

Council's Response to Inspector's Note No. 13 - Further Supplementary Questions Relating to the Council's Responses to Action Points

13 August 2021

M4: Housing development

APFSQ1. Does the Council's response to AP14 about the number of planning permissions that have lapsed mean that any of the assumptions about housing land supply as set out in the Council's responses to (a) AP12 (plan period 2016 to 2036) or (b) AP13 (five year supply 2021 to 2026) need to be changed?

It is considered that none of the assumptions about housing land supply as set out in the Council's responses to AP12 (plan period 2016-2036) or AP13 (five year supply 2021 to 2026) need to be changed. As set out in the response to AP14 the percentage of permissions which have lapsed for the period analysed is 13.9% which does not raise significant concerns. The small number of major housing schemes which have expired during the period have specific reasoning for development not occurring. It is not the case that there is a high level and general pattern of permissions expiring with no explanation available. When the lapse rate was at 51% in 2016/17, this was a year when a major scheme lapsed and the number of developments granted appears to be lower than the following years, subsequently generating a high percentage of lapsed schemes. In view of the information above, it is not considered necessary to apply a lapse rate to the housing sites in the plan.

It is also important to note that the percentages presented are a worst-case scenario as they set out permissions granted for that financial year against permissions which have lapsed in that year. The data does not account for permissions which were approved prior to the period and are still extant. Finally, as explained in the Council's response to AP14 there is also a housing land supply buffer in the plan of 17.7%. This flexibility means that it is not necessary to also apply a lapse rate to housing sites and it will assist in mitigating the impacts if some permissions were to lapse.

APFSQ2. Would the Council's proposed main modifications to policy H10, reasoned justification and masterplan framework (figure 6.1), along with the proposed changes to the policies map, ensure that the Plan is sound with regard to the development of the Skerningham housing allocation? In particular whether: a) The key principles set out in policy H10 and proposed approach to the preparation of a design code and comprehensive masterplan, along with associated community consultation, would be effective in securing high quality development that reflects local aspirations in accordance with national policy relating to good design?

The Council considers that the further modifications proposed to Policy H10 in its response (DBC16) to the Inspectors action points ensure that the policy will be effective and consistent with national policy in securing high quality development that reflects local aspirations relating to good design. The modifications proposed makes clearer the comprehensive masterplan required to be produced by the developer(s) of the site should be done so in consultation with the community and that it should also reflect the design approach and principles that will be established in the Skerningham design code which will be developed to ensure that by following the design approach and principles established within it will result in development of high quality design.

The modifications proposed to paragraph 3 of Policy H10 also make clearer that the Council will only approve applications which are in accordance with the comprehensive masterplan which therefore is an additional criterion which it is considered will ensure the policy is effective and assist in

ensuring any development brought forward of the site is of high quality design and reflective of local aspirations.

b) Policy H10 (including the requirements relating to an infrastructure phasing plan; review mechanism prior to the occupation of the 1,650th dwelling; schools and other community facilities (parts b and d); offsite highway works (part f); local distributor road (part g); and green infrastructure (part j)) would be effective in securing the provision of all necessary infrastructure in a timely manner that is appropriately coordinated with the housing development up to and after 2036.

As set out in the Council's response (DBC16) to the Inspectors' action points the Council considers the proposed modifications referred to above will ensure that Policy H10 is effective in securing the provision of all necessary infrastructure in a timely manner that is appropriately coordinated with development up to and after 2036 on the site. The approach taken seeks to, where possible, specify the phase of the development at which certain infrastructure requirements identified such as education (part d) and highways (parts f and g) should be provided to ensure this is appropriately coordinated with the housing development. It also reflects the current status of the site where the broader infrastructure requirements have been identified for inclusion in the policy for the scale of development proposed but as to when some of these will exactly be required is to be determined and agreed through the further comprehensive masterplanning when the finer grained layout and phasing of the development is established. The modifications proposed seek to make clear that these should be established through an infrastructure phasing plan and all proposals will be required to be in accordance with this to ensure the coordinated provision of infrastructure with development. Reference is made to the need for the phasing to be agreed with the Council through the infrastructure phasing plan in relation to all types of infrastructure in parts c, f, g and j.

A review mechanism has also been proposed to ensure that a review of infrastructure requirements is undertaken prior to any development over and above the 1650 dwellings accounted for in the Council's evidence base for delivery during the plan period and any additional infrastructure required is incorporated in to an update of the infrastructure phasing plan and provided as part of the development.

Overall the modifications proposed are considered to be effective in ensuring the provision of all necessary infrastructure is coordinated with the development up to and after 2036.

c) The proposal for up to 4,500 dwellings and associated transport, community and green infrastructure could be viably delivered without the relocation of the golf course. If necessary, the viability evidence provided by the Council and Skerningham Estates Limited should be updated to inform consideration of this question.

As set out in the Council's response (DBC16) to the Inspectors' Action Point AP23 it would be feasible to deliver the Skerningham development should the golf course remain in situ. However, it would likely reduce the potential delivery of dwellings from up to 4,500 dwellings to around 3,700 dwellings.

The council has therefore rerun viability evidence on this alternative scenario. Whilst housing numbers reduce assumptions around costs of relocating the course and purchase of additional land are also reduced. Other infrastructure requirements including access roads, mainline bridge crossing, two primary schools and local centres would remain the same. The updated viability assessment is included at Appendix A of this document and indicates that Skerningham development would remain viable with 3,700 dwellings and the golf course remaining in its current location.

APFSQ3. Would the Council’s proposed main modification to the housing allocation statement for site ref 20 Great Burdon, along with the proposed changes to the policies map, ensure that the Plan would be effective in securing an appropriately landscaped boundary with the rural gap and retaining the openness and green infrastructure functions of the green wedge?

Yes, it is considered that the proposed amendments to the Great Burdon rural gap and Haughton/Red Hall green wedge boundaries are justified based on the primary purposes of these designations and reflective of the methodology used to identify these areas. These amendments will ensure that these designations from policies ENV3 and ENV4 and are compatible with the proposed site allocation site 20 – Great Burdon whilst still ensuring an appropriately landscaped boundary with the rural gap can be provided and the openness and green infrastructure function of the green wedge maintained.

This is further supported by the additional criterion proposed to be added to the site 20 allocation statement which seeks to directly specify a robust and appropriately landscaped boundary is 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) and 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).

M7: Economic development

APFSQ4. Would the Council’s proposed main modifications to policy H11, reasoned justification, masterplan framework (figure 6.2) and policy E2 table 7.3 ensure that the Plan is sound with regard to the development of the Greater Faverdale housing and employment allocation? In particular whether: a) The key principles set out in policy H11 and proposed approach to the preparation of a comprehensive masterplan, informed by community consultation and the existing Greater Faverdale Design Code, would be effective in securing high quality development that reflects local aspirations in accordance with national policy relating to good design.

The Council considers that the further modifications proposed to Policy H11 in its response (DBC17) to the Inspectors action points ensure that the policy will be effective and consistent with national policy in securing high quality development that reflects local aspirations relating to good design. The modifications proposed makes clearer the comprehensive masterplan required to be produced by the developer(s) of the site should be done so in consultation with the community and that it should also reflect the design principle established in the Greater Faverdale design code which has been developed to ensure by following the principles within it the development should be of high quality design.

The modifications proposed to paragraph 4 of Policy H11 also make clearer that the Council will only approve applications which are in accordance with the comprehensive masterplan which therefore is an additional criterion which it is considered will assist in ensuring any development brought forward of the site is of high quality design and reflective of local aspirations.

b) Policy H11 (including the requirements relating to an infrastructure phasing plan; review mechanism prior to the occupation of the 750th dwelling or development exceeding 24 hectares (net) of employment land; a school and other community facilities (part c); a link road (part f); off-site highway works (part g); and green infrastructure (part j)) would be effective in securing the provision of all necessary infrastructure in a timely manner that is appropriately coordinated with the housing and employment development up to and after 2036.

As set out in the Council's response (DBC17) to the Inspectors' action points the Council considers the proposed modifications referred to above will ensure that Policy H11 is effective in securing the provision of all necessary infrastructure in a timely manner that is appropriately coordinated with the housing and employment development up to and after 2036. The approach taken reflects the current status of the site where the broader infrastructure requirements have been identified for inclusion in the policy for the scale of development proposed but as to when these will exactly be required is to be determined and agreed through the further comprehensive masterplanning when the finer grained layout and phasing of the development is established. The modifications seek to make clear that these should be established through an infrastructure phasing plan and all proposals will be required to be in accordance with this to ensure the coordinated provision of infrastructure with development. Reference is made to the need for the phasing to be agreed with the Council through the infrastructure phasing plan in relation to all types of infrastructure in parts c, f, g and j.

A review mechanism has also been proposed to ensure that a review of infrastructure requirements is undertaken prior to any development over and above the 750 dwellings and 24 hectares accounted for in the Council's evidence base for delivery during the plan period and any additional infrastructure required is incorporated into an update of the infrastructure phasing plan and provided as part of the development.

Overall the modifications proposed are considered to be effective in ensuring the provision of all necessary infrastructure is coordinated with the development up to and after 2036.

M9: Transport and other infrastructure

APFSQ5. Should policy IN1 part C(vii) be modified so that it is consistent with the list of schemes as proposed by the Council in the modified reasoned justification and map (Figure 10.2)?

The proposed modifications to Policy IN1 C(vii) and associated reasoned justification provide greater clarity on the proposed location and function of the access roads to developments. These routes are intended to play a wider role in offering greater local transport choice as well as providing access to development. In addition to new highway these routes will also make provision for public and sustainable transport, where appropriate. The proposed modification also more clearly indicates the sections of highway infrastructure already complete and those which would require delivery alongside associated development.

APFSQ6. Would the Council's proposed main modifications to policies IN2(b) and IN4, along with other relevant policies in the Plan, set out a sound approach to the provision of cycling and walking infrastructure in new developments? Should policy IN4, or the reasoned justification, state that 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, and that in the interim period the Council will rely on the national standards set out in table 11.1 of LTN1/20 Cycle Infrastructure Design?

It is acknowledged that the plan as submitted had some overlap and inconsistencies in its approach to cycle parking, facilities and storage. Modifications have therefore been proposed to rationalise the requirements into Policy IN4 rather than across Policies IN1, IN2 and IN4. The council agrees that that prior to the update of the Tees Valley Highway Design Guide (due December 2021) the interim position would be to apply national standards.

Modifications have also been proposed to Policies IN2 to emphasise the need for quality provision for cycling and walking infrastructure.

M10: Other strategic and development management policies

APFSQ7. Would the Council's proposed changes to the policies map ensure that policy ENV3 part A(1) is effective in retaining the openness and green infrastructure functions of the rural gaps between Middleton St George and Middleton One Row; Middleton St George and Oak Tree; Hurworth on Tees and Hurworth Place; and Darlington and the villages of Great Burdon and Barmpton?

The proposed amendments to the policies map regarding the Barmpton and Great Burdon rural gaps are considered to be effective in ensuring the areas which contribute to the openness, separation and green infrastructure functions between the urban area and these villages are identified consistent with the Councils methodology (DBC7) and therefore can be retained through the application of policy ENV3 part A(1).

APFSQ8. Would the Council's proposed main modifications to policies ENV3 and ENV4, associated reasoned justification, and the policies map ensure that the requirements relating to existing and proposed green corridors are sound?

Yes, the main modifications proposed to policies ENV3 and ENV4, the reasoned justification and the policies map have been prepared as requested by the Inspector (IN13) and are considered to ensure that the requirements relating to green corridors are sound as set out in the Councils action points response (DBC17). These proposed modifications include removing reference to buffers to ensure the policy is effective and reflects the varying nature of the green corridors and no longer differentiating between strategic and local scale corridors.

APFSQ9. Would the Council's proposed main modification to policy ENV5 ensure a sound approach to the provision of green infrastructure for developments of (a) 20 dwellings (0.2 hectares) or more, or nonresidential developments of 1,000sqm gross floorspace or more, and (b) between 11 and 19 dwellings (0.1 to 0.2 hectares) or non-residential developments of 500sqm to 1,000sqm gross floorspace?

Yes, as set out in the Councils responses to the Inspectors action points (DBC17) the modifications proposed to policy ENV5 will ensure the policy is sound and effective by making clear that the requirement in areas of open space deficiency only apply to schemes of between 11 and 19 dwellings or non-residential development of between 500 to 1000 square metres. They will also remove reference to the priority ordering of the provision of types of green infrastructure to ensure that requirements are reflective of local need and therefore the policy requirements is justified by evidence.