



The Planning Inspectorate

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# Report to Darlington Borough Council

**by William Fieldhouse BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 28 January 2022**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Darlington Borough Local Plan 2016-2036**

The Plan was submitted for examination on 22 December 2020

The examination hearings were held between 25 May and 7 September 2021

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## **Abbreviations used in this report**

The 2004 Act	The Planning & Compulsory Purchase Act 2004 (as amended)
The 2012 Regulations	The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
The Council	Darlington Borough Council
NPPF	National Planning Policy Framework (July 2021)
The Plan	The Darlington Borough Local Plan 2016-2036
PPG	Planning Practice Guidance
sqm	Square metres

## **Evidence and Examination Documents**

All of the Council's supporting evidence submitted with the Plan along with documents that I issued, requested or accepted during the examination were published on the examination website. Each document has its own individual reference number such as CD03, SD28, IN1, DBC3, etc. Where appropriate, I refer to documents by their reference numbers in this report.

## Non-Technical Summary

This report concludes that the Darlington Borough Local Plan 2016-2036 provides an appropriate basis for the planning of the Borough, provided that a number of main modifications are made to it. Darlington Borough Council has specifically requested that I recommend any main modifications necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The main modifications were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and all the representations made in response to consultation on them.

The main modifications can be summarised as follows:

- Clarify that the housing requirement is for a minimum of 9,840 net additional dwellings between 2016 and 2036 (492 per year).
- Update the housing supply information and housing trajectory to take account of evidence relating to 1 April 2021 and the overall supply for the plan period to a total of 11,579 dwellings.
- Clarify the windfall allowance is 25 dwellings per year from 2021.
- Set out the five year housing requirement on 1 April 2021 (2,729 dwellings) and the deliverable supply on that date (2,920 dwellings).
- Changes to policies H10 and H11 and Figures 6.1 and 6.2 (Skerningham and Greater Faverdale masterplan frameworks) to achieve sustainable development on the sites coordinated with the provision of all necessary physical, social and green infrastructure.
- Changes to the development requirements in the allocation statements for various sites.
- Amend the requirement for accessible and adaptable homes in policy H4 from 80% to 45%.
- Clarify the affordable housing requirements in policy H5 and amend the proposed tenure split.
- Allocate extensions to two Council-owned gypsy and traveller sites to ensure that the need for additional gypsy and traveller accommodation can be met.
- Clarify the uses proposed on employment sites, having regard to changes to the Use Classes Order that came into effect in September 2020.
- Changes to policies IN1 to IN4 to clarify the proposed road improvements and secure high quality infrastructure for buses, walking and cycling.
- Changes to policies ENV3 to ENV8 relating to green infrastructure including rural gaps, green wedges, green corridors and urban and rural parklands.
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the *Darlington Borough Local Plan 2016-2036* ("the Plan") in terms of section 20(5) of the *Planning & Compulsory Purchase Act 2004* (as amended) ("the 2004 Act"). It considers first whether the Plan's preparation has complied with the duty to cooperate. It then considers whether the Plan is compliant with other legal requirements, and whether it is sound. *The National Planning Policy Framework* ("NPPF")<sup>1</sup> makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound plan. The *Darlington Borough Local Plan 2016-2036* submitted on 22 December 2020<sup>2</sup> is the basis for my examination. It is the same document that was published for consultation in August 2020.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I recommend any main modifications necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended main modifications are necessary. The main modifications are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared schedules of proposed main modifications<sup>3</sup> and changes to the policies map<sup>4</sup> and updated the sustainability appraisal and habitat regulations assessment<sup>5</sup>. These documents were subject to public consultation for six weeks in October and November 2021. I have taken account of the consultation responses in coming to my conclusions in this report and have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the

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<sup>1</sup> All references in this report to the NPPF are to the revised version published on 20 July 2021.

<sup>2</sup> CD01.

<sup>3</sup> DBC29.

<sup>4</sup> DBC30 and DBC38.

<sup>5</sup> DBC31 and DBC32.

*Darlington Borough Policies Map Proposed Submission Local Plan August 2020*<sup>6</sup>.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were listed in the *Policies Map Modifications Schedule Update* and included in the *Policies Map Update October 2021*<sup>7</sup>. Those documents were published for consultation alongside the main modifications.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in the *Darlington Borough Policies Map Proposed Submission Local Plan August 2020* and the further changes published alongside the main modifications referred to above.

## **Context of the Plan**

### *The Borough and its surroundings*

9. The Borough comprises the historic market town of Darlington surrounded by open countryside and attractive villages. It is a unitary local authority that is a member of the Tees Valley Combined Authority along with Stockton-on-Tees, Middlesbrough, Redcar and Cleveland, and Hartlepool. To the east of the Borough is Stockton-on-Tees; to the north and west is County Durham; and to the south is North Yorkshire.
10. The River Tees forms the Borough's southern boundary. The A1(M) runs north-south, and the A66 east-west, to the west and south / east of the town respectively. Darlington railway station is on the East Coast Mainline. Teesside International Airport straddles the eastern border with Stockton-on-Tees.
11. The Borough has a population of around 106,300 people and accommodates around 56,000 jobs. The economy has performed well in recent years in comparison to some other parts of the North East. However, there are significant social and economic inequalities within the Borough, with five wards being amongst the 10% most deprived nationally and two amongst the 10% least deprived.

### *The statutory development plan*

12. The Plan will replace the *Darlington Local Development Framework Core Strategy* (2011) and the saved policies in the *Borough of Darlington Local Plan* (1997 with alterations adopted 2001). The statutory development plan for the

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<sup>6</sup> CD02.

<sup>7</sup> DBC30 and DBC38.

Borough will also include the *Tees Valley Minerals and Waste Core Strategy Development Plan Document*; the *Tees Valley Minerals and Waste Policies and Sites Development Plan Document* (both adopted 2011); the *Low Coniscliffe and Merrybent Parish Neighbourhood Plan* (made 2019); and any other neighbourhood plans that are subsequently made.

## Public Sector Equality Duty

13. The Council carried out an *Equalities Impact Assessment* to inform the preparation of the Plan<sup>8</sup>.
14. I have had due regard to the three aims expressed in section 149(1) of the *Equality Act 2010* and in particular considered how the Plan's policies and proposals are likely to affect people from groups with "protected characteristics"<sup>9</sup>. This has involved my consideration of several matters during the examination including those relating to different types of housing need, including for people with disabilities, the elderly, and travellers; achieving sustainable design; delivering a sustainable transport network and improving access and accessibility; and protecting and providing education and other community and social infrastructure. My findings in relation to those matters are set out in subsequent sections of this report.

## Assessment of Duty to Cooperate

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation - the duty to cooperate in relation to the preparation of a local development document in so far as relating to a strategic matter<sup>10</sup>.
16. The Borough is a relatively self-contained area in terms of travel to work and housing markets. However, the following cross boundary strategic matters required cooperation with neighbouring authorities and other relevant bodies: housing development including accommodation for gypsies and travellers; economic growth; Teesside International Airport; town centre development; services and facilities; strategic transport infrastructure; flood risk; natural environment; and historic environment including the Stockton and Darlington Railway.
17. The Council's *Statement of Common Ground*<sup>11</sup> sets out how it aimed to satisfy the duty to cooperate through engaging constructively, actively and on an ongoing basis in relation to strategic matters during the preparation of the Plan. This included engaging officers and elected members of other authorities during evidence gathering and policy development through various sub-regional and topic-specific working groups and other means as well as consultation at various stages of plan preparation.
18. The proposals in the Plan reflect the outcome of the joint-working on the strategic matters and none of the prescribed bodies or other relevant

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<sup>8</sup> PD03.

<sup>9</sup> Age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation (section 149 of the *Equality Act 2010*).

<sup>10</sup> For the purposes of this Plan, "strategic matters" include sustainable development or use of land that has or would have a significant impact in at least two planning areas (section 33A(4) of the 2004 Act).

<sup>11</sup> CD05.



organisations have indicated that they are dissatisfied with their liaison with the Council. Thus, whilst there are a number of soundness issues related to some strategic matters that I consider in subsequent parts of this report, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to cooperate has been met.

## Assessment of Other Aspects of Legal Compliance

### *Local development scheme*

19. The Plan has been prepared in accordance with the Council's *Local Development Scheme* which was updated in 2020<sup>12</sup>.

### *Public consultation*

20. The Council's *Submission Consultation Statement*<sup>13</sup> sets out how consultation was carried out during the various stages of Plan preparation. Some residents consider that the Council's engagement was primarily with those with developer interests, that relevant information was not always available, and that the views of local communities were ignored or given little weight. However, several stages of consultation were held, and a variety of means were used in an attempt to engage with the public including the internet, videos, social media, physical meetings, and articles in *One Darlington* magazine which is regularly distributed to households throughout the Borough. The Council's evidence shows that it considered all of the main issues raised in representations, and made changes to the emerging Plan where it considered this necessary and appropriate.
21. Overall, I am satisfied that the Council carried out consultation in compliance with the 2012 Regulations and the *Statement of Community Involvement* that had been published in July 2016 and then updated in August 2020 to take account of restrictions relating to the coronavirus pandemic<sup>14</sup>.

### *Sustainability appraisal*

22. The Plan was subject to sustainability appraisal during its preparation and to inform the proposed main modifications<sup>15</sup>. Various spatial options, different levels of economic and housing growth, and all allocations and policies, along with reasonable alternatives, were appraised using a systematic process and relevant, proportionate information. There is no legal requirement or national policy expectation that the effect of the Plan on greenhouse gas emissions or progress towards achieving zero carbon over the plan period should be quantified. No statutory consultees have raised any significant concerns about the sustainability appraisal, and I am satisfied that it was carried out in accordance with the relevant legislation<sup>16</sup>.

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<sup>12</sup> PD04.

<sup>13</sup> PD01.

<sup>14</sup> PD05.

<sup>15</sup> CD03 and DBC31.

<sup>16</sup> Sections 19(5) and 39 of the 2004 Act, and the *Environmental Assessment of Plans and Programmes Regulations 2004*.

### *Habitat regulations assessment*

23. The Council's *Habitat Regulations Assessment Screening Report and Addendum*<sup>17</sup> demonstrate that the Plan is not likely to have a significant effect on the conservation objectives of any relevant protected sites.

### *Climate change*

24. The Plan's overall spatial strategy and various specific policies aim to ensure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change<sup>18</sup>. These include policies relating to the settlement hierarchy; sustainable design; flood risk; health and wellbeing; green and blue infrastructure; biodiversity and geodiversity; sustainable transport; access and accessibility; car parking and cycle storage; and renewable energy.
25. Whilst some representors consider that a more radical approach to addressing climate change should be taken, I am satisfied that, subject to the main modifications that I recommend throughout this report, the Plan is consistent with national planning policy and meets the other tests of soundness.

### *Strategic priorities*

26. The Plan, along with the *Tees Valley Minerals and Waste Core Strategy Development Plan Document* and the *Tees Valley Minerals and Waste Policies and Sites Development Plan Document*, includes policies to address the strategic priorities for the development and use of land in the Borough.

### *Superseded policies*

27. Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy<sup>19</sup>. In order to ensure compliance with this requirement, and consistency with national policy, modifications are required to the introduction to the Plan and to insert an additional appendix listing the superseded policies from the *Darlington Local Development Framework Core Strategy* and the saved policies in the *Borough of Darlington Local Plan [MM2 to MM5 and MM196]*.

### *Other legal requirements*

28. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

29. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 17 main issues upon which the soundness of the Plan depends. This report deals

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<sup>17</sup> CD07 and DBC32.

<sup>18</sup> Section 19(1A) of the 2004 Act.

<sup>19</sup> Regulation 8(5) of the 2012 Regulations.

with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or allocation in the Plan.

**Issue 1: Is the approach in the Plan to look ahead to 2036 consistent with national policy or otherwise justified?**

30. When preparation of the Plan commenced it was on the basis of a 20 year timeframe looking ahead from 2016. *The Local Development Scheme* approved in September 2020<sup>20</sup> anticipated that the Plan would be adopted in 2021, although it will now be adopted early in 2022. A plan period ending in 2036 would not, therefore, mean that strategic policies look ahead over a minimum 15 year period from adoption as expected by national policy. However, six housing allocations are collectively likely to have capacity for over 5,500 dwellings after 2036, although there are no policies in the Plan to prevent that development taking place earlier if required. There are also potential longer term opportunities for employment and main town centre use developments on land identified in the Plan including at Skerningham and the town centre fringe. The Council is under a statutory duty to review the Plan at least every five years and update it if necessary.

*Conclusion*

31. I am, therefore, satisfied that the approach in the Plan to look ahead to 2036 is justified.

**Issue 2: Does the Plan set an appropriate framework, and allow an appropriate role, for neighbourhood plans in the Borough?**

32. There are five neighbourhood areas designated in the Borough. The *Low Coniscliffe and Merrybent Neighbourhood Plan* was made in 2019<sup>21</sup>, and the *Middleton St George Neighbourhood Plan* was submitted to the Council in April 2021<sup>22</sup>. Neighbourhood plans are not currently being actively prepared for the other three areas.
33. The Plan identifies 25 policies (out of a total of 47) as being strategic based on the relevant criteria set out in national policy<sup>23</sup>. Once the Plan is adopted, neighbourhood plans in the Borough will need to be in general conformity with those strategic policies and should not undermine them or promote less development<sup>24</sup>. The strategic policies identified by the Council are all relevant to those purposes.
34. Policy H2, which proposes the housing allocations that are required to deliver the homes needed in accordance with the Plan's spatial strategy, is appropriately categorised as a strategic policy. However, table 6.3 lists some but not all of the allocations as strategic. This creates ambiguity, and therefore table 6.3 should be modified so that it is clear that all of the allocations are part of strategic policy H2 [MM36]. The key to the policies map needs to be amended accordingly.

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<sup>20</sup> PD04.

<sup>21</sup> SD55.

<sup>22</sup> OTH2.

<sup>23</sup> NPPF 20 to 23.

<sup>24</sup> NPPF 29.

35. Main modifications are required to policy H1 table 6.1 so that the housing requirement figures for the designated neighbourhood areas accurately reflect the number of dwellings that are expected to be built on sites with planning permission and allocations between 2021 and 2036, and to the reasoned justification to explain the purpose of those figures [**MM25** and **MM27**]. This will ensure that this part of the Plan is effective and consistent with national policy which expects strategic policies to set housing requirement figures for neighbourhood areas that reflect the Plan's overall strategy for the pattern and scale of development and any allocations<sup>25</sup>. Making it clear that the figures are minimum represents a positive approach and recognises that windfall developments in those areas could come forward provided all relevant policies were complied with.

### *Conclusions*

36. Subject to the main modifications I have described, the Plan sets an appropriate framework, and will allow an appropriate role, for neighbourhood plans in the Borough.

### **Issue 3: Does the Plan establish a housing requirement figure for the Borough that is justified and consistent with national policy?**

37. Policy H1 sets a minimum requirement of 422 net additional dwellings per year, and also an annual target of 492 net additional dwellings, between 2016 and 2036. Both these figures are significantly greater than the local housing need figure calculated using the standard method set out in national planning guidance which, when the Plan was submitted for examination, was 162 net additional dwellings per year.
38. National guidance is clear that the standard method provides a minimum starting point, and a recently-produced strategic housing market assessment may show significantly greater need. Furthermore, where an authority can show that an alternative approach identifies a need higher than the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point<sup>26</sup>.
39. The minimum requirement of 422 net additional dwellings per year is based on the *Strategic Housing Market Assessment 2017*<sup>27</sup> which adjusted the official 2014-based household projections upwards to address apparent anomalies in the population projections. This took account of evidence relating to the numbers of homes built in the Borough since 1991, patients registered at doctors' surgeries, and children on school rolls, along with longer term migration trends. The household projections were also adjusted to take account of concealed and homeless households; second homes and vacancies; and institutional population change. The adjustments to the official projections are based on relevant and proportionate evidence, and mean that the Plan is informed by a justified assessment of future demographic change in the Borough.

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<sup>25</sup> NPPF 66.

<sup>26</sup> PPG ID:2a-010 and 015-20190220.

<sup>27</sup> SD09.

40. The target of 492 net additional homes per year also allows for increased net in-migration (70 households a year). This would allow the working age population to be sufficient to meet demand for 7,000 net additional jobs in the Borough, based on reasonable assumptions about commuting patterns, unemployment and economic activity rates. The target therefore is consistent with the economic aspirations of the Plan which, for the reasons set out under the following main issue, are justified. Whilst there is no certainty that more people will move to the Borough if the jobs are created, planning to provide the necessary number of homes represents a positive approach.
41. The aim of achieving at least 492 net additional homes per year is also supported by evidence of housing completions in recent years which averaged 465 between 2016 and 2021 and 555 between 2018 and 2021.
42. Overall, I am satisfied that the target of achieving at least 492 net additional homes per year between 2016 and 2036 is justified and consistent with national policy, and means that the Plan is positively prepared.
43. National policy expects strategic policy making authorities to establish a housing requirement figure for their whole area. To be consistent with this, and with the economic aims of the Plan, policy H1 and the reasoned justification need to be modified to clearly set out a minimum housing requirement for 492 net additional homes per year between 2016 and 2036 which equates to total of 9,840 [**MM25, MM26, MM29 and MM32**]. Reference to the lower figure of 422 dwellings per year should be deleted as it serves no purpose and creates ambiguity, including about how the five year requirement will be calculated in line with national policy.

### *Conclusion*

44. Subject to the main modifications that I refer to above, the Plan establishes a housing requirement figure for the Borough that is justified and consistent with national policy.

### **Issue 4: Are the proposals to accommodate 7,000 new jobs and provide for a total of 158 hectares of additional employment land between 2016 and 2036 justified?**

45. The Plan aims to facilitate sustainable economic growth of 7,000 new jobs<sup>28</sup>. Table 7.1 identifies a total of around 226 hectares (gross) / 158 hectares (net) of land for employment developments on existing and allocated sites between 2016 and 2036 in accordance with policies E1 and E2.
46. The creation of 7,000 jobs in the Borough over 20 years would be broadly in line with past rates of economic growth, and consistent with the *Darlington Economic Strategy 2016-2026* and the *Tees Valley Strategic Economic Plan 2016-2026*<sup>29</sup>. There is no direct relationship between that job growth target and the amount of employment land proposed in the Plan as many new jobs will be in sectors that are located in existing built up parts of the Borough. The provision of 158 hectares (net) of additional employment land is based on the *Employment Land Review 2017* and 2019 update; previous rates of

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<sup>28</sup> Plan paragraph 2.1.2 Aim 1.

<sup>29</sup> SD18 and SD19.

uptake<sup>30</sup>; evidence of market demand for industrial and storage / distribution uses; and the need to provide flexibility and a choice of sites to ensure those sectors can contribute towards achieving the overall job growth target. It is, therefore, justified in the context of national policy.

47. However, to ensure effectiveness, paragraph 1.7.3 needs to be modified to clarify that facilitating the creation of 7,000 new jobs relates to the period 2016 to 2036 and is from a baseline of 56,000 jobs in the Borough [MM7].

### *Conclusion*

48. Subject to the modification I recommend above, the proposals to accommodate 7,000 new jobs and provide for a total of 158 hectares of additional employment land between 2016 and 2036 are justified.

### **Issue 5: Is the Plan's spatial strategy justified and will it contribute to the achievement of sustainable development?**

#### *Settlement hierarchy and spatial strategy*

49. The amount of development that the Plan seeks to accommodate represents a substantial amount of growth over the next 15 years or so. This would inevitably involve significant changes to the built form of the Borough, wherever it were to be located. As already referred to, various options were considered for accommodating this growth and assessed through the sustainability appraisal.
50. Policy SH1 states that the broad distribution of development will be shaped by the role and function of places based on a hierarchy of settlements comprising the Darlington urban area; three defined service villages; and eight defined rural villages. This reflects the geography of the Borough, and is based on a proportionate and up to date assessment of the services and facilities available in different settlements<sup>31</sup>.
51. The town of Darlington is a sub-regional centre for employment, retail, leisure, and transport services, and is by far the largest settlement in what is otherwise an essentially rural Borough. Whilst the town centre fringe may present some opportunities for mixed use redevelopment and regeneration, there is clearly not capacity to accommodate anything other than a small proportion of the overall number of new homes needed in the existing built up areas of the town. All realistic opportunities that have been identified are subject to proposals in the Plan.
52. National policy is clear that the supply of large numbers of new homes can often be best achieved through planning for larger scale developments such as significant extensions to existing towns. That is the approach that the Council chose to adopt, having considered various alternatives, and is reflected in the spatial strategy set out in the Plan.

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<sup>30</sup> A total of around 55 hectares of employment land was developed between 2009 and 2019 (average 5.5 hectares per year). Around 80% was for storage and distribution uses (B8), and around 15% for industrial uses (B2) [SD16 page 14].

<sup>31</sup> Appendix 1 of the *Spatial Distribution of Development Topic Paper*.

53. Whilst alternative categorisations of certain settlements could have been made, for example by adding more rural villages or sub-dividing the service villages into two or more tiers, the approach adopted in the Plan is reasonable. Nor is it necessary in the interests of soundness to define the existing housing estate and housing commitment at School Aycliffe as a service village, notwithstanding their close proximity to the town of Newton Aycliffe in County Durham.
54. The distribution of development proposed in the Plan reflects the strategy set out in policy SH1, but also takes account of commitments and the suitability of other sites considered as potential allocations. I consider later in this report the methodology used for selecting housing allocations, but in summary I conclude that it represents a reasonable, consistent and proportionate approach. I am satisfied, therefore, that overall the allocations in the Plan are consistent with the spatial strategy set out in policy SH1.
55. However, as the strategy entails large numbers of new homes around the western, northern and eastern fringes of the town it is essential that those developments are well designed and supported by necessary infrastructure and facilities so as to achieve sustainable development. This has implications for my consideration of various parts of the Plan, including the policies relating specifically to the relevant allocations but also others including transport and green infrastructure.

#### *Development limits*

56. Development limits are defined on the policies map around the Darlington urban area and each of the service and rural villages referred to in policy SH1. Such an approach provides, in principle, clarity and consistency in the application of various policies in the Plan, including policy H3 and those that restrict development in the countryside outside the defined limits.
57. Appendix 3 of the *Spatial Distribution of Development Topic Paper* sets out the methodology used by the Council to define the development limits as shown on the policies map. The limits defined in the local plan adopted in 1997 were used as a starting point, and various criteria and principles were applied to amend those where necessary.
58. The Council's primary aim was to ensure that the limits are drawn around the main built form of a settlement as it now exists, whilst also incorporating the proposed housing and employment development sites. Wherever possible, the development limit follows clearly defined permanent features, although there are some exceptions to that for example where back gardens of houses extend a considerable distance into the open land around a village. Certain types of buildings on the edge or just outside settlements were excluded, for example those used for agriculture or in association with outdoor sport. Such an approach is appropriate, given the purpose of the relevant policies that apply to within and beyond the limits.
59. Inevitably, such an exercise requires judgements to be made. Whilst the Council has not published analysis of how its methodology was applied to the edges of each of the settlements, I am satisfied that the development limits defined on the policies map are generally based on a reasonable and broadly consistent approach. During the examination, at my request, the Council used

its methodology to review the development limits to take account of the existing and emerging neighbourhood plans as well as recently completed developments and planning permissions granted since the Plan was prepared. In light of that, the Council is proposing to make some amendments to the development limits shown on the submitted policies map, other than where to do so would be contrary to policies in the Plan. I agree that those amendments would help to ensure that relevant policies in the Plan can be effectively applied. On the other hand, I do not consider that any of the other changes to the development limits suggested by representors are necessary to make the Plan sound having regard to the methodology used by the Council and the relevant policies in the Plan.

#### *Presumption in favour of sustainable development*

60. A modification is required to policy SD1 to ensure that it is consistent with national policy, including the revisions to NPPF paragraph 11 published in July 2021 [**MM10**].

#### *Conclusion*

61. For the reason's set out above, and elsewhere in this report, I am satisfied that the Plan's spatial strategy is justified and will contribute to the achievement of sustainable development. However, policy SD1 needs to be modified as recommended above, and a number of amendments should be made to the development limits defined on the policies map.

#### **Issue 6: Is the Plan informed by a proportionate and up to date assessment of viability and are the policy requirements in the Plan set at a level such that they will not undermine deliverability?**

62. The Council's *Local Plan Viability Assessment* published in December 2020<sup>32</sup> provides evidence about the economic viability of development proposed in the Plan. For residential development, the assessment adopts a typology based approach that reflects the types of allocations in the Plan and windfall sites that are likely to come forward. Site specific assessments were carried out for the large allocations at Skerningham and Greater Faverdale; I consider those later in this report.
63. The viability assessment was prepared with input from stakeholders in line with national guidance<sup>33</sup>, including in terms of the types of information used to inform assumptions about development values and costs in the context of local market conditions and all of the relevant policy requirements in the Plan.
64. Some of the assumptions, including those relating to sales values and the costs of providing affordable housing, vary depending on whether the development would be in a low, medium or high value part of the Borough. The analysis was done at ward level which provided a consistent approach at an appropriate geographic scale for a Borough-wide plan. Whilst it may be that some large allocations are located close to existing areas that vary markedly in terms of character and property values, this does not mean that the ward-based approach used in the Plan was unreasonable. Rather, it reinforces the need to ensure that policy requirements are not set at such a

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<sup>32</sup> CD08 (December 2020).

<sup>33</sup> PPG ID: 10 (May 2019).



level so as to undermine the deliverability of the types of site that are expected to be developed and that the Plan includes flexibility to allow significant changes in circumstances to be taken into account.

65. The viability assessment includes sensitivity tests, and some of the assumptions were amended to take account of representations made including those relating to affordable housing, abnormal costs, credit rates and benchmark land values. The assumed dwelling sizes allow for the minimum space standards to be met, and this is reflected in the costs associated with providing wheelchair accessible homes. The cost of the requirement for electric vehicle charging points reflects policy IN4 which states that the minimum provision should be a single phase 13 amp socket<sup>34</sup>. There is no national policy expectation that costs associated with potential future changes to the Building Regulations should be anticipated and factored in at this stage.
66. The Council's viability assessment suggests that residential development on all types of site in the low value area, which comprises most of the existing town, would not be viable with all of the policy requirements in the Plan. In the medium value areas, which are to the east, west and north of the main urban area, most types of residential development are expected to be marginally viable (other than urban brownfield sites). Most residential development in the high value area in the south of the Borough is shown to be comfortably viable<sup>35</sup>. The vast majority of dwellings on sites allocated in the Plan are on the types of sites that the assessment shows are viable or marginally viable<sup>36</sup>. Significantly, site specific evidence presented in support of those allocations indicates that they are capable of being viably developed.

### *Conclusion*

67. I am, therefore, satisfied that the Plan is informed by a proportionate and up to date assessment of viability and that the policy requirements in the Plan are set at a level such that they will not undermine deliverability.

### **Issue 7: Does the Plan identify sufficient and appropriate sites and contain effective policies to ensure that the identified need for new homes in the Borough can be met in a way that contributes to sustainable development?**

#### *Introduction*

68. The housing supply identified in the Plan comprises completions since 2016; sites with planning permission for 10 or more dwellings ("commitments"); sites without planning permission ("allocations"); and an allowance for unidentified sites of under 10 dwellings ("windfalls"). Various modifications are required to ensure that the Plan is clear, consistent and based on the latest available evidence about each of those components of the housing land supply as at 1 April 2021<sup>37</sup>. I deal with the updated evidence and required modifications below.

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<sup>34</sup> Footnote 71 in the Plan.

<sup>35</sup> Council response to AP3(d) [DBC11].

<sup>36</sup> DBC12.

<sup>37</sup> Council statement for matter 4 (7 May 2021); Council response to SQ5 [DBC6, DBC6.1 and DBC6.2 (18 May 2021)]; and Council response to AP11, AP12 and AP13 [DBC16 (5 July 2021)].

### *Completions*

69. The Plan's housing trajectory (appendix A) identifies 1,804 net completions between 1 April 2016 and 31 March 2020. The latest evidence updates this figure to 2,321 net completions between 2016 and 2021. The relevant parts of the Plan should be modified accordingly to ensure that it is effective and justified [**MM6 and MM37**].

### *Commitments*

70. Table 6.4 in the Plan lists major site commitments which are expected to accommodate 2,652 new homes between 2020 and 2036. The information now available about supply as at 1 April 2021 shows that some commitments identified in the submitted Plan have been completed or further developed, and other sites have received planning permission for 10 or more dwellings, including three allocations<sup>38</sup>. The net effect is that 3,119 completions are now expected on commitments between 2021 and 2036. The relevant parts of the Plan should be modified accordingly to ensure that it is effective and justified [**MM6, MM28, MM30, MM37 and MM39**].

71. The commitments figure of 3,119 assumes that all major sites with planning permission will be fully developed during the plan period (with the exception of site ref 68 the development of which is assumed to continue after 2036). Historically, around 14% of dwellings that received planning permission in the Borough did not get built. If such a lapse rate were applied to current commitments, it would reduce the supply by around 440 dwellings. For the reasons set out below, I am satisfied that overall the Plan identifies a generous supply of housing land meaning that such a reduction in delivery from commitments would not prevent housing needs being met. However, for effectiveness, the reasoned justification needs to be modified to clarify the assumptions made about commitments and the historic lapse rate [**MM37 and MM38**]. I turn now to consider how current commitments are likely to contribute towards the five year supply required by national policy.

### *Commitments: five year supply*

72. The Council's latest evidence identifies a total of 1,670 dwellings that are expected to be completed between 2021 and 2026 on major sites that had planning permission on 1 April 2021. 760 of those dwellings are on sites of 10 or more dwellings with outline planning permission, meaning that clear evidence is required to justify their assumed contribution to the five year supply from 2021.

73. Land south of Burtree Lane (ref 003) has outline planning permission and is subject to an application for reserved matters by a housebuilder. There are no outstanding technical issues and it is reasonable to assume that development will start in 2022 and that 135 homes will be completed by April 2026.

74. Land at Berrymead Farm (ref 008) has outline planning permission and is subject to reserved matters applications by two housebuilders, both of whom

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<sup>38</sup> South of Burtree Lane (ref 003); Berrymead Farm (ref 008); and North of Allington Way (ref 318).

expect to start development in 2022. Based on there being two outlets, it is reasonable to assume that 250 homes will be completed by 2026.

75. Development has started on the large West Park Garden Village site (ref 68). This is expected to be developed in a number of phases that are currently at different stages in terms of reserved matters applications and approvals. Six housebuilders have interests, and it is reasonable to assume that 240 homes will be completed by 2026.
76. Land south of Railway, Middleton St George (ref 146) has outline permission, discharge of conditions applications have been approved, and a reserved matters application has been submitted for the first 100 dwellings by a housebuilder. A reserved matters application for 220 dwellings on the rest of the site is expected to be made soon by another builder. Development is expected to start in 2022 and it is reasonable to assume that 135 homes will be completed by 2026 based on there being two outlets.
77. I am, therefore, satisfied that 1,670 dwellings are likely to be completed by 2026 on sites that had planning permission on 1 April 2021. The reasoned justification to policy H1 and the housing trajectory in appendix A should be modified to reflect the above to ensure that the Plan is effective and justified [**MM1** and **MM33**].

#### *Windfalls*

78. Paragraph 6.2.3 in the Plan states that the housing supply identified in the Plan does not include an allowance for windfalls on either small sites or on larger brownfield sites. However, the Plan's housing trajectory (appendix A) includes an allowance of 25 dwellings on sites of fewer than 10 dwellings each year between 2020 and 2036. Between 2009 and 2020, a total of 403 homes were built on sites of fewer than 10 dwellings, which represents an annual average of 37 dwellings. Policies H3, H6, H7 and H8 allow residential development on unallocated sites in certain locations provided that various criteria are met. I am, therefore, satisfied that there is compelling evidence that a windfall allowance of 25 dwellings per year represents a reliable source of supply. Paragraph 6.2.3 needs to be modified to ensure consistency with the trajectory and provide appropriate reasoned justification for policy H1 [**MM31**].

#### *Methodology for selecting housing allocations*

79. The *Housing and Economic Land Availability Assessment 2017*<sup>39</sup> considered all potential development sites identified by the Council and others using consistent and available information from a variety of sources in line with national guidance<sup>40</sup>. All sites considered to be suitable, available and achievable were then subject to sustainability appraisal<sup>41</sup>. This, along with site specific information about access and physical constraints, provided a systematic method for identifying the sites to be included as allocations in the Plan. That said, judgements also had to be made in the context of the

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<sup>39</sup> SD10.

<sup>40</sup> PPG ID: 3 (2019).

<sup>41</sup> CD3.

settlement hierarchy and spatial strategy taking account of completions and commitments.

80. Overall, I am satisfied that the methodology used for selecting allocations was reasonable, consistent and proportionate. Notwithstanding that, I deal below with a number of issues specific to some of the allocations all of which are listed in policy H2 table 6.3 and defined on the policies map.

#### *Housing allocations*

81. Policy H2 table 6.3 lists 18 allocations with a total indicative yield of 12,254 dwellings<sup>42</sup>, 6,709 of which are expected to be built by 2036 with the remainder being completed after that date. The housing trajectory sets out the number of dwellings that the Council expects to be built on each site annually between 2020 and 2036. Allocation statements are included in appendix B; these set out issues and requirements specific to each site.
82. I consider below a number of allocations and recommend main modifications to ensure that the Plan sets out an effective and justified approach to their development. I also consider the housing trajectory assumed by the Council for each site where necessary so that I can reach an informed conclusion about the contributions that the allocations will make to the housing land supply for the five year period between 2021 and 2026 as well as for the remainder of the plan period.
83. As referred to under "commitments" above, three of the allocations listed in table 6.3 had planning permission on 1 April 2021: south of Burtree Lane (ref 003); Berrymead Farm (ref 008); and north of Allington Way (ref 318). As I am recommending that the housing supply information in the Plan be updated to reflect the position on 1 April 2021, those three sites should be removed from table 6.3 (allocations) and included instead in table 6.4 (commitments) [**MM35** and **MM39**].

#### *Great Burdon (ref 020)*

84. Around 88 hectares of agricultural land on the eastern edge of the main urban area is allocated with a total indicative capacity of 1,250 dwellings, 500 of which are expected to be completed by 2036. The village of Great Burdon, which is physically separate from the main urban area, lies a short distance to the north west of the site. The Council has proposed changes to the policies map with regard to rural gap and green wedge designations between the housing allocation, Great Burdon and Darlington. I agree that these are necessary to ensure that relevant policies in the Plan, including in relation to the housing allocation, can be effectively applied. However, a main modification is required to the housing allocation statement in appendix B to the Plan to ensure that it is effective in securing an appropriately landscaped boundary with the rural gap between the site and Great Burdon and retaining the openness and green infrastructure functions of the green wedge to the west [**MM181**]. The requirements in appendix B relating to flood risk and utilities infrastructure on the site also needs to be modified to ensure that the Plan is effective and consistent with national policy [**MM179** and **MM180**].

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<sup>42</sup> 6,709 + 5,545 = 12,254.

85. Two housebuilders have interests in the site and expect to submit a planning application soon with a view to starting development in 2023. The Council's trajectory, which assumes the first completions in 2026/7, is therefore on the cautious side.

*Coniscliffe Park South (ref 041)*

86. Around 28 hectares of agricultural land on the south west edge of the main urban area is allocated with an indicative capacity of 535 dwellings, 420 of which are expected to be completed by 2036. A number of changes are required to the allocation statement in appendix B. These are to ensure that it is effective in preventing flood risk and securing appropriate landscaping on the western boundary with the adjoining Local Green Space and agricultural land, good quality pedestrian and cycle connections into the town, and an appropriate layout and landscaping on the southern part of the site fronting the A67 [**MM182**]. Subject to those modifications, the Plan provides an effective approach to ensure that development would not harm the character or appearance of the area or lead to the merging of the town with Low Coniscliffe or Merrybent.
87. A housebuilder has an interest in the site, an outline planning permission has been submitted, there are no technical obstacles, and work has started on preparing a detailed layout. It is reasonable to assume that development will start in 2022/23 and that 120 dwellings will be completed by April 2026.

*Coniscliffe Park North (ref 249)*

88. Around 50 hectares of agricultural land on the western edge of the main urban area is allocated with an indicative capacity for 985 dwellings, 516 of which are expected to be completed by 2036. A modification is required to the allocation statement in appendix B to ensure it is effective in preventing flood risk and securing the provision of good quality landscaping on the western boundary with the adjoining countryside [**MM185**].
89. The site is being actively promoted for development and an outline planning application has been submitted. Whilst there is no formal interest by a housebuilder at the present time, it is reasonable to assume that at least 36 dwellings could be completed by 2026.

*Elm Tree Farm (ref 392)*

90. Around 7 hectares, including existing farm buildings and adjoining land, on the north east edge of the main urban area are allocated with an indicative capacity of 150 dwellings. The site adjoins the Skerningham allocation but is not subject to policy H10 and can be developed independently. The allocation statement in appendix B needs to be modified to reflect this through deletion of references to the Skerningham masterplan framework. Changes are also required to appendix B to delete references to retaining the existing farm buildings and high landscape sensitivity as they are not justified, and to clarify the requirement relating to the Green Lane historic track [**MM190**]. The highway authority are satisfied that safe and suitable access can be provided, and there is no substantive evidence to the contrary.
91. A housebuilder has a legal interest in the site and a detailed planning application is awaiting a decision. There are no outstanding technical issues,

and it is reasonable to assume that development could start in 2022/23 and that 120 dwellings could be completed by 2026.

*Blackwell Grange East (ref 403)*

92. Just over 5 hectares on the southern edge of the main urban area are allocated with an indicative capacity of 72 dwellings. The site is part of the grounds of the Blackwell Grange Hotel which is a grade II\* listed building standing a short distance to the north. A heritage impact assessment has been carried out<sup>43</sup> to consider the effect that development would have on the setting of the hotel and its historic parkland. The housing allocation statement in appendix B to the Plan needs to be modified to ensure that the Plan will be effective in achieving development of the highest quality, protecting the heritage assets and ensuring the provision of adequate mitigation for any impact on the adjacent local wildlife site [**MM191**].
93. Changes are required to the policies map in order to ensure that the Plan is justified and effective in relation to the development of the allocation and to provide clear, long term protection to the adjoining undeveloped land reflecting its heritage and ecological value. The local wildlife site and green wedge designations should be removed from the housing allocation to avoid ambiguity and inconsistency, whilst the green wedge should be extended to cover all of the open land to the north around the hotel. The Blackwell Grange historic parkland, referred to in policy ENV3, should be defined on the policies map.
94. Subject to those main modifications and changes to the policies map, the Plan will be effective in securing high quality development, the restoration of the remaining parkland, and safeguarding the character, appearance and ecology of the area. There is no substantive evidence that the proposal would have an adverse economic impact on the hotel or other local businesses.
95. The site is owned by the Council, who intends to market it shortly after the Plan has been adopted. It is in a part of the Borough that is attractive to the market, and informal interest has been expressed by developers. It is reasonable, therefore, to assume that development will start in 2023 and that 45 dwellings could be completed by April 2026.

*Maxgate Farm, Middleton St George (ref 099)*

96. Nearly 14 hectares of agricultural land on the north west edge of Middleton St George are allocated with an indicative yield of 260 dwellings. The draft neighbourhood plan excludes the site from the settlement boundary, although that plan has not yet been subject to examination and it will need to be in general conformity with the strategic policies which include policy H2.
97. The Parish Council is concerned that development would harm the local landscape, biodiversity and setting of heritage assets, and lead to congestion and highway safety problems, particularly having regard to the number of new homes built in the village in recent years and other sites with planning permission. However, the site is reasonably contained by the existing built form of the village, and the highway authority is satisfied that safe and

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<sup>43</sup> SD29, December 2020.

suitable access can be provided. The new homes would be close to services in the village, and there are no other planning issues that cannot be satisfactorily addressed through good design and mitigation. The inclusion of the housing allocation is, therefore, justified.

98. A housebuilder has a legal interest in the site, an outline planning application has been submitted, and it is reasonable to assume that development could start in 2022/23 and that 105 dwellings could be completed by 2026.

*Hall Farm, Branksome (ref 100)*

99. Around 22 hectares of agricultural land on the western edge of the main urban area is allocated with an indicative capacity of 495 dwellings, 270 of which are expected to be built in the plan period. Recent masterplanning and design work carried out for the landowner now indicates that a more realistic overall capacity is 450 dwellings. Table 6.3 and appendix B of the Plan need to be modified accordingly [**MM35** and **MM183**]. The development requirement in appendix B also needs to be modified to ensure it is effective and consistent with national policy relating to flood risk [**MM184**].

*Snipe Lane, Hurworth Moor (ref 410)*

100. Nearly 35 hectares are allocated on the southern edge of the main urban area with an indicative yield of 700 dwellings, all of which are expected to be completed in the plan period. The site is owned by the Council, and since 1 April 2021 full planning permission has been granted for 305 dwellings and outline permission for 144 dwellings. The Council and a registered provider will deliver affordable homes, and market homes will be built by a joint venture developer partner. Given that there will be at least two outlets on the site from 2022, it is reasonable to assume that 240 dwellings could be completed by 2026.

*Total supply from allocations*

101. In summary, therefore, there are 15 allocations identified in the Plan that did not have planning permission on 1 April 2021. Collectively, those 15 allocations are expected to accommodate 5,764 new homes by 2036. The allocation, and assumption about the timing of development, of each of those sites as set out in the latest evidence is justified. Furthermore, subject to the main modifications I recommend above, the allocation statements in appendix B should be effective in ensuring that each site is developed in a satisfactory manner. The housing trajectory in appendix A and other relevant parts of the Plan need to be modified to reflect the latest evidence about the timing of development on each of the allocations so that the Plan is effective and justified [**MM1**, **MM177** and **MM178**].

*Overall supply for the plan period 2016 to 2036*

102. Having regard to all of my findings above about commitments, windfalls and housing allocations, and those under subsequent main issues relating to the Skerningham and Greater Faverdale sites, the overall supply for 2016 to 2036 is as follows:

- Completions 1 April 2016 to 31 March 2021 2,321

- Commitments on major sites 1 April 2021 to 31 March 2036 3,119
- Allocations 1 April 2021 to 31 March 2036 5,764
- Small site windfalls 1 April 2021 to 31 March 2036 375
- Total supply 1 April 2016 to 31 March 2036 11,579

103. The overall supply of 11,579 new homes between 2016 and 2036 exceeds the minimum requirement of 9,840 net additional dwellings by 1,739 or around 18%. There is also capacity on some of the commitments and allocations for the development of nearly 6,000 additional dwellings. Whilst these are not expected to be built until after 2036, some could be brought forward earlier if required.

104. I am therefore satisfied that the housing supply identified in the Plan should be effective in allowing the requirement for at least 9,840 net additional dwellings between 2016 and 2036 to be met.

105. Policy H2, the reasoned justification, appendix B and other parts of the Plan as necessary should be modified to reflect the above [**MM1, MM25, MM28, MM35, MM37, MM177** and **MM178**].

*Five year housing land requirement and supply*

*Five year requirement*

106. Paragraph 6.2.5 states that the Council will set out the five year housing land supply in an annual position statement. However, the Plan does not explain how the five year requirement will be calculated. I have already concluded that policy H1 needs to be modified to clearly set out a minimum housing requirement figure of 9,840 net additional homes for the period 2016 to 2036 (492 per year). This provides clarity for the purposes of calculating the five year supply, but to avoid ambiguity paragraph 6.2.5 needs to be modified to set out how completions since 2016 should be taken into account and how a buffer should be included as required by national policy<sup>44</sup> [**MM33**]:

- Requirement 2016-2036 9,840 (492 dpa)
- Requirement 2016-2021 2,460 (492 x 5)
- Completions 2016-2021 2,321
- Shortfall 2016-2021 139 (2,460 – 2,321)
- Requirement 2021-2026 2,599 (2,460 + 139)
- Requirement 2021-2026 + 5% 2,729 (2,599 + 130)
- Annual requirement 2021-2026 546 (2,729 / 5)

<sup>44</sup> Any cumulative shortfall in delivery between 2016 to 2021 (against the requirement for 492 dwellings per year) should be added to the requirement for 2021 to 2026 before applying an appropriate buffer [PPG ID: 68-031-20190722].



107. Paragraph 6.0.2 needs to be modified to accurately reflect the national policy requirement for a 5% or 20% buffer to be included when calculating the five year requirement, depending on delivery over the previous three years [MM22].

#### *Five year supply*

108. Having regard to my findings above about commitments, windfalls and housing allocations, and those under subsequent main issues relating to the Skertingham and Greater Faverdale allocations, the five year supply on 1 April 2021 was:

- Commitments on major sites 2021 1,670
- Allocations without permission 1,125
- Small site windfalls 125
- Total 2,920

109. Compared to the five year requirement of 2,729 on 1 April 2021, there is a surplus of 191 dwellings. As the requirement already includes a 5% buffer (130 dwellings) to ensure choice and competition in the market for land, the overall surplus is 321 dwellings. Only sites that are supported by evidence of the type referred to in national policy and guidance are included in the five year supply. The housing trajectory shows that the supply of deliverable sites is expected to improve over the coming years as development on each of the allocations gets underway. I am, therefore, satisfied that the Plan will be effective in helping to ensure that there will be a five year supply when it is adopted and for subsequent years.

110. To ensure that the Plan is justified and effective, paragraph 6.2.5 should be modified to set out a summary of the five year supply on 1 April 2021 [MM33].

#### *Policy H1: if a five year supply cannot be demonstrated*

111. Policy H1 supports housing development outside the development limits of Darlington main urban area and the three service villages if there is no longer a demonstrable supply of sites to fully meet the five year requirement and provided that a number of criteria are met. In principle, this represents a positive approach that should be effective in boosting supply, if needed, in a way that reflects the Plan's spatial strategy. However, main modifications are required to the policy and reasoned justification to ensure that the approach is unambiguous and justified, including in terms of how development should relate to the existing built form and the positive contribution that small sites can make to boosting supply in the short term [MM25 and MM34].

#### *Small sites*

112. A total of 1,361 dwellings are expected to be built during the plan period on sites no larger than one hectare identified in the Plan or on the Council's brownfield register<sup>45</sup>. This represents around 14% of the minimum

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<sup>45</sup> Response to AP15 [DBC16].

requirement for 9,840 homes during that period meaning that the Plan is consistent with national policy<sup>46</sup> in that respect.

### *Conclusion*

113. Subject to the main modifications that I have recommended above, the Plan identifies sufficient and appropriate sites and contains effective policies to ensure that the identified need for new homes in the Borough can be met in a way that contributes to sustainable development.

### **Issue 8: Is the allocation of 487 hectares of land at Skerningham for up to 4,500 dwellings and associated development, infrastructure and landscaping justified, and will policy H10 be effective in securing the sustainable development of the site?**

114. Policy H10 allocates a 487 hectare site on the north east edge of the main urban area for up to 4,500 dwellings; a neighbourhood centre; two primary schools, a secondary school, and other community facilities; roads and other transport infrastructure; and a network of green and blue infrastructure. Much of the land is in agricultural use, but it also includes a golf club, community woodland, and areas of recreational open space and is crossed by numerous public rights of way. The River Skerne forms much of its northern boundary, beyond which lie Barmpton village and open countryside. The East Coast Mainline crosses the western part of the site which fronts onto the A167. To the south of the site is Great Burdon village and the A1150.

115. At present, the site forms part of the attractive countryside adjoining a significant length of the edge of the town between Harrowgate Hill and Whinfield meaning that it contributes positively to the rural setting of the urban area. The *Darlington Rights of Way Improvement Plan* identifies the area as having the potential to be the "jewel in the crown" of the Borough's countryside provision<sup>47</sup>. The footpaths, bridleways and tracks, including ancient packhorse routes, provide much-valued opportunities for exercise and leisure close to the town but in a rural environment. The community woodland on the northern part of the site close to the river has matured over the last 20 years or so and is particularly highly valued and well used. The river corridor, woodlands, hedgerows and trees, some of which are veteran, are habitats for a variety of species. There are a number of heritage assets, including listed buildings, an ancient monument and areas of archaeological interest, on and near to the site.

116. The Council has been working with the site promoter, other landowners and Homes England over the last five years to consider the potential for large scale development in the area and how that could be achieved in a sustainable way. Investigations into landscape, ecology, ground conditions, historic environment, transport and viability have been carried out, and the site was included in the Government's "Garden Communities" programme in 2019. That work, along with the sustainability appraisal and other evidence, provides the basis for the proposals and requirements of policy H10 and the

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<sup>46</sup> NPPF 69 (a).

<sup>47</sup> SD52 page 73.

accompanying masterplan framework for the whole site (Figure 6.1 in the Plan).

117. The masterplan framework illustrates the parts of the site that would be developed with new homes and broad locations for new schools, local shops, and other community facilities. The indicative route of a new distributor road through the site, connecting the A1150 to the south east and the A167 to the north west, with a bridge over the railway, is shown along with extensive areas of green infrastructure. The indicative layout assumes that the golf course and club house, which is close to the existing edge of the town, would be relocated to the northern part of the site.
118. I have already concluded that the Plan's spatial strategy, which includes several significant extensions around the edges of the town to meet the need for new homes, is justified and consistent with national policy<sup>48</sup>. The Skertingham site is the largest allocation in the Plan, and is expected to make a significant contribution to meeting housing needs in the plan period and for many years after. Despite the loss of countryside, and the inevitable effect that the large scale development would have on the character and appearance of the area, I am therefore satisfied that the proposal is sound in principle. However, policy H10 and the accompanying masterplan framework need to be modified so that the Plan will be effective in achieving sustainable development, including through high quality design, protection of significant environmental assets or appropriate mitigation for any harm, and the timely provision of infrastructure and facilities.
119. The Plan assumes that 1,800 homes would be built on the site by 2036, although contains no policies preventing a greater number being delivered by that date. However, the latest evidence indicates that around 1,650 dwellings are likely to be completed in the plan period, with around 600 on the western part of the site between the railway and the A167, and around 1,050 on the eastern part of the site either side of Barmpton Lane. I return to the issue of the phasing of all of the development proposed in policy H10, and how that relates to the provision of infrastructure and a future review of the Plan, below. However, irrespective of that, the first paragraph of the policy needs to be amended to reflect the latest evidence about the number of homes that are expected to be completed by 2036 and the broad locations of these within the site.
120. Policy H10 proposes that a comprehensive masterplan be submitted to accompany any planning application relating to the site. However, this approach needs to be modified to ensure that the Council, as local planning authority, takes responsibility for providing maximum clarity about design expectations having regard to the aspirations of the local community<sup>49</sup>. This can be achieved by the Council preparing a design code for the site, which it is committed to doing within around six months of the Plan's adoption, and giving that the status of a supplementary planning document following public consultation. A comprehensive masterplan would then be prepared by the developers, with community engagement, in the context of the Council's design code. Any planning applications would be required to adhere to the masterplan and design code. It would not be appropriate to encourage two or

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<sup>48</sup> NPPF 73.

<sup>49</sup> NPPF 127 and 128.

more masterplans or design codes to be prepared by developers for different parts of the site as that would not be effective in achieving a comprehensive, integrated and coordinated scheme across the whole allocation.

121. The above approach needs to be set out in policy H10 and explained in the reasoned justification. This will provide an effective means of implementing this important aspect of the Plan, using appropriate mechanisms as described in national policy<sup>50</sup>. However, policy H10 provides the statutory planning policy context for the design code, masterplan and subsequent planning applications. Further modifications are required to policy H10 to ensure that it will be effective in performing that role by setting out clear and unambiguous expectations and requirements for the development that would then be taken forward through those other mechanisms.
122. Part (a) needs to specify that 20% of homes should be affordable. Part (b) needs to be more specific about the types of social and commercial facilities to be provided in the proposed neighbourhood centre and elsewhere on the site, and clarify that retail developments that comply with the policy would not be required to carry out sequential tests or impact assessments.
123. Clarification needs to be provided about the approach towards the rural gaps between Darlington and the villages of Great Burdon and Barmpton (which need to be defined on the policies map), the existing and proposed green corridors across the site, and the provision and future maintenance of publicly accessible green infrastructure including new areas of community woodland. Similarly, the approaches to the protection and enhancement of heritage assets, and avoiding development on the parts of the site that are at risk of flooding, need to be clarified. The reference to a "Healthy New Town approach to design" is ambiguous and should therefore be deleted from the policy. However, I am satisfied that, as modified, the overall approach in policy H10 would be consistent with the "Healthy New Towns design principles" set out in Figure 1.3 in the Plan. Modifications that I recommend elsewhere in this report will ensure that policy ENV7 is effective in minimising the impact on, and providing net gains for, biodiversity on and close to the site.
124. The construction of the proposed local distributor road across the site needs to be coordinated with the building of new homes in order to provide safe and suitable access to the development and prevent severe impacts on the existing road network. To be effective in achieving that objective, part (g) needs to be modified to clarify when the various sections of new road are to be provided, and the road completed (including the bridge over the railway), in relation to the numbers of new homes built on the western and eastern parts of the site. For the same reason, part (f) needs to set out, in general terms, requisite improvements to the existing road network, including the A66, A1150, A167, and Barmpton Lane. Detailed schemes would then be worked up through the masterplanning, infrastructure phasing plan, and planning application processes subject to public consultation.
125. Policies IN1 to IN4 (as modified), when applied with the requirements in policy H10 relating to existing public rights of way and an infrastructure phasing plan, should be effective in ensuring the provision of high quality infrastructure for buses, cycling and walking so that future residents, employees and visitors

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<sup>50</sup> NPPF 128 and 129.

to the proposed development have opportunities to travel around the site and to other parts of the town by sustainable modes of transport.

126. For the reasons set out later in this report, various modifications need to be made to reflect the fact that a "northern link road" is not a proposal in the Plan and is not required to facilitate the development proposed. Reference to such a road should therefore be deleted from part (g) of policy H10. A consequential modification will need to be made to Figure 6.1.
127. Darlington Golf Club, which is privately owned, occupies around 48 hectares on a central part of the site adjoining the existing built up area. Policy H10 part (i) refers to the relocation of the club to a suitable location within the allocated site. The masterplan framework indicates a location on the northern part of the site close to the River Skerne within the existing community woodland. In order to minimise the impact on the woodland, the masterplan framework should be modified to indicate a location further to the south, close to the proposed distributor road<sup>51</sup>. Subject to this, and the policy requirements to deliver a net gain in community woodland as part of an extensive area of new green infrastructure along with the retention and enhancement of safe, attractive and accessible public rights of way, I am satisfied that the golf club could be relocated in an acceptable way.
128. However, there is no certainty that the Club will agree to relocate, meaning that such a form of development may not be achievable. The size, shape and location of the site are such that the development proposed in policy H10 could be achieved in an acceptable way with the retention of the golf club in its current location, although the total number of homes that would ultimately be built would be likely to be around 3,700. Part (i) needs to be modified to refer to the "potential" relocation of the golf club, and an alternative masterplan framework needs to be added with an explanation provided in the reasoned justification. Such a proposal would be consistent with the aim of delivering up to 4,500 dwellings on the site.
129. Both the Council and the site promoters have carried out site specific viability assessments that are based on proportionate available evidence about development values and costs, including the significant amounts of infrastructure that will need to be provided. The assessments show that the development of 1,650 homes, along with all of the necessary infrastructure during the plan period, would be marginally or reasonably viable. This is on the basis that the owner of the majority of the site would accept existing agricultural use value for much of the area within the allocation that would remain undeveloped and be provided as green infrastructure. As that has been confirmed during the examination, and because of the clear, long-standing commitment from the site promoter / majority landowner, the Council and Homes England to delivering the scheme, I am satisfied that the land can be assembled and the development viably developed during the plan period. The longer term certainty that is provided by allocating the whole site for up to 4,500 homes provides greater reassurance for investors, and viability is expected to improve in later phases of development following the provision

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<sup>51</sup> As shown in DBC16 Appendix F (published 5 July 2021) and the *Local Plan including Proposed Modifications* (DBC37 published 19 October 2021).

of the up-front infrastructure. Whether the golf club is relocated or not is expected to have only a limited effect on the overall viability of the proposal.

130. The modifications I have described above provide greater clarity about how the provision of various types of infrastructure, including the roads and schools, needs to be coordinated with phases of housing development. However, a further mechanism is needed to ensure that the provision of all forms of infrastructure referred to in policy H10 is properly planned and implemented in a timely manner, and that this is kept under review throughout the plan period. This can be achieved by requiring an infrastructure phasing plan to be prepared by the developer alongside the comprehensive masterplan and then approved by the Council, and stating that planning applications will only be approved if they make provision for the necessary infrastructure to be delivered as identified in the approved phasing plan. Furthermore, policy H10 needs to make clear that any proposal for more than 1,650 dwellings would need to be accompanied by a review of all infrastructure requirements if it were to be put forward before the Plan has been reviewed.
131. Given the considerable amount of work that has been undertaken to progress the proposal, and the interest from a number of developers, it is reasonable to assume that development on the western part of the site fronting the A167 could start in 2023/24 and that a total of 180 dwellings be completed by the end of March 2026 meaning that they would contribute to the five year supply from 2021.
132. I therefore recommend main modifications to policy H10 and the reasoned justification as described above to ensure that this part of the Plan is effective, consistent with national policy and justified [**MM54** to **MM82**].

### *Conclusion*

133. For the reasons set out above, policy H10 and the reasoned justification need to be modified to ensure that the allocation of 487 hectares of land at Skertingham for up to 4,500 dwellings and associated development, infrastructure and landscaping is justified and that that the Plan will be effective in securing the sustainable development of the site.

### **Issue 9: Is the allocation of 178 hectares of land at Greater Faverdale for a development including around 2,000 homes, 200,000 sqm of employment floorspace, a neighbourhood centre, primary school and other community facilities justified, and will policy H11 be effective in securing the sustainable development of the site?**

134. Policy H11 proposes a total of 2,000 dwellings and 200,000 sqm of employment floorspace along with a neighbourhood centre, primary school and other physical, social and green infrastructure on a 178 site on the north west edge of the main urban area. 750 dwellings and 49 hectares of employment land are expected to be developed by 2036, with the remaining 1,250 dwellings built after that. Figure 6.2 in the Plan provides a masterplan framework indicating the broad locations of residential and employment development, neighbourhood centre and primary school, strategic green infrastructure, existing and proposed rights of way, and a primary access route through the site from Rotary Way to Burtree Lane.

135. As with policy H10 relating to Skerningham I am satisfied that, in principle, this allocation is justified in the context of the Plan's spatial strategy and the identified need for land for new homes and employment floorspace well related to the main urban area. However, modifications are also needed to policy H11 to ensure that it is effective in achieving sustainable development and securing the timely provision of infrastructure and facilities.
136. Similar policy requirements for a comprehensive masterplan and infrastructure phasing plan to those I recommend for policy H10 are necessary for the Greater Faverdale site, along with a requirement for the phasing plan to be reviewed once a specified amount of development has been completed. These would be within the context of the Council's design code<sup>52</sup> which is due to be subject to public consultation and adoption as a supplementary planning document within around 6 months of the Plan being adopted.
137. Various parts of policy H11 need to be modified to clarify the requirements relating to affordable housing; the amount of land and employment floorspace, along with the uses that are proposed (E(g), B2 and B8); the neighbourhood centre; improvements required to Burtree Lane; Stockton and Darlington Railway and other heritage assets; and flood risk. The masterplan framework needs to be modified to accurately indicate the primary access route.
138. A site specific viability assessment has been carried out which suggests that the assumptions made in the Plan about the amount of development that will be completed by 2036 are reasonable. The allocation of the whole site, with capacity for a further 1,250 dwellings expected to be built after 2036, provides certainty for investors with viability expected to improve once the necessary up-front infrastructure has been provided. There are no restrictions in the Plan that would prevent more development coming forward before 2036, although this would need to be coordinated with infrastructure provision as discussed above.
139. Given the significant amount of preparation work that has been undertaken, the involvement of Homes England and development interest, it is reasonable to assume that the first new homes will be completed in 2023/2024 and that 150 will be built by April 2026. Evidence from the site promoter indicates that development could start earlier, and that more homes could be completed in the next five years.
140. I therefore recommend main modifications to policy H11, Figure 6.2 and the reasoned justification as described above to ensure that this part of the Plan is effective, consistent with national policy and justified [**MM83** to **MM102**].

### *Conclusion*

141. For the reasons set out above, policy H11, Figure 6.2 and the reasoned justification need to be modified to ensure that the allocation of 178 hectares of land at Greater Faverdale for development including around 2,000 homes, 200,000 sqm of employment floorspace, a neighbourhood centre, primary school and other community facilities is justified, and that policy H11 will be effective in securing the sustainable development of the site.

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<sup>52</sup> DBC18.

**Issue 10: Are policies H4 to H8 justified and consistent with national policy, and will they be effective in ensuring that different types of housing needs can be met?**

*Housing mix (policy H4)*

142. The first paragraph of policy H4 needs to be modified so that it is effective and justified in terms of encouraging developers to provide an appropriate mix of housing having regard to relevant evidence and the character of the area [MM40].
143. Policy H4 requires 80% of dwellings to be built to the Building Regulations M4(2) standard for accessible and adaptable homes. However, the Council's latest strategic housing market assessment<sup>53</sup>, which used relevant and proportionate evidence in line with national guidance, identifies a need for at least 4,158 dwellings that meet that standard having taken account of the nature of the existing housing stock. This represents 45% of the housing requirement for the plan period, excluding the proportion that is expected to be provided for in residential institutions. Policy H4 needs to be modified accordingly so that it is justified [MM41].
144. The requirement in policy H4 for 9% of new dwellings to meet the national standard for wheelchair user homes is also based on appropriate evidence of need set out in the strategic housing market assessment. The different approaches set out in the policy to meeting Building Regulation M4(3) parts (a) and (b) are consistent with national guidance relating to local authority nominated persons<sup>54</sup>.
145. The costs of meeting the standards for accessible and adaptable homes and wheelchair user homes were taken into account in the Council's viability assessment, and policy H4 makes clear that the requirements are subject to site suitability and viability which provides an appropriate level of flexibility. However, the reasoned justification for policy H4 needs to be modified to refer to the evidence relating to accessible and adaptable, and wheelchair user, homes and clarify how the specific requirements have been calculated [MM42].

*Affordable housing (policies H5 and H6)*

146. Paragraph 6.5.2 in the Plan needs to be modified to reflect the evidence in the latest strategic housing market assessment that identifies a need for a total of 4,646 affordable homes between 2016 and 2036 (233 per year) [MM45]. This represents around 47% of the overall housing requirement referred to in policy H1 (as modified). Policy H5 sets out different requirements for the proportion of affordable homes in developments of 10 or more dwellings for different parts of the Borough: 10% in lower value areas, 20% in medium value areas, and 30% in higher value areas.
147. In total, those requirements are expected to deliver around 2,000 affordable homes on the sites allocated in the Plan. Whilst this would represent a significant number of additional affordable homes, it would be less than half of the identified need for that form of housing. However, most of the dwellings

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<sup>53</sup> SD08, December 2020.

<sup>54</sup> PPG ID: 56-009.



proposed in the Plan are on sites that the Council's viability assessment shows are marginally viable if all of the policy requirements, including those relating to affordable housing, are met. I am satisfied, therefore, that the requirements in policy H5 strike a justified balance between maximising the provision of affordable homes and not undermining the deliverability of the Plan.

148. A main modification is required to the proportions of affordable homes that are available to rent and purchase proposed in policy H5 in order to achieve consistency with national policy. This will ensure that the ability of specific groups to meet their needs for affordable housing, as identified in the Council's strategic housing market assessment, is not significantly prejudiced whilst making 10% of homes available for affordable ownership on sites where this is expected to be viable [**MM43**].
149. Modifications are also required to policy H5 to ensure that the exceptional approach to the provision of off-site affordable housing will help create mixed and balanced communities as required by national policy [**MM44**]. It is not necessary to refer explicitly to self-build schemes as criterion (c) could be applied to those if appropriate.
150. Policy H6 and the reasoned justification need to be modified to ensure consistency with national policy relating to entry-level exception sites for affordable housing adjacent to settlements<sup>55</sup> [**MM46** and **MM47**].

*Residential development in the countryside (policy H7)*

151. Policy H3 allows for new housing within the development limits of settlements defined on the policies map. Policy H7 deals with other residential development in the countryside (outside development limits). I have already concluded that, subject to certain changes, the development limits defined on the policies map, and the strategic approach of meeting housing needs within the settlements defined by those limits, are justified. However, policy H7 needs to be modified to ensure that it is justified, effective and consistent with national policy relating to the replacement of existing residential buildings and new dwellings for rural workers in the countryside [**MM48, MM49** and **MM111**].

*Housing intensification (policy H8)*

152. A modification is required to policy H8 to ensure that it is consistent with national policy, justified and effective with regard to backland garden development and the use of supplementary planning documents [**MM50** and **MM51**].

*Conclusion*

153. The modifications I have described above are required to policies H4 to H8 to ensure that they are justified, consistent with national policy, and effective in ensuring that different types of housing needs can be met in the Borough.

**Issue 11: Is the approach towards the provision of additional gypsy and traveller accommodation set out in policy H9 consistent with national**

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<sup>55</sup> NPPF 72.

**policy, and will be it be effective in ensuring that identified needs can be met during the plan period?**

154. The Borough has a long association with gypsies and travellers, and there is a significant population living on two Council owned sites, numerous private sites, and in bricks and mortar housing. There are no travelling showpeople currently living in the Borough.

*Need for gypsy and traveller accommodation*

155. The Council's *Gypsy and Traveller Accommodation Assessment* (updated in 2017)<sup>56</sup> identifies a need for a total of 51 additional pitches for gypsies and travellers between 2017 and 2037. Of those 51 additional pitches, 44 are expected to be needed for households that travel to work and meet the national definition of "gypsies and travellers"<sup>57</sup>. A significant proportion of the identified need is for families that currently live in bricks and mortar housing in the Borough.

156. The assessment also identifies a potential need for a site with 6-8 plots to accommodate at least two families of travelling showpeople currently residing in Middlesbrough.

*Sites for additional gypsy and traveller accommodation (policy H9)*

157. Since the assessment was undertaken, planning permissions have been granted for a total of 7 additional pitches on 3 sites. The Council provided evidence during the examination of plans to create a total of 33 additional pitches on extensions to the two Council owned sites in the next few years. There is compelling evidence that windfalls will continue to come forward, both through small extensions to existing private sites and proposals for new private sites. Historically, the average rate of windfall provision has been 4 additional pitches per year<sup>58</sup>. Whilst this rate may not continue, it is not unreasonable to assume that around 30 additional pitches will be created on windfall sites in the next 15 years in the context of policy H9 which sets out a positive, criteria-based approach that is consistent with national policy.

158. Overall, therefore, there is likely to be a sufficient supply of additional pitches for gypsies and travellers (around 70 pitches between 2021 and 2036) to ensure that identified needs can be met.

159. The five year requirement is for 13 additional pitches. This can be met at the current time through opportunities to use vacant and potential pitches on existing sites, the outstanding planning permissions, and through additional windfalls that are expected to come forward. A planning application for 25 additional pitches on the proposed extension to one of the Council owned sites is due to be submitted shortly meaning that it will contribute to an ongoing five year supply.

160. A specific opportunity has not been identified to meet the potential need for a travelling showpeople site in the Borough. However, there are a number of transit sites that are potentially suitable and available, and policy H9 sets out

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<sup>56</sup> SD13 and SD14.

<sup>57</sup> Annex 1 to *Planning Policy for Traveller Sites 2015* ("PPTS").

<sup>58</sup> Council response to PQ38 [DBC1].

a positive approach to allowing a new site for such a use if the potential need were to materialise. Given the uncertainties there are about whether the need will actually materialise, I consider this approach to be proportionate and justified.

161. In order to ensure that policy H9 is consistent and effective, a main modification is required to specifically allocate the proposed extensions to the two Council owned gypsy and traveller sites [MM52]. The reasoned justification needs to be modified accordingly [MM53]. The policies map should be amended to show the proposed extensions to the existing sites.

### *Conclusion*

162. Subject to the main modifications described above, I am satisfied that the approach towards the provision of additional gypsy and traveller accommodation set out in policy H9 is consistent with national policy and that it will be effective in ensuring that identified needs can be met during the plan period.

### **Issue 12: Will the Plan be effective in encouraging sustainable economic growth and ensuring that development needs can be met with flexibility to allow a rapid response to changes in economic circumstances?**

#### *Introduction*

163. I have already found that the proposals to accommodate 7,000 new jobs and provide for a total of 158 hectares (net) of additional employment land between 2016 and 2036 are justified. This issue is concerned with whether the policies in section 7 of the Plan will be effective in helping to achieve those aims in a manner that is consistent with national policy.

164. All of the existing and potential employment sites in the Borough have been periodically assessed through the Council's *Employment Land Review* which was last updated in 2019<sup>59</sup>. This provides proportionate and up to date evidence about each of the sites, including a market assessment.

#### *Changes to the Use Classes Order*

165. Main modifications are required to policies E1, E2, and E3 along with some of the allocation statements at appendix B so that they are effective and consistent with national policy following the changes to the *Use Classes Order* that came into effect on 1 September 2020 [MM105, MM108, MM109, MM186 and MM193]. In order to ensure that policies E1 and E2 can be effectively applied, additional sentences need to be added to state that the Council will consider the use of planning conditions when granting permission for offices, research and development, or light industrial uses (use class E(g)) on the existing and proposed employment sites to ensure that those developments remain in that use [MM104 and MM107].

#### *Existing employment sites (policy E1)*

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<sup>59</sup> SD16.

166. Policy E1 identifies the main existing employment sites in the Borough and safeguards them for economic development. In total, the 23 sites amount to just over 500 hectares, the majority of which are developed and/or in employment use. A total of 38 hectares (net) is available for development on 9 of the sites.

167. A modification is required to ensure policy E1 is effective by clarifying that the uses for each site listed in table 7.2 apply both to proposals for new buildings and for changes of use of existing buildings [**MM103**].

*Employment allocations (policy E2 and appendix B)*

168. Policy E2 identifies six new allocations and sets out suggested employment uses for each. Five of the sites have allocation statements in appendix B that set out specific development requirements for each. The sixth site is part of the Greater Faverdale proposal subject to policy H11. In total, the six employment allocations provide 120 hectares (net) of employment land. All are suitably located, available, capable of being satisfactorily developed, and likely to be attractive to the market.

169. Modifications are required to appendix B to ensure that it is effective with regard to the scale and design of development at Ingenium Park (ref 356) and flood risk at Heighington Lane North site (ref 360) [**MM187** to **MM189**].

170. Paragraph 7.1.14 needs to be deleted as it does not provide reasoned justification for policies E1 or E2 [**MM106**].

*Overall supply of employment land*

171. The total amount of land available for employment development on the sites identified in policies E1 and E2 is 158 hectares (net), comprising 38 hectares on existing sites and 120 on proposed allocations.

*Darlington Farmers Auction Mart Relocation (policy E3)*

172. Policy E3 proposes that an allocated site at Humbleton Farm on the A68 (which is defined on the policies map) be developed to allow the relocation of the existing cattle auction mart from Darlington town centre. The existing mart site is proposed as a housing allocation with an indicative yield of 76 dwellings (ref 11). The relocation has now taken place. However, a modification is required to policy E3 so that it is consistent with national policy and effective in ensuring that future developments on the new site are of a scale and type appropriate to the rural location [**MM109**].

*Economic development in the countryside (policy E4)*

173. Main modifications are required to various parts of policy E4 to ensure that it is consistent with national policy relating to economic development in the countryside and effective with regard to the conversion and re-use of buildings; the erection of new buildings; impacts on the local area, road network and planned community uses; equestrian uses; tourist accommodation and flood risk; and retail uses [**MM110**]. The reasoned justification needs to be modified accordingly [**MM111**].

*Conclusion*

174. Subject to the modifications described above, the Plan will be effective in encouraging sustainable economic growth and ensuring that development needs can be met with flexibility to allow a rapid response to changes in economic circumstances.

**Issue 13: Is the approach to town centres and the development of main town centre uses set out in the Plan consistent with national policy and will it be effective in ensuring that development needs can be met in sustainable locations?**

*Introduction*

175. Section 8 of the Plan contains 6 policies relating to town centres and retail development. In most respects these are clearly written and consistent with national policy. However, in order to ensure that the policies can be effectively applied, main modifications are required to paragraph 8.1.5 and the Glossary so that "main town centre uses" are accurately defined as set out in NPPF Annex 2 [**MM112** and **MM176**].

*Hierarchy of centres*

176. Table 8.1 defines the hierarchy of town centres in the Borough as comprising Darlington sub-regional centre; Cockerton district centre; and Mowden local centre. This reflects the sizes of those centres, the range of uses within them, and the roles that they perform in serving the surrounding area. Whilst there are a number of large supermarkets and collections of shops along with some other retail services elsewhere in the Borough there is no national policy requirement for all such locations to be designated as a town, district or local centre. Nor is there any requirement for the Plan to carry forward the same hierarchy of town centres defined in the core strategy. The approach taken in the Plan is reasonable in the context of the geography of the Borough and the importance of protecting the vitality and viability of Darlington town centre.

*Darlington town centre*

177. Policies TC1 and TC2 relate to Darlington town centre and the primary shopping area. A modification is required to policy TC1 to ensure that the requirement for a sequential test for proposals outside the town centre is consistent with national policy [**MM113**]. The requirement for marketing properties for a period of time before non-retail uses will be allowed in the primary shopping area is not justified and is unnecessary given the other criteria set out [**MM114**].

178. Policy TC3 proposes that a 2.4 hectare site, currently used for surface-level car parking, be developed to meet any future need for town centre uses and to support regeneration. A modification is required to policy TC3 to ensure it is effective in protecting the settings of nearby heritage assets [**MM115**].

*Retail impact assessments*

179. Policy TC5 states that proposals for retail and leisure developments generating over 500 sqm of additional floorspace will require impact assessments. The 500 sqm threshold, which is significantly below the default threshold set in national policy, is necessary to help protect the vitality and viability of Darlington town centre having regard to its overall scale and the size of the units within it, as well as the size and type of development that may be proposed elsewhere in the town.

180. However, main modifications are required to policy TC5 to clarify that the threshold applies to proposals outside Darlington town centre that are not proposed in the Plan [MM118]. A modification is also required to clarify that impact assessments are not required for retail developments in the new neighbourhood centres at Skertingham and Greater Faverdale proposed in policies H10 and H11 [MM119]. This will ensure that the policy is effective and consistent with national policy.

#### *Darlington town centre fringe*

181. Policy TC6 promotes the development and regeneration of around 70 hectares of land immediately to the east of the town centre. The "town centre fringe" area comprises a variety of commercial and residential buildings and land, some disused. Two specific opportunities for development within the area have been identified and are allocated in the Plan. Whilst the policy sets out a positive approach towards development elsewhere in the fringe area, and the Council is working proactively with partners to address land ownership and funding issues, it cannot be relied on to make a greater contribution to meeting identified development needs during the plan period.

182. In order to be effective, the policy needs to be modified to clarify the types of uses that would be allowed, and refer to the sequential test, impact assessment, historic environment and flood risk [MM120 to MM122].

#### *Cockerton district centre and Mowden local centre*

183. Policy TC4 sets out a variety of main town centre uses that are appropriate in the Cockerton district centre and Mowden local centre; these need to be modified to reflect the changes to the Use Classes Order referred to earlier [MM116]. In order to be effective, the policy also needs to be modified to clarify that a sequential test will be required for main town centre use proposals outside those centres in line with national policy [MM117].

#### *Conclusion*

184. Subject to the main modifications described above, the approach to town centres and the development of main town centre uses set out in the Plan is consistent with national policy and will be effective in ensuring that development needs can be met in sustainable locations.

### **Issue 14: Will the Plan be effective in promoting sustainable transport and ensuring that development is served by safe and suitable access for all users?**

#### *Introduction*

185. I concluded earlier in this report that the spatial strategy, which involves the development of large numbers of new homes around the western, northern and eastern fringes of the main urban area of Darlington, is justified. However, to help ensure that the approach achieves sustainable development, it is important that the Plan contains effective policies to promote opportunities for sustainable transport both within those new developments and between them and the town centre and other key destinations.

*Delivering a sustainable transport network and improving access and accessibility (policies IN1 and IN2)*

186. Policy IN1 is aimed at delivering an efficient transport system with a focus on the provision of infrastructure improvements to encourage greater use of sustainable modes and less reliance on single occupancy vehicle journeys. It proposes infrastructure and other improvements relating to cycling, walking, rail and roads. Policy IN2 sets out various requirements for developers aimed at promoting accessibility through prioritising the needs of pedestrians, cyclists, bus and rail users, and people with special needs.
187. Part C(vii) of policy IN1 proposes the provision of new road links to support the large scale developments around the edges of the town. Provided that these are designed appropriately, this will create the opportunity for those developments to be efficiently served by new and improved bus services, as well as providing convenient routes for private cars thereby preventing severe impacts on the existing road network. High quality walking and cycling routes can be created alongside the new roads with links to other parts of the development sites and the existing network of routes in the town.
188. However, to ensure that it is effective in this regard, policy IN1 part C(vii), and the associated reasoned justification, need to be modified to more clearly describe all of the relevant new road links and how they connect to relevant parts of the existing road network to create a new orbital route for buses, other motor vehicles, pedestrians and cyclists [**MM157** to **MM159**].
189. Policy IN1 part C(v) refers to the potential delivery of a "northern link road" between the A1 and A66 to the north east of the town. However, paragraph 10.5.9 states that none of the proposals in the Plan are reliant on the provision of such a new road and that a route is not being safeguarded. This was confirmed by the Council during the examination. As that is so, and to ensure that the Plan is justified and unambiguous, references to a northern link road should be deleted from policies IN1 and H10, the reasoned justification (other than 10.5.9), the Skertingham masterplan framework (figure 6.1), and the key diagram [**MM62** and **MM156**].
190. Policy IN1 part A(ii) and paragraph 10.6.4 need to be modified to clarify that the "strategic priority corridors" referred to are the key sustainable transport corridors in the town for use for recreation and access for pedestrians and cyclists [**MM154** and **MM163**]. To ensure that the policy can be effectively applied, all six corridors should be defined on the policies map.
191. Policy IN1 part A(iii) and policy IN2 part (b) need to be modified to ensure that they are effective in securing the provision of high quality infrastructure for pedestrians and cyclists on development sites [**MM155** and **MM160**].
192. Policy IN2 part (d), and the reasoned justification, need to be modified to clarify that the requirement for all new development to provide safe and easy access for those who wish to use public transport would be through the provision of bus stop infrastructure and extended bus services where necessary. The expectation that 80% of dwellings should be within 400 metres of a bus stop served by a regular daytime service (every 30 minutes) is reasonable given the size and location of the allocations in the Plan and the existing bus infrastructure and services in the town. Greater walking distances



and/or less frequent services would be less likely to encourage bus use, and would leave future residents who do not have regular access to a car isolated. Requiring financial contributions from developers to achieve this where appropriate will ensure that the policy can be effectively implemented, including through the subsidisation of bus services for five years [**MM161** and **MM164**].

#### *Transport assessments and travel plans*

193. Policy IN3 and the reasoned justification need to be modified to clarify the requirements for transport assessments and travel plans and ensure that these are consistent with national policy [**MM165** and **MM166**].

#### *Car and cycle parking requirements (policies IN1, IN2 and IN4)*

194. Policy IN4 sets out requirements relating to car and cycle parking, and refers to the *Tees Valley Highway Design Guide* which includes advice about the design and quantity of spaces that may be required<sup>60</sup>. That guide helps ensure a consistent approach across the sub-region. It was last updated in 2018 and is expected to be reviewed again in 2022. Policy IN4 paragraph 3 therefore needs to be modified to refer to proposals having regard to the guide or any successor. Furthermore, national standards for the design of cycle infrastructure have been published since 2018<sup>61</sup> and therefore the reasoned justification needs to be modified to explain that they will be applied until the guide has been updated. To be effective, policy IN4 also needs to be modified to refer to cycle storage and the provision of changing and showering facilities where appropriate [**MM167** and **MM168**].

195. To avoid ambiguity and inconsistency with policy IN4, references to cycle parking / storage in policies IN1 and IN2 should be deleted [**MM155** and **MM162**].

#### *Conclusion*

196. Subject to the main modifications recommended above, the Plan will be effective in promoting sustainable transport and ensuring that development is served by safe and suitable access for all users.

#### **Issue 15: Is the approach to renewable and low carbon energy development set out in policy IN9 consistent with national policy, and will it be effective in maximising the potential for such development while ensuring that adverse impacts are addressed satisfactorily?**

197. Policy IN9 sets out a positive approach towards renewable and low carbon energy development, including wind turbines, provided that certain criteria are met. This is, in most regards, consistent with national policy. However, to avoid ambiguity, the policy and reasoned justification need to be modified to clarify that the whole Borough is an area identified as suitable for wind turbines and other forms of renewable and low carbon energy provided that the relevant criteria are met<sup>62</sup>. The criteria relating specifically to wind energy development also need to be modified to refer to local community backing and

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<sup>60</sup> SD64.

<sup>61</sup> LTN1/20 Cycle Infrastructure Design.

<sup>62</sup> NPPF 155(b) and 158(b) and footnote 54.

to the setting of heritage assets to ensure consistency with national policy and effectiveness [**MM169** and **MM170**].

### *Conclusion*

198. Subject to the modifications recommended above, the approach to renewable and low carbon energy development set out in policy IN9 is consistent with national policy, and will be effective in maximising the potential for such development while ensuring that adverse impacts are addressed satisfactorily.

### **Issue 16: Does the Plan set out a positive strategy for the conservation and enjoyment of the historic environment, are policies ENV1 and ENV2 consistent with national policy, and will they be effective in conserving and enhancing heritage assets?**

199. Policy ENV1 aims to protect, enhance and promote Darlington's historic environment. Part A is intended to apply to all designated heritage assets, and part B provides additional criteria relating to conservation areas. Parts C and D relate to archaeological sites and non-designated heritage assets, whilst parts E and F deal with heritage at risk and securing optimum viable use. The Council confirmed during the examination that the policy is intended to be consistent with national policy, but also to provide additional details to assist developers and decision makers. A number of modifications are required to the detailed wording of various parts of the policy, reasoned justification, and monitoring indicators in chapter 11 to ensure consistency with national policy and effectiveness [**MM123** to **MM128** and **MM174**]. I have amended the detailed wording to reflect representations made about the proposed modifications.

200. Policy ENV2 relates to the part of the historic Stockton and Darlington Railway that runs through the Borough. It aims to ensure that the significance of the railway and its setting is conserved and enhanced, and encourages development which supports its role as a visitor attraction. To be effective, the aim of creating walking and cycling paths along the route should be included in the policy rather than only referred to in the reasoned justification [**MM129**]. To allow effective implementation of policy ENV2, the policies map should be changed to correctly designate all parts of the railway.

201. Historic England have been actively involved in the development of the two policies and are supportive of them, subject to the main modifications described above.

202. In order to ensure that heritage assets on or close to allocated sites are appropriately taken into account as required by national policy, modifications are required to a number of the allocation statements in appendix B of the Plan [**MM187**, **MM188**, **MM191** and **MM192**].

### *Conclusion*

203. I am satisfied, that subject to my recommended main modifications, policies ENV1 and ENV2 are consistent with national policy and will be effective in conserving and enhancing heritage assets. Together with other relevant policies in the Plan and allocation statements in appendix B, policies ENV1 and ENV2 represent a positive strategy for the conservation and enjoyment of the Borough's historic environment.

**Issue 17: Are policies ENV3 to ENV8 justified and consistent with national policy, and will they be effective in protecting and enhancing the natural environment and ensuring that new development has access to high quality open spaces?**

*Local landscape character and green infrastructure (policies ENV3 and ENV4)*

204. Policy ENV3 aims to protect and improve the character and distinctiveness of the town, villages and rural parts of the Borough and identifies a number of specific areas including three green wedges, five rural gaps, six historic routes and various green corridors and urban and rural parklands. Policy ENV4 relates to green and blue infrastructure which includes all of the areas identified in policy ENV3 along other types of open space. Both policies are lengthy, and between them they contain numerous requirements that may be applicable to development within or that affects the areas referred to, some of which (but not all) are defined on the policies map.

205. In most respects the two policies are consistent with national policy relating to open spaces and the conservation and enhancement of the natural environment. However, policy ENV4 part g(iii) needs to be modified so that the approach to building on existing open space is consistent with national policy<sup>63</sup> [MM136]. The approach to "green corridors" needs to be simplified and clarified, and the detailed wording of other parts of the two policies and reasoned justification need to be modified to ensure they are clear and consistent with each other [MM130, MM133, MM135, and MM137]. Furthermore, the policies map needs to be amended to define the rural gaps and urban and rural parklands so that the specific requirements relating to those can be effectively applied. The green corridors need to be shown as a simple line on the policies map to reflect the fact that their widths will vary significantly depending on their characteristics and surroundings in any particular location as stated in the policy (as modified). It would be disproportionate to attempt to accurately define every part of each corridor on the policies map, and such a specific designation would almost certainly quickly become out of date in relation to some locations. Figure 9.1, which illustrates diagrammatically the location of some of the areas referred to in policies ENV3 and ENV4, should be deleted to prevent ambiguity and avoid any inconsistency with the policies map [MM134]. Subject to the changes proposed by the Council, the relevant designations on the policies map are justified and would be effective in achieving the objectives of policies ENV3 and ENV4.

*Green infrastructure standards (policy ENV5)*

206. Paragraph 9.4.14 in the Plan states that the Borough is relatively rich in the amount of open space it contains and therefore new open space will only be sought in major developments where the amount and mix of development proposed requires substantial green infrastructure to deliver a sustainable new neighbourhood or to create an appropriate business or leisure environment.

207. Policy ENV5 sets out requirements intended to achieve that aim through on-site provision for developments over a specified size in certain circumstances,

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<sup>63</sup> NPPF 99.

and through financial contributions from smaller developments to improve existing green infrastructure in areas of open space deficiency. Modifications are required to both parts of the policy to ensure that they are justified and effective, and the reasoned justification needs to include further information about how the requirements will be applied having regard to the Council's relevant supplementary planning documents [**MM138** to **MM142**].

#### *Local Green Space (policy ENV6)*

208. Table 9.1 in the Plan lists ten areas of Local Green Space which are designated on the policies map and protected from development by policy ENV6. The Council's *Local Green Space Designation Report*<sup>64</sup> sets out the justification for why the ten sites are included in the Plan, and the reasons why a number of other sites that were assessed are not. The approach taken was systematic and consistent with national policy meaning that each of the areas identified in the Plan is justified. However, policy ENV6 needs to be modified to ensure that the approach to assessing development proposals affecting Local Green Spaces is consistent with national policy [**MM143**]. Paragraph 9.3.5 should be deleted as it is not required to provide reasoned justification for policy ENV6 [**MM132**].

209. I have already concluded that modifications are needed to the developer requirements in appendix B of the Plan relating to the Blackwell Grange East housing allocation (ref 403), along with changes to the policies map, to ensure that the Plan is effective in protecting the historic parkland and setting of the Grade II\* listed building. It is not necessary to further modify the Plan to designate the area as Local Green Space due to the provisions of policy ENV3 parts A and C relating to green wedges and urban and rural parklands, and the requirement for the housing development to secure the restoration of the remaining parkland.

#### *Biodiversity and geodiversity (policies ENV7 and ENV8)*

210. Policy ENV7 sets out strategic requirements for development aimed at protecting and avoiding significant harm to biodiversity and geodiversity. Policy ENV8 provides more detailed development management criteria and a specific step by step approach to achieve those strategic requirements and secure net gains for biodiversity. A number of changes are required to the detailed wording of the two policies and reasoned justification to ensure consistency with national policy and effectiveness [**MM144** to **MM153**].

#### *Conclusion*

211. Various modifications, as described above, are required to ensure that policies ENV3 to ENV8 are justified, consistent with national policy, and effective in protecting and enhancing the natural environment and ensuring that new development has access to high quality open spaces.

#### **Other soundness issues**

212. Main modifications are required to various other policies that refer to existing supplementary planning documents and other guidance documents that do not form part of the statutory development plan. This is to ensure that they are

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<sup>64</sup> SD28.

given appropriate weight in decision making, consistent with national policy and reflecting their status [**MM11, MM12, MM15, MM40, MM51, MM131** and **MM167**].

213. The reasoned justification to policy DC1 needs to explain that the *Darlington Design of Development Supplementary Planning Document* is to be updated in 2022 and that in the meantime current national guidance will take precedence, with reference to the *National Design Guide* also made in the policy [**MM11** and **MM13**]. This will ensure consistency with national policy and prevent any ambiguity about certain standards in the existing supplementary planning document that are now out of date and/or not justified.
214. In order to ensure that policy DC1 is justified having regard to national policy, paragraph 5.1.8 needs to be modified to refer to the national commitment to net zero carbon emissions by 2050 and aim 6 needs to be modified accordingly [**MM9** and **MM14**].
215. The reasoned justification to policy DC2 needs to be modified so that it accurately reflects the requirements relating to the management of foul and surface water flows and sustainable urban drainage systems [**MM15** and **MM16**].
216. Policy DC3 needs to be modified so that the requirements for health impact assessments are proportionate to the scale of development and apply only to schemes of 150 or more homes. The reasoned justification needs to refer to current national guidance. These changes will ensure that the approach is justified and consistent with national policy [**MM17** and **MM18**].
217. The reference to excessive movements of heavy goods vehicles in policy DC4 is not justified or necessary and should therefore be deleted [**MM19**].
218. Policy DC5 and reasoned justification need to be modified to ensure that the approach to the provision of employment skills and training initiatives is consistent with national policy and legislation relating to the use of planning obligations [**MM20** and **MM21**].
219. The approaches to seeking planning obligations to secure additional school capacity; protecting existing community facilities; and the location of new community facilities in policy IN10 need to be clarified to ensure effectiveness and that they are justified [**MM171** to **MM173**].
220. Various changes and additions are required to the Glossary in section 12 of the Plan to ensure consistency with national policy and that all policies can be effectively applied [**MM175** and **MM176**].

### *Conclusion*

221. The main modifications to the various parts of the Plan that I have described above are all required to ensure soundness. No other main modifications are required.

## Overall Conclusion and Recommendation

222. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

223. The Council has requested that I recommend main modifications to make the Plan sound and legally compliant, and therefore capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the *Darlington Borough Local Plan 2016-2036* satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*William Fieldhouse*

Inspector

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*This report is accompanied by an Appendix containing the main modifications*

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