified as an area suitable for employment growth in the 1997 Local Plan and as a location for strategic housing and employment growth in the North West Urban Fringe in the 2011 Core Strategy. Greater Faverdale complies with the policy objective of SH1 to select sustainable and accessible locations to enable development that will maintain the role of Darlington as a sub-regional centre for transport connectivity, services, employment, retail and leisure as follows:

- The existing roundabout on Rotary Way assists in providing vehicular access without the need for initial up-front investment. Any physical barriers to movement by walking and cycling can be addressed in due course with proposed crossing points at key locations along Rotary Way, Burtree Lane, the onsite transport corridor and the overall expansion of the existing pedestrian and cycling infrastructure.

⁴ NPPF glossary

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- There is a strong network of existing pedestrian and cycle infrastructure and bus services located and operating to the south of the site accessing retail, employment and education opportunities in the surrounding area.
- The south of the site is located in close proximity to shops and services at West Park including Marks & Spencer, Aldi, Co-Op, West Park Academy, West Park Hospital and Public House. Policy H11 requires a bespoke neighbourhood centre and other community facilities within the allocation over time.
- The Site entrance at Rotary Way is within 4.8km from the Town Centre and primary shopping area with bus services operating between the site and the Town Centre. Agreement has been reached with the bus operators to extend and/or divert existing services to accommodate short-term and long-term public transport provision, with bus stops being provided to ensure that, wherever possible, the development is within 400m walking distance of regular bus services.
- Bus services also connect to train stations which are located within 2.5km (North Road Station) and 4.8km at central Darlington. For wider travel to the region, particularly with respect to employment elements of the allocation, vehicular access is available almost directly onto the A1 via the A68.
- The site is already bounded in part to the south by employment land and opportunities with Faverdale Industrial Estate and the Argos distribution centre. Indeed, the employment element of the mixed use development would be well related to the established character of this area.

As noted above, the adopted Core Strategy already identifies the Greater Faverdale site as being within the preferred area of housing and employment growth with the PDLP expanding upon the delivery requirements for this site in particular. In short, the site is fully in accordance with established strategic growth strategies, the locational strategy set out in the SA and Policy SH1.

Furthermore, the on-going masterplanning and technical work undertaken to-date has demonstrated how the design of the development can contribute to sustainability and capitalise upon its existing proximity to the wider settlement. Please see Appendix 4.2 and 4.3 for details.

Q4.7b – is there a reasonable prospect the site is available and can be viably delivered at the point envisaged.

HLL, DBC and HE can confirm that land within their respective control is available for development at the point envisaged. There is sufficient land to deliver the full quantum of development up to 2036 and beyond, with additional landowners to the west of the site committed to later phases of the allocation. Based on the site specific viability assessments undertaken by the Council a critical mass of 2,000 dwellings is considered to be sufficient to ensure the H11 allocation as a whole is viable.. In market terms, the location on the edge of the existing settlement is deemed attractive for a range and choice of housing by various house builders.

Indeed, a masterplan process has been on-going throughout the plan making phase for the first phase of the allocation which comprises the development up to 2036 and it is envisaged that a planning application will be submitted later this year (2021) to begin delivering homes at the earliest opportunity.

Guidance states that a site or broad location can be considered suitable if it would provide an appropriate location for development when considered against relevant constraints and their potential to be mitigated⁵. Various deliverability matters and a proportionate approach to mitigation have been explored and further details are set out below.

On-site infrastructure Delivery

The Plan and its approach to infrastructure delivery has assumed a two phased approach to the delivery of the Faverdale Link Road (NW5 and NW8 in the Councils Infrastructure Delivery Plan) which is central to the delivery of H11 with the first phase funded by the Council and Tees Valley Combined Authority. Our clients have no objections to the use of this assumed delivery strategy, which is sound and makes use of the established roundabout on Rotary way to begin to deliver the southern half of the link road which would then in turn facilitate the delivery of cells of new housing. Nonetheless, HE are exploring potential opportunities to secure funding for the up-front delivery of the entire link road which may bring additional development forward at an earlier opportunity, such is the objective of the Garden Communities programme. Nonetheless, there is not sufficient progress with this alternative approach to necessitate a change to the plan. DBC's strategy utilises a justified assumption to infrastructure delivery which will still ensure the delivery of the 750 dwellings allocated to 2036, alongside some wider junction improvements.

Highways Mitigation

Please see Appendix 4.2 which provides greater detail on the highways modelling that has been undertaken to inform the requisite highways mitigation to accommodate planned growth to 2036.

The approach to assessing the impacts associated with the development allocations within the plan period using the Tees Valley strategic Cube (Voyager) model to understand the overall impact of development on the network and then using three micro-simulation transport models⁶ to assess the key transport corridors in more detail is considered sound and justified. It is envisaged that subject to subsequent planning applications and agreements regarding proportionate developer contributions for off-site works, highways mitigation associated with the delivery of Greater Faverdale to 2036 will likely comprise the following, some of which are already completed:

- NW1: A68/Rotary Way Roundabout improvement (by 2020)
- NW3: Cockerton Roundabout Improvement (by 2020)
- NW4: Woodland Road/Staindrop Road/Carmel Road North Roundabout Improvement (2025)
- NW5: Faverdale Link Road Phase 1 (by 2025)
- NW8: Faverdale Link Road Phase 2 (by 2030)

⁵ NPPG Paragraph: 018 3-018-20190722

⁶ DBC Transport Topic Paper dated February 2021.

NPPF requires Strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period and the requisite infrastructure to deliver that has been evidenced and is deliverable. Indeed, detail of specific sites and the means of deliverability is only required for a minimum of 5 years⁷, this has been provided. It is also recognised in guidance that strategic developments may have to extend outside of a single plan period. Where plans are looking to plan for longer term growth through significant extensions to existing towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. Subsequent plans and plan reviews represent an opportunity to provide greater certainty about the delivery of the agreed strategy and indeed, the future need for additional housing sites and associated infrastructure may inform infrastructure provision as we approach 2036. Mindful of the above, it needs to be recognised that there could be a range of different options for the delivery and funding of necessary longer term strategic infrastructure (post 2036) at the time the plan is produced; and that it would not be desirable to fix those important factors from day one in the plan.

At Greater Faverdale 1,250 dwellings are identified as coming forward post 2036 with the exact infrastructure requirements and nature of highways mitigation to be determined by on-going transport modelling by DBC during the forthcoming plan period. Nonetheless, we consider that parts of the PDLP as presented will assist in delivering longer term growth and provide comfort that there is a reasonable prospect of delivery. Wider infrastructure interventions have been shown (Darlington Borough: Policies Map: Map 1) that indicate what may be needed in the future. In the context of the wider development at Faverdale, there are sections of the New Road and Public Transport Links (IN 1 – Policies Map Key Diagram) that would be beneficial in delivering the remaining 1,250 dwellings. In particular, the section between the A167 and Burtree Lane, which, in combination with some of the interventions within the Local Plan period (see IDP: Map 8) will provide an orbital link road connecting the existing radial routes serving the town and improving the opportunities to distribute the vehicle trips to the wider road network and to increase the options to establish alternative/additional public transport corridors. It is anticipated that, subject to future modelling and on-going discussions with DBC the delivery of the longer-term interventions in their final form will likely be through proportionate developer contributions to DBC led strategic infrastructure interventions.

Technical matters

Technical assessments undertaken to date for the allocation site as a whole confirm:

- The site is not located in an area that is at risk of flooding (whilst water courses run through the site the vast majority it flood zone 1)
- There are no ground related designations or anticipated issues with contamination. The site is greenfield with built development restricted to the farm buildings of Whessoe Grange and High Faverdale farms.
- The site is not protected for its ecological or historical importance. Any impacts on heritage assets or protected species (newts) can be managed through the design process and mitigation accommodated within the masterplan given the scale of the Site (178ha).

⁷ NPPF paragraph 73

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- Whilst great crested newts are known to be present on site, adequate mitigation can be provided in the form of a District Level Licence (DLL) and the site has already been accepted into Natural England's Northumberland, Durham and Tees Valley DLL scheme. All planning applications will be accompanied by requisite certificates to confirm entry into the DLL scheme along with survey work into protected species.
- The scale of the site ensures that the amount of allocated development can be delivered with appropriate spacing distances, avoiding adverse impacts on neighbouring properties.
- There are no designated landscapes or sites of landscape / natural value within or in proximity of the Site
- There are no Air Quality monitoring or AQMAs within the Site or its immediate surroundings.

A list of technical studies which have been prepared or are in the process of being prepared to inform the masterplan process is appended (Appendix M4.3). Based on the above and responses to prior Matters, it is evident that there is more than a reasonable prospect that allocation H11 will be viably delivered to 2036 and beyond.

Minor amendments to Policy H11

Whilst our client fully supports the principle and objectives of the allocation, we are concerned with parts of the Policy as worded which could cause issues of soundness in terms of clarity and efficacy with the finer points of delivery.

Design Code

The Main Modifications include a reference to the Faverdale Design Code with new Policy text stating that "*the masterplan **should be based upon** the strategic design requirements established in the Greater Faverdale Design Code*". Whilst we welcome the reference to the Design Code which was suggested in previous representations, we are mindful that this allocation will be delivered via various planning applications and developers between now and 2036 and then beyond that period. Whilst there will be the opportunity for plan reviews and policy amendments in due course, we believe the most effective approach would be to address this now and state that "*the masterplan should be delivered **in general accordance with/have regard to** the strategic design requirements established in the Greater Faverdale Design Code.*"

In a similar manner to our comments regarding the potential content of the forthcoming Design of Development SPD and the Inspectors Preliminary Question 9 regarding the relationship with SPDs or other documents and the PDL, the content of the Design Code should not establish new policy like requirements on detailed design matters in relation to space standards, energy efficiency, daylight/sunlight or similar which are not accounted for and adequately consulted upon during this plan making process. The forthcoming National Model Design Code⁸ establishes what should be included in a Design Code and what should be covered by policy with the former being directed toward built form, identity, open spaces, movement frameworks and biodiversity and not more detailed matters such as housing mix, accessibility and energy efficiency. Ideally the Policy would provide clarification in the supporting text that the content of the Design Code should reflect model standards and be referenced as guidance for developers, particularly given that the definition of what constitutes good design and the appropriate content of a design code will likely change between now and the end of the plan period. This still allows for the decision maker to decide whether a detailed proposal is in general accordance with the Design Code whilst also providing flexibility for all parties that will likely prevent delays in due course.

Neighbourhood Centres

Criterion c) of policy H11 requires the delivery of a neighbourhood centre, including town centre uses “of a scale and type proportionate to the nature and scale of the development”. HLL and HE are fully supportive of this requirement as part of a mixed use development. However, as documented in Matter 8, these centres are not recognised within the retail hierarchy (Table 8.1 of the PDL). We would request that Neighbourhood Centres are recognised elsewhere in the plan as acceptable in principle to avoid unnecessary sequential and potential impact assessment on allocated sites. Please see suggested modifications put forward in Matter 8, however, it could be made clear the accompanying text of H11 that sequential testing and impact assessment (up to 2,500 sqm) is not necessary in this instance.

Stockton and Darlington Railway

We note the modification suggested by the Council however, we would respectfully request the following:

*“~~Retains~~ **Respects** the ~~predominantly rural~~ setting of the Stockton and Darlington Railway and incorporates improved pedestrian access and interpretation alongside it”*

The reference to a rural setting has greater potential to impact upon the eastern part of the site as a spatial development constraint and indeed site capacity, whereas simply referencing setting will allow all parties greater flexibility in due course in establishing the appropriate setting whilst achieving the primary objective of this part of the policy.

Q4.8. Are the assumptions in the housing trajectory (appendix A) about the Greater Faverdale strategic site justified, including that 750 dwellings will be completed by 2036? Has the Council provided clear evidence that development will start in 2024 and that 90 dwellings will be completed by 2025?

⁸ Paragraph 26 and figure 2



Yes the trajectory is justified and sound. HLL and HE intend on submitting a planning application in 2021 which will seek consent for projected development up to 2036. We have conservatively assumed a similar trajectory to that put forward in the plan of 60 dwellings per annum for the majority of the plan period which is reflective of two house builders on site at one time, delivering at the average rate of 30 dpa which is not unusual and can be accommodated on a site this size. Indeed, if development started as late as 2023 with a conservative estimate of a single builder at 30 dpa in the first year, rising to an average of two builders at 60 dpa for the majority of the plan period and potentially slowing at the back end (2036) until further consents are secured this would equate to 750 dwellings. This is illustrated in figure M4.2 below.

Year	Estimated DPA
2023	30
2024	60
2025	60
2026	60
2027	60
2028	60
2029	60
2030	60
2031	60
2032	60
2033	60
2034	60
2035	30
2036	30
Total	750

Figure M4.2 – Indicative trajectory

Based on this trajectory and mindful of a planning application being submitted this year we have estimated a slightly earlier start date than that stated within the PDLP and within the SOCG. Nonetheless, even if development did start in 2024 as per the SOCG, the trajectory would still estimate delivery of 90 dwellings by the end of 2025. Indeed, Homes England will be seeking opportunities to accelerate this delivery and this trajectory is assumed as a conservative estimate. Nonetheless, it demonstrates that both promoters and the Council are in agreement regarding a reasonable prospect of the Site delivering what is required by 2036 and this trajectory is sound. Our clients have already received expressions of interest in the site from a number of housebuilders following soft market testing with one developer already on board to deliver the early part of the trajectory.

Total supply from housing allocations (policy 2)

Q4.14. Is the assumption that a total of 6,709 dwellings will be built on the allocated sites between 2020 and 2036 justified?

Whilst we do not wish to comment on other allocated sites, our clients can confirm that in respect of Greater Faverdale, the trajectory for 750 dwellings set out until 2036 is effective and justified. Please see Q4.7.

Q4.15. Has the Council provided clear evidence to demonstrate that a total of 735 dwellings will be built on the allocated sites without planning permission between 2020 and 2025?

With respect to Greater Faverdale and the contribution made toward this total please see Q4.7 above.

Overall housing supply for the plan period (appendix A)

Q4.17. Will the Plan be effective in ensuring that sufficient land will be available to allow at least 9,840 net additional dwellings to be completed in the Borough between 2016 and 2036?

With respect to Greater Faverdale and the contribution made toward this total please see Q4.7 above.

Five year housing land requirement and supply (policy H1)

Q4.20. Does the housing trajectory (Appendix A) and associated evidence demonstrate that the Plan will be effective in helping to ensure that there will be a supply of specific deliverable sites sufficient to meet an appropriately calculated five year requirement when the Plan is adopted and thereafter?

As a general point and in reference to Homes England's objective to accelerate housing growth. Subject to detailed planning and technical considerations HLL and HE would be open to bringing forward later phases of development (post 2036) should a shortfall of supply arise during the plan period. The allocation of 2,000 dwellings via H11 ensures inbuilt flexibility within the plan.