

## Response to action points following week 3 hearing sessions

9<sup>th</sup> July 2021

### M7: Economic development

#### Policies H11 and E2: Greater Faverdale allocation

**AP31. Council to prepare further main modifications to policy H11 [in addition to those proposed in DBC2]**

**Delete reference to “Mixed Use Development” in the first sentence and instead refer to “...a development of approximately 2,000 homes and approximately 200,000 square metres of employment space ...”.**

A main modification has been proposed to delete reference to “Mixed Use” development as shown in the revised policy text at appendix A.

**Amend the proposed modification to policy H11 paragraph 3 [DBC2] to clarify the requirements relating to a design code and comprehensive masterplan, and any community consultation, including in terms of the sequencing of events and who is responsible (as appropriate).**

A main modification has been proposed to part c as shown in the revised policy text at appendix A which is considered to make clearer the requirements regarding the preparation of a comprehensive masterplan, the design code and community consultation requirements along with the sequencing of these events and how they should be taken account of at the planning application stage. The Greater Faverdale Design Code has already been produced so this is why the wording is more specific in this regard as opposed to the Skerningham policy where the design code has yet to be produced.

**Amend part (a) to clarify the affordable housing requirement is 20%.**

A main modification is proposed as shown in the revised policy text in appendix A to include reference to 20% affordable housing.

**Amend part (b) to read “Approximately 70 hectares (gross) / 49 hectares (net) of employment land for E(g), B2 and B8 use classes” (or similar).**

A main modification is proposed as shown in the revised policy text in appendix A as requested.

**Amend part (c), relating to a proposed neighbourhood centre, as appropriate in accordance with AP39 and AP40.**

A main modification is proposed as shown in the revised policy text in appendix A in accordance with the responses provided to AP39 and AP40 to clarify that the proposals for a neighbourhood centre which are in accordance with part c will not be subject to the requirements of policies TC1 and TC5 of the Local Plan.

**Amend part (g) to clarify what enhancements to Burtree Lane are required with regard to “connectivity over the Bishop (railway) Line to Harrowgate Hill”.**

A main modification is proposed to part g in the revised policy text provided at Appendix A which it is considered provides greater clarity regarding the connectivity over the Bishop Line to Harrowgate Hill.

- **Amend part (h) to ensure that it is effective in securing the provision of the necessary infrastructure to support the full development proposed, including the 1,250 dwellings that are expected to be delivered after 2036. Clarify how this requirement may relate to a future review of the Plan.**

The Council acknowledges the need to ensure Policy H11 is effective in securing the provision of the necessary infrastructure to support both the development planned for during the plan period and the full development beyond the plan period or even during the plan period should more development happen sooner than currently anticipated through accelerated delivery. Rather than propose modifications to part h the Council is proposing a number of modifications throughout Policy H11 relating to the coordinated phasing of infrastructure with development which it considers to be appropriate and effective.

A main modification is proposed to the first sentence of paragraph three of Policy H10 to make clear that the comprehensive masterplan should include an infrastructure phasing plan which will be required to be submitted to the Council prior to any planning application(s) submitted on the site and to also include reference to the provision of local and strategic infrastructure in this part of the policy. The infrastructure phasing plan like the comprehensive masterplan would require the agreement of the Council and any relevant technical consultees. A further modification is also proposed to the newly created paragraph four to make it clearer that the Council will only approve planning applications which deliver the necessary local and strategic infrastructure at the appropriate phase of the development identified in the agreed infrastructure phasing plan to support the coordinated provision of infrastructure and housing development. Further main modifications are proposed to parts c, f and g to make clearer in the policy the phasing of the provision of the primary school, link road and enhancements to the local road network and green and local infrastructure will need to be confirmed through the infrastructure phasing plan at the comprehensive masterplanning stage. A modification is also proposed to part j to make clear that the phasing of the green infrastructure provision will need to be agreed with the Council through the infrastructure phasing plan.

The approach proposed will ensure the policy is sufficiently robust and effective in ensuring the phasing of housing development is coordinated with the provision of transport, community and green infrastructure which can be further specified and agreed through the comprehensive masterplan and infrastructure phasing plan prior to the submission of planning applications as required by the policy. Identifying more specific phasing at this stage would be an estimation and could lead to an ineffective policy. A modification is also proposed to incorporate a review mechanism at the end of the policy wording to make reference to an update to the infrastructure phasing plan prior to the occupation of 750 homes or 24 net hectares of employment land which is the amount of development expected for the plan period and the Council's evidence has been based on. This will ensure that the delivery of the development and infrastructure remains coordinated beyond the plan period or beyond the number of dwellings anticipated in the plan period if more are delivered sooner.

The review referred is different to the review of the Local Plan and would be specific to the Greater Faverdale site allocation prior to the occupation of the amount of development expected during the plan period and referred to above and whilst the plan doesn't preclude more development beyond that being brought forward during the plan period they would need to be a review of the infrastructure requirements to ensure adequate infrastructure can be provided to accommodate development over and above that currently accommodated by the Councils evidence base during the plan period.

Clearly given the anticipated build out rates the Council will need to undertake a review of its Local Plan prior to 750 homes and 24 net hectares of employment land being developed where it may be necessary to amend or update this policy. Equally, however they may not be a need to amend this policy and allocation therefore it is considered to be justified and effective for this proposed modification of the policy to not refer to the Local Plan review and remain specific to the site whilst not precluding the potential for the policy to be amended and updated as part of the Local Plan review undertaken within five years of its adoption.

**Amend the proposed modification to the last part of policy H11 [DBC2] so that it reads “Conserves or enhances the setting of the Stockton and Darlington Railway and incorporates improved pedestrian access and interpretation alongside it” (or similar).**

A main modification is proposed as shown in the revised policy text in appendix A as requested to part j vii so that it is worded as suggested removing reference to rural setting.

**Amend the masterplan framework (figure 6.2) to clarify that access from Burtree Lane is into the site, not to the agricultural land to the north.**

The Council has amended the arrow on the masterplan framework as requested and shown on the updated masterplan framework at appendix B.

**AP32. Council to amend its proposed main modification to the suggested use for the Greater Faverdale site in policy E2 table 7.3 [DBC7] so that it refers to “E(g), B2 and B8”**

The Council has amended its proposed main modification to the suggested uses for the Greater Faverdale site in policy E2 table 7.3 as requested.

*Policy E2 Extract from Table 7.3*

<b>Site ref</b>	<b>Site Name</b>	<b>Total Site</b>	<b>Gross Available</b>	<b>Net Available</b>	<b>Suggested Use</b>
185	Greater Faverdale ( <del>Strategic Mixed Use</del> )	70.0 ha of gross 177.8ha site	70.00 ha for employment	49.00 ha for employment	<del>Mixed-Use</del> E(g), B2 & B8

**Policy E2 and Appendix B: Teesside Airport south employment allocation**

**AP33. Council to amend its proposed main modification to policy E2 table 7.3 [DBC2] so that it refers to “Airport-related and other B2, B8 and E(g) uses”.**

Main modification to policy E2 table 7.3 so that the suggested use of the site also includes B8 and E(g) uses. No alterations are required to the allocation statement in appendix B as there are no references to suggested uses.

*Policy E2 Extract from Table 7.3*

<b>Site ref</b>	<b>Site Name</b>	<b>Total Site</b>	<b>Gross Available</b>	<b>Net Available</b>	<b>Suggested Use</b>
362	Teesside International Airport South	39.3 ha	39.3 ha	27.51 ha	B2, B8, E(g) & airport related uses

## **Policy DC5: Skills and training**

**AP34. Council to consider whether policy DC5 could be modified, rather than deleted (as proposed in DBC2), to ensure that it is sound with regard to the expectations of developers relating to the provision of employment skills and training initiatives.**

Proposed modification to policy DC5 and supporting justification to ensure that it is sound with regard to the expectations of developers relating to the provision of employment skills and training initiatives. The main change is the removal of the reference to s106 Agreement in the policy.

### *Policy DC 5 Skills and Training*

*The Borough Council will encourage all local employers to participate in skills and employment training initiatives to increase access to employment for those who live within the area. Where development proposals would generate a significant number of construction and operational phase jobs, the Borough Council will seek ~~to enter into a S106 Agreement~~ to secure appropriate commitments and targets for employment skills and training, including apprenticeships appropriate to the development proposed.*

*5.5.1 9.4 percent (14) of the Borough's residents (aged between 16 and 64) have no qualifications. This compares with 7.7 percent in Great Britain. This highlights the overall gap between the skills needs of the area and the existing skills pool available.*

*5.5.2 It is therefore important to ensure that current and future residents within the Borough have access to the employment and business opportunities that will emerge over the life of this Local Plan and that these opportunities are available across the range of employment opportunities that are forecast to emerge. This includes encouraging relationships between businesses operating within the Local Plan area and local schools and colleges, to raise aspirations and help prepare young people to have the right information, motivation and aptitude to compete with the best across the region to be part of the future workforce.*

*5.5.3 A key element of achieving this will be through continued working with the Borough Council and other partners to promote utilisation of jobs, skills and employment training, and where ~~appropriate using the planning system~~ undertaking negotiations through the planning application process to secure targets and commitments via agreement in relation to associated job and training opportunities, both for construction-related employment and training that will increase access to employment. Where firms already run existing training programmes/apprenticeships this policy would not apply provided they can demonstrate these will include residents of the Borough. Any targets or commitments will be defined on a case-by-case basis, taking into account the size and nature of the scheme proposed and, where relevant, scheme viability. Where feasible and relevant, the Borough Council will support the delivery of commitments made or targets set through any of its own related programmes or projects that are operational at the time.*

## **M8: Town centres and retail development**

### **Policy TC1: Darlington town centre**

**AP35. Council to prepare a main modification to policy TC1 to amend the second sentence to read "Where main town centre uses are proposed outside the town centre boundary a sequential test**

**should be applied in accordance with national policy”. Delete “using the following sequence of locational priorities” and the subsequent list.**

Main modification proposed as follows:

*Proposals for main Town Centre uses should be located within the Town Centre Boundary identified on the Policies Map.*

*Where main town centre uses are proposed outside of the Town Centre boundary a sequential test should be applied in accordance with national policy. ~~using the following sequence of locational priorities:~~*

~~*1st: Within the Town Centre Boundary*~~

~~*2nd: Edge of the Town Centre Boundary*~~

~~*3rd: Out of Centre*~~

#### **Policy TC2: Primary shopping area**

**AP36. Council to prepare a main modification to policy TC2 to insert “and” after criteria (a), and delete criteria (c).**

Main modification proposed as follows:

*The Policies Map defines the Primary Shopping Area within the Town Centre.*

*To maintain vitality and viability, the Local Planning Authority will permit non-retail uses in shopping frontages where appropriate, subject to:*

- a. Its position and attractiveness within the frontage; and*
- b. The relative pedestrian flow associated with the unit compared with the wider centre;*
- ~~*c. The length of time that the unit has been actively marketed on competitive terms.*~~

#### **Policy TC4: District and local centres**

**AP37. Council to consider whether policy TC4 needs to be modified to include an additional sentence at the end to read “Where main town centre uses are proposed outside the district or local centre boundary a sequential test may be required in accordance with national policy”.**

A main modification is proposed as follows:

*The boundaries of the District and Local Centres are identified on the Policies Map.*

- *Cockerton (District Centre)*
- *Mowden (Local Centre)*

*Types of uses that will be acceptable within the boundaries of these centres include shops, financial services, restaurants and cafes, drinking establishments, hot food takeaways, and a range of community and leisure facilities (included within class E(a-f) and sui generis classes A2-A5, D1 and D2 of the Use Classes Order) providing they:*

- a. Are physically integrated with the rest of the centre; and*

*b. Will ensure the vitality and viability of the centre is maintained*

*Where main town centre uses are proposed outside the district or local centre boundary a sequential test should be undertaken in accordance with national policy.*

#### **Policy TC5: Retail impact assessment threshold**

**AP38. Council to prepare a main modification to policy TC5 to clarify that it applies to proposals for new or additional floorspace outside the town centres defined in the Plan, and that the threshold of 500 sqm relates to individual retail units.**

The council has considered whether the impact assessment threshold of 500sqm should apply to overall proposals or individual units and on further reflection considers this should be an overall proposal as otherwise if the policy just applies to individual units this could result in a scheme for a significant number of units and floorspace being under the threshold of 500sqm individually which would have the potential to compromise the Borough's retail strategy. A main modification is proposed as follows to ensure it is clearer that the policy would apply to proposals outside of the town centre and that it wouldn't apply to any sites identified in the plan such as the proposed neighbourhood centres at Skerningham and Greater Faverdale where they meet the requirements set out in policies H10 and H11 respectively:

*Proposals for retail (convenience and comparison) and leisure development generating over 500sqm additional floorspace outside Darlington town centre and which are not identified in the Local Plan policies will be required to undertake an Impact Assessment.*

New paragraph to supporting text:

*8.2.6 An impact assessment would not need to be undertaken for proposals to create the neighbourhood centres required by policies H10 and H11 at Skerningham and Greater Faverdale where proposals satisfy the requirements established in these policies.*

#### **Proposed neighbourhood centres**

**AP39. Council to consider whether main modifications are required to parts (b) and (c) of policies H10 and H11 respectively to clarify the types and amounts of development expected in the proposed "neighbourhood centres", including the "retail facilities" that may be appropriate (for example with reference to a convenience store and other types of shop).**

The Council has considered whether modifications are required to parts (b) and (c) of policies H10 and H11 respectively to provide greater clarity on the types and amounts of development expected in the proposed neighbourhood centres and has arrived at the conclusion that other than adding reference to "food and drink" facilities the current policies are sufficiently detailed and no further clarity is necessary at this time to provide some flexibility to the exact uses brought forward which can be further refined through the comprehensive masterplanning process when more market testing has been undertaken. If the Council were to specify specific uses and sizes this could be overly restrictive and potentially result in the neighbourhood centres not being delivered.

**AP40. Council to prepare main modifications to policies H10 and H11 and/or their reasoned justification to clarify that policies TC1 and TC5 will not apply to proposals that are in accordance with parts (b) and (c) of policies H10 and H11 respectively relating to the provision of neighbourhood centres (including local retail facilities) on the Skerningham and Greater Faverdale allocations.**

The following sentence is proposed to be added to parts (b) and (c) of policies H10 and H11 respectively which is considered to be effective in satisfactorily acknowledging that these centres are requirements in the plan and therefore the respective tests should not be applied in accordance with national policy.

*Policies TC1 and TC5 will not apply to proposals in accordance with these requirements.*

## **M9: Transport and other infrastructure**

### **Policy IN1: Delivering a sustainable transport network**

**AP41. Council to prepare a main modification to the reasoned justification for policy IN1 to include a map indicating the sections of the proposed orbital route similar to that included in response to Q9.2. Reference numbers on the plan to be related to the schemes listed in policy IN1 part C(vii). Include additional text in the reasoned justification to explain the map, how it relates to policy IN1 part C(vii), and the purposes that the orbital route would serve.**

Paragraphs 10.5.10 and 10.5.11 suggested to be replaced with the following:

The highway schemes detailed in Policy IN1 part C(vii) are intended to serve a dual function in creating access to development sites but also providing travel choices for local trips. Through creating a interconnected orbital route this will improve connectivity for all forms of transport to the North of Darlington. These routes will be integrated into proposals for relevant sites and provide access to the development by road (including where appropriate public transport), cycleway and footpath. Figure 10.2 shows the sections of network already in place and those requiring delivery during the plan period.

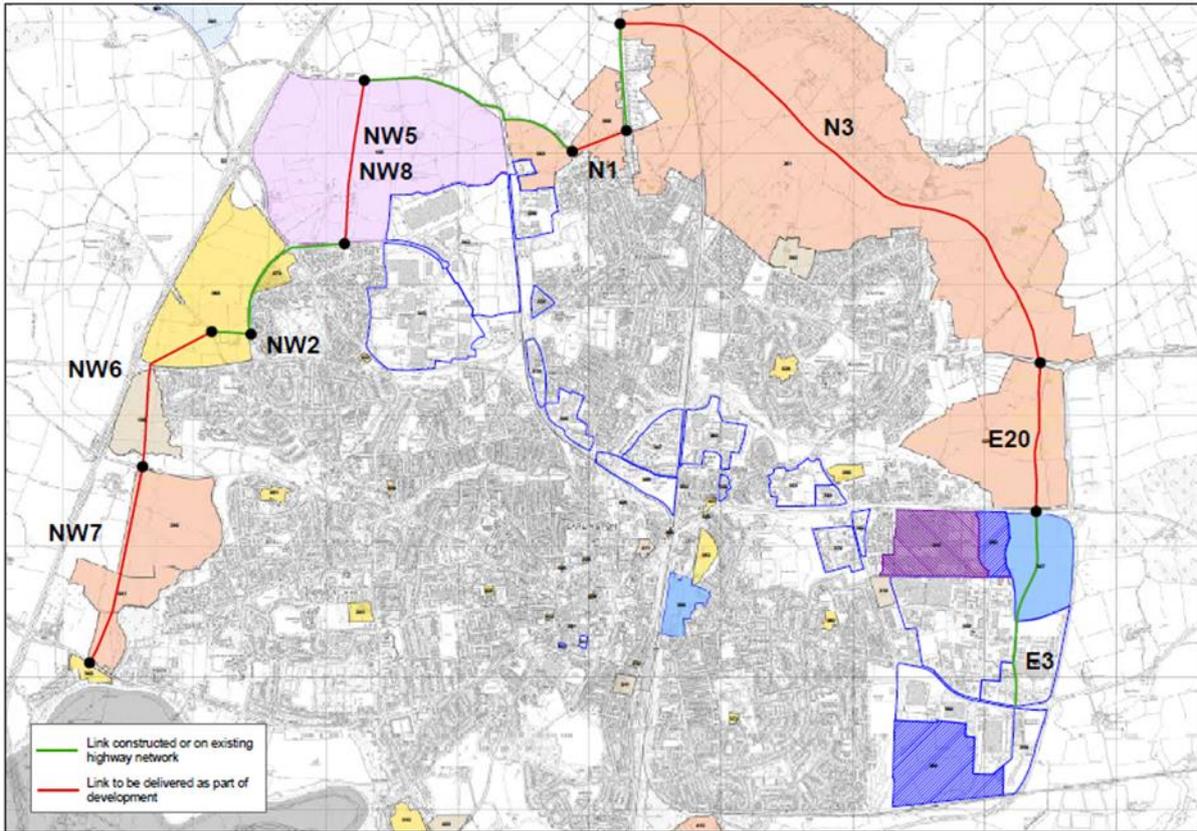


Figure 10.2 – Map showing New Road and Public Transport links detailed in Policy IN1

The schemes detailed in Policy IN1 and Figure 10.2 are from west to east:

- Coniscliffe Park (NW7) - link road connecting A67 to Staindrop Road;
- Stag House Farm (NW6) - link road connecting Newton Lane to Staindrop Road;
- West Park Garden Village (NW2) - link road connecting Edward Pease Way to Newton Lane;
- Faverdale link road (NW5/NW8) – connecting Rotary Way to Burtree Lane.
- Berrymede Farm (N1) – connecting Burtree Lane to the A167 and improvements to A167/Burtree lane junction;
- Skerningham access roads (N3) – including local distributor road between the A167 and A1150 close to the Little Burdon roundabout in the broad location identified in the Skerningham Masterplan Framework;
- Burdon Hill (E20) - link road connecting A1150 to B6279 Tornado Way and new link road to Red Hall; Skerningham access roads; and
- Link 66 / Symmetry Park (E3) - link road connecting the B6279 Tornado Way to B6280 Yarm Road.

**AP42. Council to prepare a main modification to policy IN1 part C(vii) to include reference to a link road across housing site 08 Berrymead Farm.**

A main modification is proposed to Policy IN1 part C vii to be reorder and word the policy as follows:

*Provision of key routes for new road, ~~and~~ public transport and high quality cycle and footpath links to support specific developments included in the Local Plan. These include:*

- *Coniscliffe Park - link road connecting A67 to Staindrop Road;*
- *Stag House Farm - link road connecting Newton Lane to Staindrop Road;*
- *West Park Garden Village - link road connecting Edward Pease Way to Newton Lane;*
- *Faverdale link road – connecting Rotary Way to Burtree Lane.*
- *Berrymede Farm – connecting Burtree Lane to the A167;*
- *Skerningham access roads – including local distributor road between the A167 and A1150 close to the Little Burdon roundabout in the broad location identified in the Skerningham Masterplan Framework;*
- *Burdon Hill - link road connecting A1150 to B6279 Tornado Way and new link road to Red Hall; Skerningham access roads; and*
- *Link 66 / Symmetry Park - link road connecting the B6279 Tornado Way to B6280 Yarm Road.*

**AP43. Council to prepare a main modification to the key diagram (map 1) to ensure consistency with policy IN1 (as modified) in relation to the proposed orbital route, including the section between the Skerningham and Greater Faverdale allocations.**

An updated Key Diagram (Map 1) has been produced more accurately reflecting the alignment of new road and public transport links as detailed in Policy IN1 Part C vii.

IN1 Part C vii – see response to AP42 for full wording of suggested main modification.

**AP44. Council to prepare a main modification to the key diagram (map 1) to delete reference to a potential route for a northern link road.**

An updated Key Diagram (Map 1) has been produced removing the ‘Strategic Highway Northern Link Road Potential Route’.

#### **Policy IN2: Improving access and accessibility**

**AP45. Council to prepare main modification(s) to policies IN1A(iii), IN2(b) and/or IN2(c) to ensure that they are effective in securing the provision of high quality infrastructure for pedestrians and cyclists on development sites.**

A modification is proposed to IN2(b)

*b. Ensure that all new neighbourhoods are permeable ~~and~~ by providing high quality, safe and easily accessible, safe-walking and cycling routes to important local services such as shops, particularly those selling fresh food, schools, primary health care ~~and~~ leisure and employment opportunities.*

Modifications to IN1Aiii and IN2c are not considered necessary as they form part of the cross cutting aim of the plan to improve sustainable transport choices.

**AP46. Council to amend its proposed modification to policy IN2 part (d) [DBC2] to ensure that it is clear that planning obligations to secure the provision of bus stop infrastructure and financial support for bus services for up to 5 years would only be required “where appropriate” (or similar). Consider whether the reasoned justification should clarify the types of circumstances where such**

**provision may not be required, for example due to the location of existing high frequency bus services and/or existing shops and other facilities, or the particular characteristics of the site or type of development proposed.**

The councils proposed modification to policy IN2 (d) detailed in document DBC2 should be further amended to read:

d) All new major development should be accessible by public transport. It is therefore expected that 80% or more of the dwellings on a site be within a 400m walking distance of a bus stop served by a regular daytime service (every 30 minutes ~~during peak hours~~). Where appropriate financial contributions to provide a supported or extended bus service for up to 5 years, and bus stop infrastructure will be sought where sites are not currently served by regular services.

A new paragraph should be inserted between 10.6.5 and 10.6.6 to explain more about when contributions may not be required. The following paragraph is therefore suggested as a main modification for further clarity:

Developments that are not within a reasonable walking distance of existing bus services will be expected to contribute to provide a supported bus service for 5 years. A reasonable walking distance is considered to be 400m but other material considerations will be taken into account at the planning application stage including the distance to local services on foot, the frequency of existing bus services on routes further than 400m away and the likelihood, or otherwise, that a supported service will become commercially viable.

### **Policy IN3: Transport assessments and travel plans**

**AP47. Council to prepare a main modification to policy IN3 to clarify what is meant by travel plans being “iterative documents” and “a robust management strategy must be in place”, to ensure that the policy is effective in securing the monitoring and implementation of travel plans.**

National planning guidance describes the transport assessment and travel plan process as an iterative process rather than necessarily a standalone document. A modification for further clarity on this is proposed to paragraph 3 of IN3. The existing paragraph would be replaced with the following:

Following national guidance the development of Travel Plans and Transport Assessments should be an iterative process as each may influence the other and should be guided by a framework of common principles and components.

In order to clarify the requirement for a ‘robust management strategy’ a modification is proposed to replace the final paragraph with the following which reflects national guidance on monitoring and review of travel plans:

Travel Plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met. A travel plan co-ordinator should be appointed to identify opportunities for the effective promotion and delivery of sustainable transport initiatives and to fulfil the management and monitoring requirements. The Council will work with businesses and specifically the travel plan co-ordinators to ensure the travel plans are being developed, maintained and monitored.

#### **Policy IN4: Cycle storage**

**AP48. Council to amend its proposed main modification to policy IN4 paragraph 3 to ensure that it is effective in securing the provision of well designed and located cycle storage facilities in residential and nonresidential development, along with associated changing and showering facilities in the latter (with reference to the types of non-residential use that the requirement applies to). Consideration should be given to either indicating in the Plan the numbers of cycle storage spaces expected, or referring to a supplementary planning document that will be produced to provide that detail along with any existing guidance that may be relevant in the interim.**

The previously proposed modification to Policy IN4 paragraph 3 is proposed to be amended to read:

Safe, secure and appropriate provision for cycle parking and storage, and where appropriate changing and showering facilities will be ~~provided~~ encouraged in line with standards set out in the Tees Valley Highway Design Guide or any successor within all new developments, including shared facilities within flats.

Details of cycle storage spaces will be set out in the update of the Tees Valley Highway Design Guide due to be published December 2021. In the interim period the Council will rely on the national standards set out in table 11.1 of LTN1/20 Cycle Infrastructure Design.

Link : [Cycle Infrastructure Design \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

#### **Policy IN9: Renewable energy**

**AP49. Council to prepare a main modification to the reasoned justification to policy IN9 to clarify that the whole of the Borough is an area identified as suitable for wind energy development<sup>1</sup> provided that the relevant criteria in policy IN9 are complied with.**

The Council proposes the addition of a new paragraph 10.10.23 to the reasoned justification of policy IN9 as follows:

*10.10.23 The whole of Darlington Borough is identified as suitable for wind energy development subject to proposals complying with the relevant criteria set out in Policy IN9 including demonstrating in accordance with footnote 49 of the NPPF (2019) that, following consultation, the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. Whether the proposal has the backing of the affected local community will be a judgement at the planning application determination stage.*

*Insert new footnote at end of last sentence referring to NPPG (5-033-150618)*

#### **M10: Other strategic and development management policies**

##### **Policy ENV1: Historic environment**

**AP50. Council to prepare a main modification to policy ENV1 to:**

- **Amend the first sentence of part A so that it accurately reflects the definition of “designated heritage asset” in the NPPF.**

It is proposed to amend the first sentence of part A to:

*When considering proposals affecting ~~a~~ all designated heritage assets (including Listed Buildings, ~~Historic~~ Registered Parks and Gardens, Scheduled Monuments and Conservation Areas ~~or an~~*

archaeological sites of national importance), or non-designated heritage assets of archaeological interest, demonstrably of equivalent significance to scheduled monuments, great weight will be given to the assets conservation.

- Amend the first sentence of part B relating to conservation areas so that it is clear that the requirements are additional to those set out in part A.

It is proposed to amend the first sentence of part B to:

*In addition to the requirements in part A proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area.*

- Amend the third paragraph of part B so that it reads “Development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm” (or similar).

It is proposed to amend the third paragraph of part B so that it reads as follows:

*~~Built~~ Development will not be permitted ~~that would lead to the loss of~~ ~~or~~ public ~~and~~ or private open spaces within or adjacent to conservations areas where ~~they~~ the existing openness makes a positive contribution to the character or appearance of the area or its setting, ~~as identified in the conservation area appraisal,~~ including landscape and townscape and views ~~and vistas~~ into or from ~~or within the conservation area,~~ unless ~~it can be demonstrated that~~ the public benefit demonstrably outweighs the harm.*

#### **Policy ENV2: Stockton and Darlington Railway**

**AP51. Council to prepare a main modification to policy ENV2 so that it clearly reflects the aims set out in paragraph 9.2.5 of opening up the route of the Stockton and Darlington Railway for leisure and tourist visits and creating a walking and cycling route along the railway.**

The following main modification is proposed to paragraph 3 of Policy ENV2 so that the policy reflects the aims set out in paragraph 9.2.5:

*Development proposals that support the development of the S&DR as a visitor attraction including the creation of a walking and cycling paths along its route will be encouraged.*

#### **Policy ENV3(A): Rural gaps**

**AP52. Council to amend the policies map to show the rural gaps as defined on the plans submitted in its response to SQ16, subject to the further change to the rural gap and green wedge shown on the plan submitted in response to AP30.**

The policies maps submitted alongside this response has been updated to reflect the latest versions of the rural gaps which for Hurworth and Hurworth Place, Middleton St George and Middleton One Row and Middleton St George and Oak Tree were those provided in response to SQ16 (DBC9).

The Great Burdon rural gaps reflects those provided in response to AP30 within DBC14 and the Barmpton rural gap is that provided in response to AP22 within DBC16.

**AP53. Council to prepare a main modification to the housing allocation statement for site 20 Great Burdon so that it is effective in securing an appropriately landscaped boundary with the rural gap, and clarifies whether there are any requirements relating to the green wedge. Council to amend the policies map if necessary to reflect those requirements and the amended boundary of the adjoining rural gap and green wedge.**

A main modification is proposed to the housing allocation statement for site 20 Great Burdon to include the additional criterion o and p as follows:

- o. A robust and appropriately landscaped boundary would be required along the north western edge of the site to maintain the openness and green infrastructure function of the adjoining Great Burdon Rural Gap (see policy ENV3)*
- p. The openness and green infrastructure functions of the Haughton/Red Hall green wedge on the western part of the site should be retained and enhanced (see Policy ENV3).*

The policies maps accompanying this response includes the updated Great Burdon rural gap and Haughton/Red Hall green wedge that were provided in the Council Response (DBC14) to AP30.

#### **Policy ENV3(C): Urban and rural parklands**

**AP54. Council to amend the policies map so that housing allocation 403 is excluded from the parkland designation.**

The policies maps submitted alongside the Councils action point response have been amended to exclude site 403 from the Blackwell Grange parkland designation.

#### **Policies ENV3(B) and ENV4(a) and (b): Green corridors**

**AP55. Council to prepare main modifications to policies ENV3 and ENV4 (and other parts of the Plan as necessary) to:**

- Refer to “green corridors”, and delete references to some being “local” and others “strategic”.
- Delete references to “their buffers”.
- Ensure the requirements relating to green corridors reflect the variations in their character and qualities. For example, policy ENV4 part (a) could refer to “Development within or adjacent to an existing green corridor should conserve and enhance its function, setting, biodiversity, landscape, access and recreational value in that particular location” (or similar). Part (b) could refer to “Development that is crossed by an existing or proposed green corridor should incorporate it into the site’s layout and design having regard to green infrastructure functions appropriate to that location” (or similar).
- Delete references in policy ENV4 parts (a) and (b) to the Darlington Green Infrastructure Strategy and insert “as defined on the policies map”

In response to this action point the following main modifications are proposed:

#### **Policy ENV3**

B)1. ~~The existing strategic and local green corridors and their buffer zones~~ in line with Policy ENV4; and

9.3.6. ~~The existing strategic and local green corridors identified in Darlington's Green Infrastructure Strategy have a unique character that contributes to the identity and setting of adjoining neighbourhoods, such as the River Tees and the former Darlington and Stockton Railway corridor. Their length, distinctiveness and buffer zones width vary (see Policy ENV 7).~~

#### Policy ENV4

9.4.3 ~~The Green Infrastructure network in Darlington is made up of numerous public and private green spaces, landscapes and features (see Figure 9.1 taken from Darlington's Green Infrastructure Strategy) including:~~

- ~~• Strategic and local Green corridors;~~

#### Figure 9.1

It is proposed to remove this map as many layers now shown on policies map and has limited legibility as included.

#### Policy Wording

- ~~All new development~~ Development proposals within, or immediately adjacent to, the buffer of an existing strategic or local green corridor (as defined in Darlington's Green Infrastructure Strategy on the policies map) will, should through good design, conserve and enhance the its function, setting, biodiversity, landscape, access and recreational value of the corridor as appropriate to that location;
- ~~All new development that is~~ Development proposals that are crossed by an existing or proposed strategic or local green corridor (as defined in Darlington's Green Infrastructure Strategy on the policies map) will should incorporate the green corridor it into the sites layout and design having regard to green infrastructure functions appropriate to that location;

#### Footnote 39

~~For the purpose of Policy ENV 4 criterion F the term green space refers to all public and private, formal and informal, types of green infrastructure listed under paragraph 9.4.3, including component parts of the strategic and local green corridors, but excluding urban fringe, agricultural land, open countryside and private gardens.~~

9.4.4 ~~At the heart of Darlington's green infrastructure network is a network of green corridors. Four strategic green corridors including the River Tees and the River Skerne function within and across the Borough's boundaries, and eight local green corridors, including the former Barnard Castle Trackbed, connect neighbourhoods to the urban and rural areas. Most are used now, but some will be new corridors (or parts of) added over the lifetime of this plan. In particular these will connect the strategic development locations and the urban fringe, provide connectivity within the inner urban area and enhance biodiversity (see Policy ENV 7) and movement (see Policy IN 1) across the Borough.~~

9.4.5 ~~The widths of the Each green corridors has a buffer zone defined in the Green Infrastructure Strategy; strategic corridors are wider than local corridors reflecting the minimum width needed for habitats within or adjacent to the corridor to~~

*function, for a distinct landscape to be recognised, and to provide appropriate and sufficient space for access and recreation. have not been defined on the policies map as they are distinct, and this will vary along the length of each corridor depending on its qualities, characteristics and surroundings in any particular location.*

- 9.4.6** *Development proposals on sites crossed by, or ~~immediately adjacent to a strategic or local~~ green corridor should positively protect, incorporate and enhance the functions and features of the corridor as appropriate. Sites related to a proposed ~~strategic or local~~ green corridor will be expected to actively incorporate the corridor into the layout and design of the development, responding to the specific landscape characteristics of the site (see Policy ENV 3), retaining existing natural assets and distinctive features as appropriate. In all cases, developments will be expected to respond to the priorities for each corridor, and seek to deliver the projects identified in the Green Infrastructure Strategy<sup>(40)</sup>.*

Main modifications will also be required to:

#### **Policy H10 Policy Wording Jii**

The modification proposed as part of the Council's response (DBC16) to AP22 will need to be revised as follows:

*protects and enhances the River Skerne, its valley setting (see Policy ENV 7), and the strategic and local green corridors (see Policy ENV3). Where infrastructure crosses these corridors mitigation measures should be provided ~~along the railway line~~;*

#### **Policy H10 – Para 6.10.12**

*The River Skerne that runs along the northern boundary of the Skerningham site is identified in ~~Darlington's Green Infrastructure Strategy~~ on the policies map as part of an existing and proposed ~~strategic~~-green corridor.*

#### **Policy ENV8 – Para 9.6.8**

*Darlington's Green Infrastructure Strategy includes a number of measures to improve the environmental and recreational value of the Borough's ~~strategic and local~~ green corridors, and should be read alongside this policy when considering development proposals affecting a green corridor*

**AP56. Council to amend the policies map to indicate the existing and proposed green corridors with a single line symbol (similar to that used to indicate the historic routes), rather than with a defined width of 15m or 30m. Council to prepare a main modification to the reasoned justification to explain that the widths of the green corridors are not defined on the policies map as they will vary along the length of each corridor depending on its qualities and surroundings in any particular location (or similar).**

The policies maps provided alongside this action points response now shows the existing and proposed green corridors as a single line rather than with a buffer.

The Council has prepared a main modification to the reasoned justification of policy ENV4 at paragraph 9.4.5 to explain the widths are not defined on the policies map as requested and this proposed modification can be viewed within the proposed main modification set out in the Council's response to AP55 above.

#### **Policy ENV5: Green infrastructure standards**

**AP57. Council to amend the main modifications to policy ENV5 proposed in DBC2 and DBC7 to clarify that the last part relates to developments of 11-19 dwellings (or 0.1ha to 0.2ha) and non-residential developments of 500 sqm to 1,000 sqm gross floorspace. Consideration should be given to whether the parts of policy ENV5 between the first and last paragraphs should be altered to delete the priority list and replace it with a requirement to have regard to the types and quantities of existing green infrastructure in the area as identified in the Darlington Green Infrastructure Strategy and/or Planning Obligations SPD (as relevant), and other relevant evidence.**

The following main modification is proposed to the last paragraph of policy ENV5:

*In areas of open space deficiency (identified in the Planning Obligations SPD or equivalent), schemes of between 11 and 19 dwellings (or 0.1 to 0.2 ha) ~~or more~~, or non-residential development of 500sqm to 1000sqm gross floorspace ~~or more~~, will be required to make provision for a financial contribution towards the improvement of off-site green infrastructure in the local area, calculated using the formula set out in paragraph 9.4.15. This should be equivalent to the additional need generated by the development and where this would deliver greater benefits to the wider community than on-site provision.*

A main modification is also proposed below to paragraphs 2 and 3 of policy ENV5 as suggested to remove the priority list and refer to the Darlington Green Infrastructure Strategy and/ or Planning Obligations SPD.

*Green infrastructure should be delivered on-site and designed as multi-functional blue-green space to perform a range of green infrastructure functions where possible. ~~and, prioritise~~ Provision should be prioritised subject to need and having regard to the types and quantities of existing green infrastructure in the area as identified in the Darlington Green Infrastructure and Open Space Strategies and/or Planning Obligations SPD (as relevant) along with any other relevant evidence. ~~of green space types in the following order:~~*

- ~~1. Wildlife friendly green space;~~*
- ~~2. Space associated with flood & water management systems;~~*
- ~~3. Public access, countryside access and formal rights of way;~~*
- ~~4. Play and informal recreational space;~~*
- ~~5. Other types of green space (including amenity open space, allotments, playing pitches etc.).~~*

*Green infrastructure should be designed as multi-functional blue-green space performing a range of the above functions.*

#### **Policy DC1: Sustainable design**

**AP58. Council to consider whether policy DC1 needs to be modified to ensure that it is effective in setting out relevant design principles having regard to current national policy and guidance, including the National Design Guide (MHCLG 2019), and relevant parts of the 2011 SPD. The second sentence of policy DC1 should be modified to read "All development will be required to**

demonstrate that:” (or similar). The reasoned justification should be modified to state that the Council will prepare a supplementary planning document to provide further details of sustainable design to those set out in policy DC1. This should give an indication of when the supplementary planning document will be produced, and could explain that in the meantime regard should be had to the 2011 Design SPD in so far as it is consistent with current national policy and relevant policies in this Plan.

Having reviewed Policy DC1 applying modifications already suggested in council document DBC2 it is considered there is a consistent approach to encouraging good design across both national guidance and more detailed local guidance. A further modification is proposed to DC1 so it reads as follows:

***Policy DC1- Sustainable Design Principles and Climate Change (Strategic Policy)***

*Good design is required to create attractive and desirable places where people want to live, work and invest. Good design will help to reduce carbon emissions and increase the resilience of developments to the effects of climate change. All development will be required to have regard to the design principles in the Darlington Design of New Development SPD and National Design Guide (or successors) by demonstrating that follow the design principles of the Darlington Design of New Development SPD by demonstrating that:*

*a. An analysis of the constraints and opportunities of the site and the function of development has informed the principles of design, including;*

*i. that the proposal reflects the local environment and creates an individual sense of place with distinctive character;*

*ii. that the detailed design responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing;*

*iii. that the proposal has taken account of the need to safeguard or enhance important views and vistas; and*

*iv. the layout of the development maximises opportunities for natural surveillance.*

*b. The layout, orientation and design of buildings (where these factors are not otherwise constrained) helps to reduce the need for energy consumption, how buildings have been made energy efficient and how measures have been implemented to reduce carbon emissions from development;*

*c. Energy efficiency measures and low carbon technologies will be supported, where this does not result in harm to the significance of a heritage asset;*

*d. Non-residential buildings of 1,000 sqm floorspace or more will be required to meet BREEAM 'Very Good' standard;*

*e. The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN 4;*

*f. The layout of the proposal, associated green infrastructure, and landscaping has been developed to complement and enhance both the ecological function of the local area and character of the built environment, retaining existing features of interest;*

*g. Any associated landscaping scheme has been developed to enhance both the natural and built environment, retaining existing features of interest;*

*h. Proposals for development on land affected by contamination will be permitted where the applicant can demonstrate that the site is suitable for the proposed use and development will not result in unacceptable risks to human health or the environment.*

In order to clarify the role of design guidance a modification is also proposed to the reasoned justification paragraph 5.1.1 as follows:

*The National Planning Policy Framework (NPPF) states that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. One of the overarching aims of this Local Plan is to 'create great places' in which to live, work and invest - the key to achieving this is through promoting good design principles. New buildings and public spaces should reflect these principles and seek to enhance the local character and distinctiveness of the area, whilst also reducing energy consumption and carbon emissions. Development proposals should have regard to the principles in the National Design Guide and Darlington Design of New Development SPD in considering design. The Darlington Design of New Development SPD is to be updated in early 2022 to reflect latest national standards until such time latest national guidance should take precedence.*

### **Policy DC3: Health and wellbeing**

**AP59. Council to prepare a main modification to policy DC3 to clarify that health impact assessments should be proportionate to the nature and scale of development, and to amend the threshold to 150 dwellings. Footnote 10 should be modified to refer to current national guidance.**

A main modification to policy DC3 g) is proposed as follows:

g. Require, in the case of development of ~~100~~ 150 or more homes and all other 'major' development, the submission of a Health Impact Assessment (HIA)~~(10)~~ as part of the application to explain how health considerations have informed the design. Assessments should be proportionate to the scale of development proposed and undertaken in line with current government guidance. <sup>(10)</sup>

Footnote 10 ~~To be undertaken in line with~~ Department of Health and Social Care Public Health England, Health Impact Assessment in spatial planning , October 2020 (or subsequent replacement) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/929230/HIA\\_in\\_Planning\\_Guide\\_Sept2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/929230/HIA_in_Planning_Guide_Sept2020.pdf)

### **M11: Other issues**

**AP60. Council to prepare main modifications to paragraph 8.1.5 so that it accurately defines “main town centre uses” as set out in NPPF Annex 2, and to the Glossary in section 12 of the Plan to also include that definition.**

Modification proposed to paragraph 8.1.5 and to the Glossary in section 12 of the Plan.

*8.1.5 The Town Centre is the defined area where main Town Centre uses will be located. Main town centre uses<sup>(24)</sup> are retail development (including warehouse clubs and factory outlet centres); leisure, ~~and~~ entertainment facilities; ~~the~~ and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference*

*facilities). Strengthening the town centre by channelling new main town centre uses is vital if Darlington is going to fulfil its role as a Sub-Regional Centre. The definition of the Town Centre has been tested and approved by two Town Centre Conference events in 2015 and 2017.*

Insert NPPF definition below into the glossary.

*Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*