



Responses to Inspector’s Supplementary Questions

APFSQ1.

Governmental guidance on 5-year land supply states that “all sites with detailed planning permission should be considered deliverable until permission expires”. In addition, sites may be considered developable if they are allocated in a Plan, subject to outline planning permission, or identified in a brownfield land register – “where there is evidence that completions will begin within 5 years”. As Darlington Borough Council (DBC) state, while three large schemes have lapsed since 2016, the overall lapse rate has been very low.

Since sites with full permission *must* be included in the 5-year land supply, it is difficult to see exactly how the 5-year land supply prediction should be amended to take account of permissions which might, or might not, lapse. It might be suggested that a certain additional percentage should be added to the 5-year requirement to allow for lapses, and, in fact, DBC state that this has been done, employing a “buffer” of 17.7%, greater than the average lapse rate – including the large outliers – of 13.9%.

But this “buffer”, while it helps to refute the claim that the 5-year land supply is insufficient, is quite unnecessary. The 5-year land supply prediction can only ever be an estimate. While permissions lapse, sites come forward faster than predicted and windfall sites appear. Since 2020, 171 dwellings have been permitted on sites not mentioned in the 2020 Plan – items 420-421 in the “commitments” list, table 6.7 in the Plan, plus two small sites of 9 and 10 dwellings at West Newbiggin Farm and Merrybent, respectively. Similarly, permission for 331 dwellings on sites not mentioned in the 2018 plan had been granted by 2020. This indicates that an average of 125.5 dwellings are delivered on windfall sites each year – or 26% of the 492 dwellings claimed to be “required” in the Plan.

APFSQ2.

We have previously criticised the Plan’s housing requirement (PHR) for being vastly inflated. However, the Skerningham allocation would not be required even if the PHR were correct. In the 2020 Plan, the total number of allocated, committed or permitted dwellings (11,165 in 2020) outstripped the PHR by 1,325. The addition, in 2021, of a small sites allowance of 375 dwellings over the Plan period – far below what might be expected, given the number of windfalls permitted in recent years – takes the total number of dwellings in the Plan up to 11,579 (table 6.6), outstripping the PHR by 1,739. This is greater than the 1,650 intended to be constructed at Skerningham over the Plan period.

	Completions since 2016	Commitments	Allocations pre-2036	Allocations post-2036	Small sites	Total pre-2036	Total
2020	1804	2652	6709	5545	0	11,165	16,710
2021	2321	3119	5674	5614	375	11,489*	17,103

*The current draft of the Local Plan states that the total here is 11,579.



APFSQ2a)

We do not believe that the policy is capable of delivering good design.

Firstly, because there are certain characteristics of this development that are inimical to good design. It is unsustainable in terms of its location, layout and mix of uses, its very low density, its severance from the rest of the urban area, its reliance on an orbital road, the high value of the site in terms of biodiversity, amenity, and landscape, and the potential impacts of development here in terms of flooding.

Secondly, the proposed neighbourhood centre cannot cater for the needs of the population. Because of the development's immense size, the neighbourhood centre would be out of walking distance from all but a small minority of the new residents. It would be completely severed from residents to the west of the ECML. Should the golf course fail to be relocated, the development is even more inherently unsustainable; rather than being at the centre of the development, the new neighbourhood centre is within a thin band of sprawling development to the north of the existing golf course.

Since DBC commented at the EiP that they did not expect local retail facilities at Skerningham to exceed 500m² in size, and since the policy does not provide any guidance or standards for the quantity of local retail which might be expected on site at any point in the development, it is clear that these facilities are not expected to provide more than top-up shopping.

Thirdly, the policy relies for design guidance on documents that do not exist, and disdains those that do. In its revised form, the reference to the Healthy New Towns approach is deleted in favour of "the Council's Design Code". The supporting text explains that the latter is not the existing, adopted Design of New Development SPD, but "the design code which would be prepared on behalf of the Council". The implication is that a third party will produce a design code for Skerningham at some later date. Such a document, if it were produced, *might* conceivably lead to better development here, notwithstanding the inherent constraints of the scheme; but simply to state that it "would" (under what circumstances?) be produced at some unspecified stage in the future provides no assurance that it *will* have such an effect. No indication is given as to what it would cover, whether biodiversity, street design and priority, housing build quality / energy efficiency standards and requirement for renewable energy, or just external visual appeal of the houses themselves.

Fourthly, little attempt seems to have been made to create access routes to the town centre by cycling and walking. Public transport would be difficult to deliver here due to the dispersed nature of the scheme and the lack of direct routes to important destinations. The policy states that the development will deliver "an integrated transport network" but the lack of detail, once more, provides little assurance that this will actually take place e.g. mapping key routes to redesign for public transport and active travel priority.

Any confidence that design work in the post-EiP period would support the design aspirations expressed in the Plan is undermined by the discrepancies between the indicative masterplan in the Plan, and those provided since the EiP, which generally tend towards making the development less sustainable. The secondary school, which was reasonably central in the pre-EiP masterplan, is moved



adjacent to the ECML. More significantly, the area to the east of the Skerne seems to be occupied by a different form of development to that elsewhere on the site. (There is no key). It is colour-coded differently and takes the form of large single blocks in generous grounds. It has been suggested that this is an industrial site – in which case this is a very significant, post-EiP departure from the submitted Plan. It would raise very worrying questions about the robustness of the Plan in general, not just with regard to this site. It would undermine the justification for the allocation of other industrial sites, as well as calling into question the motivation for allocating Skerningham – which, as we have seen, cannot be justified on the basis of housing need. It would also make the Plan internally inconsistent, since the possibility of part of Skerningham being allocated as an industrial site is nowhere mentioned in the Plan.

We note that the Skerningham development was accepted within the Garden Communities programme in 2019. In this programme, funding and support is offered to proposals which “meet and embed” certain key qualities¹. Whether the Skerningham proposal ever did meet these requirements, given the post-EiP changes, it certainly fails now. It does not have a *clear identity* – it takes the form of a dispersed fringe of development around the edge of the existing urban area, with no coherence and no real centre. It is not *largely self-sustaining*: it would contain few local retail or community facilities. It is not *well-designed*. It is not genuinely *mixed-use*: it consists of a large expanse of housing with very limited local facilities in a place inaccessible to most residents, together with an unplanned industrial site. It does not enjoy a *strong local vision and engagement*; there is an extensive grassroots campaign against it. It does not provide *integrated, forward looking and accessible transport options* and support *public transport, cycling and walking*: it is merely car-oriented sprawl. It is not *future proofed*: its core concept and outline layout seem to have changed radically since it was admitted to the Garden Village programme; it is vulnerable to flooding and, if developed, may well exacerbate flood risk elsewhere; and, with its low-density, car-dominant layout upon a greenfield site valued for its wildlife, it has been planned without reference to the climate and biodiversity crises.

APFSQ2b)

The phasing of development and infrastructure, in policy H10, is reliant on the development of an Infrastructure Phasing Plan – which has not yet been produced. It is therefore impossible to tell whether all necessary infrastructure will be provided in a timely manner.

The exceptions are schools and the highway network, for which reasonably detailed requirements have been added to policy H10, detailing which roads and road enhancements need to be provided at various stages of the development. This underlines the development’s car-dominated nature. While the phasing of other infrastructure types – shops, community facilities, green infrastructure, walking and cycling routes, public transport – is discussed in cursory terms, without any indication of what level of provision will be deemed sufficient at different stages of the development, roads are all-important. Public transport & cycling infrastructure must be in place prior to home occupation.

¹ MHCLG (2018) Garden Communities Prospectus.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805688/Garden_Communities_Prospectus.pdf



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APFSQ2c)

We have not seen any revised viability information. As we state above, we believe that, should the golf course fail to relocate, the development would lose all pretence of being a single integrated development and would be an obvious example of incoherent, car-dominant sprawl.

APFSQ3

Our main issue with the Rural Gap as defined in the revised housing allocation statement and Policies Map is that it overlaps the Skerningham housing allocation site. At the same time, the Great Burdon site overlaps a Green Corridor.

The argument will be made that the indicative masterplan for Skerningham shows no development on that part of the site covered by the Rural Gap, and that the Great Burdon development could also be designed to avoid development on the Green Corridor. But this simply highlights the incoherence of the Plan. Sites are simultaneously defined as housing sites, and as sites where no development must take place. It is not clear which designation would take precedence, if the indicative masterplan were altered to show development on this contested area.

APFSQ4.

We do not concede that the proposals for Greater Faverdale can ever be part of a sound plan, firstly, because the amount of development needed within the Borough has been vastly exaggerated; secondly, because the site itself has certain characteristics which prevent its development from being sustainable: its location, severed from the main urban area by roads, watercourses and impermeable development; the site's value in terms of landscape, biodiversity and heritage; and its vulnerability to flooding and the exacerbation of flood risk elsewhere.

APFSQ4a) We do not concede that the measures put into place are sufficient to ensure that good design is delivered. Firstly, the site's very low density and lack of connectivity preclude sustainability. Secondly, the declaration that a comprehensive masterplan will be delivered at some stage in the future does not provide sufficient evidence that such a masterplan will set out a framework for a genuinely sustainable mixed-use development in which people are able to access the facilities and services they need without having to drive.

We are pleased to see the Greater Faverdale Design Code, which sets out some very reasonable and laudable principles for the design of development upon this site. We would like to see an explanation of the way in which this design code is to be used in conjunction with the Borough-wide Darlington Design of New Development SPD.

APFSQ4b)

We are pleased to see the strengthening of some requirements with regard to the phasing of new development. Again, however, because the policy relies on the delivery of an Infrastructure Phasing Plan which is yet to be produced, it is not possible to tell whether all types of infrastructure will be delivered in sufficient terms to meet the needs of new residents upon the site and to provide for



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sustainable lifestyles. In particular, we note that there are no quantitative standards for the amount of retail and local facilities which will be required at any point in the development.

APFSQ5

The proposed amendments address one of the nine flaws in the argument that the schemes are justified by the Strategic Transport Modelling Report 2021 (STMR), namely, the discrepancy between the STMR and Plan. The other eight still apply. The STMR:

- Solely employs “predict-and-provide” methodology
- Was not produced until 2021 – *after* all drafts of the Plan
- Assumes growth figures above the Plan’s: 11,810 dwellings and 9,950 jobs.
- Contains no detail on the schemes proposed.
- Does not assess the impact of junction/ flow improvements alone, but only the full package
- Fails to include, or even consider, measures to encourage modal shift
- Fails to consider current shifts in demography and working patterns which may well lead to a decline in car usage.
- Does not demonstrate that the measures proposed would make a very big difference to congestion in Darlington.

At the EiP, DBC’s representative made a number of comments which deserve further refutation.

Firstly, it was implied that it is unrealistic to plan for modal shift. This completely contradicts Transport for the North’s recent Decarbonisation Strategy, which plans for “a 55% reduction in emissions from 2018 to 2030, achieved mostly through mode-shift and demand reduction”² – since replacement of fossil-fuelled vehicles with low-emission ones will not take place within the next decade. Likewise, the Climate Change Committee’s Sixth Carbon Budget assumes a 9% decline in total car miles, “driven by modal shift”³ and the DfT’s recent vision document, “Gear Change”, advocates “a future where half of all journeys in towns and cities are cycled or walked.”⁴

Secondly, it was stated that DBC are obliged to use predict-and-provide to obtain DfT funding. This is absurd, since the roads are to be funded via developer contributions.

Thirdly, it was claimed that DBC are obliged to put the orbital route in place because of their obligations under the Road Traffic Regulation Act 1984 to “secure the expeditious, convenient and safe movement of traffic”. However, this Act does not define “expeditious” in terms of speed or require local authorities to remove all congestion; nor does it specify *how* the movement of traffic is to be secured. Besides, as LTN 1/20 (and the Act itself) make clear, “traffic” applies to pedestrians and cyclists as well as motorised vehicles; by DBC’s own argument, DBC are obliged to establish a

² Transport for the North (2021) Decarbonisation Strategy. Draft for comment.

<https://transportforthenorth.com/reports/tfn-draft-decarbonisation-strategy-for-consultation-june-2021/>

³ Climate Change Committee (2021) Sixth Carbon Budget. <https://www.theccc.org.uk/publication/sixth-carbon-budget/>

⁴ DfT (2021), Gear Change: a bold vision for cycling and walking.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904146/gear-change-a-bold-vision-for-cycling-and-walking.pdf



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borough-wide network of safe and protected cycle routes, which would itself reduce congestion by permitting modal shift.

We note that the Aimsun corridor reports show significant delays affecting a few routes in the “Development Only” scenario. This was presented as a justification for the schemes in the EiP. This is not robust for two reasons. Firstly, if congestion on certain routes were to become severe, drivers would naturally shift to other routes or modes of transport. Secondly, all of the flaws of the STMR – the inflated growth figures, the failure to consider all the alternatives – also apply to the corridor reports. This is particularly significant since a small increase in traffic can have a significant effect upon individual junctions – so accuracy in terms of numbers is vital.

The proposals in the Plan must be reassessed, using the correct figures, and compared with scenarios including flow management measures only, and measures to achieve modal shift. This assessment must take all costs and benefits into account, including the economic benefits of provision for active and public transport, which have been shown to have a benefit: cost ratio of 13:1.⁵

APFSQ6.

We are happy to see LTN 1/20 invoked in this policy. Our only concern, given the shortcomings of the existing Tees Valley Highway Design Guide (TVHDG) is that the revised version might represent a decline in standards. Therefore we would like IN4 to state that the revised TVHDG will supplement, rather than supersede, LTN 1/20 as a benchmark for cycle parking provision.

APFSQ7

We have previously questioned whether there will be adequate space between Middleton St George and adjacent villages to constitute rural gaps, given the large amount of planning permissions in recent years. The rural gaps defined in the amended Policies Map support this scepticism. The gap between site 146 at Middleton St George and existing development at Oak Tree narrows down to less than 100m; the gap between Middletons St George and One Row only exists on one side of the road and appears to be less than 200m.

Had an explicit decision been made to consolidate development upon the Middletons and Oak Tree, masterplanning work and investment might have led to the creation of a coherent and legible place. Instead, development has been freely permitted around these settlements, without much consideration for the impact upon existing residents, facilities and services, character and landscape; and then land left over has been redefined as rural gaps, to retrospectively present an argument that no major change has taken place.

APFSQ8

A word and an apostrophe may be missing from ENV4b) “Development proposals..should it into the sites layout..”

⁵ Transport for London: Economic benefits of cycling and walking. <https://content.tfl.gov.uk/walking-cycling-economic-benefits-summary-pack.pdf>



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We would like to see an assurance that developer-funded improvements to green corridors will be maintained for an appropriate amount of time, and that green corridors are defined so as to include the banks of any watercourse therein, and not just the water itself.

APFSQ9

We are pleased to see the alignment of policy ENV5 with the relevant SPDs. We would like to see an assurance that habitats and biodiversity will be retained and sought wherever possible.