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# Inspector's Matters Issues and Questions

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Examination of the Darlington Local Plan

Part 1 Hearings (Matter 10)



## Contents

Introduction	1
Matter 10 – Other strategic and development management policies	2



## Introduction

We have been instructed on behalf of our clients, Story Homes, to submit a response to the Examination of the Darlington Local Plan: Inspector's Matters, Issues and Questions.

Story Homes are a medium-sized housebuilder with 30 years' experience of delivering high quality aspirational housing in the North East, Cumbria, Lancashire and Scotland. Story Homes have successfully delivered several schemes in the Borough of Darlington including Paddocks View in Middleton St George and The Willows in Blackwell.

Story Homes continues to invest in the Borough and the representations made to the emerging Darlington Local Plan ('eDLP') provide constructive comments necessary to ensure the Borough continues to grow.

Story Homes is promoting three sites through this local plan process; Great Burdon (Allocation 020); Middleton St George (Allocation 099) and Hurworth on Tees (Unallocated).

This Statement should be read in conjunction with all previous representations made on behalf of our clients.

Our clients are committed to ensuring the promoted allocations and the eDLP are sound and robust. Our comments will therefore focus on the following Matters:

- Matter 1: - Legal and Procedural Requirements and other General Matters
- Matter 2: Amount of development needed in the Borough
- Matter 3: Vision, aims, objectives and spatial strategy
- Matter 4: Housing development
- Matter 5: Meeting particular housing needs
- Matter 9- – Transport and other infrastructure
- Matter 10 - Other strategic and development management policies

This statement addresses a number of questions raised by the Inspector under Matter 10: Other strategic and development management policies

## 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?**

We note the proposed modification to DC1 which states that development will be required to “consider” the design principles of the Design of New Development SPD rather than “follow” them (with the former verb potentially being construed as being mandatory). This is supported and the policy now properly reflects to the role of SPDs in the planning system. Notwithstanding we have concerns about the extent to which the updated SPD, which the Council refer to in the response to PQ16, could provide additional policy requirements for planning applications outside the requirements of DC1.

The July 2011 SPD was very detailed and required all residential development from 2016 to achieve Code for Sustainable Homes rating 6 and minimum renewable and low carbon targets. Any new SPD should be prepared following the adoption of this local plan and should be in full accordance with DC1 as written on the day of adoption. It's provisions, where a requirement of planning, should be viability tested or subject to viability appraisal at the application stage.

We note that reference to standards not contained in a plan is rarely seen to be justified. An example of this is where Policy 22 of the County Durham Plan referred to the Council's Parking and Accessibility Standards. The Inspector in this case concluded:

*“this is not justified as those standards do not form part of the development plan, and have not been adopted as a supplementary planning document. In order to be effective, the policy needs to set out principles that will be used to determine car and cycle parking and storage provision in order to promote sustainable transport.”<sup>1</sup>*

### *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?**

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<sup>1</sup> Taken from the Inspectors Report

Policy DC2 sets out the requirements of development regarding flood risk, drainage and water quality. Our client's concern regarding this policy relates to the wording around the requirements for mitigation. Currently the policy requires any risks from the construction or proposed use of the site on ground water or surface water to be mitigated. Risk is a compound measure of both probability and severity and therefore not all risks are the same. Some risks are more severe than others and some have a greater probability of occurring. The requirement to mitigate any risks is in our view not justified or consistent with the flexibility required by paragraph 11 of the NPPF. The policy therefore requires the following amendment to ensure that mitigation is required where the risk is a reasonable in nature the proposed development:

New developments should make an assessment of and address via mitigation measures where required, any reasonable risks from the construction and proposed use of the site to underlying groundwater, watercourses and other surface waters, in order to protect these resources and prevent contamination.

### ***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?**

**We note the Council has provided additional guidance relating to its requirement for Health Impact Assessments at the application stage for large-scale residential applications.**

The requirement for a full Health Impact Assessment ('HIA' in line with DHSC guidance) for developments of over 100 dwelling is too onerous. A full HIA involves in-depth evidence-based analysis of all potential health and wellbeing impacts on different population groups, using research and community engagement. To require this at the planning application stage will be a significant burden on the planning process, will delay the preparation and submission of planning applications and is unnecessary for the majority of the schemes.

In the majority of local plan allocation sites, the health and wellbeing impacts will have been assessed through the emerging development plan process including the Sustainability Appraisal. In some cases there may be a need to look more closely at the impacts once an application has been submitted but this should be done in a proportionate approach. For example, the NHS's Health Urban Development Unit<sup>2</sup> in London states that there can be three 'levels' of HIA assessment; full, rapid or desktop. A desktop HIA for example, is described by the Unit as a series of questions based on local health and wellbeing policy requirements and standards which if met can positively influence health and wellbeing. This level of HIA for example could be delivered through the planning statement or design and access statement.

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<sup>2</sup> <https://www.healthyrbandevelopment.nhs.uk/our-services/delivering-healthy-urban-development/health-impact-assessment/>

Whilst we recognise that some major infrastructure projects and regeneration programmes will require full HIA, the majority of schemes will have been adequately assessed through the local plan or can be appropriately assessed through a desktop assessment of the health and wellbeing effects of the scheme assessed through existing validation documentation (planning statement for example). We therefore consider that to make the policy sound the following amendments are required to Policy DC3:

### Health and Wellbeing

Require, in the case of development of 100 or more homes and all other 'major' development, the consideration of health and wellbeing impact and a statement showing how these been considered and mitigated through the planning process. Environmental Impact Assessment development may require the submission of a Health Impact Assessment (HIA) as part of the application to explain how health considerations have informed the design. This will be determined through the ES Scoping, pre-application or validation process.

### *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?**

Draft Policy ENV 3 makes provision for a Green Wedge at 'Haughton/Red Hall'. At present, the extent of the north eastern part of the Green Wedge to the east of Burdon Farm is considered to be unnecessary and unduly restrictive on the potential development of the northern part of the adjacent Great Burdon strategic allocation (Site 20) to the east (this is also referenced in our Matter 4 statement).

Whilst the Housing Allocation Statement for Site 20 in Appendix B of the Plan states that development should be concentrated on the southern part of the site, sufficient housing must be provided in the north of the site to ensure the northern site access from the A1150 and the northern portion of the distributor link road is delivered. Bellway Homes and Story Homes have prepared a Infrastructure Delivery Statement for the Burdon Hill site (Site 20) (see attachment to Matter 4 Statement) which takes into account detailed site appraisal work including topographical, landscape and ecological surveys of the Site. This demonstrates that the Site can retain sufficient green open space to the east of Burdon Farm to provide the necessary landscape buffer. In our client's view it is neither justified nor effective to protect the full extent proposed within the Green Wedge east of Burdon Farm.

It is therefore requested that the extent of the Green Wedge is amended to reflect the proposed development boundary set out in Figure 1. This will provide flexibility for the delivery of the northern part of the Site and enable the Council to control the retention of the green space to the east of Burdon Farm through the planning application process. Indeed, development at Burdon Hill will not be able to cover all the land to the east of Burdon Hill as there are gas mains running across part of the area and a need to respect the heritage areas to the north west which preclude unacceptable development.

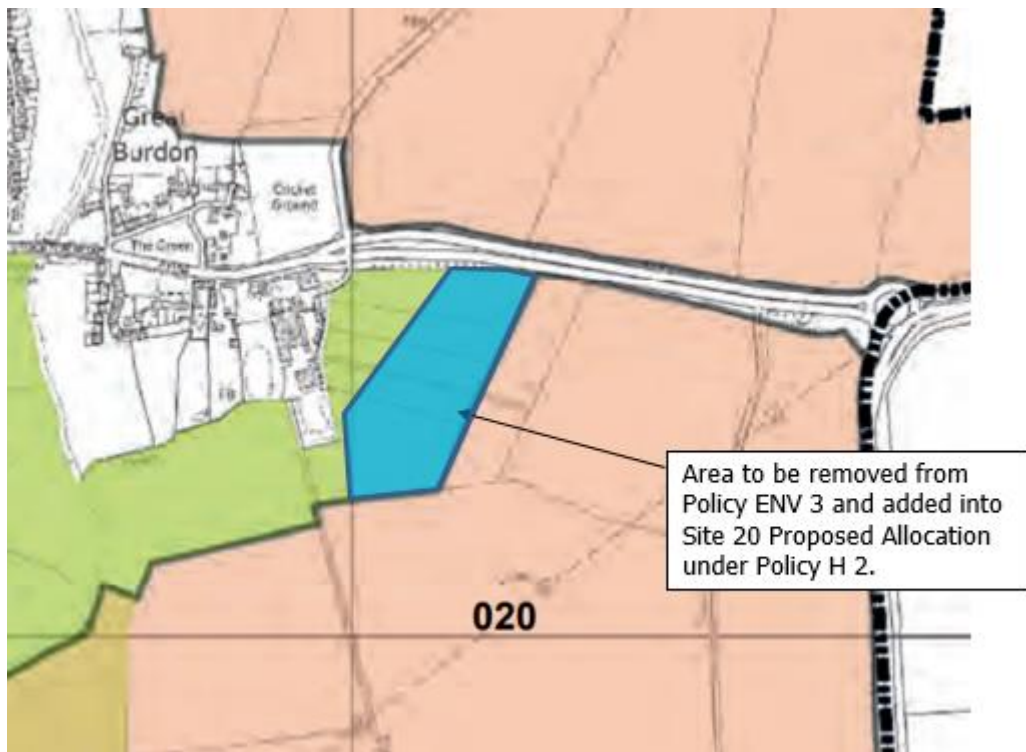


Figure 1. Suggested Amendment to Draft Proposals Map

We are in discussions with the Council on a Statement of Common Ground which shows the constructive joint working between the developer partners and the Council and shows that in principle, the Council is broadly content with the proposed modification regarding ENV 3

### ***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?**

We welcome the amendment to ENV5 to take into account existing open space levels when assessing the requirement for additional contributions. This was a comment we made at the Regulation 19 stage and we commend this modification.