

COUNCIL RESPONSES TO INSPECTOR'S NOTE NO. 3: PRELIMINARY QUESTIONS TO THE COUNCIL

30th March 2021

General and procedural matters

Duty to cooperate

PQ1. What were the strategic matters that the Council needed to address during the preparation of the Plan by working cooperatively with neighbouring authorities, prescribed bodies and other relevant parties? Please briefly summarise the main mechanisms that were used to ensure effective and on-going joint working.

Council Response - *In the main Darlington Borough and its neighbouring authorities areas are largely self-contained so strategic issues and particularly cross-boundary issues with neighbouring authorities, prescribed bodies and other relevant parties are relatively limited.*

The Council did however identify with neighbouring authorities 9 strategic matters with potential to raise cross boundary issues that were addressed during the preparation of the Plan by working cooperatively together. These were:

- *Housing Development*
- *Economic Growth*
- *Teesside International Airport*
- *Town Centre Development*
- *Services and Facilities*
- *Strategic Transport Infrastructure*
- *Natural Environment*
- *Historic Environment (Stockton and Darlington Railway)*
- *Gypsies and Traveller Accommodation*

Further information on each of these strategic matters is set out in the Council's Statement of Common Ground including Duty to Cooperate Statement (CD05) including the agreement reached. In summary it was concluded and agreed that they were no outstanding unresolved strategic issues on all matters and that Darlington BC and Stockton on Tees BC respective Local Plans would continue to support the ongoing use of the regional airport and related uses. Darlington BC, Stockton on Tees BC and Durham County Council will also continue working together to protect and enhance the significance of the Stockton and Darlington Railway.

The Council has also cooperated and worked collaboratively with prescribed bodies throughout the preparation of the plan on identified strategic matters where relevant, two of which (Flood Risk and Strategic Road Network) were additional or more specific to those identified with neighbouring authorities. These were:

- *Strategic Road Network (A1(m)/A66) – Highways England – Collaboration through the undertaking and scrutiny of transport modelling. A Statement of Common Ground has been produced to demonstrate this and the agreement reached.*
- *Historic Environment – Historic England – Collaboration through the preparation of policies on the Historic Environment and the undertaking of Heritage Impact Assessments on proposed allocations. A Statement of Common Ground is being produced to demonstrate this and the agreement reached.*
- *Flood Risk - Environment Agency – Collaboration through the preparation of the SFRA, Sustainability Appraisal and flood risk policies.*

The main mechanisms used to ensure effective and ongoing joint working were:

- *Consultation with duty to cooperate partners through Local Plan evidence gathering and preparation including member engagement;*
- *Responding to and engaging in consultations from neighbouring Local Planning Authorities through their Local Plan preparation and evidence gathering;*
- *Undertaking collaborative Policy Development; and*
- *Regional working with Local Planning Authorities*

Further information on each of these mechanisms and the work undertaken is set out in Appendix 1: Evidence of Joint Working within the Statement of Common Ground including Duty to Cooperate Document (CD05).

Strategic priorities

PQ2. What are the strategic priorities for the development and use of land in the Borough? Which policies in the Plan are intended to address those priorities?

Council Response - *Darlington is a fairly self-contained Borough with only one main town and therefore has little impact on adjoining authorities. The Strategic Housing Market Assessment established that it had a self-contained housing market area and after discussions with adjoining Districts it was established Darlington would not require adjoining authorities to provide any housing to meet its needs nor have any adjoining authorities request that Darlington meet the needs of any adjoining authorities.*

The only use of land which would have an impact on two planning areas, relates to Teesside International Airport which straddles the authorities of Darlington and Stockton on Tees. Policy E1 protects employment land at the airport for airport related uses and is in line with the recently adopted policy in Stockton-on-Tees Local Plan. A Statement of Common Ground has been signed with Stockton relating to the airport.

Climate change

PQ3. Which policies in the Plan are designed to secure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change³?

Council Response - *The Local Plan has been designed to secure that development and use of land in the Borough contributes to the mitigation of, and adaptation to climate change. The policies which secure this include Policy SH1, DC1, DC2, DC3, E4, TC6, ENV4, ENV7, IN1, IN2, IN4 AND IN9. Further explanation on how they achieve this is provided in the Climate Change Topic Paper.*

The overall strategy of the Local Plan has also been designed to achieve this through the establishment of overarching aims and objectives in this regard such as specific aim 6 along with the testing of policies and proposed site allocations through the sustainability appraisal process against a number of objectives which seek measures which contribute to the mitigation and adaptation to climate change. Again, further detail and explanation is provided on this in the Climate Change Topic Paper.

Equalities

PQ4. In what ways, positive and negative, are specific policies in the Plan expected to affect the three aims expressed in section 149(1) of the *Equality Act 2010* and in particular affect people from groups with “protected characteristics”⁴.

Council Response - *The Darlington Local Plan will have an impact on all those who work and live in the Borough regardless of age, disability or other protected characteristics as it is written for all members of the community and the Borough’s future development. The Plan is not written for specific individuals or groups and as a result will unlikely to have a disproportionate or potentially adverse impact on any individual or group.*

There are however specific policies to meet the accommodation requirements of those in need of affordable homes, which in turn could have some positive impacts on some ethnic groups and older people.

- *Policy H1: Housing Requirement*
- *Policy H2: Housing Allocations*
- *Policy H4: Housing Mix*
- *Policy H5: Affordable Housing*
- *Policy H9: Gypsy and Travellers Accommodation*

If these policies are not adopted by the Council, there could be adverse impacts on the living opportunities and conditions of these particular groups.

Darlington Council adopted a Statement of Community Involvement (Part 1) for the Local Plan in July 2016 <https://www.darlington.gov.uk/media/12050/sci-july-2016-updated-2020.pdf> and Statement of Community Involvement (Part 2), Community Involvement in Planning Applications in August 2018 https://www.darlington.gov.uk/media/7305/statementofcommunityinvolvement_part2_august_2018.pdf both of which set out how the Council involved local communities, businesses and key stakeholders in the preparation of the Local Plan and any future Development Plan Documents (DPD’s) or Supplementarily Planning Documents (SPD’s) stating that the involvement in consultations will be open to all regardless of age, gender, race, faith, disability or knowledge and experience.

The Local Plan underwent extensive consultation and engagement (details of which can be viewed here <https://microsites.darlington.gov.uk/local-plan/consultations/>), which provided an opportunity for the local community and interested groups to influence the Plan before the Council produced the Proposed Submission Local Plan. Further detail is available in the Equality Impact Assessment of the Local plan available here <https://www.darlington.gov.uk/media/12699/pd03-darlington-local-plan-equality-impact-assessment-2020.pdf>

Neighbourhood plans

PQ5. I note that there is one made neighbourhood plan for Low Coniscliffe and Merrybent. Please provide a brief update on current progress with other neighbourhood plans in the Borough.

Council Response - *There are four other designated neighbourhood plan areas within Darlington Borough. Activity on the preparation of neighbourhood plans for these areas has been mixed. A brief overview is provided below:*

- Middleton St George – the Parish Council began preparing a neighbourhood plan in January 2019 following the designation of the neighbourhood area. The pre submission consultation took place in November 2020 and submission to the Council is expected this year. The Parish Council have indicated that they intend to submit within the next month.
- Hurworth – Hurworth Parish Council have been preparing a neighbourhood plan since May 2017 when the area was designated. Consultation has been undertaken however progress has stalled.
- Sadberge – the neighbourhood area was formally designated in May 2013 by the Council. Discussion by the Parish Council in January 2015 resulted in the decision to not proceed any further with the preparation of the neighbourhood plan.
- Blackwell – in May 2014 Blackwell Neighbourhood Forum and the associated area were formally designated by the Council. There has been no recent contact on the preparation of the neighbourhood plan. Progress has stalled.

PQ6. What is the justification for the housing requirements for the five neighbourhood areas set out in policy H1 table 6.1? Are they intended to be additional to the supply identified in the Plan?

Council Response - The Council has followed policy and guidance in the NPPF and NPPG in setting the neighbourhood area housing requirements in policy H 1 table 6.1. The figures are based on the total yield of the housing allocations in that neighbourhood area. This approach follows the guidance in reflecting the plan's spatial strategy and supporting evidence base (e.g. Housing and Economic Land Availability Assessment and Sustainability Appraisal). The requirements are not intended to be additional supply. The neighbourhood planning body does not have to make specific provision for housing or seek to allocate sites to accommodate the requirement. The requirements are met through the allocations in the plan, set out in policy H 2 (Housing Allocations). However, this does not prevent groups from planning for additional housing sites if they wish and suitable windfall sites that accord with local and national policy can be brought forward by developers.

It has recently become apparent that the neighbourhood area requirements do not reflect the full context of housing growth in the areas as the figures do not include the housing commitments set out in the plan (table 6.4). To ensure that the policy is positively prepared and justified it is proposed as a main modification to amend the requirement figures to include any commitments within the neighbourhood areas reflecting any completions to date. The figures are also to be amended to reflect what delivery is expected during the plan period. A number of sites (Coniscliffe Park) are anticipated to be building out post 2036.

It was commented in the Proposed Submission Local Plan consultation that it was not clear how the neighbourhood area requirements were derived. As such a modification has been proposed to explain the above approach in the supporting text.

Plan period

PQ7. The Plan covers the period 2016 to 2036. NPPF requires strategic policies to look ahead over a minimum 15 year period from adoption, which may not be until 2022. Do the strategic policies relating to housing and economic development identify sufficient land to meet needs beyond 2036?

Council Response – The plan period was identified in line with the up-to-date Local

Development Scheme (PD04) and anticipates adoption of the plan in 2021, and therefore 15 years from adoption. The Council commenced plan preparation on the basis of a 20 year time frame with flexibility in mind. Adoption had been hoped for sooner but there have been a number of unanticipated delays. There is also now a statutory requirement to review local plans at least every five years meaning there would be at least 3 plan reviews before the 2036 end of the plan period date. The Council will be failing in its statutory duties therefore should the plan not be reviewed well before the end of the current plan period.

Notwithstanding this and, in respect to housing land supply, there are allocations in the plan that are identified as delivering beyond the end of the plan period (see Policy H2). More employment allocations have also been suggested for allocation than are required in the Employment Land Review which also provides for flexibility within and beyond the plan period.

In conclusion therefore, the local plan's strategic policies in relation to housing and economic development identifies sufficient land to meet the needs to at least 2036, despite the plan period ending in 2036.

Use Classes Order

PQ8. Does the Plan need to be modified to take account of the changes to the Use Classes Order that came into effect on 1 September 2020?

Council Response - *Yes, the changes to the Use Classes Order (2020) came in to effect after the Proposed Submission Local Plan was published for consultation so main modifications will be required to ensure the Local Plan policies are effective and consistent with national planning policy. The Council has suggested the necessary main modifications in the schedule of main modifications to update references to the changed use classes which includes modifying Policies H11, E1, E2, E3 and TC4 along with the allocation statements at appendix B for Sites 355 – Lingfield Point and 368 – Central Park South (Employment).*

Further main modifications are suggested to policies E1 and E2 for effectiveness in light of the inclusion of the former B1 use class within class E as E(g) to set out that the Council will consider the use of planning conditions to ensure they remain within that specific use rather than the broader E use class in perpetuity.

Supplementary Planning Documents, and other documents that are not part of the statutory development plan

PQ9. There are various policies that refer to Supplementary Planning Documents ("SPD"), or other documents that are not part of the statutory development plan. SPD can build upon and provide detailed advice or guidance on policies in the Plan, but cannot introduce new policies⁵. It may be appropriate for some Plan policies to refer to SPD that exists or which the Council intends to produce. Any such references could require developers/applicants to "have regard to" the relevant SPD (or similar), but not "comply with" or be "in accordance with".

Please provide a list of all policies in the Plan that refer to SPD or other documents, and advise on whether any need modifying.

Council Response - *The Local Plan policies have been reviewed, the following table provides a list of all policies in the Plan that refer to SPD or other documents and advises on which policies the Council believe require modification. In such cases, a short summary of the proposed modification is detailed.*

Policy	Page	SPD(s)/Document Referenced	Comment
<i>DC 1</i>	<i>24</i>	<i>Darlington Design of New Development SPD (2011)</i>	Modification Proposed. <i>Change 'required to follow' to 'required to consider'.</i>
<i>DC 2</i>	<i>27</i>	<i>Darlington Strategic Flood Risk Assessment (2018) or subsequent replacement</i>	Modification Not Required.
<i>DC 2 (f)</i>	<i>27</i>	<i>Tees Valley Authorities Local Standards for Sustainable Drainage (2015)</i>	Modification Proposed <i>Change 'accord with' to 'reflect'.</i>
<i>DC 4</i>	<i>33</i>	<i>Design of New Development SPD</i>	Modification Not Required
<i>H 4</i>	<i>44</i>	<i>Strategic Housing Market Assessment</i>	Modification Proposed <i>Change 'expected to provide' to 'encouraged to provide'.</i>
<i>H 4</i>	<i>44</i>	<i>Building Regulations Approved Document M: Volume 1 (Access to and use of dwellings)</i>	Modification Not Required.
<i>H 5</i>	<i>47</i>	<i>Strategic Housing Market Assessment</i>	Modification Not Required
<i>H 8</i>	<i>52</i>	<i>Darlington Design of New Development SPD (2011) or most recent version.</i>	Modification Proposed. <i>Change 'be compliant with' to 'have regard to'.</i>
<i>H 9</i>	<i>54</i>	<i>Gypsy Traveller Accommodation Needs Assessment</i>	Modification Not Required
<i>ENV 3</i>	<i>85</i>	<i>Darlington Characterisation Study, Darlington Landscape Character Assessment, and the Revised Design of New Development SPD, or subsequent replacements.</i>	Modification Proposed <i>Change 'in accordance with' to 'with consideration of'.</i>
<i>ENV 4 (a,b,e)</i>	<i>89</i>	<i>Darlington's Green Infrastructure Strategy</i>	No Modification Required

<i>ENV 4 (d,e)</i>	89	<i>Northumbrian River Management Plan</i>	Modification Not Required
<i>ENV 5</i>	91	<i>Planning Obligations SPD</i>	Modification Proposed <i>Change 'in line with' to 'with consideration of'</i>
<i>ENV 8</i>	97	<i>Darlington's Green Infrastructure Strategy and the revised Design of New Development SDP</i>	Modification Not Required
<i>ENV 9</i>	99	<i>Playing Pitch and Sports Facility Needs Assessment and Strategy 2015</i>	Modification Not Required
<i>IN 1 (A.ii.)</i>	103	<i>Tees Valley Local Cycling and Walking Infrastructure Plan and Darlington Green Infrastructure Plan.</i>	Modification Not Required
<i>IN 1 (A.v.)</i>		<i>Rights of Way Improvement Plan and Darlington Green Infrastructure Strategy.</i>	Modification Not Required
<i>IN 4</i>	116	<i>Tees Valley Highway Design Guide or any successor</i>	Modification Not Required

Introduction to the Plan

Paragraph 1.0.1 states that when adopted the Plan will replace the *Darlington Local Development Framework Core Strategy* (May 2011) and the saved policies of the *Borough of Darlington Local Plan* (1997) including adopted alterations (2001). However Figure 1.1, which aims to illustrate the relationship of the Plan to other planning policy documents, refers to those plans as well as others.

Regulation 8(5) states that 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. The Plan does not seem to clearly do this.

Paragraphs 1.0.4 to 1.0.13 and Fig 1.2 will be out of date when the Plan is finalised for adoption. Paragraph 1.0.11 is inconsistent with the soundness tests set out in the 2019 version of NPPF.

PQ10. Please prepare a potential main modification to paragraphs 1.0.1 to 1.0.13 and Figures 1 and 2 to ensure that this part of the Plan (in so far as it is needed after adoption) is sound and legally compliant.

Council Response - A main modification is proposed to paragraphs 1.01 and 1.0.2 to refer to the adopted plan rather than the proposed submission version. Additional text is

also proposed to refer to a new appendix – appendix f which is a further proposed main modification which provides a table of the existing Local Plan (1997) and Core Strategy (2011) policies that will be superseded and no longer saved. This will ensure the plan is consistent with Regulation 8(5) of the Local Plan regulations.

A main modification is proposed to figure 1.1 which will remove reference to the Local Plan (1997) and the Core Strategy (2011) and refer to the Local Plan (2016-2036) as the adopted rather than draft Local Plan.

A main modification is proposed to figure 1.2 to incorporate the future stages in to the stages of preparation of the Local Plan and update dates when these have taken place where necessary. This will also remove the 'this document' reference.

A main modification is proposed to delete paragraphs 1.0.4 to 1.0.13 as these relate to the proposed submission stage and are ineffective and no longer required and by doing so removes any inconsistencies with national policy in relation to the soundness tests

Sustainable development

Policy SD1 presumption in favour of sustainable development

NPPF paragraph 11 sets out the presumption in favour of sustainable development and what that means for both local plans and making decisions about development proposals. The detailed wording of policy SD1 differs from that in the NPPF. National guidance states that there is no need for a plan to directly replicate the wording in paragraph 11 in a policy⁶.

PQ11. Is policy SD1 consistent with national policy and would it be effective in helping decision makers know how to react to development proposals?

Council Response - *It is acknowledged that there are inconsistencies with policy SD1 and paragraph 11 of the NPPF. Modifications are suggested to the policy to resolve these issues. Subject to these alterations it is considered that the policy would be effective in helping decision makers know how to react to development proposals. Although policy SD1 replicates the NPPF the intention was to assist in making local communities, developers and stakeholders more aware of the presumption and how it is applied. The Council would however be open to further discussion on this policy.*

Settlement hierarchy

*Policy SH1 settlement hierarchy
Policy H3 development limits*

PQ12. What is the evidence to justify the detailed boundaries of the development limits referred to in policies SH1 and H3 and defined on the policies map?

Council Response - *Appendix 3 of the Spatial Distribution of Development Topic Paper sets out the methodology of how the Council have drawn the development limits for the Proposed Submission Local Plan. In summary, the limits of the Local Plan 1997 were used as a starting point and a number of criteria and principles applied to set the development limits for the new plan.*

Development limits were drawn around the 'main built form' of a settlement whilst also incorporating the proposed housing and employment development sites. Beyond the development limit, land will be generally used for agriculture, outdoor sport, woodland or other open uses and will include farm buildings. Wherever possible, the development limit follows

clearly defined permanent features. In areas where separate limits to development are within close proximity to one another analysis has been undertaken as to the role and significance of the area not included within development limits.

It is considered that the methodology followed is appropriate, logical and justifies the detailed boundaries set. Full details can be found in the Spatial Distribution of Development Topic Paper.

Design, Climate Change and Construction

Policy DC2 flood risk and water management

PQ13. Policy DC2 states that new development will be focussed in areas of low flood risk (flood zone 1). Some of the allocations seem to include areas of higher flood risk. Is the intention that development will be avoided in those parts of those allocations? If so, does the Plan make that clear? If not, what is the justification?

Council Response - *Some of the proposed allocations do include areas of high flood risk. In total the Strategic Flood Risk Assessment (2019) identifies 6 housing allocations, 1 mixed use allocation and 2 employment allocations where sites are at risk and further justification is required. It is the intention that development will be avoided in those parts of the allocations. Detailed explanation on how flood risk is mitigated at these sites via the policy framework is set out in the Council's Sequential and Exception Tests (2020).*

In summary, the site allocation statements in Appendix B of the Local Plan and policies H10 and H11 for the strategic site allocations set the requirement that areas of higher flood risk will be avoided and reflected in site layout. Development will be directed away from these areas in line with the sequential approach. The Environment Agency proposed a number of modifications during the Regulation 19 stage to ensure that this approach is clear on 6 of these sites (5 housing and 1 mixed use). The Council proposes similar wording for two other allocations (site 360 Heighington Lane North and site 411 Chesnut Street Car Park) to ensure a clear and consistent approach (please see the Council's modifications schedule). The remaining site at risk of flooding does not have an allocation statement as it is an existing employment allocation (site 343 Faverdale Industrial Estate). A very small proportion of the site along the south western boundary is within flood zone 2 and 3a (0.04%). This part of the site is a landscape corridor with the A68 and is on a steep incline. Due to the nature of this area, development would not be appropriate or encouraged here. The suitable areas available for development are located further north within the site. Development will also be required to adhere to policy DC 4 Flood Risk & Water Management which advocates the sequential approach, directing development to flood zone 1. This will ensure that inappropriate development will not take place within zones 2 and 3.

The Town Centre Fringe regeneration area covered by policy TC6 of the Plan is within Flood Zones 2 and 3a. The Council is not however proposing the site as a formal allocation as there are many constraints to overcome including flood risk, contamination, land assembly and connectivity. It is considered that the site cannot be relied upon to meet housing or employment needs over the plan period due to these constraints. The area is still however a priority for the Council and as such it has been identified as a regeneration area. In view of the above it was not considered necessary to justify the site in the Local Plan Sequential and Exception Tests. Issues of flood risk in the area would be dealt with at the planning application stage.

The above policy approach was discussed with the Environment Agency following the Draft Local Plan consultation during the summer 2018. They were satisfied with the approach and

confirmed that a level 2 SFRA was not required for the sites as development is directed to Flood Zone 1.

PQ14. What is the justification for the requirements relating to surface water runoff rates set out in policy DC2.

Council Response - *The surface water runoff rates in policy DC2 are set out in national standards (Non Statutory Technical Standards for Sustainable Drainage Practice Guide) which are also reflected in a Tees Valley guidance document (Tees Valley Sustainable Drainage System Guidance 2019). The Lead Local Flood Authority would expect sustainable urban drainage systems to be designed and constructed in accordance with these standards.*

PQ15. Are there any outstanding objections from the Environment Agency relating to the evidence about flood risk or any of the allocations in the Plan?

Council Response - *At the Regulation 19 representation stage the Environment Agency stated that they considered the Plan to be sound but recommended a number of changes. Some of the changes were accepted by the Council where they were considered necessary to resolve issues of soundness and are set out as alterations in the modification schedule.*

Two additional issues were raised by the Environment Agency which the Council have sought clarity on. Firstly, it was commented that the Strategic Flood Risk Assessment has not considered the most up to date climate change data. In recent correspondence with the Environment Agency they commented that at the time it was considered necessary to raise the climate change data issue for consistency but that it wouldn't be reasonable to request the Strategic Flood Risk Assessment was carried out again given the stage the Plan was at. In addition it was highlighted that site specific Flood Risk Assessment's will deal with the climate change matters as an update to what was considered in the SFRA

The second issue raised was that the Sustainability Appraisal does not fully consider the impacts of climate change on the proposed allocations in relation to flood risk. The Environment Agency commented that they intended no actions for climate change or the Sustainability Appraisal.

Policy DC3 health and well being

PQ16. What is the purpose of including the *Healthy New Town design principles*(Figure 1.3) in the Plan? How do they relate to policy DC1, the *Darlington Design of New Development Supplementary Planning Document* (2011), and policy DC3?

Council Response - *Darlington was selected by the NHS as one of 10 areas nationally to take part in a programme to identify the link between planning and health. This is explicitly recognised in the Governments health strategy 'Healthy Lives, Healthy People'. Part of the outcome of that programme was for the Local Plan to recognise the importance planning can play in health and wellbeing and Policies DC1 and DC3 particularly aim to implement some of these principles. It is acknowledged there are some Healthy New Towns Principles that are more onerous or not necessarily planning matters, hence why they do not directly correlate. The Design of New Development SPD pre-dated the Healthy New Towns Project but will be updated prior to plan adoption as detailed in the LDS (PD04).*

PQ17. Policy DC3 part (g) requires health impact assessments to be submitted with planning applications for developments of 100 or more dwellings and all other "major" development.

What is meant by “major” development? Is there specific national policy or guidance that requires such assessments for those forms of development?

Council Response - Government guidance

(<https://www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning>) sets out how HIA's are considered an appropriate and government endorsed method of considering potential health impacts and encouraging improvement in 'major' developments. They are not intended to be onerous but instead informative.

The 100 or more unit threshold has been set to provide more certainty as to the size of development where 'significant impact' may occur and to also provide an element of proportionality to when they are required relative to the size of development.

Policy DC5 skills and training

PQ18. Would section 106 agreements securing appropriate commitments and targets for employment skills and training be consistent with legal requirements and national policy relating to planning obligations⁷. In particular, why would they be necessary to make the development acceptable in planning terms?

Council Response - *The policy is to encourage skills and training specifically in young people as the Borough has approximately 500 young people not in education or training. As the Local Plan has a number of large housing sites the authority felt this had the opportunity to provide much needed on the job training. We accept the requirement would not be necessary to make the development acceptable in planning terms and therefore not justified so a main modification is proposed to delete Policy DC5 in its entirety.*

Housing

Policy H1 Housing requirement (for the plan period)

To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period⁸.

PQ19. What was the Borough's local housing need calculated using the standard method set out in national planning guidance on the date that the Plan was submitted for examination?

Council Response - *On the date the Plan was submitted for examination the minimum annual local housing need figure for Darlington using the standard method was 162 dwellings per annum. Guidance within the NPPG was followed to undertake the calculation. National household growth projections (2014-based household projections, table 406 unitary authorities and districts in England) for the area of the local authority were utilised to set the baseline. The average growth figure was then adjusted based on the areas affordability in order to address past under supply (2019 median workplace-based affordability ratios).*

PQ20. Aim 2 in the Plan refers to enabling the development of at least 10,000 new homes. Policy H1 refers to a minimum requirement of 422 dwellings per

year (total 8,440) and a target of 492 dwellings per year (total 9,840) between 2016 and 2036. What is the housing requirement figure in the Plan?

Council Response – *Evidence within the Strategic Housing Market Assessment (SHMA) 2017 has been utilised to set a housing requirement range. The lower minimum housing requirement figure of 422 dwellings per annum takes account of what the Council considers to be the baseline need for the plan period. This includes demographic growth, concealed and homeless households, vacant and second homes and an increase in the institutional population.*

The higher housing target of 492 dwellings per annum is an aspirational but still a realistic figure which accounts for the Council's predicted jobs growth over the plan period and reflects the additional new homes required to meet the need for additional workers (an additional 70dpa). The target is not intended to be a restrictive ceiling figure and prevent further delivery of sustainable sites above this level. This is clearly set out within policy H 1 Housing Requirement. Further details of the evidence supporting the housing requirement range and the formation of the policy approach can be found in the Housing Topic Paper.

The figure of 10,000 new homes in Aim 2 of the Plan was an approximation of the new growth being planned for. A modification is proposed to alter this figure to 9,840 new homes to accurately reflect the housing target of 492 dwellings per annum.

PQ21. Strategic policy-making authorities should calculate their housing need figure at the start of the plan-making process and revise it where appropriate, for example to reflect changes to the inputs to the standard method. Local housing need calculated using the standard method can be relied upon for a period of two years from the time that a plan is submitted for examination⁹.

What is the justification for the housing requirement being expressed from 2016, rather than 2020?

Council Response - *The housing need figure for the Local Plan was calculated early on in the plan making process; set out in the SHMA 2017. The standard method was not utilised to calculate housing need due to flaws in national growth projections for Darlington (2014-base household projections). Therefore, the inputs into the standard method have not impacted on the figure within the plan. Modelling work was undertaken to derive a more accurate and realistic estimation of growth over the plan period 2016-36. Full details are set out in the Housing Topic Paper. Since the 2017 study was produced there has been a number of delays to plan preparation e.g. additional transport modelling work and the impacts of covid-19. The evidence within the SHMA is still however appropriate and it is considered that it does not require any revisions at this point. The Local Development Scheme also set out that the new Local Plan would cover the period from 2016 – 36 and therefore the housing requirement has been expressed from this point.*

Five year housing requirement

PQ22. Paragraph 6.0.2 refers to a 5% buffer where a local planning authority wishes to demonstrate a five year supply of deliverable sites through a recently adopted plan. This does not seem to be consistent with NPPF 73 which refers to a 10% buffer in such circumstances. National guidance states that if an authority wishes to confirm the five year supply as part of the plan-making process, they must make this clear at regulation 19 stage¹⁰. Is that the Council's intention? If so, was it made clear when the Plan was published for consultation under regulation 19?

Council Response - The Council is not seeking to confirm the five year supply as part of the plan making process, as such a 10% buffer has not been applied and it was not publicised at the regulation 19 stage. A five year housing land supply can however be demonstrated in the plan with the appropriate 5% buffer. Reference to a 10% buffer in paragraph 6.7 of the Housing Topic Paper is an error and can be updated and republished if required.

PQ23. National guidance states that housing requirement figures in adopted strategic policies should be used for calculating the five year housing land supply figure¹¹. How does the Council intend to calculate a five year requirement at any particular point during the plan period? To be effective, should this be set out in the Plan? What is the current five year requirement, based on policy H1?

Council Response - The Council intends to assess the five year supply on the housing requirement of 422 dwellings per annum as this is the baseline and minimum housing need for the plan period. It would be unreasonable to assess the five year supply on the housing target figure as the Council could be penalised for its economic growth ambitions. The NPPG supports this approach of utilising the lower end of the range for the calculation and a 5% buffer has also been applied.

Detail on the above approach was removed from policy H 1 for the Proposed Submission Local Plan as the assessment of the five year supply can be subject to change. For example, if the related policy becomes out of date the NPPG outlines that the Government's local housing need figure derived from the standard method should be utilised in the assessment. However, the Council would be willing to add this detail back into the policy to ensure it is effective.

The current rolling five year requirement is 3,798 dwellings (9x422). Total net completions since the start of the plan period is 1784 dwellings. This results in a residual requirement of 2014 dwellings (3,798 – 1784). The addition of a 5% buffer results in a five year requirement of 2115 dwellings (423 dwellings per annum).

The current five year requirement 2020/21 – 2024/25 takes into account delivery over previous years; since the beginning of the plan period and any under/over delivery. The base requirement is therefore 9 years multiplied by the housing requirement 422 (4 years of the plan period has already passed therefore 4 + 5 = 9 years). The full calculations are set out below for clarification. This approach has been set out in annual five year housing land supply position statements and has not been challenged by developers or other stakeholders. It was also the Council's approach when defending a planning appeal (via hearing) in May 2019, again the method was not challenge.

Total completions 2016/17 – 2019/20	1784
9 x 422 = 3798	housing requirement
3798 – 1784 = 2014	residual housing requirement
2014 x 1.05 = 2115	residual housing requirement with 5% buffer
2115/5 = 423	annual requirement with 5% buffer

Expected delivery from housing trajectory 2962

2962/423 = 7 year housing land supply

The above approach was taken due to under delivery in the first year of the plan period and then carried forward. It was also utilised as the NPPG appears to be silent on the matter of how to approach the calculation where there is regular over supply.

Rather than taking the surplus of completions over requirement off the current five year period, an alternative approach would be to subtract them from the remainder of the plan period and

then calculate the five year requirement, as set out below:

$$8440 - 1784 = 6656$$

$$6656/16 = 416$$

$$416 \times 5 = 2080$$

$$2080 \times 1.05 = 2184$$

$$2184/5 = 437$$

residual housing requirement

five year requirement

residual housing requirement with 5% buffer

annual requirement

Expected delivery from housing trajectory 2962

$$2962/437 = 6.8 \text{ year housing land supply}$$

The above method does produce a slightly reduced land supply however it would appear to be a more positive approach. The Council will use this alternative method going forward including in the next five year supply position statement which is prepared at the end of each financial year and will be published soon.

Please note the five year supply figure within paragraph 6.7 of the Housing Topic Paper is not correct and can be updated if required.

Housing supply for the plan period

Policy H2 lists 18 allocations with capacity for a total of 6,709 dwellings, 5,545 of which are expected to be built by 2036. Table 6.4 lists commitments, with total capacity for 3,953 dwellings, 2,652 of which remain to be completed between 2020 and 2036.

PQ24. Paragraph 1.7.2 refers to approximately 6,700 homes on allocated sites and an additional 4,300 (approx.) already committed. Paragraph 6.2.2 refers to allocations and commitments having total capacity for approximately 16,000 and the trajectory identifying approximately 10,000 expected to be built by 2036.

Are these references in the Plan consistent with each other and policy H2 and table 6.4?

Council Response - *It is acknowledged that there are inconsistencies between the figures in the mentioned paragraphs and policy H2 and table 6.4. The figures in the paragraphs are to be amended, details of which are set out in the Council's modification schedule. The full housing trajectory will be updated following the monitoring of housing completions at the end of the financial year. This will subsequently result in alterations to the figures for commitments. Changes will be provided as soon as possible following the completion of housing monitoring.*

PQ25. The policies map key refers to "housing allocation (H2)" and "strategic housing allocation (H2 and H10)". Policy H2 is categorised as a strategic policy, and does not seem to distinguish between strategic and other allocations. Policy H10 (and policy H11, not referenced on the policies map key) refers to a "strategic site allocation". The policies map seems to indicate that 7 housing allocations are strategic (003, 008, 251, 020, 410, 041 and 249). Please clarify.

Council Response - *Greater Faverdale (Site 185) is identified on the Policies Map as a 'Strategic Mixed Use Site' as opposed to Strategic housing only. Policy H2 is considered a Strategic Policy however there are a number of sites not considered strategic in scale. The individual sites identified as strategic are large sites within the locations identified on the key diagram. To provide greater clarity a modification is proposed to identify 'non-strategic allocations'. These would be sites 100, 392, 11, 318, 403, 411, 412, 95 and 99.*

PQ26. Policy H2 table 6.3 includes site 403 Blackwell Grange East as a housing allocation. The policies map seems to designate it as part of a Local Green Space and part of a local wildlife site. Please clarify.

Council Response – *There have been two errors in plotting local wildlife sites. The one overlapping site 403 should be amended to omit the area of the proposed housing allocation. The area of the wildlife site covered by housing commitment Site 010 (Blackwell Grange West) which is currently under construction should also be omitted. Appropriate changes to the Policies Map will be made. The site is not being proposed as a local green space although a submission was made for it's consideration at Regulation 19 stage.*

Windfalls

PQ27. How many windfalls have been completed each year since 2010?

Council Response - *As discussed in the Housing Topic Paper making an estimation of windfall development over recent years would be difficult for Darlington due to the age of existing housing policies and allocations. A large proportion of the sites being developed more recently would be classed as windfall, particularly major schemes. As such the figures below set out completions on developments of less than 10 dwellings to give some indication of windfall development.*

Year	Completions (developments less than 10 dwellings)
2009/10	43
2010/11	63
2011/12	37
2012/13	18
2013/14	75
2014/15	49
2015/16	11
2016/17	14
2017/18	23
2018/19	37
2019/20	33

Five year housing land supply

PQ28. Table 6.2 indicates that a total of 2,800 dwellings are expected to be completed between 2019 and 2024. The housing trajectory in Appendix A indicates that 2,962 dwellings are expected to be completed between 2020 and 2025. The *Five Year Housing Land Supply Position Statement* [SD07, June 2020] indicates a total of 2,837 completions between 2020 and 2025. Please clarify what the expected completion figure is for 2020 to 2025, and provide a table indicating the breakdown to the following categories:

- A. Sites of <10 dwellings with outline or full planning permission
- B. Sites of 10 or more dwellings with detailed planning permission
- C. Sites of 10 or more dwellings with outline planning permission
- D. Sites with a grant of planning permission in principle
- E. Allocations without planning permission

Council Response - *The figures in table 6.2 and the housing trajectory in Appendix A do correlate. This may be unclear as the years in the trajectory represent financial years; for example 2020 is 2019/20. A modification is proposed to appendix A to*

ensure that this is clear and the plan is effective.

The Five Year Housing Land Supply Position Statement (June 2020) was updated more recently in comparison to the Proposed Submission Local Plan and therefore has accounted for some delay in delivery due to the Covid-19 pandemic, a reduction in delivery in the first quarter of 2020/21 and other changes to estimated delivery. It is acknowledged that this has resulted in some discrepancies between the documents. The Council's intention is to undertake a full update of the housing supply figures in the Proposed Submission Local Plan at the end of the financial year to account for completions and any other changes on estimated delivery rates. This will then be the most up to date position on housing land supply.

Please note figures are being utilised from the Proposed Submission Plan to answer questions on the trajectory and five year housing land supply.

A. Sites of <10 dwellings with outline or full planning permission		Expected Completions 2020/21-2024/25
N/A		N/A
B. Sites of 10 or more dwellings with detailed planning permission		Expected Completions 2020/21-2024/
10	Blackwell Grange West	56
16	Lancaster House, DTVA	51
25	Former Arts Centre, Vane Terrace	4
28	Springfield School	47
34	Beech Crescent West, Heighington	21
45	High Stell	80
51	Mowden Hall	30
52	Central Park	124
54	Neasham Nursery	6
56	North of Red Hall	12
59	Rear of Cockerton Club	20
60	NW of Heron Drive	25
61	The Paddocks, Sadberge Road	18
63	School Aycliffe West	33
65	Land between Middleton Lane and Neasham Road	21
73	West Park Remainder	47
78	East of Middleton Road, Sadberge	25
89	Land west of Oak Tree, MSG	61
91	Walworth Road, Heighington	56
103	East of Roundhill Road (Phase 1)	63
229	Alviston House, Haughton Road	13
232	Coachman Hotel, Victoria Road	39
241	St Clares Abbey	10
318	N. of Allington Way	56
332	Former Nestfield Club	15
333	E. of Roundhill Road (Phase 2)	74
338	Land off Montrose Street	10
340	E. of Gate Lane, Low Coniscliffe	37
372	Fenby Avenue (Phase 2)	14
384	Oak Tree, MSG	5
386	Land between Yarm Road and	13

	<i>railway line East, MSG</i>	
391	Chancery House	11
394	Lakeside, The Old Brickworks, Neasham Rd.	45
402	West Park Flats	40
405	West of 153 East Mount Road	12
407	Barton Street	16
406	Northern Echo Building/Post Office	52
C. Sites of 10 or more dwellings with outline planning permission		Expected Completions 2020/21-2024/25
3	South of Burtree Lane	120
8	Berrymead Farm	240
68	West Park Garden Village (reserved matters secured on over half of the site, under construction)	180
146	Land South of Railway, MSG	120
410	Snipe Lane, Hurworth Moor (detailed on 305 dwellings, outline for 144)	180
D. Sites with a grant of planning permission in principle		Expected Completions 2020/21-2024/25
N/A		N/A
E. Allocations without planning permission		-
11	Cattle Mart	76
41	Coniscliffe Park South	90
95	Beech Crescent East, Heighington	20
99	Maxgate Farm, MSG	90
185	Greater Faverdale	90
249	Coniscliffe Park North	80
251	Skerningham	90
355	Lingfield Point	30
392	Elm Tree Farm	90
403	Blackwell Grange East	30
411	Chestnut Street Car Park	34
412	12 – 18 Skinnergate	15

Summary Table	
	Total expected completions 2020/21-2024/
A. Sites of <10 dwellings with outline or full planning permission	0
B. Sites of 10 or more dwellings with detailed planning permission	1262
C. Sites of 10 or more dwellings with outline planning permission	840
D. Sites with a grant of planning permission in principle	0
E. Allocations without planning permission	735

PQ29. National policy advises that sites in categories A and B should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years. However, sites in categories C, D and E should only be considered deliverable if there is clear evidence that completions will begin within five years¹². Please list all of the sites in categories C, D and E and advise what the clear evidence is for each.

Council Response –

The expected delivery from categories C and E is outlined below, taken from the trajectory at Appendix A of the Local Plan.

Site Ref	Site Name	20/ 21	21/ 22	22/ 23	23/ 24	24/ 25	Total
3	South of Burtree Lane	0	30	30	30	30	120
8	Berrymead Farm	0	60	60	60	60	240
68	West Park Garden Village	0	30	30	60	60	180
146	Land South of Railway, MSG	0	30	30	30	30	120
410	Snipe Lane, Hurworth Moor	0	0	60	60	60	180
11	Cattle Mart	0	0	30	30	16	76
41	Coniscliffe Park South	0	0	30	30	30	90
95	Beech Crescent East, Heighington	0	0	0	20	0	20
99	Maxgate Farm, MSG	0	0	30	30	30	90
185	Greater Faverdale	0	0	0	30	60	90
249	Coniscliffe Park North	0	0	0	30	50	80
251	Skerningham	0	0	0	30	60	90
355	Lingfield Point	0	0	0	0	30	30
392	Elm Tree Farm	0	0	30	30	30	90
403	Blackwell Grange East	0	0	0	15	15	30
411	Chestnut Street Car Park	0	17	17	0	0	34
412	12 – 18 Skinnergate	0	15	0	0	0	15

3 South of Burtree Lane

The site is at an advanced stage in the planning application process and has outline planning approval following a s106 agreement (ref 15/01050/OUT). A discharge of conditions (ref 20/00938/CON) and reserved matters (20/00939/RM1) applications have been submitted and are awaiting a decision. Both of these applications are being pursued by a house builder (Miller Homes Ltd), demonstrating developer interest. The outline permission was gained by the landowner Theakston Estates Ltd. The above background demonstrates the clear deliverability of the site.

8 Berrymead Farm

The site is at an advanced stage in the planning application process and has outline approval following s106 agreement (ref 15/00804/OUT). Reserved matters submitted, awaiting decision

ref 21/00205/RM1. The site is jointly owned by Persimmon Homes, Taylor Wimpey and Northumbrian Land Ltd and will therefore be built out by at least two volume builders across multiple sales outlets. Developer interest and confirmation of expected delivery makes the site appropriate to include in the supply.

Persimmon Homes commented at the Regulation 19 stage that the anticipated delivery of the site is accurate on the basis of two housebuilders delivering on average a combined 60 units per annum. This suggests that the site would be completed in early 2028. Taylor Wimpey commented that they are looking to commence development as soon as practically possible after the granting of reserved matters approval and envisage that their share of the site will be completed within 5 years.

The advanced stage of the planning application process on this site and the legal interest of two house builders is clear evidence of its deliverability.

68 West Park Garden Village

Outline planning permission has been secured on the site (ref 15/00450/OUT). Marketing was undertaken on the site in 2018 by the landowner / developer in order to appoint two development partners. The south western area has reserved matters permission (19/00182/RM1) which was submitted jointly by two house builders, Esh and Barratt, and is now under construction.

A number of other reserved matters permissions have been secured for other phases of the development (19/00606/RM1, 19/00793/RM1, 20/00364/RM1 awaiting decision, 21/00033/RM1 awaiting decision). The landowner/developer has also submitted a discharge of conditions application (20/00440/CON) in June 2020 which is currently awaiting a decision. At the Regulation 19 stage it was indicated that a number of other house builders have an interest in this area and the reserve matters applications; including Gentoo Homes, Thirteen Homes, Cussins Homes and the landowner Bussey & Armstrong.

An indicative delivery programme including delivery rates was submitted at the Reg 19 stage for the site which supports the estimates in the Housing Trajectory (Appendix A). The landowner/developer has in fact indicated that delivery will take place at a faster rate than set out within the trajectory and five year supply. The Council has decided to take a more conservative approach to the estimates, however this does not restrict higher rates of delivery.

The deliverability of the site has been demonstrated via the evidence above; part of the site is under construction, the planning application process is advanced, and there is interest on the site from a number of housebuilders including the landowner.

146 Land South of Railway, MSG

Outline planning permission has been secured on the site following s106 agreement (ref 17/01195/OUT). Discharge of conditions applications have also been approved (ref 20/00752/CON, 20/00245/CON, 19/00596/CON). The advanced stage of the planning application process highlights the deliverability of the site.

410 Snipe Lane, Hurworth Moor (detailed on 305 dwellings, outline for 144)

Planning permission has been secured on the site by the Council and Esh Homes via a hybrid application with detailed permission on 305 dwellings and outline for 144 dwellings (ref 20/00196/FUL). A discharge of conditions has also been submitted and is awaiting a decision (ref 20/00957/CON).

The Council has a legal interest in the site and is proposing to deliver a substantial number of affordable dwellings here. The Council also has a developer partner on the site, Esh Homes, who will build the market element of the scheme. It is hoped that an additional registered social landlord partner will also deliver on the site in the future; discussions are ongoing. Pre commencement work has been undertaken on the site and the Council are anticipating a start

on site in May 2021.

The advanced stage of the planning application process and commencement intentions from the developer provides evidence on the deliverability of the site.

11 Cattle Mart

The Council has entered into an agreement with Auction Mart which involves its relocation from the town centre. The site has now been cleared, redevelopment of this site is to be pursued by the Council. The site is available for development, in a suitable location within the main urban area and with a willing developer.

41 Coniscliffe Park South

Separate outline planning applications were submitted by Gladman Developments Ltd and Taylor Wimpey UK Ltd in July 2017 covering land known as Coniscliffe Park. Whilst they are separate planning applications being promoted by two applicants and will be subject to separate Section 106 agreements, the applications are supported by a comprehensive masterplan that has been jointly prepared by Taylor Wimpey and Gladman.

Taylor Wimpey submitted the application on site ref 41 Coniscliffe Park South which is pending a decision ref 17/00632/OUT. It is considered that there are no constraints to delivery and there are no outstanding technical matters. The planning application was scheduled to be considered by the Planning Committee in June 2019 with an officer recommendation for approval however they were withdrawn as the Council considered that a decision would be premature to the emerging Local Plan.

Subject to the granting of outline planning permission and subsequent reserved matters approval, Taylor Wimpey have indicated that they are looking to bring forward development on the site as soon as possible. The deliverability of the site has been demonstrated through the advanced position of the outline planning application. It was confirmed at the Regulation 19 stage that the landowner is looking to dispose of the site for housing and Taylor Wimpey are looking to deliver new housing without delay which will contribute towards meeting housing needs in the first five years of the plan period and beyond.

95 Beech Crescent East, Heighington

Banks Group are promoting the site for housing. Representations were submitted to the Draft Local Plan in August 2018 confirming interest in the site. It was commented that initial discussions have been held with a house builder but there is no formal agreement in place at this stage. At the Regulation 19 stage Banks Group indicated that the site should be brought forward to 2022 and increased to 30 dwellings over a two year build out.

The Council has made a more conservative estimate in terms of delivery timescales given that there is no formal interest from a housebuilder at this stage. This does not however prevent the site from coming forward sooner and yields are indicative. The information above suggests that the site is likely to make a contribution towards the five year supply.

99 Maxgate Farm, MSG

Story Homes have a legal interest in the site and have submitted an outlined planning application which is awaiting determination (ref 16/00976/OUT). It is considered that there are no constraints to delivery and there are no outstanding technical matters with the application. The planning application was scheduled to be considered by the Planning Committee in June 2019 with an officer recommendation for approval however it was withdrawn as the Council considered that a decision would be premature to the emerging Local Plan.

Through the Local Plan process and submitted representations Story Homes have confirmed that the site has both a willing landowner and a willing developer attached. At the Regulation 19 stage Story Homes confirmed that the site is deliverable in line with the requirements of the

NPPF. The main points are outlined below:

- *Available Now: Story Homes have entered into a contractual arrangement with the landowner to purchase the site following the grant of planning permission. The live planning application for the development of the site acts to further demonstrate that the site is currently available for residential development.*
- *Offer a Suitable Location for Development Now: It has been established through the live planning application and the previous officer recommendation for approval that the site location is appropriate for residential development.*
- *Be Achievable with a Realistic Prospect that Housing will be Developed on the Site in the next 5 Years: As this site is subject to a live planning application submitted by a willing developer and contractual agreement with the landowner it is evident that the site is achievable. Following the grant of planning permission it is envisaged that housing will begin to be delivered within 5 years with the development being completed within the intended plan period. This aligns with the proposed Development Trajectory as outlined within the Submission draft. The live planning application has also undergone consultation with statutory and internal consultees with no outstanding objections. This demonstrates that the site is deliverable from a technical perspective.*

185 Greater Faverdale

The Council has been and is continuing to engage with the main landowner and developer at Faverdale, in order to identify all of the constraints and opportunities involved, and to prepare a masterplan for the area. The land is available for development and has been considered a suitable location for new housing through the Local Plan process.

A substantial amount of work has been undertaken by the landowner on the site, including but not limited to a masterplan framework, heritage assessment, archaeology assessment, ecology surveys and report, flood risk assessment, landscape assessment, highways assessment and utilities assessment. A visioning document and delivery strategy have also been prepared to support the masterplan. A pre-application enquiry has also been submitted to the Council and discussions are ongoing.

Homes England have an interest in the site and have indicated an application for the first phase will be submitted in July 2021.

At the Regulation 19 stage Hellens Land (the landowner) and Homes England submitted a joint representation. Support was given for the figure of 750 dwellings during the plan period, particularly that there is no threshold figure within the plan which limits delivery. It was confirmed that there are no legal ownership impediments to development that would obstruct or delay delivery. It was also commented that a build-out rate of approximately 50-100 dwellings per annum (if not more) once the site is fully serviced is easily achievable.

Given the work already undertaken on the masterplan and the intention of Homes England to come forward quickly with a planning application, this strategic allocation is achievable with a realistic prospect that housing will be delivered over the next five years.

249 Coniscliffe Park North

As outlined above, separate outline planning applications were submitted by Gladman Developments Ltd and Taylor Wimpey UK Ltd in July 2017 covering land known as Coniscliffe Park. The applications are supported by a comprehensive masterplan that has been jointly prepared by Taylor Wimpey and Gladman.

Gladman submitted an application on site ref 249 Coniscliffe Park North (ref

17/00636/OUT). It is considered that there are no constraints to delivery and there are no outstanding technical matters. The planning application was scheduled to be considered by the Planning Committee in June 2019 with an officer recommendation for approval however they were withdrawn as the Council considered that a decision would be premature to the emerging Local Plan.

The deliverability of the site has been demonstrated by the advanced stage of the outline planning application. Gladman also confirmed at the Regulation 19 stage that site 249 Coniscliffe Park, North represents a deliverable site with realistic delivery assumptions. The estimate on when the site will start delivering has been pushed back a year in comparison to the southern site (ref Coniscliffe Park South) given that the site does not currently appear to have any formal interest from a housebuilder.

251 Skerningham

The Council has been and is continuing to engage with landowners and developers at Skerningham, in order to identify all of the constraints and opportunities involved, and to prepare a masterplan for the area. The land is available for development and has been considered a suitable location for new housing through the Local Plan process.

An area in the western part of the site, Beaumont Hill, is anticipated to come forward as a separate planning application sooner and as such delivery is estimated to start within the five year period. Banks Property Ltd own this part of the site and whilst they have been involved and fed into the wider proposals and masterplan area, they have also undertaken more detailed masterplanning for the area under their control at Beaumont Hill (west of the railway line). At the Regulation 19 stage Banks support the estimates in the Housing Trajectory commenting that housing completions should be programmed from 2023 at a rate of 30 per annum rising to 50 per annum from 2024.

Skerningham Estates Ltd commented at the Regulation 19 stage that they envisaged delivery of 1890 new homes at the site up until 2036, a slightly higher estimate in comparison to the Council's trajectory (1650). This is due to accelerated delivery between 2029 and 2036 of 180 new dwellings per annum. The Council has made a delivery estimate of 150 dwellings per annum during this period. The site will deliver new homes beyond the plan period and it is important to note that the housing trajectory does not place phasing restrictions on site's and they can come forward more quickly.

Skerningham Estates Ltd also outlined future intentions to progress to a planning application soon after adoption of the Local Plan. It was highlighted that Skerningham could benefit from a strategic allocation in an adopted local plan in 2021, which would be followed swiftly by a planning application and the first new homes delivered by 2024.

Given the work already undertaken on the masterplan and the intentions of landowners to come forwarded quickly with separate planning applications, this strategic allocation is achievable with a realistic prospect that housing will be delivered over the next five years.

355 Lingfield Point

The site is a potential allocation which does have outline permission (ref 08/00638/OUT) granted on 18th August 2010 for a mixed use regeneration scheme. The permission has a timescale for the submission of reserved matters of fourteen years, to undertake phases of residential development. The first phase of housing, on the western side of the site, has been completed. The site is available and considered a suitable location for housing development.

During the preparation of the plan it was confirmed that the owners of the site were undertaking a review of the masterplan for Lingfield Point. However, the principles behind the proposals for the regeneration of the area remain intact, in that it is intended to create a sustainable, mixed use community at this location in Darlington. It was also confirmed that a

second phase of housing development is being pursued on the eastern side of the site and the intention is that this will be within the five year period, although realistically this would be towards the end of the period.

Given the outline planning permission in place for the site and the intentions of the landowner, delivery of the site for residential development is considered to be achievable within five years.

392 Elm Tree Farm

Bellway have a legal interest in the site and it has been confirmed that they are looking to bring it forward for development at the earliest opportunity. A full planning application has been submitted and is awaiting determination (ref 18/00988/FUL). Whilst, the planning application remains pending, all outstanding technical issues have been addressed. As with a number of other sites mentioned the Council considers that at this stage a decision would be premature of the Local Plan.

At the Regulation 19 stage Bellway confirmed that the site is available now and could come forward in the short term to deliver new homes. The points below were made to support the sites deliverability:

Suitability

- The site has excellent links to employment, education and retail services. It occupies a highly sustainable location*
- The site is not subject to any heritage, ecological, or landscape designations that would preclude development and which could not be effectively mitigated as demonstrated by the pending full planning application*
 - The site is wholly within Flood Zone 1 and therefore at the lowest risk of flooding*
 - The site is adjacent to a predominantly residential area and redevelopment for residential purposes would not introduce an incompatible land use*

Availability

- There are no ownership constraints to development; the landowners are willing to dispose of the land for residential purposes and Bellway have a legal interest to bring the site forward for development; the site is available now.*

Achievability

- Bellway are willing developers with a proven track record of delivering housing that can meet the identified needs of the Borough. They are looking to bring the site forward as soon as practically possible.*

Bellway suggested that delivery could be brought forward to 2021 as they are looking to progress the site once permission has been granted. However, this may be overly optimistic given that the Local Plan is still in the early stages of being examined and planning permission is still required. As such the Council has made a more conservative estimate. As already mentioned, the trajectory does not place any phasing restrictions on sites and development can come forward more quickly.

In view of the above, delivery of the site for residential development is considered to be achievable within five years.

403 Blackwell Grange East

Potential allocation on council owned land. Development opportunities have been explored on this site via a development brief. The site is considered to be available and suitable for housing development. It is achievable with a realistic prospect that housing will be delivered over the five year period.

411 Chestnut Street Car Park

Discussions have been held with a developer and the Council have had site of a scheme. The site is available and in a suitable location for housing development. As such it is considered that the site is achievable for housing growth within the five year period.

412 12 – 18 Skinnergate

Detailed plans have been drawn and discussions ongoing with Historic England an application is imminent with a start expected this year. The Council own the site and expect to develop it. The site is available, suitable and achievable with a realistic prospect that housing will be delivered within the five year period.

Policy H5 affordable housing

PQ30. Paragraph 6.5.2 refers to 160 affordable homes being needed each year over the plan period. How many affordable homes are expected to be built (a) based on the requirements of policy H4 and (b) through other means?

Council Response - *A new SHMA was undertaken in 2020. The study identifies an overall affordable housing need of 4,646 dwellings over the plan period which would result in a requirement of 233 dwellings per annum. A modification is proposed to update this evidence in paragraph 6.5.2. Further detail on affordable housing need can be found in the Housing Topic Paper. The expected affordable supply over the plan period is set out below including those secured on existing planning permissions and the affordable dwellings expected from the proposed allocations and the requirements of policy H4.*

Affordable Housing Supply Estimate (within plan period)

<i>Affordable dwellings secured by existing planning permissions</i>	352
<i>Affordable dwellings expected from allocations</i>	1602
Total	1954

PQ31. Is the requirement in policy H4 for approximately 50% of affordable homes being for rent and 50% being provided as other affordable products consistent with the national policy expectation that 10% of homes on major sites should be available for affordable home ownership¹³?

Council Response - *The tenure split set out in policy H4 is not currently consistent with the national policy expectation that 10% of homes on major sites should be available for home ownership. The split is therefore proposed to be modified to ensure the NPPF requirement is met and also to reflect the most recent evidence from the SHMA 2020. The SHMA identifies a greater need for affordable rent, however due to the NPPF requirement this can only be reflected in the higher value area with a 65:35 (affordable rent: affordable home ownership) proposed split. Full details can be found in the Housing Topic Paper and the Council's modification schedule.*

PQ32. What are “executive housing schemes” referred to in policy H5 part (a)? What is the robust justification for such schemes not providing on-site affordable housing, and is that approach consistent with national policy which aims to create mixed and balanced communities¹⁴?

Council Response - *'Executive Housing' was a need originally identified for Darlington in the RSS. Although not clearly defined there continues to be a market for larger homes in larger plots. Consultation was undertaken in 2017 around options for Blackwell Grange on the basis 'executive housing' would 'provide for the need to provide attractive housing for business leaders and inward investors and as such it is the Council's aspiration that*

development would be in the range of 5 – 10 dwellings per hectare'. (source: Blackwell Grange Planning and Development Brief, 24 May 2017)

The justification for allowing an exception for affordable housing on-site for such schemes is that the 'product' offered is often too large to provide an affordable solution, RSL's would not be interested in taking on a sizable property and viability considerations related to typically higher land values mean better value could often be sought in the way of an off-site contribution. As it is an exception developers could still make on site provision should they be able to achieve it.

Policy H6 rural exceptions

PQ33. Is policy H6 consistent with national policy relating to entry-level exception sites adjacent to settlements and rural exception sites¹⁵?

Council Response – *Policy H6 currently relates specifically to rural exception sites and is considered to be consistent with paragraph 77 as it seeks to support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and sets out the circumstances where some market housing would be supported to facilitate this which the rural exception sites definition in annex 2 sets out is at the Local Planning Authorities discretion. This policy also sets out the suitable location for these sites where development would not normally be permitted, provides further criteria in relation to satisfying specific local needs and types and to ensure they remain affordable in perpetuity all of which again is considered to be consistent with the definition of rural exception sites in annex 2 of the NPPF.*

This policy would not as currently drafted be consistent with paragraph 71 in relation to entry-level exception sites as it makes no reference to these and the criterion set out for these differs in national policy to those for rural exception sites currently included.

A main modification is therefore proposed to H6 to address this by re-naming H6 'Exceptions Sites' rather than 'Rural Exceptions' and then titling the existing policy text with 'Rural Exception Sites' and inserting a new section underneath this in the policy wording titled 'Entry-Level Exception Sites' which is set out in the Schedule of Proposed Main Modifications and is considered to be consistent with paragraph 71 of the NPPF. A further main modification is proposed to include appropriate supporting justification for this new part of the policy.

Policy H7 residential development in the countryside

PQ34. Is the reference in policy H7 to the replacement of residential buildings in the countryside only being permitted in "exceptional circumstances" justified, and is its meaning clear? Is it intended to be an additional test to meeting the criteria (a) to (e)?

Council Response - *The reference to 'exceptional circumstances' is not intended to be an additional policy test. Criteria (a) to (e) are intended to be the test of circumstances where replacement dwellings may be acceptable. A proposed main modification is therefore suggested to clarify this.*

PQ35. Are the criteria in policy H7 that proposals for the conversion and change of use to residential uses are expected to meet consistent with national policy relating to the re-use of redundant or disused buildings¹⁶?

Council Response - *Yes but with a couple of modifications. The NPPF requirement to 'enhance its immediate setting' is somewhat ambiguous. The criteria are intended to detail how this would be achieved. It is acknowledged the reference to 'wider landscape' in (h) is*

not consistent and a proposed main modification has been suggested. The point on access (k) may also be unnecessary and could be removed.

Policy H8 housing intensification

PQ36. Is the reference to backland or garden development being allowed “exceptionally” justified, and is its meaning clear? Is it intended to be an additional test to meeting criteria (i) to (iv) and compliance with the *Design of New Development SPD*?

Council Response - *No it is not intended to be additional test. A modification is proposed accordingly to clarify.*

Policy H9 gypsy and traveller accommodation

Paragraph 6.9.5 refers to a need for 5 additional pitches for gypsies and travellers between 2017 and 2022, and paragraph 6.9.6 a need for a further 46 additional pitches between 2022 and 2037. This suggests a need for a total of 51 additional pitches between 2017 and 2037.

Paragraph 6.9.7 refers to a need for 6-8 additional plots for travelling showpeople in the plan period to 2037.

PQ37. What are the specific deliverable sites that will accommodate these identified needs in the period 2021 to 2026? What are the specific, developable sites, or broad locations for growth to accommodate those needs in the period 2027 to 2031 and, if possible, for the rest of the plan period¹⁷?

Council Response – *The sites which will accommodate the needs of Gypsy and Traveller Groups for the next 5 years will be delivered through continued windfall applications and existing unimplemented permissions (see 6.9.9 supporting justification). For 2027 – 2031 the additional requirement will be provided through extensions to existing sites including planned extension of Rowan West site by the council. It is also anticipated that windfall applications will continue to contribute.*

PQ38. Paragraph 6.9.10 refers to a windfall allowance of 4 pitches per year. Is this approach intended to be consistent with national policy, or otherwise justified? What is the compelling evidence to demonstrate that they will be reliable source of supply in the context of policy H9?

Council Response - *We consider the approach is justified to cater for the need of gypsy and traveller pitches in future years. The term windfall and the windfall allowance of 4 pitches per year is based on the average provision of new pitches delivered over the last 18 years since 2002. The table below shows the increase in 75 pitches by end of 2020. These are in diverse locations, however most of the additional Pitches were on extensions of existing sites.*

Additional Gypsy and Travellers Pitches since 2002					
Number	Site Name	YEAR Planning Application NR year	Area / Ward	Nr of extra pitches	Extension / New
1	Rowan West	2014/00177/DC	Eastbourne	20	New Site / New Built
2	Rowan East	2016/00066/ DC	Eastbourne	4	Extension / Re Built 22 pitch
3	Mounsey Snipe Lane	2004/00625/CU	Hurworth	2	Extension
4	Snipe Meadows	13/00479/FUL 15/00873/FUL	Hurworth	11	Extension
5	Stables Blackwell	09/00239/FUL 11/00790/FUL	Hurworth	3	Extension
6	Snipe Lane South	2003/00337/CU 20/00686/FUL	Hurworth	3	Extension
7	Brickyard Burma Lane	2010/00059/FUL	Hurworth	2	Extension
8	Lygon House	13/00902/FUL	Hurworth	3	New Site
9	Oakwood	2001/00645/CU 2013/00124/CU 2019/00845 FUL	Hurworth	7 (2/3/2)	New Site / Extension
10	Lee Close	2006/00904/CU	Sadberge	2	New Site
13	Aycliffe Lane	2016/01209/FUL	Brafferton	1	New Site
14	Lime Lane/ Aycliffe Lane	2011/00633/FUL	Brafferton	2	New Site
15	Bridgewood Stables Lime Lane	10/00840/FUL	Brafferton	2	Extension
17	Oxmoor Nursery	14/00951/FUL	Houghon le Side	3	Extension
18	Walworth Lane South	13/00441/FUL	Heighington	3	New Site
19	Walworth Lane North	13/00447/FUL	Heighington	2	New Site
23	Honey Pot Lane	02/01096/LU 2005/01087/DC	Faverdale	12	Extension / Transit pitch
				75	

Locations are concentrated in Eastbourne / Hurworth Moor / Faverdale /Heighington and Brafferton wards. A map for the sites above can be provided if required.

Since submission of the plan the council have gained approval to prepare and submit an outline planning application at the existing 'Rowan' sites to provide an additional area for up to 25 additional pitches which will provide additional capacity and choice of pitches around Darlington. This application is anticipated to come forward before the EIP Hearing dates. Funding options with Homes England are currently being explored to deliver this additional extension of an existing Rowan complex.

In addition, the number of residents switching from permanent building to pitches on site has been related to family ties and has been relatively low due to the mostly English Romani Gypsy Community in Darlington preferring bricks and mortar accommodation in recent decades.

PQ38.1 The sustainability appraisal considered three policy options for meeting gypsy and traveller accommodation needs. Was the option of allocating specific sites to meet identified needs, as required by national policy, assessed?

Council Response – *The Council looked at three policy options for travellers accommodation: a) No provision / b) Local policy allowing additional accommodation on selected sustainable locations where need is identified and c) Local a more flexible policy allowing additional Gypsy and Travellers on wider range of sites (including new sites). We have not looked to allocate specific sites in the plan based on the windfall track record detailed above.*

Policy H10 Skerningham strategic site (487 hectares)

PQ39. Is the development of (a) 1,800 homes during the plan period, or (b) 4,500 homes and 15-30 hectares of employment uses (paragraph 6.10.8) dependent on the provision of a northern link road as referred to in policy H10part (g)?

Council Response – *(a) No the development of the 1,800 homes during the plan period is not related to the provision of the northern link road. The northern link road project is being led by Tees Valley Combined Authority to improve wider linkages to the Tees Valley and it's surroundings. b) the future consideration of the employment uses and additional housing beyond the plan period will need to be considered in future plan*

reviews but it is currently not required.

PQ40. What is the clear evidence that completions will begin on the site in 2024 as assumed in the housing trajectory (Appendix A)?

Council Response – *These assumptions have been based on projections from the promoter of Skerningham Garden Village submitted with an annual update and as part of the Garden Communities application process to Homes England. The promoter has undertaken a range of assessments to determine when completions will begin, and their aim is to accelerate the housing trajectory of the Local Plan from 2029. The latest trajectory for the Skerningham Garden Village foresees completions from 2024 as in the Local Plan Appendix A.*

Policy H11 Greater Faverdale strategic site (177.8 hectares)

PQ41. What is the clear evidence that completions will begin on the site in 2024 as assumed in the housing trajectory (Appendix A)?

Council Response - *These assumptions are based on projections from the promoters of the Greater Faverdale (Burtree) Garden Village submitted with an annual update and as part of the Garden Communities application process to the Homes England. The promoter has undertaken a range of assessments to determine when completions will begin, and their aim is to accelerate the housing trajectory of the Local Plan from 2024. The latest trajectory for the Greater Faverdale (Burtree) Garden Village following accelerated activity with the site expects completions from 2022 which is two years ahead of the Local Plan trajectory in Appendix A, so that currently included in the Local Plan is now a worst-case scenario position following this recent information.*

PQ42. The Greater Faverdale masterplan framework (Figure 6.2) includes a notation for “railways”. Is that the route of the historic Stockton and Darlington Railway referred to in the last sentence of policy H11 and paragraph 6.11.10 and, if so, should that be made clear?

Council Response - *Yes, the notation for “railways” is referring to the route of the historic Stockton and Darlington Railway which is also still an active live railway as the Bishop Line from Darlington Station to Bishop Auckland which is why it was referred to as railways. However, a main modification is proposed to amend the reference from railways to the Stockton and Darlington railway Bishop line so that the reference is clear as suggested.*

PQ43. Figure 6.2 seems to indicate a “potential principal access point” on the northern boundary of the site to land outside the masterplan framework boundary and development limits defined on the policies map. What is the intention of that?

Council Response - *There is no intention for development of this site to provide an access to the land to the north of the masterplan framework boundary and outside development limits. The arrow should illustrate the potential principal access point from the proposed strategic allocation on to Burtree Lane which runs along the northern boundary of the site. A main modification is proposed to move the arrow down so that it is clearer that this is what is intended or a double arrow (west and east) onto Burtree Lane could be used instead.*

PQ44. Policies H10 and H11 (3rd paragraph) both refer to the “Healthy New Town

approach to design". Is the meaning of that clear, and how does it relate to other policies in the Plan including DC1 and DC3?

Council Response - *As explained in the response to PQ16 Darlington's 'Healthy New Town' project is not commonplace. The principles do not override the more detailed policies in the plan. It may therefore be more appropriate to 'encourage' following the Healthy New Towns Principles (as set out in Fig 1.3). An appropriate modification is suggested.*

PQ44.1. Paragraph v in the Executive Summary of the *Local Plan Viability Assessment*¹⁹ refers to individual site-specific assessments of the Greater Faverdale and Skerningham strategic allocation sites being undertaken. Where are those assessments?

Council Response - *The site specific viability assessments for each of the Greater Faverdale and Skerningham Strategic Allocations are currently being finalised. Initial assessment was undertaken as part of the Whole Plan Viability Assessment but further assessment is being carried out in collaboration with the lead developers of each of the sites to ensure that assumptions made reflect accurately as possible the site specific circumstances in relation to infrastructure costs, site abnormalities and so on. It is intended to provide a minimum of a summary of these assessments within Statements of Common Ground for both sites by the end of March 2021.*

Employment for economic growth

Policies E1 and E2: existing employment sites and employment allocations

PQ45. What is the specific evidence that justifies the proposals in policies E1 and E2 for a total of around 226 hectares (gross) / 158 hectares (net) of land for employment developments on existing and allocated sites? How does it relate to the target of accommodating around 7,000 net additional jobs in the Borough by 2036 referred to in paragraph 7.1.8 and in policy H1 as justification for the housing target of 492 dwellings per year between 2016 and 2036?

Council Response - *The employment land review identified that 7,000 new jobs over the plan period, this was based on looking at specific evidence provided by various established organisations and econometric modelling. The Council believe 7,000 jobs is an ambitious but realistic target and is supported by past trends. It is very difficult to relate jobs to land take as different sectors are land intensive rather than jobs intensive, such as logistics. Darlington is well placed with the newly upgraded A1(M) running through the Borough to attract these types of business, indeed it already has an Amazon, an Argos and Aldi distribution warehouses. To be in a good position to attract businesses in an ever-competing market it is important to have a range of available serviced sites. We believe our range of sites in different locations as well as the Borough's excellent connectivity by road, rail and air gives the Borough an excellent opportunity to attract inward investment.*

One of the sites (Greater Faverdale) is a mixed-use site which aims to provide 2,000 homes and approximately 200,000 square metres of employment space. This is designed to be flexible in that if there is no need for that much employment land, more housing could be provided and vice versa.

PQ46. Are the "suggested uses" listed in Table 7.2 intended to apply to already developed land and buildings on the existing employment sites, or only to the hectares of net available land referred to in the preceding column?

Council Response - *The suggested uses listed in Table 7.2 are intended to apply to both the net available land and existing developed land or buildings that are brought forward for development, subject to any permitted development rights that would apply. A main modification has been proposed to ensure this is clearer.*

PQ47. Site 367 Link 66 / Symmetry Park is included in policy E1 Table 7.2 as an existing employment site (strategic). Site 356 Ingenium Park is included in policy E2 Table 7.3 as an employment allocation (strategic). Both are shaded blue (with no hatching) on the policies map, for which the notation panel refers to policies E2 and H11. Please clarify.

Council Response - *Site 356 should be blue hatched as well as being shaded blue as it is allocated in Policy E2 as well as being identified as a Strategic Employment Site so the policies map will be updated to include this.*

Site 367 is an existing employment opportunity in policy E1 as an Amazon facility has recently been constructed and opened on the majority of the site. It is still identified in Table 7.2 as a strategic employment site as it forms part of the Borough's eastern growth zone for future economic development and investment on the remaining part of the site. It is therefore correct for the site to be shaded blue but the notation in the key for Strategic Employment Sites will be updated to include Policy E1. The blue line for safeguarding existing employment opportunities is already around the site.

PQ48. Paragraph 7.1.14 seems to set out a policy for employment use development outside the sites listed in policies E1 and E2, rather than provide reasoned justification for those policies. Consideration should be given to whether that approach should be set out in an additional policy in the Plan (if justified), or the paragraph be deleted.

Council Response – *Paragraph 7.1.14 is recommended for deletion as a main modification.*

Policy E4 economic development in the open countryside

PQ49. Paragraph 7.2.4 refers to policy E3. Should that be policy E4?

Council Response - *Yes, correct paragraph 7.2.4 should refer to policy E4 rather than policy E3. A minor modification is proposed to change this.*

PQ50. Is policy E4 consistent with NPPF 83 and 84 aimed at supporting a prosperous rural economy? For example, NPPF 83(a) supports the conversion of existing buildings and well-designed new buildings for all types of businesses in rural areas, whereas policy 4 part A sets out various criteria for conversion and re-use and seems to limit new buildings to where they are well-related to existing buildings. Parts B and C seem to set additional criteria (to those in part A) that also have to be met for equestrian related development and tourist accommodation development respectively.

Council Response - *A main modification is proposed to ensure that part (a) of EN4 is consistent with NPPF paragraphs 83 and 84 in relation to new buildings. To ensure the policy is more effective the main modification is also proposing to set out part A as overarching principles of the policy deleting the 'A' reference with each of the additional criteria for the different uses following as a,b,c... afterwards.*

Parts B and C are considered to be consistent with national policy subject to the main modifications referred to in the response to the questions following below and improve

effectiveness by providing the specific relevant criterion for the different types of development.

PQ51. Paragraph 7.2.7 states that equestrian developments should be located where there is, or could be, ready and safe access to the bridleway network. That seems to be a specific policy requirement, rather than reasoned justification; should it be included in policy E4 part B?

Council Response - *It was considered that this was covered by the broader reference to adequate off-road riding facilities available safely nearby, but it is acknowledged that this requirement is not totally clear in relation to the specific reference to bridleways. A main modification is proposed to incorporate reference to access to bridleways as stated in paragraph 7.2.7.*

PQ52. Policy E4 part C (b) seems to allow for tourist accommodation development in an “area susceptible to flooding” if a flood risk warning and evacuation plan is provided. It is not clear what is meant by an “area susceptible to flooding”, but this does not seem to be consistent with national policy and guidance relating to flood risk and the location of more vulnerable and highly vulnerable uses.

Council Response - *It is acknowledged that this sentence is inconsistent with national policy and guidance relating to flood risk so a main modification is proposed to delete this. It is considered that development in areas of flood risk is sufficiently covered by policy DC2.*

PQ53. Is policy E4 part E intended to be a stand alone approach to the establishment or expansion of retail development in the countryside, or is part A intended to also apply? What is a “primary holding” referred to in (a) and (b)? How would the impact on the “vitality and viability of retail centres or village shops” be assessed, and is the approach consistent with national policy relating to the sequential approach and impact assessments²⁰?

Council Response - *Part A is also intended to apply to part E, as drafted this is unclear so a main modification is proposed to make this clear.*

A primary holding is a primary agricultural holding as set out in paragraph 7.2.5. Agricultural landowners often have numerous separate holdings or areas of land and their primary holdings is their main and usually largest holding where the main activities take place. It is acknowledged that paragraph 7.2.5 also refers to rural development uses as well so a main modification is proposed to (a) and (b) to refer to primary agricultural holding or existing rural business.

It is acknowledged that part c as drafted is inconsistent with national policy regarding the sequential approach and impact assessment, so a main modification is proposed to refer to the centres defined in Policies TC1 and TC4 and the approach to sequential test, retail impact and the threshold set out in TC5. The main modification will also remove reference to village shops in the context of retail impact but state that proposals should enable existing local village shops to be retained in accordance with paragraph 83 of the NPPF.

PQ54. Paragraph 7.2.8 refers to instances where new economic activity in the countryside requires associated residential accommodation, and then sets out some criteria that developers would need to meet. This does not seem to provide reasoned justification for policy E4. Cross reference is made to policy H7. That does not specifically refer to such residential development, but does refer to NPPF 79 which allows new homes in the countryside where there is an essential need for a rural worker to live permanently at or

near their place of work in the countryside. Consideration should be given to whether the requirements of paragraph 7.2.8 should be included in policy H7 (if justified), or that paragraph be deleted from the Plan

Council Response - *Yes, it is agreed that paragraph 7.2.8 does not provide reasoned justification for policy E4 so a main modification is proposed to delete from this location. It is considered that the additional criteria are justified and would make Policy H7 more effective by providing further clarity to applicants in what criteria and information will be required to satisfactorily demonstrate a need for rural workers dwellings.*

A main modification is therefore proposed to Policy H7 with an additional paragraph added after the first paragraph which incorporates amendments to these criteria to ensure it is consistent with the further detailed guidance set out in NPPG (67-010-20190722).

Town Centre and Retail

Need for additional floorspace for main town centre uses

Paragraph 8.1.9 refers to a need for up to 15,800 sqm of additional comparison goods floorspace by 2032, and no significant quantitative need for additional convenience goods floorspace. The Plan assumes that the additional comparison goods floorspace will be provided through several smaller developments throughout the plan period.

PQ55. Is the evidence of retail need up to date, having regard to the potential effects of the coronavirus pandemic on the economy and shopping habits?

Council Response - *Evidence from estate agents suggest whilst some of the bigger shops may be struggling there is demand for smaller independent shops. The Town Centre boundary is quite tightly drawn to reflect that town centres are shrinking. If we are to attract people to live in our centres there will be a need for a range of shopping and leisure offer. There is only one decent size convenience store adjacent to the town centre and there is a need to attract more offer to give choice without the need to travel. There has been recent interest from convenience stores in the town and the policies and allocations need to be able to attract these and prevent leakage from the town centre especially when some of the more deprived wards are adjacent to the centre where they are less likely to have access to motorised transport.*

The Borough Council was recently awarded monies as part of the High Street Fund and is currently investing in the town centre to attract a range of uses including residential, this includes acquiring and demolition of unused buildings.

In regards of the coronavirus pandemic we will not know its impact until it is largely over and we return to normal habits. Any evidence gathered now would be based on a false situation and therefore could not be relied on.

PQ56. What does the available evidence indicate in terms of the need for other main town centre uses as defined in the NPPF, including food and drink, leisure and offices?

Council Response - *The town centre is well catered for in relation to food and drink and leisure and offices. The town boasts a modern leisure centre with a wide range of services, also within the town centre there is a newly completed, multi-screen cinema, various food and drink establishments and a hotel The Council has also recently completed a 4 storey office block. Recently the Government announced the Treasury locating approximately 750 jobs to Darlington Town Centre which will help maintain the viability and vitality of the centre.*

The Council through its policies recognises town centres are changing and cannot be maintained as purely retail destinations and we are mindful of encouraging a mix of uses.

Policy T3 additional site for town centre uses

Policy TC3 proposes that a 2.4 hectare site, currently used for car parking, be developed to “meet any future need for town centre uses” and to “support theregeneration” of the site. The policies map seems to indicate that the site comprises two areas of land either side of a main road. One area is within the town centre boundary, adjoining but outside the primary shopping area. The other area adjoins but is outside the town centre boundary.

PQ57. Are the “town centre uses” referred to in policy TC3 intended to equate to “main town centre uses” as defined in the NPPF? Would the site be suitable to accommodate some or all of the 15,800 sqm of additional comparison goods floorspace expected to be needed by 2032?

Council Response - *Yes the uses referred to in Policy TC3 equate to the NPPF definition. It is intended that any development would begin on the site inside the town centre and indeed the Council have already started to clear the site. If there were subsequent demand and there were no further availability inside the town centre then the site adjacent and identified could be developed with links across the road. We are confident the site and other vacant unidentified sites could accommodate the identified future need.*

Policy TC4 district and local centres

PQ58. Are the uses referred to in policy TC4 consistent with the definition of main town centre uses in the NPPF?

Council Response - *The definition in the policy is not wholly consistent with the definition in the NPPF as these centres by their nature serve a local need and are limited in size and we wouldn't want uses which draw people from the town centre, so the uses identified are more to serve the local day to day needs of the area.*

Policy TC5 retail impact assessment threshold

PQ59. Paragraph 8.2.5 states that the 500 sqm threshold is the maximum allowance before the Borough's retail strategy could be compromised. What is the evidence for that threshold which takes account of the following²¹:

- scale of proposals relative to town centres
- the existing viability and vitality of town centres
- cumulative effects of recent developments
- whether local town centres are vulnerable
- likely effects of development on any town centre strategy
- impact on any other planned investment

Council Response – *Vacancy rates in Darlington Town Centre are currently at their highest since 2012 at 14.2%. As is accepted town centres are increasingly under pressure none more than from online shopping. On top of this there has been some recent out of town developments on the north western edge of the town, this includes an M&S food and an Aldi. Also a Lidl and Home Bargains have recently been given approval.*

An application for a Tesco was received but, Tesco have recently pulled out as they were advised there would be a recommendation for refusal due to impact on the District Centre at Cockerton and the cumulative impact on the Town Centre.

The Council is currently investing in the Town Centre, through Government money and its own inward investment including a multimillion pound upgrade to the historic indoor market. Any out of town development could have serious repercussions for the impact of that investment.

It was felt a 500 square metre requirement for an impact assessment would help protect the town and district centres. The 'discounter' (such as Aldi or Lidl) occupies shops of approximately 1,000 sq. metres, whilst a neighbourhood top up shop is typically around 250 sq. metres. The discounters are taking an increasing share of the convenience goods market and can no longer be seen as top up shops. There is an increasing interest in this size of unit with Iceland launching its Food Warehouses brand and other players such as Farmfoods and Fulton Foods.

Town centres should remain the main focus for shopping including convenience shopping especially for the less mobile such as the elderly and low wage earners.

Any developments for retail outside of main centres need to be carefully considered against the impact it may have on those centres. It is considered that a store over 500 sq. metres gross floorspace could have a negative impact on the vitality and viability of existing centres and therefore any proposals should be required to submit an impact assessment. The 500 sq. metre threshold would exclude the need for a typical neighbourhood store to undergo an impact assessment but include the typical discounters units.

Policy TC6 Darlington town centre fringe

PQ60. What uses are intended to be included in "a range of mixed use development"? Is it intended that any main town centre uses proposed in the "fringe" area defined on the policies map be subject to the sequential approach set out in policy TC1 and/or a retail impact assessment as required by policy TC5?

Council Response - *The mix of uses could include employment/commercial as well as residential but if the development was substantial and was a town centre use defined in the NPPF then it would be expected to be subject to the sequential test and the impact assessment if Policy TC5 is accepted. A main modification is proposed to this effect to amend policy to add the uses which might be acceptable but include the caveat that any uses defined as town centre uses would have to meet the sequential test as described in TC1 and the impact assessment as required by TC5.*

Environment

Policy ENV1 historic environment

PQ61. The detailed wording of the various parts of policy ENV1 differs from that used in national policy, guidance and legislation relating to the historic environment²². For example, the wording of the first paragraph of part A is different to that in NPPF 193 to 195 relating to designated heritage assets. The second, third and fourth paragraphs of part A, part B, and part C provide more detailed criteria for proposals affecting listed buildings, registered parks and gardens, conservation areas, and archaeological sites respectively. Part D differs to

NPPF 197 relating to non-designated heritage assets. Part F differs to NPPF 185 relating to viable uses. There are 3 pages of reasoned justification, some of which seems to elaborate on ENV1 and summarise or interpret national policy.

Is ENV1 consistent with national policy? Would it provide an unambiguous approach so that it is evident how a decision maker should react to a development proposal, bearing in mind that the NPPF, PPG and the statutory tests would also have to be taken into account?

Council Response - A main modification is proposed to the first paragraph of part a to ensure the policy is consistent with paragraphs 193-195 of the NPPF in relation to designated heritage assets.

Main modifications are also proposed to part D, relating to non-designated heritage assets, and part F relating to viable uses to ensure consistency with the relevant paragraphs of the NPPF.

Once these proposed modifications are taken account of it is considered that ENV1 does provide an unambiguous approach to how a decision maker should react to a development proposal consistent with national policy, guidance and statutory tests in the context of Darlington Borough. This includes the further detailed criteria provided within the policy which provide greater local clarity on how proposals will be considered and the specific characteristics they should take account of. This is considered to improve the local effectiveness of the policy. Again, the detailed justification explains how the Council will fulfil its statutory duties and provides explanation of how this policy will be applied consistently alongside national policy along with providing a local context in relation to identifying in some instances relevant heritage assets.

Policies ENV3 and ENV4 landscape character and green infrastructure

PQ62. Please provide annotated plans that define geographically (and, where appropriate, name) the following areas referred to in policies ENV3 and ENV4:

- “rural gaps” [ENV3(A(1))]
- “green wedges” [ENV3(A(2))]
- “local green corridors and their buffer zones” [ENV3(B(1) and ENV4]
- “strategic green corridors and their buffer zones” [ENV3(B(1) and ENV4]
- “historic routes” [ENV3(B(2))]
- “urban and rural parklands” [ENV3(C(1))]

Council Response - The Council has not sought to specifically geographically identify rural gaps so these are not available. The Council considers taking all matters into account that it is justified and effective to refer to the rural gaps between settlements in words in the policy rather than specifically mapping gap areas to ensure the policy is not overly restrictive in the context of the NPPF's overall presumption in favour of sustainable development approach and therefore remains consistent with the NPPF. This still affords protection for these areas and the overall specific landscape sensitivities can be addressed through landscape assessment at the application stage. In addition, in certain locations allocations and masterplan frameworks such as between the urban area and Barmpton and Great Burdon the Skertingham masterplan framework has been created to ensure the purpose of the policy can still be achieved which is to enable their distinctive separate characters to be maintained from the main urban area.

The Green wedges are already included on the Policies map so can be viewed on these.

The remaining layers requested – existing and proposed strategic and local green corridors and their buffer zones; historic routes; and; urban and rural parklands will be

added to the Policies map and will be provided as soon as this has been completed.

PQ63. Figure 9.1 “Darlington’s Green Infrastructure Network” indicates the broad locations of “existing” and “proposed” local and strategic green corridors. The notation panel to the key diagram (map 4.1 / map 1) refers to “existing strategic green infrastructure corridors” and “proposed strategic green infrastructure corridors”, and refers to policies EN3, EN4 and EN7. Those policies do not seem to distinguish between “existing” and “proposed” local or strategic corridors. Please clarify, including on the annotated maps requested above.

Council Response - *A distinction has been made between existing and proposed strategic green corridors to ensure that it is clear that the proposed strategic and local green corridors are those which do not currently fully exist and are in the process or will be expected to be created through development.*

Policy ENV4 does make the distinction between existing and proposed strategic or local green corridors with part (a) providing criterion relating to those existing and part (b) to those which are identified as proposed.

It is acknowledged that policy ENV3 part B (1) does not distinguish or make clear that this relates to either existing or proposed or indeed both types of strategic and local green corridors. A main modification is proposed to refer to existing which was the policy intent which will ensure the policy is effective in this regard.

It is also acknowledged that Policy ENV7 doesn’t specifically define which type of strategic corridor the River Skerne and River Tees are respectively, so a further main modification is proposed to ensure this policy is effective in this regard.

PQ64. The policies map must illustrate geographically the policies in the plan²³. Please advise which of the areas referred to above are defined on the policies map, and explain why the others are not.

Council Response - *Please see response to Q62 above.*

PQ65. Paragraph 9.3.5 seems to provide reasoned justification for policy ENV6 local green space, rather than policy ENV3. Reasoned justification for policy ENV6 is provided by paragraphs 9.5.1 and 9.5.6. Please clarify.

Council Response - *Yes agreed paragraph 9.3.5 provides reasoned justification for policy ENV6 rather than policy ENV3 so a main modification is proposed to delete this for effectiveness.*

PQ66. Policy ENV4 part (g) protects “existing green space” from all forms of development unless a number of criteria are met. Footnote 39 clarifies that for the purposes of that policy, “green space” includes all of the areas referred to in paragraph 9.4.3. Some of the areas referred to in 9.4.3 are also referred to in other parts of ENV3 and ENV4, including those I have asked to be mapped.

Which of the areas listed in paragraph 9.4.3 (a) are defined on the policies map, and (b) fall within the NPPF definition of “open space”?

Council Response – *a) In summary of the areas referred to in paragraph 9.4.3 the green wedges, local wildlife and local nature sites are shown on the policies maps. The existing and proposed strategic and local green corridors are illustrated on map 1 the key diagram but none of the other policy maps. As set out in our response to Q62 it is now proposed to*

include the existing and proposed strategic and local green corridors on all of the Policies maps.

The general approach was to seek to identify on the policies map those green infrastructure features which are specifically designated by polices in the plan and of a more permanent nature which are less subject to change during the course of the Local Plan. The other features are viewable in the Green Infrastructure Strategy and any subsequent updates and will also be included along with other relevant layers on an online constraints map that will be available from the Council's website following the adoption of the Local Plan. Further detail on each of the features referred to in paragraph 9.4.3 is set out below:

- Strategic and local green corridors - Included on map 1 – Key Diagram and proposed for inclusion on all other maps*
- Green wedges (see Policy ENV 3) - Included on Policies Map*
- Wildlife friendly green space, including designated wildlife sites⁽³⁸⁾ - Locally designated Local Wildlife Sites and Local Nature Reserves are included on the Policies Map. International and National Designations and wildlife friendly green spaces all either designated by others or subject to potential updating out with the Local Plan are not included, will be available to view on online map.*
- Informal recreational open space, children's play areas and landscape amenity space - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Playing pitches and outdoor sports facilities - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Formal parks, cemeteries and civic spaces - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Trees, woodland and community woodland - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Urban fringe - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Agricultural land - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Public rights of way and wider countryside access - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*
- Open countryside - Not included as not specifically designated and potential for change during course of Local Plan. Available in the Green Infrastructure Strategy and will be available to view on online map.*

b) It should firstly be noted that footnote 39 doesn't include all the areas referred to in paragraph 9.4.3 within its definition of "green space" for the purposes of ENV4. It excludes urban fringe, agricultural land, open countryside and private gardens. So, for the purposes of this policy the term "green space" includes the following features from paragraph 9.4.3:

- *Component parts of the existing and proposed strategic and local green corridors;*
- *Green wedges (see Policy ENV 3);*
- *Wildlife friendly green space, including designated wildlife sites;*
- *Informal recreational open space, children's play areas and landscape amenity space;*
- *Playing pitches and outdoor sports facilities;*
- *Formal parks, cemeteries and civic spaces;*
- *Trees, woodland and community woodland;*
- *Public rights of way and wider countryside access;*

The NPPF definition of open space is "all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and as a visual amenity.

All of the areas outlined above are considered to meet this definition as they are all areas of land or water of public value which offer important opportunities for sport and recreation and/or as a visual amenity.

PQ67. The detailed wording of policy ENV4(g) differs to that used in NPPF 97. Is it consistent with national policy, or otherwise justified?

Council Response - *Yes it is acknowledged that the wording at ENV4 (g) is inconsistent with that used in NPPF 97 and a main modification is proposed to address this.*

Policy ENV5 green infrastructure standards

PQ68. Paragraph 9.4.14 states that the Borough is relatively rich in the amount of open space it contains therefore new space will only be sought in major new development where the amount and mix of development proposed requires substantial green infrastructure to deliver a sustainable new neighbourhood or to create an appropriate business of leisure environment. However, the first part of policy ENV5 seems to require all development including 20 dwellings (or 0.2 hectares) or more, or non-residential developments of "1,000m" (sic) gross floorspace or more, to deliver new green infrastructure in line with the standards contained in the Planning Obligations SPD. Please clarify.

Council Response - *It is acknowledged that the first part of policy ENV5 as drafted appears to require all new development as stated to deliver new green infrastructure which wasn't the intention as set out in paragraph 9.4.14. A main modification is proposed to ensure that this subject to need and the existing quantity and quality of provision.*

A main modification is also proposed to ensure that the contribution is equivalent to the additional need a development generates to ensure consistency with paragraph 56 of the NPPF.

PQ69. The last part of policy ENV5 requires developments of 11 dwellings (or 0.1ha) or more,

or non-residential development of “500m” (sic) gross floorspace or more, in “areas of open space deficiency” to make provision for the improvement of off-site green infrastructure in the local area. Are “areas of openspace deficiency” defined on the policies map? Is that requirement intended to apply to all developments over those thresholds, so would be additional to the requirement in the first part of policy ENV5?

Council Response - *Areas of open space deficiency are not defined on the policies map, these are currently set out in the Open Space Strategy. A main modification is proposed to refer to this, so the policy is effective and clear on where these are. It is not considered effective to include these on the policies map as they are subject to routine review subject to the changing levels of provision and need.*

The requirement is intended to apply to all developments over those thresholds. This would be expected to be in combination with the requirements in the first part of policy ENV5 and not additional to as it could deliver greater benefits for the wider community, but the contribution required would only be equivalent to the additional need generated by the development not to supplement an existing deficiency in supply. It is acknowledged that this part of the policy is not effective as drafted so a main modification is proposed.

Policy ENV6 Local Green Space

PQ70. Policies for managing development within a Local Green Space should be consistent with those for Green Belts²⁴. The wording of policy ENV6 differs from NPPF 143 to 147. Is it intended to be consistent with national policy, or otherwise justified?

Council Response – *It is intended to be consistent with NPPF and it may be more appropriate to refer to ‘as set out in National Policy’. A main modification is proposed.*

Policy ENV7 biodiversity and geodiversity and development

PQ71. Are the “specific actions” set out in parts A, B and C of policy ENV7 intended to have any implications for housing or other development on allocated sites or otherwise proposed in the Plan?

Council Response – *Yes, development proposals which are located within these areas or their buffer zones are encouraged to support the achievement of these specific actions where relevant. It is acknowledged that this is not clear in the policy as drafted so a main modification is proposed to ensure the policy is effective.*

PQ72. The detailed wording of policy ENV7 part D(i) differs to that in NPPF 175(b). Is it intended to be consistent with national policy, or otherwise justified?

Council Response – *The detailed wording of part D(i) is intended to be consistent with paragraph 175(b). On further reading it is acknowledged that it isn’t entirely consistent, so a main modification is proposed to rectify this.*

PQ73. Is the approach to development likely to have an adverse effect on local nature reserves or local wildlife sites set out in part D(ii) consistent with the avoid / mitigate / compensate approach set out in the second paragraph of policy ENV7 and NPPF 175(a)?

Council Response - *It is acknowledged that the approach to development affecting Local*

Nature Reserves or Local Wildlife Sites is not consistent with the avoid / mitigate / compensate approach set out in NPPF 175(a) and the second paragraph of Policy ENV7 so a main modification is proposed to address this.

PQ74. What is meant in policy ENV7 part D(iii) by “(current compensation measures within policy only considers woodland types on NERC list)”?

Council Response - *This statement is seeking to set out the only compensatory replacement planting that will be acceptable is that of a woodland type that is priority habitat by being identified on the England Biodiversity List under section 41 of the Natural Environment and Rural Communities Act (2006) as habitat of principal importance for the conservation of biodiversity in England. A main modification is proposed to make this clearer and ensure the policy is effective.*

PQ75. Is the last sentence of part D(iii) relating to ancient woodland consistent with the preceding sentence and NPPF 175(c)?

Council Response - *This sentence is not consistent with the preceding sentence of part D(iii) and paragraph 175(c) of the NPPF so a main modification is proposed to delete this sentence.*

ENV8 assessing a development's impact on biodiversity

PQ76. Why are policies ENV7 and ENV8 both required? Are they consistent with each other and national policy? Does having both policies, as well as NPPF 175- 177, provide an unambiguous approach such that it is clear how a decision maker should react to a development proposal that may impact on biodiversity?

Council Response - *It is considered that ENV7 and ENV8 are both required. ENV7 is a strategic policy, setting out the broader policy requirements that will be applied to development in relation to protecting and avoiding significant harm to biodiversity and geodiversity and setting out the requirements in this regard for each of the different types and designations of sites. As set out in responses to questions 71-75 above it is acknowledged that certain elements of this policy as drafted are not consistent with NPPF or effective, so modifications are proposed to seek to address this.*

Policy ENV8 is intended to be a more detailed ‘development management’ type policy setting out the specific step by step approach and range of measures applicants should take to ensure that biodiversity and geodiversity is protected and measurable net gains for biodiversity is secured as per the requirements of national policy and Policy ENV7. This policy gives greater clarity to applicants of what is expected of them in this regard and some support has been received for this approach through representations.

It is acknowledged that there are some inconsistencies within wording within Policy ENV8 with that in ENV7 and national policy particularly in relation to the mitigation hierarchy and a main modification is therefore proposed to address this.

Overall it is considered, subject to the main modifications proposed, that policies ENV7 and ENV8 along with paragraphs 175-177 of the NPPF provide a unambiguous approach to how a decision maker should react to a development proposal that may impact on biodiversity and there is a requirement to retain both policies to ensure the Local Plan is effective and consistent with national policy regarding biodiversity.

PQ77. Paragraph 9.6.15 seems to require a “masterplan” to be submitted with “any major planning application”. What is a “major planning application”? What is the justification for this requirement? If it is justified, it should be included in a policy, not reasoned justification.

Council Response - *A major site in this context is 100 dwellings or more which is the scale it has been identified in the Borough where biodiversity features relevant to this requirement generally start to be provided of scale requiring the masterplan and maintenance. A main modification is proposed to delete reference to “major” and replace with “100 dwellings or more” to ensure it is clear what development it applies to. It is also proposed to include the requirement in Policy ENV8 as a part number 5 rather than just the supporting justification. This requirement is considered justified in ensuring that that policy is effective, and the provision of biodiversity features is adequate and appropriate at the outset of its provision and also for the long-term as envisaged by national and local policy.*

Transport and infrastructure

Policy IN1 delivering a sustainable transport network

PQ78. Policy IN1 part A relates to cycling, walking and other sustainable transport. Are the “strategic priority corridors” referred to in policy IN1 part A(ii) defined on the policies map? Are the “local green corridors” referred to in policy IN1 part A(ii) the same as those referred to in policies ENV3 and ENV4? How do the routes referred to in paragraph 10.3.7 relate to those corridors?

Council Response – *The Strategic Priority Corridors are not currently identified on the policies map. They are detailed in the Transport Topic Paper (Page 11). Four of the Six priority corridors are the same as the ‘Key Public Transport Corridors’ Identified on the Key Diagram and Policies Map. The other two could be added. Local Green Corridors are proposed for addition to the policies map as part of the council’s response to PQ66. Part of the issue with many of the corridors are that by their nature they are multifunctional which could make the policies map congested on key corridors.*

PQ79. Policy IN1 part A(iii) requires all “new commercial developments” to include “cycle parking provision”, and residential developments to “give consideration to where bicycles will be stored”. Is “commercial development” defined? Is the requirement for residential development clear? Are these requirements and those in policies IN2(e) (“secure cycle storage facilities”) and IN4 (“safe, secure and appropriate cycle parking”) consistent with each other? Collectively do they provide an unambiguous approach towards cycle storage indifferent types of development? Does the “Tees Valley Highway Design Guide” referred to in policy IN4 include standards for cycle storage provision?

Council Response -*It is agreed that ‘Commercial development’ does require definition. ‘A modification is proposed to insert a footnote definition as being ‘All uses apart from C2, C2a and C3 as identified in the Use Classes Order (as amended). Sui generis uses will be determined on a case by case basis.’*

It is acknowledged there is some ambiguity between Policies IN 1, IN 2 and IN 4 in relation to cycle parking and storage facilities. A proposed modification has been suggested to address this. It is proposed to remove the reference to cycle parking from IN 1 iii) as this is just one way of making cycling a more attractive option. IN 2 e) is proposed for deletion. It is suggested Policy IN4 should be reworded to say: Safe, secure and appropriate provision for cycle parking and storage will be provided-encouraged in line with standards set out in the Tees Valley Highway Design Guide or any successor within all new developments, including shared facilities within flats.

The Tees Valley Highway Design Guide does include standards for cycle storage and parking in Section 7 of the document.

PQ80. Paragraph 10.5.9 refers to a northern link road, but states that the route is not fixed and will not therefore be safeguarded in the Plan. However, policy IN1 part C(v) aims to prevent development that would compromise the potential delivery of a northern link road between the A1 and A66. The potential route is indicated on the Key Diagram (Map 4.1 / Map 1) and the Skerningham masterplan framework (Figure 6.1). What is the robust evidence for this proposal and the route indicated?

Council Response – *The Darlington Northern Link Road is a potential new road between the A66/A1150 Little Burdon junction and A1(M) Junction 59. It will link the Tees Valley, including key assets such as Teesport, Teesworks and Teesside International Airport, with the A1(M) and beyond. It will also establish an efficient link between Newton Aycliffe and the expanding port facilities on the River Tees. Which has recently been confirmed by the government as a ‘Freeport’.*

Significant work is ongoing developing the business case for the northern link road (a project being led by the Tees Valley Combined Authority). Public engagement has been undertaken on the route in 2017 and again in 2020. Early development work considered three route options for the road which was narrowed down to one in 2017 and that is the approximate alignment shown on the Key Diagram. Whilst work is still underway on developing more refined design solutions the precise route cannot be established yet and it is not therefore considered justified at this time to try and safeguard access points to the potential Northern Link Road. A main modification is therefore proposed to delete Part C v from Policy IN 1.

PQ81. Policy H10 part (g) requires the development of the Skerningham strategic housing site to provide a “crossing of the East Coast Mainline and a corridor to enable the provision of a connection across the River Skerne to the Northern Relief Road route”. What is the justification for this requirement?

Council Response - *Within the Masterplan Framework for Skerningham the Skerningham Internal Link Road in the policy plan called “Potential Local Distributor Road Route” is crucial for bringing forward this strategic site allocation. The East Coast Main line crossing of this route is fundamental to delivering the Skerningham Garden community and also for the future transport ambitions of the Council by providing alternatives for traffic flow in the North of the Urban area of Darlington.*

The connection to the potential Northern relief road is a long-term aspiration which would not be required during the plan period. In reality the land required would be within the developers control. To remove ambiguity it is therefore suggested as a main modification to amend part g of Policy H 10 to read:

g. A local distributor road between the A167 and A1150, close to the Little Burdon roundabout, which is to include a crossing of the East Coast Mainline; ~~and a corridor to enable the provision of a connection across the River Skerne to the Northern Relief Road route;~~

PQ82. The notation panel to the Key Diagram (Map 4.1 / Map 1) includes a red dashed line to indicate “new road and public transport links”. The diagram seems to show these as an orbital route around the west, north and east sides of the urban area, and also a route from the town centre going east to the A66. What would those proposals entail, how do they relate to policy IN1, and what is the evidence to justify them?

Council Response – The red dashed line on the key diagram does effectively indicate an orbital route of interconnected local link roads. These are the schemes detailed in section C vii of Policy IN 1. All routes are to be introduced as part of the development proposals and this is reflected in the corresponding site statements in Appendix B. The phasing and justification for these links is tested in the local plan highway modelling work.

The apparent route from the town centre going east to the A66 is a mapping issue. The red line is solid to indicate a 'main route' but is overlaid with a green dash for a 'Strategic Green Infrastructure Corridor'. We will look for a better way to differentiate these two on the Key Diagram.

Policy IN2 improving access and accessibility

PQ83. Policy IN2 part (d) states "Accessibility is based on 80% or more of the site being within 400 metres walking distance of a bus stop served by a regular service". How is that meant to be taken into account by a decision maker considering a development proposal for (a) a site allocated in the Plan and (b) a site not allocated in the Plan?

Council Response - The 400m walking distance from a bus stop used in this assessment is derived from the Department of Environment Circular 82/73 (DOE, 1973) which gives 400 metres as the recommended maximum walking distance along the footpath system, this represents a 5-minute walk at about 5 kph (roughly the average walking speed in the National Travel Survey). Further detail on this is available in the 'Transport Topic Paper'.

In terms of how this would be applied to allocated sites these criteria were used as part of the site selection process so sites already compliant would have scored better in these areas. Those which don't will be required to deliver improvement to achieve this.

In terms of non-designated sites we should not be looking to grant many 'major developments' (10 or more homes or 1,000m² non-residential) whilst the LPA can demonstrate a 5 year housing supply. Should we end up in a situation we are looking to grant permission for such a proposal the developer will be required to provide mitigation so sites achieve this.

It is however acknowledged that the wording of part (d) is unclear and ineffective so the following main modification is proposed to ensure the wording is clearer including that 80% is 80% of the dwellings on site and to further define what a regular service is:

d) All new major development should be accessible by public transport. It is therefore expected that 80% or more of the dwellings on a site be within a 400m walking distance of a bus stop served by a regular service (every 30 minutes during peak hours). Financial contributions to provide a supported or extended bus service for up to 5 years, and bus stop infrastructure will be sought where sites are not currently served by regular services.

Policy IN7 telecommunication masts

PQ84. Is policy IN7 consistent with NPPF section 10?

Council Response - We consider the policy is consistent with the NPPF section 10 in that it is a positive policy which encourages providers to work together to minimise impact by looking at existing buildings and masts. The policy does not mention the requirements of paragraph 115

as that would only be restating what is in the NPPF.

Policy IN9 renewable energy infrastructure

PQ85. NPPF 151(b) states that plans should consider identifying suitable areas for renewable and low carbon energy, and guidance is available²⁶. Did the Council consider this during the preparation of the Plan? What is meant by “appropriate locations” in the first sentence of policy IN9?

Council Response – *The Council did consider identifying suitable areas for renewable and low carbon energy development during the preparation of the plan. A range of factors and specific characteristics were considered in reaching a conclusion as whether to identify them or not including: the predominantly urban nature of the Borough with a small rural hinterland; lack of internationally or nationally designated landscapes; overall sensitivity of the landscape and availability of the Landscape Character Assessment to potential applicants; clear policy approach set out to airport safety in IN5; and; evidence of developer-led renewable energy developments being developed in the Borough in recent years.*

Taking all these factors in to account, within the context of paragraph 151(b) of the NPPF which sets out that the identification of suitable areas should be considered where this would help secure their development it was concluded that the identification of suitable areas for renewable and low carbon energy is not necessary to secure their development and the policy approach providing in principle support subject to the achievement of a range of criterion is sufficient in the specific context of Darlington Borough to achieve the overall requirement of paragraph 151 of the NPPF to help increase the use and supply of renewable and low carbon energy given its general overall suitability.

Appropriate locations are locations where proposals can demonstrate all of the relevant criteria for that type of renewable and low carbon energy development within IN9 can be satisfied. For effectiveness a main modification is proposed to delete “appropriate locations” and replace with “Renewable and Low Carbon energy development will be supported across the Borough where proposals are in accordance with the following relevant criteria”.

PQ86. National guidance states that in the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a local or neighbourhood plan. Does the Plan identify such areas? If not, is policy IN9(a) consistent with national policy?

Council Response - *As set out in response to question 85 above the Plan does not set out areas identified as suitable for wind energy development with the conclusion being reached, taking account of the specific local characteristics, to treat the whole Borough as suitable subject to meeting the requirements of the criterion set out in Policy IN9 which ensure adverse impacts are avoided as required by paragraph 154(b) of the NPPF. This approach is considered consistent with national policy, although a main modification is proposed as set out in response to Q85 above to make this approach clearer in the first paragraph of IN9. It is also acknowledged that reference is not currently made to requiring proposals to demonstrate the planning impacts identified by the affected local community have been fully addressed and have their backing, so a main modification is proposed to incorporate this in to the policy.*

Policy IN10 community and social infrastructure

PQ87. Policy IN10 part A (bottom of page 123) appears to set out a formula for calculating financial contributions towards the provision of education infrastructure. Is the “-“ sign after

“family dwelling⁸¹” a minus symbol? To be unambiguous, should “Pupil place generation ... capacity in local schools” be in brackets)?

Council Response - For added clarity yes it should. A modification is proposed.

PQ88. What does the first sentence in the policy IN10 box at the top of page 124 mean, and how does it relate to the formula on the bottom of page 123?

Council Response - This sentence was intended to flag that there may be situations where there is some capacity but not sufficient to fully accommodate a development. This eventuality is covered in the formula on page 123 so to remove ambiguity a modification is suggested to delete the first sentence on page 124.

PQ89. Policy IN10 part B seems to deal with all types of “community facilities” However, part C deals with “other community facilities”. Paragraphs 10.11.1 and 10.11.8 both include non-exhaustive lists of what is meant by “community facilities”. NPPF 92(a) also includes a list of community facilities. Please clarify.

Council Response - It is acknowledged that there are multiple different references to community facilities within IN10 and the supporting justification. Paragraph 10.11.1 is seeking to set out all the types of ‘community and social infrastructure facilities’ covered by the policy as the policy considers a broader range of facilities than those suggested as community facilities in paragraph 92 (a) of the NPPF such as education facilities and cemeteries.

However, it is acknowledged that this does not then include some of the uses referred to in paragraph 10.11.8 creating inconsistency so a main modification is proposed to delete the first sentence of paragraph 10.11.1 and enable the non-exhaustive list of different types of facilities to be covered in the remainder of the supporting text for each of the different categories of facilities such as 10.11.8 and 10.11.11.

It is also acknowledged that the reference to other community facilities part C adds further confusion, so it is proposed to delete this and directly refer to Indoor Sport, Art and Cultural Facilities and Cemeteries. This is proposed through a main modification set out in further detail in the Council’s response to question 91 below.

PQ90. Policy IN10 part B(ii) seems to allow the loss of community facilities if they are no longer needed. However, the use of “and” at the end of the clause indicates that part (iii) would also have to be satisfied. Why?

Council Response - A main modification is proposed to replace the “and” with “or” and more broadly to improve the effectiveness of the wording of part iii.

PQ91. Why is policy IN10 part C required, given the approach to the provision of new and expanded community facilities in the first sentence of part B? What is meant in part C by “according to the locational strategy set out in the plan”? What is meant by “priority locations” in part C(i)?

Council Response - The purpose of part C is to provide further specific policy criteria for proposals for Indoor Sport, Art and Culture and Cemeteries that is additional to the first sentence of part B to ensure that they are acceptable.

It is considered this is unclear and not effective as drafted by having each of the elements unlinked and in separate policy sections. So, a main modification is proposed to re-title part B as the ‘Protection of Existing Community Facilities’ and Part C ‘Provision of New Community Facilities’. Paragraph 1 of Part B can then be relocated to the newly titled Part C as the first

paragraph which can then follow on as per the current Part C.

The locational strategy is that set out in the settlement hierarchy (Policy SH1) which identifies the settlements in order of priority for development. Priority locations are therefore the locations prioritised for development in the settlement hierarchy. It is acknowledged that terms are undefined so a main modification is proposed to replace reference to the 'locational strategy' with 'settlement hierarchy (Policy SH1)'. Part Ci referring to 'priority locations' is not on further reading considered to be necessary so is proposed for deletion as a main modification.

Glossary

PQ92. Are all of the definitions in the Glossary consistent with the definitions in NPPF Annex 2?

Council Response – The Glossary has been reviewed and the Council proposes the following changes, as set out in the following table, to ensure consistency with the glossary definitions in NPPF Annex 2.

Term	Current Definition	Proposed Modification
Geodiversity	Is the variety of earth materials, landforms and processes that constitute and shape the Earth. Relevant materials include minerals, rocks, sediments, fossils, soils and water.	The range of rocks, minerals, fossils, soils and landforms.
PDL – Previously Developed Land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for mineral extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built up areas such as residential gardens, parks, recreation grounds, and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
Strategic	A policy site aimed at facilitating change in/over the long term.	Title will be changed from 'Strategic' to 'Strategic Policies' The definition will then be changed as follows: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.
Transport Assessment	A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.	A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.
Travel Plan	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.	A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.
Windfall Sites	Sites which have not been specifically	Sites not specifically identified in the development

	<p>identified as available in the Local Plan process. They normally comprise previously developed sites that have unexpectedly become available as circumstances arise. These sites are assessed against planning policies at that time.</p>	<p>plan.</p>
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PQ93. To ensure that the meaning of all policies is unambiguous and therefore effective, do further words or phrases used in the Plan need to be defined in the Glossary?

Council Response - The Council has reviewed the Glossary and the addition of the following definitions is proposed to ensure that the meaning of all policies is unambiguous and therefore effective.

Term	Recommended Definition
Ancient or Veteran Tree	A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.
Ancient Woodland	An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).
Amenity	A broad concept that refers to the pleasant or satisfactory aspects of a place which add positively to its overall character and to the enjoyment of residents or visitors. For example, it encompasses human health, quality design, provision and protection of local services, local economy and the protection of the countryside, historic environment, environmental character and visual, air and noise quality. Amenity also encompasses leisure and sporting areas, such as playing fields and other open spaces used for sport.
Climate Change Adaption	Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.
Climate Change Mitigation	Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.
Conservation Area	A designated area of special architectural and/or historical interest, the character or appearance of which it is desirable to preserve or enhance. It is a recognition of the value of a group of buildings and their surroundings and the need to protect not just individual buildings but the character of the area as a whole
Entry-level exception sites	A site that provides entry-level homes suitable for first time buyers (or equivalent, for those looking to rent), in line with paragraph 71 or successors of the NPPF
Historic Environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Local Green Space	A designation either in a local plan or neighbourhood development plan that provides special protection against development for green areas of particular importance to local communities.
Major Development	For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m ² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
Material Consideration	A material consideration is a matter which the decision maker must take into account when assessing a planning application.
Neighbourhood Plan	A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

<i>Open Space</i>	<i>All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity</i>
<i>Primary Agricultural Holding</i>	<i>An applicants main holding registered as an agricultural holding used solely or mainly for the purposes of agriculture, horticulture</i>
<i>Rural Exception Sites</i>	<i>Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.</i>
<i>Setting of a heritage asset</i>	<i>The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.</i>
<i>Significance (for heritage policy)</i>	<i>The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.</i>
<i>Site of Special Scientific Interest</i>	<i>Sites designated by Natural England under the Wildlife and Countryside Act 1981.</i>
<i>Stepping Stones</i>	<i>Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.</i>
<i>Wildlife Corridor</i>	<i>Areas of habitat connecting wildlife populations.</i>