
Inspectors Supplementary Questions (Revised NPPF)

Examination of the Darlington Local Plan

IN14 – Implications for Policy H11 as a result of published revisions to the NPPF.



Contents

Introduction	1
Implications of the revised NPPF	2



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: IN14 Inspectors Supplementary Questions relating to potential implications to the Darlington Local Plan as a result of the publication of the revised NPPF (July 2021). 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. In particular, it should be read alongside our response to the supplementary questions raised in document IN13 which are submitted in tandem and share an appendix in the form of a modified Policy H11.

As there are no specific questions in relation to the revised NPPF, this statement focuses on the potential implications for Policy H11 previously discussed in Matters 4 and 7.

Implications of the revised NPPF

By way of context, in late July 2021 the Government published an updated version of the National Planning Policy Framework, following consultation earlier this year. It is not a completely new document, rather it updates the previous version (first published in 2012). In addition to additional requirements regarding the need to mitigate climate change, and improve the environment, the majority of changes relate to support for longer term strategic planning and place a greater emphasis on design, design guidance and design codes.

With specific reference to Policy H11 as drafted, the two areas to consider relate to:

- Longer term planning; and
- The role of Design Codes and Guidance.

Longer Term Planning & Strategic Policies

Paragraph 22 expands the need to look further ahead than the plan period (at least 30 years) to take into account the timescale for delivery. It now states:

“Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.”

In this instance, we note that the transitional arrangements in Annex 1 clarify that amendments to paragraph 22 do not apply as a requirement to Local Plans which have already reached Regulation 19 stage at the time of publication. Nonetheless, it further demonstrates the support within national policy for longer term growth similar to that which would be delivered via Policy H11 at Greater Faverdale beyond 2036. No changes are required to the Plan as drafted as a result of this amendment to the NPPF.

Design and Design Codes

National policy has now provided further requirements and clarification regarding the role of design codes and design guidance in decision making which results in implications for the wording of H11, mindful of our prior representations and the need for flexibility in applying the Design Code. By way of context:

Paragraph 128 (paraphrased and with Savills emphasis in bold) now states – *“To provide maximum clarity about design expectations at an early stage, all local planning authorities should **prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code**, and which reflect local character and design preferences”*.

Inspector's Supplementary Questions (Matter 7)

Hellens Land Limited and Homes England



*Paragraph 129 now states (Savills emphasis in bold) - Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and **to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop.** Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.*

As there is already a Greater Faverdale Design Code now referenced as an amended reference to Policy H11, the key implication here is the degree of weight to be applied to this design code given the clarification on requirements as set out in paragraph 129 and indeed, potential implications for decision making. As now established in paragraph 134 of the NPPF, it is stated that the content of a design code and the degree of compliance with it should carry “significant weight” in decision making.

It was agreed with Council Officers during recent hearing sessions that the Greater Faverdale Design Code would be applied flexibly and as such future planning applications submitted in accordance with Policy H11 would simply be required to “have regard” to the Design Code as referenced in the Policy text as drafted. However, following the publication of the revised NPPF the questions arising comprise:

- Whether the Design Code would need to be formalised in order to apply weight to the document in decision making; and
- If so whether changes would be required to the content if applications if it were to be applied robustly in decision making, mindful of the requirement to align with the National Model Design Code.

The crux of the concern with the Design Code raised by Hellens Land and Homes England as drafted is that the document applies policy like requirements beyond the scope of the plan and indeed the scope of page 7 of the National Model Design Code. Discussions with the Council in advance of preparing this statement and following the publication of a revised NPPF have confirmed that both parties wish to retain a flexible approach to the application of the Design Code as drafted, as such it is proposed that the Design Code would not form part of the plan or be adopted as an SPD. Rather it would be used informatively and as a material consideration. This approach has been agreed in principle with Officers as the most straightforward course of action. We have proposed modifications to Policy H11 and its supporting text (**please see Appendix IN13/IN14 which accompanies our response to IN13**) and in short these comprise the removal of any reference to the Design Code within Policy H11 (as per the original policy) and a clarification within the supporting text that this would be taken into account as a material consideration rather than a policy requirement.

Inspector's Supplementary Questions (Matter 7)

Hellens Land Limited and Homes England



Nonetheless, whilst the above constitutes an agreed means of clarifying and applying the role of the Greater Faverdale Design Code in principle i.e. that it does not trigger the paragraph 134 tests and is not formally part of the plan. If, following the examination the Council are minded to formalise the role of the Design Code via its adoption as part of the plan or as a supplementary planning document. We would request that the content of this document be reviewed in detail and produced jointly with Hellens Land and Homes England (as permitted by paragraph 129) to ensure both parties are agreed on the content on the document. Indeed, Hellens Land and Homes England would be willing to take the lead on this and prepare a developer led Design Code for review and consultation if necessary.