

Comment

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Comment by Mr John Atkinson (1175431)
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Question 1

Which document/modification does this representation relate to? Main Modification Schedule *

*** Please provide the reference number (where applicable), for example MM1, PM1, MIN1** MM190

Question 2

What best describes the nature of your representation? Object

Question 3 Legally Compliant and Sound

Do you consider the Plan, incorporating the proposed Modification is Legally Compliant? No

Do you consider the Plan, incorporating the proposed Modification is Sound? No

Question 4

Please give details of why you consider the Darlington Local Plan, incorporating the proposed Modifications to which your representation relates, is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the Plan or comment on the Sustainability Appraisal Report Addendum/Habitats Regulations Screening please also use this box to set out your comments.

Please see my comments for the submitted plan and my separate recent document for this modified plan setting out the extra evidence obtained through FOI and the assistance of ICO.

The issue is the unsound and unlawful creation and inclusion of Site 392 and the consequences relating to Sparrow Hall Drive green space designation.

Some council officers have embarked on a course of action which has misled the public, prevented meaningful consultation with residents, contravened planning law and regulations and attempted to coerce others to act in support. A large capital sum for the council was referred to by one officer to another as a reason for the latter to support a planning application for the site during the local plan process.

This behind the scenes support of the resultant planning application Ref 18/0988/FUL, which combined with other evidence, showed the lengths some officers were prepared to go to knowingly allow materially inaccurate information to be presented as fact. It was not predisposition but predetermination on behalf of those officers.

The planning application has been withdrawn, but Site 392 remains in the plan. Given the evidence against some officers then no trust can be placed in them or in the processes they affect.

The description of site 392 is inaccurate (MM190). It is named Elm Tree Farm but consists of some of Elm Tree Farm and the council owned open green space on Sparrow Hall Drive, which is 2.66 acres in size.

The wording of the housing statement for 392, (MM190), has been changed again and diluted even more from the draft plan of 2018, that now removes references to the area of high landscape sensitivity. It is stated this is reflecting most recent evidence, but that evidence is not published. It is known that the developer with whom an agreement was reached has pulled out.

What is known by the council officers about the Sparrow Hall green space but is not included in their statement is as follows:-

- a) It has a public right of way, which runs alongside an ancient hedgerow of several hundred yards consisting of Blackthorn and Hawthorn. The blossom in spring is a site to lift the spirits and wellbeing, and is a must for wildlife, including the hips in autumn, which create a red hue along the length.
- b) It has horse chestnut trees which is a species that has been declared at risk of extinction by the International Union for the Conservation of Nature as reported by the BBC on 27th Sept. 2019.

As revealed by the withdrawn planning application the officers know about Site 392, but have omitted:-1) Northumbria Water have declared their system has insufficient capacity to take all of the surface water from the development.

2) It currently has areas that flood and they have identified as high surface water flood risk by the Environment Agency. Including at the rear of Argyll Close, which has a water course of unknown destination that was proposed to be used for the surplus water discharge from the site, likely increasing the frequency and size of the flood risk for Argyll Close.

3) There are great crested newts in the area.

4) Swallows and other birds nest in the farm buildings.

The relationship of the site with Skerningham has been watered down further to the point of no relationship at all. It has been previously reported by officers that the owners of Elm Tree Farm did not want to be part of the Skerningham area. However, because of the unsound approach to originally get a road and a lump sum, the situation remains that 1.38 acres of land along the Western strip of Elm Tree Farm is within the Skerningham Allocation and is covered by the masterplan. Given the division of Elm Tree Farm in this way it is reasonable to expect a statement setting out how the two sites should physically interface and how development will be phased.

When the road across Springfield Park was removed from the plan, this strip of land was described as an environmental buffer for the great crested newts. This is not identified as such in the modified plan for the Skerningham area or masterplan.

Item d (MM190) in the modified wording of is meaningless. There may be an opportunity for reinforcement of recreational and green space but the wording offers no guarantee or binding commitment to realising the opportunity. Nor what that would look like.

To the North lies the golf club, and if it does not relocate there is no space for the opportunity, despite the claim. In any event it is taking an informal green space further away from existing residents.

There is also the danger that the types of green space will be conflated. Springfield Park is a formal space with sports and leisure activities, whereas Sparrow Hall Drive green space is informal. Both types of space should be provided according to regulations, as they meet different needs. If Sparrow Hall Drive green space is lost an enhanced Springfield Park is not compensation.

The access point via Sparrow Hall Drive is inappropriate. It is a residential street that is the only access to several hundred properties on adjoining streets. The junction out with Whinbush Way is extremely busy and has had a number of accidents.

If the golf club remained in-situ there can be no access to Sparrow Hall Drive as this would allow over 600 extra trips per day to use the road in addition to any development (Council traffic survey – objection report available if required). Hence the golf club would still use Green Lane as current.

If the golf club relocated then any development North or West of Elm Tree Farm should be prevented from using Sparrow Hall Drive. Highway safety, noise and pollution.

The changes in the modified plan seemed designed to make the site more desirable for any potential developer, increasing the potential for the council to be paid a large capital sum for Sparrow Hall green space. This is especially so given the previous developer with whom the council had a legal agreement withdrew their planning application.

Question 5

Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 4. It will be helpful if you are able to put forward your suggested revised wording or any policy or text. Please be as precise as possible.

Site 392 should be removed.

Sparrow Hall Drive green space should be given green space designation as it easily met all the criteria but the decision was deferred in 2018 because it was within the Skertingham masterplan area, awaiting details.

It is possible to replace 392 with site 21 Elm Tree Farm. This site has all of the history of being assessed. What is more if this occurred, and the Sparrow Hall Drive green space was retained and given green space designation, then any new sympathetic development would offer a superior environment to potential house buyers, be in demand, and offer a price premium and protect a valued amenity for existing residents and wildlife. Even so there would need to be safeguards for the issues.

If housing development on some or all of 392 is to be permitted then the housing statement needs more clarity and legally enforceable rigor.

Reinstate the fact that it is of high landscape sensitivity and should be developed sensitively and sympathetically.

The hedgerow alongside the public right of way cannot be compromised. The scenic public right of way must be retained.

Any development must consult with homeowners whose properties are identified as at risk of surface water flooding, by the Environment Agency Flood Risk assessment, to agree a prevention scheme. Any such scheme to be approved by the appropriate authorities. The scheme is legally binding and must be implemented in full.

The endangered Horse Chestnut trees must be retained and all practical measures taken to prevent damage during development.

Other trees and bushes that enhance the site in support of and in close proximity to the Horse Chestnut trees, and shield the site from neighbouring properties to be retained and if necessary complimented with others. Consultation with existing residents essential.

Measures must be taken to protect the habitat and hibernation sites of the great crested newts.

Before any demolition of structures used by wild life, replacements must be erected to give alternate roosting and nesting sites, thus maximising the retention of wildlife and maintaining biodiversity.

Access to Sparrow Hall drive is not permitted for the golf club or for developments to the North or West of Elm Tree Farm.

A separated access created for the development of Elm Tree Farm must be onto Whinbush Way, without using Sparrow Hall Drive. The opportunity must be taken to explore how this may be used by the golf club and small developments North and West of Elm Tree Farm.

The golf club access would continue via Green Lane until a separate access onto Whinbush Way has been established, that does not use Sparrow Hall Drive.

Plans must be agreed with the Skerningham development adjacent to the site for the interface and phasing of work. These plans must be informed by meaningful public consultation prior to a planning submission and be submitted with any planning application.