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## Examination of the Darlington Local Plan

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

#### Introduction

In order to provide clarity and potentially narrow down the focus of the examination, the Council is asked to provide a brief response to the following Preliminary Questions, with reference to the main relevant evidence. These questions are based on my reading of the Plan and some of the key evidence, but are in advance of my consideration of the Council preparing a comprehensive summary of, and responding to, the main issues raised in the regulation 19 representations.

If consideration of any of the questions leads the Council to conclude that a main modification may be needed to make the Plan sound, please draft suggested changes to the relevant part of the Plan.

A response is requested by **midday on Friday 12 March 2021**.

#### General and procedural matters

##### *Duty to cooperate*

PQ1. What were the strategic matters<sup>1</sup> 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.

##### *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<sup>2</sup>?

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<sup>1</sup> "Strategic matters" are defined in section 33A(4) of the Act and include sustainable development or use of land that has or would have a significant impact in at least two planning areas or, in a two-tier area, is, or would have a significant impact on, a county matter.

<sup>2</sup> Sections 19(1B and 1C) of the 2004 Act.

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### *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 change<sup>3</sup>?

### *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"<sup>4</sup>.

### *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.

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?

### *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?

### *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?

### *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 policies<sup>5</sup>. 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.

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<sup>3</sup> Section 19(1A) of the 2004 Act.

<sup>4</sup> Age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

<sup>5</sup> PPG ID:61-008-20190315.

## **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.

## **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 policy<sup>6</sup>.

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

## **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?

## **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

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<sup>6</sup> PPG ID:61-036-20190723.

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?

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

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?

#### *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?

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?

#### *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 obligations<sup>7</sup>. In particular, why would they be necessary to make the development acceptable in planning terms?

## **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 period<sup>8</sup>.

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?

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

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<sup>7</sup> NPPF 56.

<sup>8</sup> NPPF 60 and 65.

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?

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 examination<sup>9</sup>. What is the justification for the housing requirement being expressed from 2016, rather than 2020?

#### *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 stage<sup>10</sup>. Is that the Council's intention? If so, was it made clear when the Plan was published for consultation under regulation 19?

PQ23. National guidance states that housing requirement figures in adopted strategic policies should be used for calculating the five year housing land supply figure<sup>11</sup>. 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?

#### *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?

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.

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<sup>99</sup> PPG ID:2a-008 and 012-20190220.

<sup>10</sup> PPG ID: 68-010.

<sup>11</sup> PPG ID-68-005-20190722.

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.

#### *Windfalls*

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

#### *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

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 years<sup>12</sup>. Please list all of the sites in categories C, D and E and advise what the clear evidence is for each.

#### *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?

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 ownership<sup>13</sup>?

P32. 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 communities<sup>14</sup>?

#### *Policy H6 rural exceptions*

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<sup>12</sup> NPPF Glossary – definition of “deliverable”.

<sup>13</sup> NPPF 64.

<sup>14</sup> NPPF 62.

PQ33. Is policy H6 consistent with national policy relating to entry-level exception sites adjacent to settlements and rural exception sites<sup>15</sup>?

*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)?

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 buildings<sup>16</sup>?

*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*?

*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 period<sup>17</sup>?

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?

PQ38.1 The sustainability appraisal considered three policy options for meeting gypsy and traveller accommodation needs<sup>18</sup>. Was the option of allocating specific sites to meet identified needs, as required by national policy, assessed?

*Policy H10 Skertingham strategic site (487 hectares)*

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<sup>15</sup> NPPF 71 and 77.

<sup>16</sup> NPPF 79(c).

<sup>17</sup> PPTS paragraph 10.

<sup>18</sup> Appendix D page 174 of CD03.

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 H10 part (g)?

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

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?

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?

PQ44. Policies H10 and H11 (3<sup>rd</sup> 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?

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

## **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 7,00 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?

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?

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 include in policy E2 Table 7.3 as an employment allocation (strategic). Both are shaded blue

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<sup>19</sup> CD08.



(with no hatching) on the policies map, for which the notation panel refers to policies E2 and H11. Please clarify.

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.

*Policy E4 economic development in the open countryside*

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

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.

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?

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.

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 assessments<sup>20</sup>?

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

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<sup>20</sup> NPPF 88 and 89.

requirements of paragraph 7.2.8 should be included in policy H7 (if justified), or that paragraph be deleted from the Plan

### **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?

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?

#### *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 the regeneration” 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?

#### *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?

#### *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 following<sup>21</sup>:

- 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

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<sup>21</sup> PPG ID:2b-015-20190722.

*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?

**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 environment<sup>22</sup>. 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?

*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))]

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.

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<sup>22</sup> NPPF section 16, PPG ID:18a and the Planning (Listed Buildings and Conservation Areas) Act 1990

PQ64. The policies map must illustrate geographically the policies in the plan<sup>23</sup>. Please advise which of the areas referred to above are defined on the policies map, and explain why the others are not.

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.

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"?

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

#### *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.

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 open space 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?

#### *Policy ENV6 Local Green Space*

PQ70. Policies for managing development within a Local Green Space should be consistent with those for Green Belts<sup>24</sup>. The wording of policy ENV6 differs from NPPF 143 to 147. Is it intended to be consistent with national policy, or otherwise justified?

#### *Policy ENV7 biodiversity and geodiversity and development*

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<sup>23</sup> Regulation 9(1)(c)

<sup>24</sup> NPPF 101.

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?

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?

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)?

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

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

#### *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?

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.

### **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?

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 in different types of development? Does the “Tees Valley Highway Design Guide” referred to in policy IN4 include standards for cycle storage provision?

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<sup>25</sup>?

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?

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?

*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?

*Policy IN7 telecommunication masts*

PQ84. Is policy IN7 consistent with NPPF section 10?

*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 available<sup>26</sup>. Did the Council consider this during the preparation of the Plan? What is meant by “appropriate locations” in the first sentence of policy IN9?

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?

*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

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<sup>25</sup> NPPF 104(c).

<sup>26</sup> PPG ID:5-05-20150608.

infrastructure. Is the "-" sign after "family dwelling<sup>81</sup>" a minus symbol? To be unambiguous, should "Pupil place generation ... capacity in local schools" be in (brackets)?

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?

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.

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?

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)?

## **Glossary**

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

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?

*William Fieldhouse*

INSPECTOR  
19 February 2021