
Inspectors Supplementary Questions (Matters 4 & 7)

Examination of the Darlington Local Plan

IN13 – Hearing Statement – Supplementary
Questions relating to the Councils responses to
Action Points

Inspector's Supplementary Questions (Matters 4 and 7)

Hellens Land Limited and Homes England



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Introduction

We have been instructed on behalf of our clients, Hellens Land Limited and Homes England, to submit a response to the Examination of the Darlington Local Plan: IN13 Inspectors Supplementary Questions relating to the Council's responses to Action Points. This is provided in advance of a further hearing session on 7th September.

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

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

This Statement should be read in conjunction with all previous representations made on behalf of our clients in relation to Burtree Garden Village. Including the Hearing Statements prepared in advance of the initial hearings.

This statement addresses the relevant supplementary questions raised in document IN13 in turn.

Matter 4 – Housing Development

Housing Supply

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?

Whilst we do not wish to comment on lapse rates more specifically or have any objections to the numbers presented in AP13 and AP14, we would re-iterate points raised during the examination hearings and prior hearing statements with regard to the trajectory submitted in relation to Greater Faverdale. For plan making purposes we included a very conservative build out based on one or two builders on site at a single time, however, a site of that scale has the capacity to accommodate additional builders and increase the number of dwellings per annum. Whilst we do not wish to submit additional evidence regarding the trajectory at this stage of the examination, we simply wish to state that notwithstanding the 17.7% buffer which provides flexibility in supply, if larger strategic sites including Greater Faverdale do deliver new homes in larger quantities earlier in the plan period or indeed exceed the amount of development identified within this plan period (subject to infrastructure review) then this may assist in addressing potential gaps in supply associated with smaller sites which may fail to come forward unexpectedly. Whilst the tables associated with AP13 and AP14 provide a snapshot of current expectations and use assumptions of over 5,600 dwellings post 2036, they could also be viewed in the context that numbers associated with allocated development could increase during each of these periods given some conservative assumptions at Greater Faverdale.

Matter 7 – Economic Development

Policies H11 and E2: Greater Faverdale housing and employment allocation

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.

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Hellens Land and Homes England are supportive of the policy modifications proposed by the Council in relation to H11 and E2 as set out in response to AP31 (DBC17). However, there are some minor amendments that are required in order to ensure the policy requirements are clear and therefore effective in the context of the requirements of paragraph 35 of the NPPF. These are summarised below and supplemented by proposed revisions to H11 and its accompanying text. **Further revisions are proposed in relation to the changes to the NPPF, specifically in relation to the role of the Design Codes, however, this is covered in a separate hearing statement in response to IN14. Nonetheless, the proposed modifications to H11 as appended to this statement incorporate changes associated with both IN13 and IN14 and clarifies the informal role of the Design Code.**

H11 – Masterplan Approval

Whilst Hellens Land and Homes England are supportive of the requirement to provide a masterplan as a requirement of H11, it is unclear how the masterplan will be approved or endorsed by the Council, as such amendments to the supporting text are suggested below to clarify this. Indeed, there is a preference that this masterplan or any subsequent amendment could be approved via Planning Committee.

In a similar manner, the policy H11 text as drafted requires the preparation of a masterplan prior to the submission of a planning application which is a process which Hellens Land and Homes England are supportive of. However, paragraph 6.11.6 of the supporting text requires agreement of the masterplan (a process which is unspecified as set out above) in advance of submission of an application. The two references currently contradict each other and this was a matter discussed and agreed with Officers previously whereby it was agreed the Masterplan would be submitted alongside a planning application, requiring endorsement prior to or alongside determination of the planning application rather than submission. As such, we understand this text is included in error and can be amended.

As noted above and within the appended modified policy. The reference to the Greater Faverdale Design Code should be removed from H11 and its informal role as a material consideration clarified within supporting text. Further information and justification is provided in our response to IN14 regarding the revised NPPF.

- 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.**

The Review Mechanism

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The final paragraph at H11 refers to a review mechanism which Hellens Land and Homes England fully support as a means of ensuring there is a balance to ensure that development can only come forward where there is sufficient infrastructure in place, or identified deliverable infrastructure improvements to accommodate it, without restricting the delivery of additional growth beyond 750 dwellings and 24 hectares (net) of employment land within the current plan period. In order to ensure this modification is sound, it was considered that the means of review is also clarified, which it is at paragraph 6.11.11 in the form of a Transport Assessment which will utilise modelling available at the time of further assessment. Indeed, the form of this modification was discussed with Officers and agreed following the conclusion of the original hearings.

Nonetheless, and whilst a Transport Assessment and infrastructure review would typically be required for a planning application for each new phase of development in any case, to avoid triggering unnecessary wider ranging reviews of infrastructure we have proposed a minor change in wording which ensures that the “review of all associated infrastructure” referenced here would only be necessary if additional dwellings were sought beyond the initial 750 or the 25 hectares of employment land was exceeded to deliver additional employment land. At present, the policy would require a review if one of the caps was reached whereas the Local Plan is already clear on infrastructure requirements for development at Greater Faverdale allocated to 2036 which can be delivered together without the need for a review following the delivery of a single element of it.

In addition to this, to avoid conflict with the text within H11 as drafted or otherwise, the supporting text at 6.11.11 should also be amended to avoid reference to development which may “*progress sooner than indicated within the Local Plan trajectory*”. As stated previously the trajectory provided for Greater Faverdale is conservative and will most likely be accelerated if more than two builders are on site at one time. As such, the text should clarify that the proportionate review of infrastructure via Transport Assessment is triggered by new development in excess of the 750 dwellings and 24 hectares (net) of employment land within the current plan period. In short the rate of development is not the reason for requiring a review of infrastructure, rather whether additional development would necessitate additional mitigation in the form of new infrastructure. Suggested amendments are included in Appendix IN13/IN14 attached to this document.

Reference to Town Centre Policies

Hellens Land and Homes England welcome the modified reference at criterion c) which states that “Policies TC1 and TC5 will not apply to proposals in accordance with these requirements”. This addresses any potential conflict with the wider plan as discussed during the recent hearing sessions in relation to sequential and impacts tests. However, we note that the modified plan at TC4 now also cites the need for a sequential test beyond District and Local Centre boundaries as referenced in this Policy, as such reference to TC4 should also be added to the list of exclusions within H11 for completeness.

The Setting of the Stockton and Darlington Railway

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In our original hearing statement Hellens Land and Homes England had suggested modifications which removed reference to the “rural setting” of the Stockton and Darlington Railway. As such the removal of this reference in the revised policy is welcomed and supported. Nonetheless, the revised wording makes reference to the requirement for development which “conserves or enhances” the setting of the railway which we assume relates to tests associated with the consideration of the railway as a heritage asset as per the later reference to Policy ENV2 (in the context of Greater Faverdale a non-designated heritage asset). Some clarification could be provided here on the basis that heritage, landscape or general design tests can be linked but also different from one another.

The importance of the railway and its heritage is noted, however, to prevent development management issues and ensure appropriate flexibility for the decision maker in due course there should be some cross reference to the tests set out in national policy associated with non designated heritage assets and indeed the more open ended planning balance for non-designated heritage assets referenced in ENV1. The supporting text could clarify that if a combination of both conservation and enhancement is not possible, or indeed if there was perceived to be a level of harm then the tests as per ENV1 and paragraph 203 of the NPPF would apply. The latter states that where a development proposal which affects the significance of a non-designated heritage asset such as this, a “*balanced judgement would be required having regard to the scale of any harm or loss and the significance of the heritage asset*”, or in this instance the significance of the part of the railway affected. Indeed, this may also need to be explicitly recognised in the supporting text of Policy ENV2 (Stockton and Darlington Railway) to ensure consistency across the plan and consistency with national policy. In short, there is a concern from Hellens Land and Homes England that the parameters as to what constitutes harm are unclear and some level of change in setting is likely unavoidable when considering the nature of the allocated site and the existing setting of the railway. As such, some reference to a wider planning balance should be considered in H11 and ENV2 and not just ENV1.

With regard to the rest of the policy requirements (criteria a-j) Hellens Land and Homes England consider this effective in facilitating the delivery of the allocation and sound, subject to the modifications set out in these representations. The amendments to Policy E2 table 7.3 are noted and supported as a point of clarification between both policies.

Appendix IN13/IN4 - Savills suggested minor modifications to Policy H11

To reflect the commentary above and our separate representations made in relation to the revised NPPF (IN14), we have set out an example of how the modified policy and supporting text could be amended with Savills amendments highlighted in red for ease of reference:

Greater Faverdale - Strategic Site Allocation (Strategic Policy)

A strategic site allocation is identified at Greater Faverdale (Site Reference: 185) to support a ~~Mixed Use~~ development of approximately 2,000 homes and approximately 200,000 square metres of employment space on a 177.8 hectare site in North West Darlington.

Development at Greater Faverdale will be permitted in accordance with the principles set out below and other relevant policies in the Local Plan.

A comprehensive masterplan and infrastructure phasing plan ~~must be submitted to accompany any planning application relating to this site~~, that informs the mix of uses, layout, scale, design, provision of local and strategic infrastructure and phasing of the proposed development, and which incorporates the key principles for the development as set out in points a-j below, shall be prepared prior to the submission of any planning application relating to this site. The masterplan shall be led by the applicant(s), informed by community consultation and should be based on a strong understanding of the characteristics of the site and its surrounds. ~~It should also have regard to the strategic design requirements established in the Greater Faverdale Design Code.~~ adopt encourage the Healthy New Town approach to site design set out in Figure 1.3.

To ensure that a cohesive development is delivered at Greater Faverdale, the Council will only approve planning applications that adhere ~~with~~ to the comprehensive masterplan or any updated masterplan agreed with the Council and deliver the necessary local and strategic infrastructure identified in points a-j below at the appropriate phase of the development identified in the infrastructure phasing plan to support the coordinated provision of infrastructure and development.

The key principles for development of the Greater Faverdale site are shown on the illustrative Masterplan Framework (Figure 6.2), including broad locations for land uses and facilities. The site will provide:

- a. A mix of housing types, tenures and sizes, including 20% affordable housing and self/custom build housing, informed by up-to-date evidence of the housing needs of the Borough and Policies H 4 and H 5, with higher densities being incorporated close to public transport routes and the neighbourhood centre;
- b. Approximately 70 hectares (gross) / 49 hectares (net) of employment land ~~to accommodate approximately 200,000 square metres of employment space covering for~~ B4 E(g), B2 and B8 use classes;
- c. Space for a well located and connected neighbourhood centre providing community facilities, including the potential for a health hub, primary school and local retail and food and drink facilities of a scale and type proportionate to the nature and scale of the development. Policies TC1, TC4 and TC5 will not apply to

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proposals in accordance with these requirements. The requirement and timetable for the provision of the primary school shall be agreed with the Council as part of the comprehensive masterplan, infrastructure phasing plan and any future planning applications for the site subject to the capacity of existing local schools (see Policy IN10);

- d. An appropriate buffer zone alongside the A1(M) for noise attenuation which is to be informed by a noise assessment;
- e. Principal vehicular accesses from Rotary Way and Burtree Lane;
- f. A link road between Rotary Way and Burtree Lane the precise details of which including development access points, together with a timetable for its implementation, shall be agreed with the Council as part of the comprehensive masterplan, infrastructure phasing plan and any future planning applications for the site;
- g. Further enhancements to the local road network of Burtree Lane, to include the:
 - i. western connection to the A68; and
 - ii. ~~connectivity over the Bishop Line towards Harrogate Hill~~ improvements to Burtree Lane, including a new or improved pedestrian and cycleway crossing over the Bishop Line to connect the site to the Harrogate Hill area, or provide a suitable alternative route.

The implementation of these enhancements to the local road network of Burtree Lane will be linked to appropriate phases of development with the exact details to be agreed with the Council as part of the comprehensive masterplan, infrastructure phasing plan and any future planning applications for the site;

- h. Other necessary infrastructure as required by the Infrastructure Delivery Plan and identified at the time of submitting a planning application;
- i. An integrated transport network focused on sustainable transport modes; including public transport, walking and cycling with strong links to established networks, adjoining communities, employment locations and Darlington town centre;
- j. A network of connected and good quality green and blue infrastructure, the phasing of which is to be agreed with the Council as part of the comprehensive masterplan and infrastructure phasing plan, that:
 - i. retains and enhances the network of safe, attractive and accessible public rights of way, footpaths and cycle routes across the site;
 - ii. provides a pattern of well-integrated and inter-connected green spaces (along with their long term maintenance) across the site providing for the recreational needs of the local community, including nature friendly natural spaces, in accordance with Policies ENV 4, ENV 5 and ENV 9;
 - iii. protects the amenity of existing residential properties (see Policy DC 3);
 - iv. retains and enhances hedgerows and trees (see Policy ENV 7);
 - v. mitigates the impact on biodiversity (see Policy ENV 7);

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- vi. incorporates sustainable drainage systems; and
- vii. conserves or enhances the setting of the Stockton and Darlington Railway and incorporates improved pedestrian access and interpretation alongside it.

The site design and layout ~~must conserve and enhance the historic Stockton & Darlington Railway in accordance with Policies ENV 1 and ENV 2.~~ will be required to should seek to conserve, and where appropriate enhance designated and non-designated heritage assets, within and in the vicinity of the site including their setting in accordance with policies ENV1 and ENV 2 and the recommendations of the Darlington Local Plan Heritage Impact Assessment (2019). **Any planning applications which result in harm to the setting or significance of designated and non-designated heritage assets will be considered in the context of the level of harm and policy tests associated with this as set out in national policy will apply.**

Development should be located outside of areas of flood risk and should be planned sequentially (Policy DC2), placing the most vulnerable development in the lowest areas of flood risk, and proposals should be supported by a Flood Risk Assessment.

Prior to the occupation of the 750th home or development exceeding 24 hectares (net) of employment land, ~~whichever is sooner,~~ the Council and the developers shall undertake a review of all associated infrastructure requirements for the subsequent phases of the development **prior to the grant of planning consent of any additional residential employment development which exceeds the relevant totals these specified totals for each use.** Any additional infrastructure requirements identified shall be incorporated into an updated infrastructure phasing plan and delivered as part of subsequent phases of the development.

- 6.11.1** Greater Faverdale is a 177.8 hectare site (Site Reference: 185) in the North West of Darlington in the Brinkburn and Faverdale Ward and the Heighington and Coniscliffe Ward. The site is currently in agricultural use and is bordered to the west by the A1(M) and the A68 in the south by Rotary Way, to the north by Burtree Lane and the east by the operational Bishop Line of the Stockton and Darlington Railway rail line. The western part of the site (120 hectares) was allocated in the 1997 Local Plan as an Employment Reserve site.
- 6.11.2** The Greater Faverdale strategic allocation in the North West of Darlington was identified as having potential for mixed use development as part of the Local Plan Issues and Scoping consultation held in August 2016. In November 2016, the Council's Cabinet agreed to engage with the Advisory Team for Large Applications (ATLAS), now part of Homes England, to investigate how this part of the Borough could contribute to meeting the Borough's housing needs in a planned, sustainable way.
- 6.11.3** The Greater Faverdale Strategic allocation is supported by a Masterplan Framework created in January 2018 by the Greater Faverdale Site Group consisting of landowners, developers and consultants. Work on the Masterplanning Framework started in January 2017 and included consultation in September 2017. This work, along with the feedback from consultation, has informed the draft policy requirements for the strategic allocation.

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- 6.11.4 The Masterplan Framework suggests a mixed use development of approximately 2,000 housing units and approximately 200,000 square metres employment space. Also it includes indicative access points, green and blue infrastructure, an indicative neighbourhood centre, a movement network, suggested indicative land uses and essential amenities.
- 6.11.5 The following Masterplan Framework illustrates the key principles for development of the Greater Faverdale site emerging from the masterplanning process and reflected in the policy.
- 6.11.6 Further progress of the Masterplan Framework towards a comprehensive masterplan including infrastructure phasing plan with design, scale, suggested mix of uses, indicative phasing and development direction will be required to be prepared in consultation with the community and agreed with the Council in advance of any planning application(s) being submitted for this site ~~support any planning application for this strategic site.~~ **Once submitted, the content of the masterplan or any subsequent addendum would be reviewed and ultimately approved at Planning Committee in order to confirm endorsement by the Council.**
- 6.11.7 The comprehensive masterplan should be based on ~~have regard to~~ the strategic design requirements established in the Greater Faverdale Design Code and be based on a strong understanding of the characteristics of the site and its surrounds, and adopt the Healthy New Town ~~approach~~ principles to site design. **For clarity the content of paragraph 129 of the NPPF the Greater Faverdale Design Code or any subsequent amendment which is not part of the plan or a Supplementary Planning Document will comprise a material consideration for the purposes of decision making.**
- 6.11.8 For this site the balance of residential versus employment space will be dependent on the economic climate and viability assessment of the site.
- 6.11.9 In line with the recommendations of the Heritage Impact Assessment⁽²¹⁾, development proposals should avoid dense development around the Grade II listed manor house ruins and wall south east of Whessoe Grange Farmhouse in order to preserve its original rural landscape context. Opportunities to improve accessibility to and interpretation of the site as part of the development whilst preserving the most significant elements of its setting should be considered. In addition, areas of dense development should be avoided to the immediate south of High Faverdale Farm preserving prominent views of the farmhouse.
- 6.11.10 Development proposals should incorporate the route of the Stockton and Darlington Railway, providing improved access and interpretation, and aim to avoid creating a continuous area of urban development with the permitted development to the east of the rail line ~~in a predominantly rural~~ to conserve and enhance its setting. **Where an application is deemed to impact upon the setting or significance of the railway, a balanced judgement will be required having regard to the scale of any harm or loss of the setting and the wider benefits that the proposed development would deliver.** An appropriate programme of targeted archaeological evaluation and mitigation in advance of groundworks will be necessary, in particular around the site of the posited Whessoe Deserted Medieval Village, Roman Faverdale site and the Stockton and Darlington Railway.

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6.11.11 Should the amount of development **exceed the quantum of development identified for delivery within the plan period** it will be necessary to undertake a proportionate review of the infrastructure phasing plan to accompany any planning application for accelerated development. This could include evidence from a Transport Assessment for highways infrastructure but should also consider other additional infrastructure requirements where necessary.