
**VIEW: SHAPING THE NORTH EAST
REGIONAL SPATIAL STRATEGY FOR THE NORTH EAST
EXAMINATION IN PUBLIC**

**Responsible Cabinet Member(s) - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director(s) - John Buxton, Director of Development and Environment

Purpose of Report

1. To inform Cabinet of the arrangements for the forthcoming Regional Spatial Strategy Examination in Public (EIP), including the list of invitees and matters for discussion.
2. To seek Cabinet agreement on the Council's stated position on various matters, relating to sites in Darlington, raised by other consultees, which may be discussed at the EIP.

Information and Analysis

3. On the 27 September 2005, Cabinet considered a report on the Submission Draft Regional Spatial Strategy for the North East, and resolved to send comments and objections to the EIP Panel, as the Council's formal response to the consultation process.

Examination in Public Arrangements

4. The EIP will begin on 7 March 2006 and will run for 5 weeks at the Swallow Hotel, Gateshead. The Panel has decided that for most matters, except where there are issues concerning matters within a sub-region, there should be one representative per sub-region participating at the EIP. Hence Durham County Council will represent Durham authorities, Northumberland County Council will represent Northumberland authorities, one of the Tyne and Wear authorities will represent Tyne and Wear, and the Tees Valley Joint Strategy Unit (JSU) will represent the Tees Valley authorities. Darlington and the four other Tees Valley authorities were only invited to the Housing Distribution by Area session.
5. In general, this approach is supported, and officers will work closely with the JSU on those matters where it is being represented by them. Nevertheless, there were concerns that, for various reasons, either where there has been some disagreement between the Tees Valley authorities, or where matters are felt to be specifically important to this Borough, Darlington Borough Council should have been invited to participate at certain sessions. A letter was sent to the Panel identifying particular matters of sub-regional and local interest, including the City Region Concept in general and the Tees Valley City Region section; Land Allocations at the Airport; Brownfield Mix-Use Developments (Central Park); Prestige and Reserve Employment Sites (Faverdale); and Urban and Rural Centres which refers to the sub-regional hierarchy of centres.

6. At the first preliminary meeting held by the EIP Panel in December 2005, it was stated that Darlington Borough Council would be invited to the session on the Airports. The revised List of Participants does not invite this Council to any other matters. However, there is scope to sit behind the JSU representative at relevant sessions and provide information to the Panel if required, which would allow input to the debate as necessary. In addition, the Council will submit written statements on the key matters, to be considered by the Panel, or will endorse statements prepared by the JSU where they represent the Council's views.

Additional Submissions

7. As Members will be aware, Cabinet resolved to send various comments and objections, in relation to the Submission Draft RSS, to the Panel as part of the formal consultation process. These will be supplemented by more detailed written statements for the EIP. In addition, other submissions were made by companies in relation to key sites within the Borough. It is important that, where these issues are discussed at the EIP, or considered by the Panel as written evidence, this Council has taken a view as to whether their submissions should be supported or commented on. The three main issues are set out below followed by a recommended Council response/position to take to the EIP.

Land at the Airport

8. Turley Associates, on behalf of Durham Tees Valley Airport (DTVA), have written in support of much of the RSS as it relates to DVTA and airport policy generally. However, an objection has been submitted to the inclusion of a detailed list of 'airport related' uses which, it is argued, is not properly a matter for an RSS. Furthermore, the objection states:
9. *"We are not aware of any other RSS which adopts such a prescriptive approach to this matter. This level of detail is usually (and more appropriately) addressed in the context of individual planning applications."*
10. With further work on defining 'airport related uses' planned as part of the Northern Way, DVTA argue that the results of this work should be known before final decisions on definitions are made which may require a subsequent change to RSS.
11. Although, the Council did not object to the list of airport related uses in the Submission Draft RSS, further consideration suggests support for the DVTA position is warranted. Not only is such a detailed list inappropriate for a regional policy document, but on closer examination, the list provided in the RSS misses out many types of activities which are aviation related and conversely, includes activities which would not be acceptable, e.g. an apron or fuel facility would not be appropriate within a prestigious airport B1 development. It would be more appropriate for potential uses to be covered through the Local Development Framework (LDF) process or through a planning application.

Lingfield Point

12. Marchday Group Ltd, owners of the 50 hectare site at Lingfield Point, including the former BAT factory, submitted a number of statements of support and objections to the draft RSS regarding the future of the site. In essence, the representations suggest that:

- (a) *The renaissance of Darlington is fundamental to the long term prosperity of the North East.*
 - (b) *Darlington needs to be recognised as a town with a catchment that is deserving of a regional planning policy framework that reflects its unique spatial location and that the settlement will need to confront quite a different range of social/economic issues than other locations throughout the Tees Valley and North East.*
 - (c) *Housing market failure is not an issue for Darlington and rather, matters associated with affordability may emerge during the time period to which the RSS relates. Restricting Darlington to a low level of annual housing growth may exacerbate this trend adversely impacting on the wider regeneration objectives for the town and as identified in the draft Regional spatial strategy and by the Borough Council.*
 - (d) *Lingfield Point is a regeneration opportunity of a substantial size within a sustainable location that will positively contribute to Darlington's renaissance and that it should be specifically referenced within the RSS as a mixed use brownfield site renewal opportunity of regional importance, [alongside Central Park]. This will then allow an appropriate policy framework to be established for the site through Darlington's LDF.*
 - (e) *It provides a unique opportunity for an exemplar mixed use urban regeneration project comprising of a variety of land use and housing types that will all greatly assist in enabling Darlington to attain a critical regeneration mass.*
 - (f) *The Draft RSS should commit to promoting implementation of the Eastern Transport Corridor [which would run alongside the Lingfield Point development].*
13. Notwithstanding the representations made by Marchday, proposals for the mixed use development are at the concept stage, although reference is made by the Company to a series of linked residential neighbourhoods, supported by further commercial, retail, leisure and community uses, all set within a highly sustainable urban environment. Early discussions between Council officers and Marchday representatives have raised a number of issues, relating to proposed housing types and numbers, site sustainability and accessibility in their broadest sense, mix of uses and levels of integration within the site but also in relation to the surrounding area. It is accepted that redevelopment/reuse of the BAT factory is a significant issue facing the Borough, and that Marchday have produced some innovative and popular schemes within redundant industrial units at Lingfield Point. However, recommending that the Council support Marchday's representations, at this relatively early stage, without more detail, is difficult.
14. The suggestion that this site is of sub-regional, if not regional significance is supported by the extent of the vacant floorspace at Lingfield Point (approaching one million sq ft), the reuse or redevelopment of which is a significant issue for the sub-region. There may be an opportunity, given the owner's aspirations, to achieve an exemplar development of regional significance. The sites currently included in Policy 13 of RSS (Regional Brownfield Mixed-Use Developments) are all Tees Valley Regeneration schemes, however.
15. Members will be aware that the issue of housing provision figures has run through the RSS preparation process with Tees Valley Boroughs submitting holding representations pending further work on the figures by the JSU. This Council has stated that housing growth linked with economic growth should not be restricted, in what is an area of housing demand, by

unrealistic housing allocations. As such Marchday's representations on housing warrant some support. However, without a clearer understanding of the level of housing proposed in what is referred to by Marchday as a "mixed use and predominantly residential development", along with the implications for the wider housing and development strategy for the Borough, unreserved support for the inclusion of Lingfield Point, alongside Central Park is not felt to be appropriate. There would also be concerns about housing development being isolated from wider residential communities.

16. Nevertheless, the future of Lingfield Point is important at the sub-regional level and recognition of the opportunity it presents should be recognised in the RSS. In reaction to the Marchday proposals it is suggested that this Council responds with the following options:
 - (a) Including Lingfield Point under Policy 13 "Regional Brownfield Mixed Use Developments" would be acceptable as long as this did not indicate major housing development is appropriate.
 - (b) Lingfield Point could be included under Policy 19 "Prestige Employment Sites" to reflect its significance as a major sub-regional site for attracting investment and contributing to the role of Darlington as a gateway location.
 - (c) If the Panel does not agree to (a) or (b) above, Lingfield Point should be included in the RSS text where relevant, for example at paragraph 2.112 (which is the description of Darlington's opportunities in the text supporting the Tees Valley City Region policy), highlighting its position as a key strategic site.

Faverdale Strategic Reserve Site

17. Miller Group have a land interest in the major part of the Strategic Employment Reserve Site at Faverdale (Policy 20). The remainder of the identified allocation is owned by Darlington Borough Council. Miller Groups representations are summarised below:
 - (a) *RSS refers to the need for an appropriate land portfolio to meet growth sectors. However, it makes no specific or general policy reference to meeting the land needs of logistics, even though its economic importance is recognised. The objector claims that logistics companies are increasingly looking at the North East Region and land requirements should be acknowledged and reflected in RSS policies.*
 - (b) *The Darlington area lacks a Prestige Employment Site (Policy 19) in its portfolio. Bearing in mind the Faverdale sites strategic and gateway location in the Region and sub-region, and having considered it against the criteria laid down under Policy 19 for identifying Prestige Employment Sites, the objector argues that it should be included under policy 19 for logistics.*
 - (c) *The objector is also concerned that the relative emphasis between Policies 19 and 20 presupposes delivery agencies give priority to Policy 19 sites. Without its inclusion in Policy 19, the economic potential of Faverdale will be downgraded simply as a reserve site. Furthermore 'Reserve' status maintains uncertainty as to whether the site will eventually be developed. This uncertainty discourages up front site servicing and site preparation that provides a marketable land product. As such, the objector feels that if Policy 20 is to have any effect and real contribution to the regional land portfolio, it*

requires a more purposeful and less restrictive approach.

- (d) *The objector also believes that the RSS should have a specific policy to identify strategic logistics sites, and that Faverdale would be a prime candidate for inclusion. Such a policy would identify and promote specific land opportunities for logistics as part of the Region's land portfolio.*
- (e) *To summarise, the objector wishes to see the Faverdale site included in Policy 19 (Prestige Employment Sites) as a specialist logistics site. If this is not accepted by the Panel, and it is to remain in Policy 20, the wording of the Policy should be amended to remove the priority given to Prestige Sites and to provide a more positive and proactive approach to site delivery. If the Panel were to accept the idea of a new policy for logistics development which identifies Faverdale as such, then the objector would be willing to see Faverdale deleted from Policy 20 and not included in Policy 19.*
18. This Council did not object to the Reserve Site allocation of Faverdale at the Submission Draft Stage of RSS, acknowledging that it reflected the longstanding allocation identified in the Darlington Local Plan and Tees Valley Structure Plan. A key statement in the supporting text to the policy highlights the role of strategic reserve sites as ensuring that the region can respond quickly to the potential needs of large-scale inward and mobile investors. The reserve status could create uncertainty among developers and therefore be seen as restrictive in terms of delivering the site. This could make responding quickly to investors difficult and therefore put off investment. The ability to respond quickly to requests from developers requiring large sites was highlighted by the requirements of Argos last year.
19. Having reconsidered the approach to the Faverdale site, in light of the recent Argos development and likely demand for logistic development in this location, it is recommended that the Council submit the following views to the EIP.
- (a) There does appear to be significant market demand for logistics, which the Faverdale Strategic site is perhaps uniquely placed to meet in the region. However, identifying Faverdale as a prestige employment site solely for logistics may prove too restrictive if other uses come forward. Identifying Faverdale as a prestige site for logistics and other uses would be welcome.
- (b) A “regional logistics site” policy would be supported which identified Faverdale, providing the site was not restricted to this use.
- (c) The Council supports the view put forward by Millers which suggests a more “purposeful and less restrictive approach” through Policy 20.

Outcome of Consultation

20. No formal consultation was undertaken in the preparation of this report.

Legal Implications

21. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough

Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

22. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

23. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

24. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Recommendation

25. It is recommended that :-
- (a) Members note the arrangements for the Regional Spatial Strategy – Examination in Public;
 - (b) Members agree that officers submit representations based on the contents of this report to the EIP Panel as part of the Council's Statement of Evidence.

Reasons

26. The recommendations are supported by the following reasons :-
- (a) To keep Members updated on the progress of the emerging RSS;
 - (b) To enable officers to present the Council's formal position on various matters affecting key strategic sites in the Borough.

John Buxton
Director of Development and Environment

Background Papers

View: Shaping the North East: Regional Spatial Strategy for the North East – Submission Draft (North East Assembly – 2005)

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