



Examination of the Darlington Local Plan

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INSPECTOR'S NOTE NO. 4: MATTERS, ISSUES AND QUESTIONS; PARTICIPANTS; AND HEARING PROGRAMME

Introduction

This note sets out the matters, issues and questions that will help me to decide if the Plan is sound and legally compliant and, if not, how it could be modified to ensure that it is (**Annex 2**). It also includes a final draft hearings programme and lists of participants for each session (**Annex 3**).

Advice on submitting written statements in response to my matters, issues and questions is set out in **Annex 1**. Further information about the examination is available in my Guidance Note published on 14 January 2021¹.

Examination hearings

The examination hearing sessions will start at **9.30am** on **Tuesday 25 May 2021** and are expected at this stage to take place over eight days as follows (the dates on which each matter will be discussed are set out in **Annex 3**):

- Week 1: Tuesday 25 May and Wednesday 26 May 2021
- Week 2: Tuesday 15 June to Thursday 17 June 2021
- Week 3: Tuesday 22 June to Thursday 24 June 2021

Tuesday 29 and Wednesday 30 June 2021 are reserve days that could be used to continue discussion of one or more of the matters if necessary.

Due to uncertainties about what coronavirus legislation and guidance will apply at the time, and capacity issues at Darlington Town Hall, the hearing sessions will be held virtually using Microsoft Teams. All of the sessions will be broadcast on YouTube.

A note setting out procedural and practical information about participating at hearing sessions will be published in due course.

¹ IN1.

Participants at hearing sessions

When I published my provisional list of matters and hearing dates, I asked all representors to inform the Programme Officer by midday on Wednesday 10 March 2021 if they wished to exercise their right to be heard and participate at one or more hearing session². I have considered all of those requests, and allocated participants to relevant hearing sessions (see **Annex 3**).

Any queries relating to the lists of participants in Annex 3 should be made to the Programme Officer by **midday on Wednesday 14 April 2021** after which a finalised list will be published.

Written statements

Written statements in response to my matters, issues and questions must be received by the Programme Officer by the following deadlines:

- **Midday on Wednesday 28 April** – statements for matters 1 to 3
- **Midday on Wednesday 5 May** – statements for matters 4 to 11

Information about the format, content and length of written statements is set out in **Annex 1**.

Main modifications to the Plan and changes to the Policies Map

Following a request from me, the Council prepared a comprehensive summary of the main issues raised in the representations made in response to the regulation 19 consultation along with its responses. This was published on 11 March 2021³. The Council's response to my Preliminary Questions⁴ was published on 30 March 2021. Both of these documents make clear that the Council is proposing main modifications to the Plan and changes to the policies map to address soundness issues.

The Council's schedules of proposed main modifications to the Plan and changes to the policies map were published on 30 March 2021. Where relevant, I refer to the Council's proposed main modifications and its other responses to my PQs in my matters, issues and questions. Please note that my references are generally to the proposed main modifications to policies, rather than to the reasoned justification. Notwithstanding that, I will also consider the proposed modifications to the reasoned justification, and written statements can comment on them where relevant.

I will take account of the Council's proposed main modifications, along with all of the published evidence, regulation 19 representations and written statements in coming to my conclusions at the end of the examination. However, I can only recommend main modifications if I decide that they are essential to make the Plan sound or legally compliant.

² IN2, 23 February 2021.

³ PD07.

⁴ IN3, 24 February 2021.

Matters, issues and questions

My matters, issues and questions are set out in **Annex 2** to this note.

William Fieldhouse

Inspector
1 April 2021

ANNEX 1

Written statements

Any representor may submit a hearing statement or statements. However, these should only be in response to questions that relate to their original representations. Statements should set out the key points from their original representation against the relevant questions, and not introduce new arguments. Statements should be concise and focussed, and in any event must contain no more than 3,000 words for each matter.

The Council should produce a statement for every matter. This should also be focused and succinct. However, because the Council has to answer every question, it may in some cases be necessary to exceed the limit of 3,000 words per matter.

Written statements are not the opportunity to introduce new evidence. Rather, they should refer to evidence on the examination website or that which was submitted with representations made under regulation 20. If the Council or any representor considers that there is evidence that it is essential to refer to in order to answer one of my questions, but which is not on the examination website, please check with the Programme Officer before submitting it.

All statements should directly answer my specific questions. Where appropriate, reference should be made to relevant parts of the National Planning Policy Framework ("NPPF") (paragraph numbers) and associated Planning Practice Guidance ("PPG") (eg ID: 18a-001-20190723) with an explanation of why you think the policy in question is consistent or inconsistent with it. Reference should also be made to specific parts of evidence in the examination library (with specific page and paragraph numbers). However, there is no need to quote extensive parts of the NPPF, PPG or evidence documents.

If your response to one of my questions concludes that the relevant part of the Plan is not sound, please set out how you think it should be modified to ensure that it is. Where relevant, refer to the Council's proposed modifications and changes to the policies map.

All statements and appendices must be emailed to the Programme Officer in Word or PDF format by the deadlines that have been set. Please ensure that your name and representor reference number is clearly written in the top right corner of each page.

Written statements will be published on the examination website as soon as possible after the deadline so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will not be circulated directly to participants. Anyone who is unable to access them on the website should contact the Programme Officer.

Once the date for submitting written statements has passed, no other written evidence will be accepted, unless I specifically request it.

End of Annex 1

ANNEX 2

Matters, issues and questions

M1. Legal and Procedural Requirements and other General Matters

The duty to cooperate⁵

The Council's *Statement of Common Ground*⁶, and response to PQ1, set out the strategic matters⁷ that the Council addressed during the preparation of the Plan and how it addressed them through working with other local authorities and relevant prescribed bodies during the preparation of the Plan.

Q1.1. Is there any substantive evidence to demonstrate that, during the preparation of the Plan, the Council failed to undertake effective and on-going joint working with relevant bodies on strategic matters that affect other local planning authority areas?

Public consultation and engagement

The Council's *Submission Consultation Statement*⁸ sets out how it involved residents and other stakeholders in preparing the Plan and concludes that consultation was undertaken in accordance with the relevant regulations and the Council's *Statement of Community Involvement*⁹ which was published in July 2016 and updated in August 2020 to take account of coronavirus restrictions.

Q1.2. Is there any substantive evidence to demonstrate that the public consultation carried out during the plan-making process failed to comply with the Council's *Statement of Community Involvement* or legal requirements?

Q1.3. Was the Plan shaped by early, proportionate and effective engagement with communities, local organisations, businesses, infrastructure providers and operators, and statutory consultees?

Sustainability appraisal

The Council carried out a sustainability appraisal during the preparation of the Plan and published a report in August 2020¹⁰.

Q1.4. Is there any substantive evidence to demonstrate that the sustainability appraisal failed to meet the relevant legal requirements¹¹?

Q1.5. Did the sustainability appraisal consider and compare reasonable alternatives as the Plan evolved, including for the broad spatial distribution of

⁵ Section 33A of the *Planning and Compulsory Purchase Act 2004* ("the 2004 Act").

⁶ CD05.

⁷ "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.

⁸ PD01.

⁹ PD05.

¹⁰ CD03.

¹¹ Sections 19(5) and 39 of the 2004 Act, and the *Environmental Assessment of Plans and Programmes Regulations 2004*.

housing, economic and other development? Was the Plan informed by the findings of the sustainability appraisal?

Habitat regulations assessment

The Council's *Habitat Regulations Assessment Screening Report*¹² concludes that the Plan is not likely to give rise to negative impacts on any relevant protected sites and that an appropriate assessment can therefore be screened out.

Q1.6. Does the habitat regulations assessment comply with relevant legal requirements¹³, and is there any substantive evidence to indicate that its conclusions are incorrect?

Equalities

The Council's *Equality Impact Assessment*¹⁴ sets out how the Council considered the effect that the Plan would have on different sectors of the community including people who share a "protected characteristic"¹⁵. The Council's response to PQ4 summarises how it considers the Plan will affect people from those different groups and the other two aims of section 149(1) of the *Equality Act 2010*.

Q1.7. Is there any substantive evidence to indicate that the Plan would have significant effects on equalities and in particular on groups with protected characteristics that have not been identified in the Council's assessment?

Climate change

The Council's *Climate Change Topic Paper* and response to PQ3 describes how the Plan aims to ensure that the development and use of land in the Borough contribute to the mitigation of, and adaptation to, climate change¹⁶ including through policies SH1, DC1, DC2, DC3, E4, TC6, ENV4, ENV7, IN1, IN2, IN4 and IN9.

Q1.8. Is the Plan consistent with national planning policy relating to the mitigation of, and adaptation to, climate change?

Neighbourhood Plans

Local plans are required to make explicit which policies are strategic policies having regard to national policy and guidance¹⁷. The Plan identifies 25 policies (out of a total of 47) as being strategic¹⁸.

¹² CD07.

¹³ *Conservation of Habitats and Species Regulations 2018* (as amended).

¹⁴ PD03.

¹⁵ *The Equality Act 2010* defines "protected characteristics" as: age; disability; gender reassignment; marriage and civil partnerships; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

¹⁶ Section 19(1A) of the 2004 Act.

¹⁷ NPPF 20 to 23 and PPG ID:41-076-20190509.

¹⁸ Plan paragraph 1.9.2.

Neighbourhood plans in the Borough will need to be in general conformity with the Plan's strategic policies and should not undermine them or promote less development¹⁹.

The Council's response to PQ5 confirms that there is one made neighbourhood plan in the Borough (for Low Coniscliffe and Merrybent²⁰) and advises that there are four other neighbourhood areas designated:

- Middleton St George - plan expected to be submitted April 2021.
- Hurworth - plan preparation started in 2017 but has stalled.
- Sadberge – designated in 2013 but not currently preparing a plan.
- Blackwell – designated in 2014 but plan preparation has stalled.

National policy states that strategic policies should set out a housing requirement for designated neighbourhood areas that reflects the overall strategy for the pattern and scale of development and any relevant allocations²¹. Further national guidance is available²².

Policy H1 table 6.1 sets out housing requirement figures for each of the five designated neighbourhood areas. The Council's response to PQ6 explains the rationale for these figures and proposes modifications to ensure that they accurately reflect the strategy and allocations in the Plan and that their purpose is clear.

Q1.9. Does the Plan set an appropriate framework, and allow an appropriate role, for neighbourhood plans in the Borough? In particular:

- a) Does the Plan appropriately identify "strategic policies"?
- b) Are the Council's proposed main modifications to policy H1 and the reasoned justification necessary to make the Plan sound with regard to the housing requirement figures for neighbourhood areas? If so, would they be effective in so doing?

Plan period

The Council's response to PQ7 advises that the Local Development Scheme approved in September 2020²³ anticipates that the Plan will be adopted in 2021, and that when preparation of the Plan commenced it was on the basis of a 20 year timeframe looking ahead to 2036 from 2016. The Council is under a statutory duty to review the Plan at least every five years. Notwithstanding this, the housing and employment allocations provide opportunities for development beyond 2036.

Q1.10. Is the Plan period 2016 to 2036 consistent with national policy or otherwise justified?

¹⁹ NPPF 29.

²⁰ SD55.

²¹ NPPF 65.

²² PPG ID:41-101-20190509.

²³ PD04.

Use Classes Order

The Council's response to PQ8 proposes modifications to 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) so that they are effective and consistent with national policy following the changes to the Use Classes Order that came into effect on 1 September 2020.

Q1.11. Are the Council's proposed modifications to 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) necessary to make the Plan sound and, if so, would they be effective in so doing?

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

The Council's response to PQ9 proposes modifications to policies DC1, DC2(f), H4, H8, ENV3, and ENV5 to ensure that they are consistent with national policy with regard to the status and purpose of Supplementary Planning Documents and other documents referred to in the Plan that are not part of the statutory development plan.

Q1.12. Are the Council's proposed modifications to policies DC1, DC2(f), H4, H8, ENV3, and ENV5 necessary to make the Plan sound and, if so, would they be effective in so doing?

Superseded policies

The Council's response to PQ10 proposes modifications to paragraphs 1.0.1 to 1.0.13 and figures 1.1 and 1.2 and the inclusion of an additional appendix F. This is to ensure that the Plan is sound and legally compliant with regard to policies in the existing development plan that policies in the Plan are intended to supersede.

Q1.13. Are the Council's proposed modifications to paragraphs 1.0.1 to 1.0.13 and figures 1.1 and 1.2 and the inclusion of an additional appendix F necessary to make the Plan sound and legally compliant and, if so, would they be effective in so doing?

Viability

The Council's *Local Plan Viability Assessment*²⁴ provides evidence about the economic viability of development proposed in the Plan.

The Council's response to PQ44.1 advises that site specific viability assessments for each of the Greater Faverdale and Skerningham strategic allocations are being finalised and that, as a minimum, a summary of these assessments will be published within statements of common ground for both sites by the end of March 2021.

²⁴ CD08.

Q1.14. Is the Plan informed by a proportionate and up to date assessment of viability that takes into account all relevant policies, and local and national standards?²⁵

Q1.15. Does the viability evidence demonstrate that the policies in the Plan are realistic, and that the cumulative cost of all relevant policies will not undermine deliverability of the Plan?²⁶

M2. Amount of development needed in the Borough

Economic growth and employment land requirements

The Plan aims to facilitate sustainable economic growth of 7,000 new jobs²⁷.

The Council's response to PQ45 advises that this aim is "based on looking at specific evidence provided by various established organisations and econometric modelling". The Council's *Housing Topic Paper* provides clarification, advising that the allowance for 7,000 additional jobs between 2016 and 2036 is based on projecting forward the number of jobs created in the Borough between 2005 and 2015. This was considered aspirational but deliverable, in contrast to basing the Plan on Oxford Economics projections which indicated a decline in the number of jobs in the Borough²⁸.

Further information is available in the *Darlington Future Employment Needs Report* (September 2017)²⁹. This indicates projected job growth or decline between 2016 and 2036 by different sector, and sets out the potential requirements in terms of net additional floorspace (sqm). The Council's response to PQ45 states that it is very difficult to relate jobs to land take as different sectors are land intensive rather than jobs intensive, such as logistics.

Table 7.1 in the Plan identifies a total of around 226 hectares (gross) / 158 hectares (net) of land for employment developments on existing and allocated sites between 2016 and 2036 in accordance with policies E1 and E2.

The Council's *Employment Land Review 2017* indicates that a total of around 55 hectares of employment land was developed between 2009 and 2019 (average 5.5 hectares per year). Around 80% was for storage and distribution uses (B8), and around 15% for industrial uses (B2)³⁰.

Q2.1. Is the aim to facilitate economic growth of 7,000 net additional jobs in the Borough between 2016 and 2036 justified and positively prepared?

Q2.2. Are the proposals in policies E1 and E2 to provide for a total of 158 hectares (net) of additional land for employment uses justified and positively

²⁵ NPPF 31 and 34 and PPG ID:10-001-20190509.

²⁶ PPG ID:10-002-20190509.

²⁷ Plan paragraph 2.1.2 Aim 1.

²⁸ Housing Topic Paper 3.13 and 3.14.

²⁹ SD15.

³⁰ SD16 page 14.

prepared? In particular, would this overall quantity of land allow for the creation of 7,000 net additional jobs between 2016 and 2036 and provide sufficient flexibility to accommodate needs not anticipated and enable a rapid response to changes in economic circumstances?

Household growth and housing requirements (policy H1)

The Council's response to PQ19 advises that the Borough's local housing need calculated in December 2020 using the standard method set out in national planning guidance was 162 net additional dwellings per year.

National guidance advises that whilst the standard method provides a minimum starting point in determining the number of homes needed, a recently-produced strategic housing market assessment may show significantly greater need. Where an authority can show that an alternative approach identifies a need higher than the standard method, and that it adequately reflects current and future demographic trends and market signals, the approach can be considered sound as it will have exceeded the minimum starting point³¹.

Policy H1 refers to a minimum requirement of 422 net additional dwellings per annum, and also a target of 492 net additional dwellings per annum between 2016 and 2036. Policy H1 goes on to state that the housing requirement is expressed as a range, and that the target of 492 is not intended to be a restrictive maximum.

The Council's *Housing Topic Paper* advises that the minimum requirement of 422 net additional dwellings per year is based on the *Strategic Housing Market Assessment 2017*³² which adjusted the official 2014-based household projections upwards to take account of long term migration trends; concealed and homeless households; second homes and vacancies; and institutional population change. The target of 492 net additional homes per year allows for increased net in-migration to ensure that the working age population would be sufficient to meet demand for 7,000 net additional jobs in the Borough (assuming that commuting patterns, unemployment and economic activity rates remain unchanged).

Q2.3. Are (a) the minimum requirement of 422 net additional dwellings per year and (b) the target of 492 net additional dwellings per year between 2016 and 2036 justified, positively prepared and consistent with national policy?

Q2.4. Is expressing the housing requirement as a range clear and unambiguous, and does the plan clearly establish a housing requirement figure for the Borough for the Plan period as required by national policy?

Other development needs

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

³¹ PPG ID:2a-010 and 015-20190220.

³² SD09.

throughout the plan period. The Council's response to PQ56 indicates that it considers that the town centre is already well catered for in relation to food and drink, leisure and office uses.

Q2.5. Is the Plan based on adequate and proportionate evidence about the quantitative and qualitative need for office, retail and leisure development in the Borough?

M3. Vision, aims, objectives and spatial strategy

Presumption in favour of sustainable development (policy SD1)

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 policy³³.

The Council's response to PQ11 advises that policy SD1 should be modified to ensure consistency with NPPF paragraph 11.

SQ3.1. Subject to the Council's proposed modification, 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) and the distribution of housing and employment development allocations

Policy SH1 states that the broad distribution of development will be shaped by the role and function of places based on a hierarchy of settlements comprising the Darlington urban area; three service villages; and eight rural villages.

Q3.2. Is the settlement hierarchy set out in policy SH1 based on evidence that is relevant, up to date, adequate and proportionate? Is the hierarchy and associated broad distribution of development reasonable, having regard to alternatives that were considered during the preparation of the Plan and the findings of the sustainability appraisal?

Q3.3. Is the broad distribution of housing and employment development proposed through commitments and allocations in the Plan consistent with the settlement hierarchy set out in policy SH1?

Development limits

Appendix 3 of the *Spatial Distribution of Development Topic Paper* sets out the methodology used by the Council to define the development limits as shown on the policies map. The Council's response to PQ12 advises that the development limits in the local plan adopted in 1997 were used as a starting point and that a number of criteria and principles were applied to set the

³³ PPG ID:61-036-20190723.

development limits for the new plan. The limits were drawn around the “main built form” of a settlement whilst also incorporating the proposed housing and employment development sites. Wherever possible, the development limit follows clearly defined permanent features.

The Council has proposed changes to the policies map so that the development limits to Low Coniscliffe and Merrybent villages reflect the settlement boundaries of the made Low Coniscliffe and Merrybent Neighbourhood Plan.

Q3.4. Are the development limits to the Darlington urban area, three service villages, and eight rural villages defined on the policies map based on evidence that is relevant, up to date, adequate and proportionate?

Q3.5. Are the Council’s proposed changes to the development limits to Low Coniscliffe and Merrybent villages necessary to make the Plan sound?

M4. Housing development

The Council’s response to PQ24 proposes modifications to ensure that the various references to the number of dwellings expected to be built on land identified in the Plan are accurate and consistent.

The Council’s response to PQ24 goes on to state that the housing trajectory will be updated at the end of the current financial year and that this information will be provided as soon as possible. Depending on the timing of this information, I may publish supplementary questions prior to the relevant hearing sessions to help me to consider whether main modifications need to be made to the Plan.

Commitments

Table 6.4 in the Plan lists commitments, with total capacity for 3,953 dwellings, 2,652 of which remain to be completed between 2020 and 2036. The housing trajectory in Appendix A to the Plan sets out the number of dwellings that the Council expects to be built on each site each year between 2016 and 2036. The Council has proposed a modification to the trajectory in Appendix A to clarify the dates.

Q4.1. Is there a reasonable prospect that a total of 2,652 dwellings will be built on the housing commitment sites listed in table 6.4 between 2020 and 2036?

The Council’s response to PQ28 advises that a total of 2,102 dwellings are expected to be built on the housing commitments between 2020 and 2025³⁴. Of these, 1,262 are expected on sites of 10 or more dwellings with detailed planning permission and 840 are expected on sites of 10 or more dwellings with outline planning permission.

National policy advises that sites of 10 or more dwellings with detailed planning permission should be considered deliverable³⁵ until permission expires, unless

³⁴ 1,262 + 840 = 2,102 (from Summary Table).

³⁵ “Deliverable” means that a site is available now, in a suitable location for development, and has a realistic prospect that housing will be delivered within five years (NPPF Glossary).

there is clear evidence that homes will not be delivered within five years. However, sites of 10 or more dwellings with outline planning permission should only be considered deliverable if there is clear evidence that completions will begin within five years. The Council's response to PQ29 summarises its evidence.

Q4.2. Is the assumption that a total of 2,102 dwellings will be built on the sites listed in table 6.4 between 2020 and 2025 justified? In particular, has the Council provided clear evidence for the assumption that 840 dwellings will be built on the sites of 10 or more dwellings with outline planning permission?

Methodology for selecting housing allocations

Paragraph 6.2.13 states that the housing allocations included in the Plan were selected taking into account sustainability principles and a number of specified criteria. The *Housing and Economic Land Availability Assessment* and *Sustainability Appraisal*³⁶ informed the site selection process.

Q4.3. Was the approach to selecting the housing allocations in the Plan justified and consistent with national policy and guidance³⁷?

Strategic and non-strategic housing allocations

The Council's response to PQ25 proposes a main modification to policy H2 to clarify which housing allocations are "strategic" and which are "non-strategic".

Q4.4. Is the Council's proposed modification to policy H2 to distinguish between "strategic" and "non-strategic" housing allocations necessary to make the Plan sound and, if so, would it be effective in that regard?

Skerningham strategic site allocation (policy H10)

The Council's responses to PQ39, PQ80 and PQ81 advise that the development of 1,800 homes on the Skerningham site during the plan period is not related to the provision of a northern link road. Modifications are proposed to policy IN1 part C(v) and policy H10 part (g) to delete references to a connection from the site to a northern link road. The Council has also proposed a modification to policy IN1 part C(vii) to clarify what is meant by "Skerningham access roads".

The Council's response to PQ39 states that consideration of 15-30 hectares of employment uses and additional housing beyond 2036 will need to be considered in future plan reviews. Notwithstanding this, policy H10 allocates the whole of the 487 hectare site and proposes the development of up to 4,500 dwellings, with no mechanism to restrict when they are built. And the potential route of a northern link road is indicated on the key diagram (map 1) and the Skerningham masterplan framework (figure 6.1).

The Council has proposed a number of modifications to policy H10 with the aim of ensuring it is sound with regard to the rural gaps between Darlington and the

³⁶ SD10 and CD3.

³⁷ NPPF section 5 and PPG ID:3 and ID:68.

villages of Great Burdon and Barmpton; heritage assets; flood risk; and the “Healthy New Town approach to design”.

The Council’s response to PQ40 advises that the housing trajectory for the Skerningham strategic allocation set out in Appendix A of the Plan is based on projections from the site promoter submitted with an annual update as part of the Garden Communities application to Homes England. The Council proposes a main modification to policy H10 to reduce the number of dwellings expected to be built on the site by 2036 from 1,800 to 1,650.

The Council’s response to PQ44.1 advises that a site specific viability assessment for the Skerningham strategic allocation is being finalised and that, as a minimum, a summary of the assessment will be published within a statement of common ground by the end of March 2021.

Q4.5. Is the proposal in policy H10 for the development of up to 4,500 dwellings; a neighbourhood centre; two primary schools, a secondary school, and other community facilities; roads and other transport infrastructure; and a network of green and blue infrastructure on 487 hectares at Skerningham justified? In particular:

- a) Would the development be suitably located in the context of policy SH1?
- b) Is there a reasonable prospect that the site will be available and could be viably developed at the point envisaged?
- c) Subject to the modifications proposed by the Council, would the requirements of policy H10, along with other relevant policies in the Plan, be effective in achieving sustainable development on the site having regard to NPPF 72?
- d) Does paragraph 6.10.10 need to be modified with regard to reference to a northern link road? Is the designation of a northern link road on the key diagram (map 1) and the Skerningham masterplan framework (figure 6.1) justified?

Q4.6. Are the assumptions in the housing trajectory (appendix A) about the Skerningham strategic site justified, including that 1,650 dwellings will be completed by 2036? Has the Council provided clear evidence that development will begin in 2024 and that 90 dwellings will be completed by 2025?

Greater Faverdale strategic site allocation (policy H11)

The Council’s response to PQ41 advises that the housing trajectory for the Greater Faverdale strategic allocation set out in Appendix A of the Plan is based on projections from the site promoter submitted with an annual update as part of the Garden Communities application to Homes England. The site promoter’s latest projection expects completions from 2022 which is two years ahead of the trajectory in Appendix A.

The Council’s response to PQ44.1 advises that a site specific viability assessment for the Greater Faverdale strategic allocation is being finalised and that, as a minimum, a summary of the assessment will be published within a statement of common ground by the end of March 2021.

The Council has proposed modifications to policy H11 with the aim of ensuring it is sound with regard to the historic Stockton and Darlington Railway and other heritage assets; access to Burtree Lane which runs along the northern boundary of the site; design and the "Healthy New Town approach"; the Use Classes Order 2020; and flood risk.

Q4.7. Is the proposal in policy H11 for a mixed use development including approximately 2,000 homes; 200,000 sqm of employment space; a neighbourhood centre; a primary school and other community facilities; roads and other transport infrastructure; and a network of green and blue infrastructure on 178 hectares at Greater Faverdale justified? In particular:

- Would the development be suitably located in the context of policy SH1?
- Is there a reasonable prospect that the site will be available and could be viably developed at the point envisaged?
- Subject to the modifications proposed by the Council, would the requirements of policy H11, along with other relevant policies in the Plan, be effective in achieving sustainable development on the site having regard to NPPF 72?

Q4.8. Are the assumptions in the housing trajectory (appendix A) about the Greater Faverdale strategic site justified, including that 750 dwellings will be completed by 2036? Has the Council provided clear evidence that development will start in 2024 and that 90 dwellings will be completed by 2025?

Elm Tree Farm housing allocation (ref 392)

Q4.9. Is the proposed Elm Tree Farm housing allocation, with an indicative yield of 150 dwellings, justified? In particular:

- Would the development be suitably located in the context of policy SH1?
- Would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?
- Are the assumptions in the housing trajectory (appendix A) about the site justified, including that that 150 dwellings will be completed by 2036? Has the Council provided clear evidence that development will begin in 2022 and that 90 dwellings will be completed by 2025?

Coniscliffe Park South and Coniscliffe Park North housing allocations (refs 41 and 249)

The Council has proposed main modifications to appendix B with the aim of ensuring that the Plan is sound with regard to flood risk on the two Coniscliffe Park housing allocations.

Q4.10. Are the proposed Coniscliffe Park South and Coniscliffe Park North housing allocations, with total capacity for around 1,520 dwellings³⁸ and respective indicative yields of 420 and 630 dwellings during the plan period, justified? In particular:

- Would the development be suitably located in the context of policy SH1?

³⁸ 535 (south) + 985 (north).

- b) Subject to the Council's proposed modifications, would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?
- c) Are the assumptions in the housing trajectory (appendix A) about the sites justified, including that a total of 1,050 dwellings will be completed on the two sites by 2036? Has the Council provided clear evidence that development will begin in 2022 and that 170 dwellings will be completed on the two sites by 2025?

Great Burdon housing allocation (ref 20)

The Council has proposed main modifications to appendix B with the aim of ensuring that the Plan is sound with regard to flood risk and utilities infrastructure on the Great Burdon housing allocation.

Q4.11. Is the proposed Great Burdon housing allocation, with total capacity for 750 dwellings and an indicative yield of 500 dwellings during the plan period, justified? In particular:

- a) Would the development be suitably located in the context of policy SH1?
- b) Subject to the Council's proposed modification, would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?
- c) Are the assumptions in the housing trajectory (appendix A) about the site justified, including that 500 dwellings will be completed by 2036?

Maxgate Farm, Middleton St George housing allocation (ref 99)

Q4.12. Is the proposed Maxgate Farm housing allocation, with an indicative yield of 260 dwellings, justified? In particular:

- a) Would the development be suitably located in the context of policy SH1?
- b) Would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?
- c) Are the assumptions in the housing trajectory (appendix A) about the site justified, including that that 260 dwellings will be completed by 2036? Has the Council provided clear evidence that development will begin in 2022 and that 90 dwellings will be completed by 2025?

Blackwell Grange East housing allocation (ref 403)

The Council's response to PQ26 advises that the policies map incorrectly designates both the Blackwell Grange East housing allocation (ref 403) and the Blackwell Grange West housing commitment (ref 010) as local wildlife sites. Furthermore, whilst a representation made in response to the regulation 19 consultation suggests that the housing allocation should be designated as Local Green Space, this is not proposed in the Plan.

The Council has proposed modifications to appendix B with the aim of ensuring that the Plan is sound with regard to the design of development on the Blackwell Grange East housing allocation.

Q4.13. Is the proposed Blackwell Grange East housing allocation, with an indicative yield of 72 dwellings, justified? In particular:

- Would the development be suitably located in the context of policy SH1?
- Subject to the Council's proposed modifications, would the requirements of appendix B, along with relevant policies in the Plan, be effective in achieving sustainable development on the site?
- Are the assumptions in the housing trajectory (appendix A) about the site justified, including that that 72 dwellings will be completed by 2036? Has the Council provided clear evidence that development will begin in 2023 and that 30 dwellings will be completed by 2025?

Total supply from housing allocations (policy 2)

Policy H2 table 6.3 lists 18 allocations with a total indicative yield of 12,254 dwellings³⁹, 6,709 of which are expected to be built by 2036. The housing trajectory in Appendix A to the Plan sets out the number of dwellings that the Council expects to be built on each site each year between 2020 and 2036.

The Council's response to PQ28 advises that a total of 735 dwellings are expected to be built on the housing allocations listed in policy H2 table 6.3 between 2020 and 2025. National policy advises that allocated sites without planning permission should only be considered deliverable if there is clear evidence that completions will begin within five years. The Council's response to PQ29 summarises its evidence.

The trajectories for some of the allocations are subject to specific questions above. The Council has proposed modifications to the trajectories and/or development requirements for a number of the other housing allocations. The following questions are intended to allow comments to be made about any of the other allocations not already addressed by specific questions, and for comments to be made about the overall supply from allocations both during the plan period and the five year period between 2020 and 2025.

Q4.14. Is the assumption that a total of 6,709 dwellings will be built on the allocated sites between 2020 and 2036 justified?

Q4.15. Has the Council provided clear evidence to demonstrate that a total of 735 dwellings will be built on the allocated sites without planning permission between 2020 and 2025?

Windfalls

Paragraph 6.2.3 makes clear that the housing supply identified in the Plan does not include an allowance for windfalls on either small sites or on larger brownfield sites. The Council's *Housing Topic Paper* and response to PQ27 explain that this is to provide flexibility. The Council also advises that estimating future windfalls is difficult because a large proportion of development in recent years has been on windfall sites due to the age of the existing local plan. The response to PQ27 includes figures for completions on sites of fewer than 10

³⁹ 6,709 + 5,545 = 12,254.

dwellings each year between 2009 and 2020. There was a total of 403 such completions, which represents an annual average of 37 dwellings.

Various policies in the Plan, including H3, H6, H7 and H8, allow residential development on unallocated sites in certain locations provided that various criteria are met.

Q4.16. Is it reasonable to assume that, in addition to the supply identified in the Plan, around 600 dwellings are likely to be built on windfall sites during the Plan period? If so, is it necessary to modify the Plan to refer to such an assumption?

Overall housing supply for the plan period (appendix A)

The preceding questions relate to different components of the housing land supply, including commitments, allocations, and windfalls. The responses to those do not need to be repeated. The following question is intended to help me to determine the overall housing land supply for the plan period.

Q4.17. Will the Plan be effective in ensuring that sufficient land will be available to allow at least 9,840 net additional dwellings to be completed in the Borough between 2016 and 2036?

Five year housing land requirement and supply (policy H1)

The preceding questions relate to different components of the housing land supply, including commitments, allocations, and windfalls. The responses to those do not need to be repeated. The following question is intended to help me to determine the total number of new homes that are likely to be built in the period 2020 to 2025, and whether the Plan will be effective in ensuring a five year supply of deliverable sites thereafter.

The Council's response to PQ22 proposes a main modification to paragraph 6.0.2 to clarify that a 5% buffer will be applied (rather than 10%) when calculating the five year requirement.

The Council's response to PQ23 states that 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 considers that it would be unreasonable to assess the five year supply on the housing target figure of 492 dwellings per year as the Council could be "penalised for its economic growth ambitions". The response also describes two different ways in which the five year requirement could be calculated, and suggests that this could be clarified in the Plan (which would require a main modification).

National guidance advises that where strategic policy makers have successfully argued through plan making and examination for a requirement set out as a range, the five year supply will be measured against the lower end of the range⁴⁰.

⁴⁰ PPG ID:68-027-20190722.

Q4.18. Would basing the five year requirement on 422 dwellings per year be effective in helping to ensure that identified needs, and the target of 492 dwellings per year, can be met?

Q4.19. Is the Council's proposed modification to paragraph 6.0.2 to refer to a 5% buffer necessary to make the Plan sound and, if so, would it be effective in so doing? To be effective, does the Plan need to be modified to set out how the five year requirement will be calculated throughout the plan period? If so, which of the approaches described by the Council in its response to PQ23 should be included, having regard to national policy and guidance?

Q4.20. Does the housing trajectory (Appendix A) and associated evidence demonstrate that the Plan will be effective in helping to ensure that there will be a supply of specific deliverable sites sufficient to meet an appropriately calculated five year requirement when the Plan is adopted and thereafter?

Policy H1: if a five year supply cannot be demonstrated

Policy H1 supports housing development outside the development limits of Darlington main urban area, the three service villages, and the eight rural villages if there is no longer a demonstrable supply of sites to fully meet the five year requirement and provided that a number of criteria are met.

Q4.21. Is the approach set out in policy H1 to allowing development outside development limits if there is no longer a demonstrable supply of sites to fully meet the five year requirement justified and consistent with national policy?

Small sites, and custom and self-build housing

Small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The Plan, along with the Council's brownfield register, should identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare. The Plan's policies should also reflect the needs of people wishing to commission or build their own homes⁴¹.

Q4.22. Will the Plan be effective in ensuring that sufficient suitable land will be available for people wishing to commission or build their own homes (self- and custom-build homes)?

Q4.23. Will the Plan be effective in helping to ensure that at least 10% of the housing requirement is met on sites no larger than one hectare?

M5. Meeting particular housing needs

Housing mix (policy H4)

The Council has proposed modifications to the opening paragraph of policy H4 to encourage, rather than expect, housing developments to provide a mix of housing, and to require consideration of the site's character.

⁴¹ NPPF 61 and 68.

Q5.1. Is the Council's proposed modification to the opening paragraph of policy H4 necessary to make the Plan sound and, if so, would it be effective in so doing?

The Council has proposed a modification to policy H4 to reduce the requirement for the proportion of new homes that are accessible and adaptable⁴² from 80% to 47% to take account of the latest strategic housing market assessment⁴³.

Q5.2. Is the Council's proposed modification to the requirement in policy H4 for accessible and adaptable homes necessary to make the Plan sound? Is the modified requirement (47%) justified by up to date and proportionate evidence including about need and viability having regard to relevant national guidance⁴⁴?

Affordable housing (policies H5 and H6 and appendix E)

Paragraph 6.5.2 in the Plan refers to 160 affordable homes being needed each year over the plan period. However, the Council's response to PQ30 proposes a modification to this to reflect the findings of the latest strategic housing market assessment⁴⁵ which indicates a need for a total of 4,646 affordable homes in the plan period (which represents 233 per year).

The Council's response to PQ30 advises that a total of 1,954 affordable homes are expected to be built during the plan period on sites with planning permission and allocations based on the requirements of policy H5⁴⁶.

Q5.3. Are the affordable housing requirements of policy H5 table 6.5, which sets out three different levels of affordable housing for different parts of the Borough (which are defined on the map in Appendix E), justified by up to date and proportionate evidence relating to need and viability?

The Council's response to PQ31 proposes a modification to the affordable housing tenure split in policy H5 to take account of national policy⁴⁷ and the latest strategic housing market assessment.

Q5.4. Is the Council's proposed modification to the affordable housing tenure split in policy H5 necessary to make the Plan sound and, if so, would it be effective in so doing?

The Council's response to PQ32 advises that whilst "executive housing" is not clearly defined, there is a market for larger homes on larger plots. The Council's justification for exempting such developments from the requirement to provide affordable housing on-site is that the "product" would be too large to allow an affordable solution, registered social landlords would not be interested in taking on such properties, and that relatively high land values would mean better value could often be achieved through an off-site contribution.

⁴² Building Regulation M4(2).

⁴³ SD08, December 2020.

⁴⁴ PPG:ID-63 (2019) and ID-56 (2015).

⁴⁵ SD08, December 2020.

⁴⁶ PQ30, and the Council's response, refers to policy H4 whereas the correct reference is H5.

⁴⁷ NPPF 64.

Q5.5. Is the exemption for executive housing schemes to provide on-site affordable homes consistent with national policy which aims to create mixed and balanced communities⁴⁸, or otherwise justified?

The Council's response to PQ33 proposes a modification to policy H6 to ensure consistency with national policy relating to entry-level exception sites adjacent to settlements⁴⁹.

Q5.6. Is the Council's proposed modification to H6 relating to entry-level exception sites necessary to make the Plan sound and, if so, would it be effective in so doing?

Residential development in the countryside (policy 7)

Policy H3 allows for new housing within the development limits of settlements defined on the policies map. Policy H6 allows for rural exception sites, and was considered under affordable housing above. Policy H7 deals with other residential development in the countryside (outside development limits).

The Council has proposed modifications to policy H7 aimed at ensuring that it is consistent with national policy, justified and effective with regard to residential development in the countryside, including the replacement of existing residential buildings and new dwellings for rural workers.

Q5.7. Are the Council's proposed modifications to policy H7 necessary to make the Plan sound and, if so, would they be effective in so doing?

Housing intensification (policy 8)

The Council has proposed modifications to policy H8 aimed at ensuring that it is consistent with national policy, justified and effective with regard to backland garden development and supplementary planning documents.

Q5.8. Are the Council's proposed modifications to policy H8 necessary to make the Plan sound and, if so, would they be effective in so doing?

M6. Gypsy and traveller accommodation

The Council's evidence for policy H9, which safeguards existing gypsy and traveller sites and sets out a criteria-based approach to assess proposals for new sites, is set out in the *Gypsy and Traveller Accommodation Assessment 2014 and Update 2017* ("GTAA")⁵⁰.

Need for additional gypsy and traveller accommodation

Paragraph 6.9.5 in the Plan refers to a need for 5 additional pitches for gypsies and travellers between 2017 and 2022, and paragraph 6.9.6 to a need for a

⁴⁸ NPPF 62.

⁴⁹ NPPF 71.

⁵⁰ SD13 and SD14.

further 46 additional pitches between 2022 and 2037. This suggests a need for a total of 51 additional pitches between 2017 and 2037. The GTAA⁵¹ indicates that 44 of these pitches are needed for households that travel to work and meet the national definition of "gypsies and travellers"⁵².

There were no travelling showpeople living in the Borough at the time of the GTAA. However, a need for 6-8 plots to accommodate at least two families currently residing in Middlesbrough was identified⁵³. Paragraph 6.9.7 in the Plan refers to a need for that number of plots in the Borough in the plan period to 2037.

Sites for additional gypsy and traveller accommodation (policy H9)

Paragraph 6.9.9 states that there are a significant number of unimplemented planning permissions for gypsy and traveller sites which are anticipated to meet some of the need for the five year supply of pitches, including for families who wish to let pitches on smaller sites. The Council's response to PQ38 advises that it expects to make an application to extend the existing Rowan West site that it owns to provide an additional 25 pitches. Funding options are currently being explored with Homes England. The Council expects this to help meet needs later in the plan period.

Paragraph 6.9.10 states that local evidence over the last 18 years supports making an allowance of 4 pitches per year coming forward as windfalls. The Council's response to PQ38 provides details of 23 planning permissions granted since 2002 for a total of 75 pitches on new sites or extensions to existing sites, all of which were windfalls.

Q6.1. To be consistent with national policy and to ensure the Plan is effective in helping to meet the accommodation needs of gypsies and travellers, should policy H9 be modified to allocate a specific site or sites, such as an extension to the Rowan West site?

Q6.2. Is there compelling evidence that windfall sites will continue to be a reliable source of supply of additional pitches for gypsies and travellers throughout the Plan period and, if so, is the assumption of an annual average of 4 additional pitches per year justified?

Q6.3. Where is the need for 6-8 plots for travelling showpeople expected to be met?

Q6.4. Are the criteria that proposals for new sites to provide accommodation for gypsies and travellers or travelling showpeople are expected to meet justified and consistent with national policy⁵⁴?

⁵¹ SD13 Table 7.

⁵² *Planning Policy for Traveller Sites* (PPTS) 2015.

⁵³ SD14 paragraph 8.2 and 8.17.

⁵⁴ In particular PPTS paragraphs 13, 25 and 26.

M7. Economic development

Use Classes Order

The Council's response to PQ8 proposes main modifications to policies E1, E2, and E3 along with the allocation statements at appendix B for sites 355 (Lingfield Point) and 368 (Central Park South) so that they are effective and consistent with national policy following the changes to the Use Classes Order that came into effect on 1 September 2020.

Q7.1. Are the Council's proposed main modifications to policies E1, E2 and E3 along with the allocation statements at appendix B for sites 355 (Lingfield Point) and 368 (Central Park South) necessary to make the Plan sound and, if so, would they be effective in so doing? In particular, is the approach to planning conditions for applications for offices, research and development or light industrial uses (Class Eg) to ensure that they remain in that use in perpetuity justified and consistent with national policy?

Existing employment sites (policy E1)

The Council's response to PQ46 proposes a modification to policy E1 aimed at ensuring it is effective by clarifying that the "suggested uses" listed in Table 7.2 are intended to apply to existing buildings as well as undeveloped land on existing employment sites.

Employment allocations (policy E2 and appendix B)

The Council has proposed modifications to appendix B with the aim of ensuring that the Plan is sound with regard to the design of development on the Ingenium Park strategic employment allocation (ref 356). The Council has also proposed a correction to the policies map to ensure that it is designated as a strategic employment allocation as proposed in policy E2.

The Council's response to PQ48 proposes a modification to delete paragraph 7.1.14 as it does not provide reasoned justification for policies E1 or E2.

Q7.2. Subject to the Council's proposed modifications, will the existing employment sites listed in policy E1 table 7.2 and employment allocations listed in policy E2 table 7.3 provide sufficient opportunities to meet the anticipated need for business, industrial and storage/distribution developments over the plan period?

Darlington Farmers Auction Mart Relocation (policy E3)

Policy E3 proposes that an allocated site at Humbleton Farm on the A68 (which is defined on the policies map) be developed to allow the relocation of the existing cattle auction mart from Darlington town centre. The existing mart site is proposed as a housing allocation with an indicative yield of 76 dwellings (ref 11).

The Council has proposed modifications to policy E3 aimed at ensuring effectiveness and consistency with national policy by providing flexibility about

the mix of uses on the proposed site and to reflect the changes to the Use Classes Order that came into effect on 1 September 2020.

Q7.3. Subject to the Council's proposed modifications, is policy E3 justified and effective?

Economic development in the countryside (policy E4)

The Council responses to PQ50 to PQ53 propose main modifications to various parts of policy 4 aimed at ensuring a sound approach to economic development in the countryside in relation to the conversion and re-use of buildings; the erection of new buildings; impacts on the local area, road network and planned community uses; equestrian uses; tourist accommodation and flood risk; and retail uses.

Q7.4. Are the Council's proposed modifications to policy E4 necessary to make the policy sound and, if so, would they be effective in so doing?

Skills and training (policy DC5)

The Council's response to PQ18 proposes that policy DC5 and the associated reasoned justification be deleted in their entirety.

Q7.5. Is the Council's proposed modification to delete policy DC5 necessary to make the Plan sound?

M8. Town centres and retail development

Plans should define a network and hierarchy of town centres and promote their long-term vitality and viability. "Town centres" include city centres, town centres, district centres, local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres⁵⁵.

Hierarchy of town centres

Table 8.1 defines the hierarchy of town centres in the Borough as comprising Darlington sub-regional centre; Cockerton district centre; and Mowden local centre.

Q8.1. Is the hierarchy of centres defined in table 8.1 of the Plan justified, and will it be effective in helping to ensure that main town centre use developments are suitably located consistent with national policy?

Darlington town centre (policies TC1-TC3)

Policies T1 and T2 relate to Darlington town centre and the primary shopping area. Policy TC3 proposes that a 2.4 hectare site, currently used for car parking,

⁵⁵ NPPF 85 and Glossary.

be developed to meet any future need for town centre uses and to support regeneration. The policies map indicates that the site comprises two areas of land, one within and the other outside the town centre boundary. The Council's response to PQ57 clarifies that the site would be suitable to accommodate additional comparison goods floorspace and other main town centre uses that may be needed by 2032, subject to a sequential approach.

The Council has proposed a modification to policy TC3 aimed at ensuring that it is sound with regard to heritage assets.

Q8.2. Subject to the Council's proposed modification, do policies TC1 to TC3 set out a sound approach to Darlington town centre?

Retail impact assessments (policy TC5)

The Council's response to PQ59 sets out the Council's justification for the 500 sqm threshold for retail impact assessments referred to in policy TC5 in the context of national guidance relating to scale of proposals relative to town centres; the existing viability and vitality of town centres; cumulative effects of recent developments; the vulnerability of local town centres; likely effects of development on any town centre strategy and other planned investment⁵⁶.

Q8.3. Is the threshold of 500 sqm for retail impact assessments in policy TC5 justified and consistent with national policy?

Darlington town centre fringe (policy T6)

Policy TC6 promotes the development and regeneration of the "town centre fringe" (which is defined on the policies map) for a range of mixed use development and environmental improvements. The Council's response to PQ60 proposes a modification to clarify the mix of uses that are proposed on the site and the need, where relevant, to satisfy the sequential test and impact assessment. The Council has also proposed modifications to policy TC6 aimed at ensuring that it is sound with regard to both flood risk and the historic environment.

Q8.4. Subject to the Council's proposed modifications, does policy TC6 set out a sound approach for considering development proposals that may come forward in the town centre fringe during the plan period?

M9. Transport and other infrastructure

Delivering a sustainable transport network (policy IN1)

The potential route of a northern link road is indicated on the key diagram (map 1). Paragraph 10.5.9 in the Plan refers to a northern link road, but states that the route is not fixed and will not therefore be safeguarded in the Plan. The Council's response to PQ80 confirms that such a road is not needed to facilitate

⁵⁶ PPG ID:2b-015-20190722.

development proposed during the plan period. A modification is proposed to policy IN1 part C(v) to delete references to a northern link road.

Q9.1. Is the Council's proposed modification to policy IN1 part C(v) to delete reference to a northern link road necessary to make the Plan sound and, if so, would it be effective in so doing? Do the references in paragraph 10.5.9 to a northern link road need to be modified? Is the designation of a northern relief road on the key diagram (map 1) and the Skerningham masterplan framework (figure 6.1) justified?

The Council's response to PQ82 advises that red dashed lines on the key diagram (map 1) defined on the notation panel as "new road and public transport links" effectively indicate an orbital route of interconnected local link roads. These are the schemes detailed in policy IN1 part C(vii). 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.

Q9.2. Is the creation of an orbital road and public transport route as indicated on the key diagram justified? If so, to be effective, does policy IN1 part C(vii) need to be modified to clarify that is one of the objectives that the seven schemes listed are expected to achieve?

The Council's response to PQ78 advises that four "strategic priority corridors" protected by policy IN1 part A(ii) for use for recreation and access for pedestrians and cyclists are defined on the policies map and key diagram. Two other such priority corridors are identified in the *Transport Topic Paper* (page 11).

Q9.3. To ensure that policy IN1 part A(ii) is effective and justified, should all of the "strategic priority corridors" be defined on the policies map?

Q9.4. Are any other modifications required to policy IN1 to ensure that it is sound?

Improving access and accessibility (policies IN2 and IN3)

The Council's response to PQ83 proposes a modification to policy IN2 part (d) to clarify that the requirement for all new development to provide safe and easy access for those who wish to use public transport would be through the provision of bus stop infrastructure and extended bus services where necessary.

Q9.5. Subject to the Council's proposed modifications, is policy IN2 sound?

Q9.6. Are the requirements for transport assessments and travel plans set out in policy IN3 consistent with national policy?

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

The Council's response to PQ79 proposes modifications to parts of IN1, IN2 and IN4 aimed at ensuring that the requirements for the provision of cycle parking and storage facilities are sound.

Q9.7 Subject to the Council's proposed modification, are the requirements of policy IN4 relating to car and cycle parking, including reference to having regard to local circumstances and the standards set out in the *Tees Valley Highway Design Guide*, sound?

Utilities, telecommunications and broadband infrastructure (policies IN6-IN8)

Q9.8 Do policies IN6 and IN8 set out a sound approach to the provision of utilities and broadband infrastructure in development?

Renewable energy (policy IN9)

The Council's response to PQ85 advises that it considered identifying suitable areas for renewable and low carbon energy development during the preparation of the plan as required by NPPF 151(b) and sets out the factors that it took into account. It concluded that the identification of suitable areas for renewable and low carbon energy is not necessary to secure their development, and that a policy approach of providing "in principle support" subject to a number of criteria being met would be effective. The Council's response to PQ86 advises that, in the case of wind energy development, the whole of the Borough is considered suitable provided that the specified criteria are met. A main modification is proposed to policy IN9 aimed at ensuring that this is clear and that the overall approach is consistent with national policy.

Q9.9. Subject to the Council's proposed modification, is policy IN9 consistent with national policy relating to renewable energy infrastructure? In particular:

- a) the criteria for wind energy development in part (a).
- b) the criteria for solar power development in part (b).
- c) the requirement for developments of over 300 houses to be enabled for district energy connection unless demonstrated not to be feasible or viable.

Community and social infrastructure (policy IN10)

The Council has proposed a number of modifications to policy IN10 in response to PQ87 to PQ91 aimed at ensuring effectiveness. These relate to the approaches to seeking planning obligations to secure additional school capacity; protecting existing community facilities; and the location of new community facilities.

Q9.10. Subject to the Council's proposed modifications, is policy IN10 sound?

M10. Other strategic and development management policies

Sustainable design principles and climate change (policy DC1)

The Council has proposed modifications to policy DC1 and reasoned justification with the aim of ensuring that it is effective and consistent with national policy and the objectives and provisions of the *Climate Change Act 2008* (as amended).

The Council's response to PQ16 advises that *The Design of New Development Supplementary Planning Document (2001)* referred to in policy DC1 will be updated before the Plan is adopted.

Q10.1. Subject to the Council's proposed modification, is policy DC1 consistent with national policy and will it be effective in helping to ensure that development in the Borough is of good design?

Flood risk and water management (policy DC2)

Strategic policy DC2 aims to ensure that development is focussed in areas of low flood risk and reflects the requirements of national policy relating to the use of sequential and exception tests. Policy DC2 also sets out various development management requirements relating to flood risk, drainage and water management.

The Council's response to PQ13 advises that six housing allocations, one mixed use allocation and two employment allocations include areas of high flood risk identified in the *Strategic Flood Risk Assessment*⁵⁷. The Council has proposed modifications to various parts of the Plan, including policy TC6 (town centre fringe) and appendix B (development requirements), aimed at ensuring that development will be avoided in those parts of the allocations.

The Council's response to PQ15 advises that the Environment Agency consider the Plan to be sound but recommend a number of changes. The Council has proposed modifications accordingly where they consider they are required to address a soundness issue.

The Council has proposed two modifications to policy DC2 aimed at ensuring it is effective.

Q10.2. Subject to the Council's proposed modifications, does policy DC2 set out a sound approach to flood risk and water management?

Health and wellbeing (policy DC3)

The Council's response to PQ16 advises that 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. Figure 1.3 in the Plan sets out design principles for *Healthy New Towns*. The Council's response to PQ16 acknowledges that some of these principles are "more onerous or are not necessarily planning matters", hence they do not directly correlate to the requirements of policy DC3.

⁵⁷ SDO4, 2019.

The Council's response to PQ16 advises that *The Design of New Development Supplementary Planning Document (2001)* referred to in policy DC1 will be updated before the Plan is adopted to take account of the *Healthy New Towns* project.

The Council's response to PQ17 explains why it considers the requirements of policy DC3 part (g) for health impact assessments to be submitted with planning applications for developments of 100 or more dwellings and all other "major" development are justified, subject to proposed modification aimed at ensuring effectiveness.

Q10.3. Subject to the Council's proposed modification, is policy DC3 justified and consistent with national planning policy relating to health and wellbeing?

Safeguarding amenity (policy DC4)

The Council has proposed a modification to the second paragraph of policy DC4 to delete reference to excessive movements of heavy goods vehicles.

Q10.4. Subject to the Council's proposed modification, does policy DC4 set out a sound approach to safeguarding amenity?

Historic environment (policies ENV1 and ENV2)

Policy ENV1 aims to protect, enhance and promote Darlington's historic environment. The detailed wording of the various parts of the policy differs to that used in relevant national policy, guidance and legislation⁵⁸. The Council's response to PQ61 proposes modifications to parts A, D and F aimed at ensuring the policy is consistent with national policy and the statutory tests "in the context of Darlington Borough". The Council considers that the additional detailed criteria in policy ENV1 provide greater local clarity on how proposals will be considered and the specific characteristics they should take account of. The reasoned justification in paragraphs 9.1.13 to 9.1.32, which the Council also propose modifications to, aims to explain how the Council will fulfil its statutory duties and provide explanation of how policy ENV1 will be applied consistently alongside national policy.

Q10.1. Subject to the Council's proposed modifications, would policy ENV1 provide an unambiguous approach so that it is evident how a decision maker should react to a development proposal that affects the historic environment when read alongside relevant parts of the NPPF, PPG and the statutory tests?

Rural gaps (policy ENV3)

The Council's response to PQ62 advises that the "rural gaps" referred to in policy ENV3(A)(1) are not shown on the policies map and that it does not consider that it would be appropriate to do so as it would be overly restrictive.

⁵⁸ NPPF section 16, PPG ID:18a and the Planning (Listed Buildings and Conservation Areas) Act 1990

Q10.2. Is policy ENV3(A)(1), which seeks to retain the openness and green infrastructure functions of the rural gaps between Middleton St George and Middleton One Row; Middleton St George and Oak Tree; Hurworth on Tees and Hurworth Place; and Darlington and the villages of Great Burdon and Barmpton by restricting development to that which meets criteria (i) to (v), justified? If so, to be effective, should the policies map be changed to define the geographical areas to which the policy will apply?

Green wedges (policy ENV3)

The Council's response to PQ62 clarifies that the three "green wedges" of Cocker Beck/Mowden, Blackwell/Skerne Park, and Haughton/Red Hall referred to in policy ENV3(A)(2) are designated on the policies map.

Q10.3. Is policy ENV3(A)(2), which seeks to retain the openness and green infrastructure functions of the green wedges of Cocker Beck/Mowden, Blackwell/Skerne Park, and Haughton/Red Hall by restricting development to that which meets criteria (i) to (v), justified?

Local and strategic green corridors (policies ENV3 and ENV4)

The Council's response to PQ62 proposes changes to the policies map to indicate the existing and proposed "local and strategic green corridors and their buffer zones" referred to in policies ENV3(B)(1) and ENV4(a) and (b). A modification is proposed to policy ENV3(B)(1) to clarify that it relates to existing green corridors.

Q10.4. Subject to the Council's proposed modification, are the requirements of policy ENV3(B)(1) for all development that adjoins the strategic and local green corridors and their buffer zones to meet criteria (i) to (v) justified?

Q10.5. Is the requirement of ENV4(a) for all development within, or immediately adjacent to, the buffer of an existing strategic or local green corridor to conserve and enhance the function, setting, biodiversity, landscape, access and recreational value of the corridor justified?

Q10.6. Is the requirement of policy ENV4(b) for all development that is crossed by a proposed strategic or local green corridor to incorporate the corridor into the site's layout and design justified?

Q10.7. To ensure that policies ENV3B and ENV4 are effective, should the policies map be changed to define the existing and proposed local and strategic corridors and their buffers as proposed by the Council?

Historic routes (policy ENV3)

The Council's response to PQ62 proposes changes to the policies map to indicate the "historic routes" referred to in policy ENV3(B)(2).

Q10.8. Are the requirements of policy ENV3(B) for all development that adjoins the six specified historic routes to meet criteria (i) to (v) justified? If so, should the policies map be changed to define those routes as proposed by the Council?

Urban and rural parklands (policy ENV3)

The Council's response to PQ62 proposes changes to the policies map to indicate the "urban and rural parklands" referred to in policy ENV3(C).

Q10.9. Is policy ENV3(C) relating to the specified urban and rural parklands justified? If so, should the policies map be changed to define those routes as proposed by the Council?

Loss of existing open space (policy ENV4)

Policy ENV4 part (g) protects "existing green space" from all forms of development unless a number of criteria are met. The Council's response to PQ66 clarifies that for the purposes of that policy "green space" includes the following:

- Component parts of the existing and proposed strategic and local green corridors.
- Green wedges.
- 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 Council considers this to be consistent with the national definition of open space: 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.

The Council's response to PQ66 advises that green wedges, strategic and local green corridors, local wildlife sites, and local nature reserves are or will be shown on the policies map. The other types of green space that the policy applies to, including playing pitches; formal parks, cemeteries and civic spaces; informal play and amenity areas; internationally and nationally designated sites; and woodlands are not shown on the policies map as they are designated through processes separate to the Plan and/or are more likely to change during the plan period. They will be identified in the Council's *Green Infrastructure Strategy* and on an online map that will be kept up to date.

The Council's response to PQ67 proposes a modification to part (g) of policy ENV4 with the aim of ensuring that it is consistent with NPPF 97.

Q10.10. Subject to the Council's proposed modification, is policy ENV4 consistent with national policy? Is it necessary to identify other sites on the policies map in

addition to those already included or that the Council proposes to add so that the geographical areas to which the policy will apply are defined?

Open space provision (policy ENV5)

Paragraph 9.4.14 in the Plan 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 or leisure environment.

The Council has proposed modifications to the first, second and last paragraphs of policy ENV5 aimed at ensuring that the policy is sound by clarifying that the requirements for open space provision are to meet additional needs generated by the development having taken into account existing provision as described in paragraph 9.4.14.

Q10.11. Subject to the Council's proposed modification, are the requirements for the provision of green infrastructure in development set out in policy ENV5 consistent with national policy and justified?

Local Green Space (policy ENV6)

Table 9.1 in the Plan lists ten areas of Local Green Space which are designated on the policies map and protected from development by policy ENV6. The Council's *Local Green Space Designation Report* sets out the justification for why the ten sites are included in the Plan and the reasons why a number of other sites that were assessed are not⁵⁹. Paragraph 9.5.5 in the Plan advises that other areas of Local Green Space can be designated in neighbourhood plans

The Council's response to PQ70 proposes a modification to policy ENV6 aimed at ensuring consistency with national policy which states that policies for managing development within a Local Green Space should be consistent with those for Green Belts⁶⁰.

The Council's response to PQ65 proposes that paragraph 9.3.5 be deleted as it is not required to provide reasoned justification for policy ENV6 Local Green Space (or policy ENV3).

Q10.12. Is the designation of each of the ten sites listed in Table 9.1 as Local Green Space consistent with national policy and justified? Subject to the Council's proposed modification, is the wording of policy ENV6 consistent with national policy?

Biodiversity and geodiversity (policies ENV7 and ENV8)

The Council's response to PQ76 advises that strategic policy ENV7 sets out the broader requirements that will be applied to development in relation to protecting and avoiding significant harm to biodiversity and geodiversity.

⁵⁹ SD28, January 2020.

⁶⁰ NPPF 101.

Policy ENV8 is intended to be a more detailed development management 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 are secured.

The Council has proposed modifications to various parts of policies ENV7 and ENV8 aimed at ensuring effectiveness and consistency with national policy.

Q10.13. Subject to the Council's proposed modifications, are policies ENV7 and ENV8 consistent with each other and national policy? When read together with NPPF 175-177, do they provide an unambiguous approach such that it is clear how a decision maker should react to a development proposal that may impact on biodiversity and/or geodiversity?

M11. Other Issues

Any other soundness issues

The Council has proposed a number of modifications to the Monitoring Framework set out in section 11 of the Plan.

Q11.1. Are the Council's proposed modifications to the Monitoring Framework necessary to make the Plan sound and, if so, would they be effective in so doing?

The Council's responses to PQ92 and PQ93 propose various changes and additions to the Glossary in section 12 of the Plan aimed at ensuring consistency with national policy and effectiveness.

Q11.2. Subject to the Council's proposed modifications, are all of the definitions in the Plan's Glossary consistent with the definitions in NPPF Annex 2 and will they provide sufficient clarity such that all policies in the Plan can be effectively applied?

Q11.3. Do any other modifications need to be made to the Plan to ensure that it is sound and legally compliant?

End of Annex 2

Final draft hearings programme and lists of participants

WEEK ONE

Tuesday 25 May 2021 (morning)

M1. Legal and procedural requirements and other general matters (1)

- The duty to cooperate
- Public consultation and engagement
- Sustainability appraisal
- Habitat regulations assessment
- Equalities
- Climate change
- Superseded policies in the existing statutory development plan
- Changes to the Use Classes Order

Participants

- Darlington Borough Council
 - Home Builders Federation
 - Teesside Airport International Development
 - Banks Group
 - Gladman Developments
 - Bellway NE & Durham
 - Taylor Wimpey
 - Hellens Land & Homes England
 - Story Homes
 - Skertingham Estate
-

Tuesday 25 May 2021 (afternoon)

M1. Legal and procedural requirements and other general matters (2)

- Supplementary planning documents
- Plan period
- Neighbourhood Plans
- Viability

Participants

- Darlington Borough Council
 - Church Commissioners
 - Darlington Green Party
 - Middleton St George PC
 - Low Coniscliffe & Merrybent PC
-

Wednesday 26 May 2021 (morning)

M2. Amount of development needed in the Borough

- Economic growth and employment land
- Household growth and housing requirement
- Other development needs

Participants

- Darlington Borough Council
- Home Builders Federation
- Teesside International Airport/ International Development
- Banks Group
- Gladman Developments
- Bellway Homes NE & Durham
- Taylor Wimpey
- Hellens Land & Homes England
- Skerningham Estate
- Miller Homes
- Bussey Armstrong
- Story Homes
- Persimmon Homes
- Hallam Land Management
- Mr N Swinbank
- Church Commissioners
- Darlington Green Party
- Middleton St George PC
- Low Coniscliffe & Merrybent PC

Wednesday 26 May 2021 (afternoon)

M3. Vision, aims, objectives and spatial strategy

- Presumption in favour of sustainable development (policy SD1)
- Settlement hierarchy and distribution of housing and employment allocations (policy SH1)
- Development limits

Participants

- Darlington Borough Council
- Teesside Airport International Development
- Banks Group
- Gladman Developments
- Bellway Homes NE & Durham
- Taylor Wimpey

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- Hellens Land & Homes England
 - Skerningham Estate
 - Home Builders Federation
 - Miller Homes
 - Story Homes
 - Persimmon Homes
 - Hallam Land Management
 - Mr G Raistrick
 - Mr N Swinbank
 - Bussey Armstrong
 - Church Commissioners
 - Middleton St George PC
 - Low Coniscliffe & Merrybent PC
 - Darlington Green Party
-

WEEK TWO

Tuesday 15 June 2021 (morning)

M4. Housing development (1)

- Methodology for selecting allocations
- Skertingham strategic allocation (policy H10)
- Elm Tree Farm housing allocation (ref 392)

Participants

- Darlington Borough Council
- Miller Homes
- Skertingham Estate
- Mr N Swinbank
- Mr R Cowan – Durham Bird club/Bishop Auckland cycling club
- Mrs J Murray – Whinfield residents
- Mr M Kilcran
- Mr D Clark
- Maj F Greenhow
- Mr A Hutchinson
- Mr C Bowey
- Mr R Bradley
- Mr R Fitzpatrick
- Mr A Burdess
- Mrs B Burdess
- Mr A Swainston
- Ms A Rudkin
- Mrs C Fishwick

Tuesday 15 June 2021 (afternoon)

M4. Housing development (2)

- Greater Faverdale strategic allocation (policy H11)

Participants

- Darlington Borough Council
 - Gladman Homes
 - Hellens Land & Homes England
 - Mr R Cowan- Durham Bird club/Bishop Auckland cycling club
-

Wednesday 16 June (morning)

M4. Housing development (3)

- Blackwell Grange housing allocation (ref 403)
- Coniscliffe Park South and Coniscliffe Park North housing allocations (refs 41 and 249)
- Maxgate Farm, Middleton St George housing allocation (ref 99)
- Great Burdon housing allocation (ref 20)

Participants

- Darlington Borough Council
- Mr M Green
- Blackwell Grange
- Middleton St George PC
- Low Coniscliffe & Merrybent PC
- Mr K Maddison
- Miller Homes
- Story Homes
- Bellway NE & Durham
- Banks Group

Wednesday 16 June (afternoon)

M4. Housing development (4)

- Other housing allocations
- Housing commitments
- Windfalls
- Overall supply for the plan period
- Five year requirement and supply
- Policy H1: if a five year supply cannot be demonstrated

Participants

- Darlington Borough Council
- Home Builders Federation
- Bellway Homes NE & Durham
- Mr G Raistrick
- Persimmon Homes Teesside
- Darlington Green Party
- Miller Homes
- Skerningham Estate
- Hellens Land & Home England
- Bussey Armstrong
- Gladman Developments

- Taylor Wimpey

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- Story Homes
 - Church Commissioners
 - Hallam Land
-

Thursday 17 June 2021 (morning)

M5. Meeting particular housing needs

- Housing mix (policy H4)
- Affordable housing (policies H5 and H6)
- Residential development in the countryside (policy H7)
- Housing intensification (policy H8)

Participants

- Darlington Borough Council
- Mr M Green
- Home Builders Federation
- Mr G Raistrick
- Mr N Swinbank
- Banks Group
- Miller Homes
- Bellway & Story Homes
- Bellway Homes NE & Durham
- Skerningham Estate
- Story Homes
- Hellens Land & Homes England
- Gladman Developments
- Persimmon Homes Teesside
- Taylor Wimpey
- Bussey Armstrong
- Church Commissioners
- Darlington Green Party

Thursday 17 June 2021 (afternoon)

M6. Gypsy and traveller accommodation

- Need for gypsy and traveller accommodation
- Sites for additional gypsy and traveller accommodation (policy H9)

Participants

- Darlington Borough Council
- Darlington Green party

WEEK THREE

Tuesday 22 June 2021 (morning)

M7. Economic development

- Use Classes Order
- Existing employment sites (policy E1)
- Employment allocations (policy E2)
- Darlington auction mark relocation (policy E3)
- Economic development in the countryside (policy E4)
- Skills and training (policy DC4)

Participants

- Darlington Borough Council
- Skerningham Estate
- Gladman Developments
- Hellens Land & Homes England
- Bellway Homes NE & Durham
- Teesside Airport International Development
- Darlington Green Party

Tuesday 22 June 2021 (afternoon)

M8. Town centres and retail development

- Hierarchy of town centres (Figure 8.1)
- Darlington town centre (policies TC1 to TC3)
- Retail impact assessments (policy TC5)
- Darlington town centre fringe (policy TC6)

Participants

- Darlington Borough Council
 - Mr M Kilcran
 - Darlington Green Party
-
-

Wednesday 23 June 2021 (morning)

M10. Other strategic and development management policies (1)

- Historic environment (policies ENV1 and ENV2)
- Green infrastructure (policy ENV3)
- Loss of existing open space (policy ENV4)
- Open space provision (policy ENV5)
- Local Green Space (policy ENV6)
- Biodiversity and geodiversity (policies ENV7 and ENV8)

Participants

- Darlington Borough Council
- Mr R Chisholm
- Darlington Green Party
- Mr G Raistrick
- Skerningham Estate
- Low Coniscliffe & Merrybent PC
- Mrs J Murray – Whinfield Residents
- Miller Homes
- Story Homes
- Bellway Homes NE & Durham
- Taylor Wimpey
- Gladman Developments
- Banks Group
- Teesside International Airport/ International Development.
- Mr M Green
- Mr R Cowan - Durham Bird club/Bishop Auckland cycling club

Wednesday 23 June 2021 (afternoon)

M10. Other strategic and development management policies (2)

- Sustainable design and climate change (policy DC1)
- Flood risk and water management (policy DC2)
- Health and well-being (policy DC3)
- Safeguarding amenity (policy DC4)

Participants

- Darlington Borough Council
- Mrs A Rudkin
- Darlington Green Party
- Mr G Raistrick
- Bellway Homes NE & Durham
- Persimmon Homes Teesside

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- Miller Homes
 - Banks Group
 - Taylor Wimpey
 - Story Homes
 - Hellens Land & Homes England
-

Thursday 24 June 2021 (morning)

M9. Transport and other infrastructure

- Delivering a sustainable transport network (policy IN1)
- Improving access and accessibility (policies IN2 and IN3)
- Car and cycle parking requirements (policy IN4)
- Utilities, telecommunications and broadband infrastructure (policies IN6-IN8)
- Renewable energy (policy IN9)
- Community and social infrastructure (policy IN10)

Participants

- Darlington Borough Council
- Mr M Kilcran
- Banks group
- Bellway Homes NE & Durham
- Gladman Developments
- Story Homes
- Hellens Land & Homes England
- Skerningham Estate
- Home Builders Federation
- Teesside International Airport/International Development
- Darlington Green Party

Thursday 24 June 2021 (afternoon)

M11. Other issues

- Monitoring (section 11)
- Glossary (section 12)
- Any other soundness of legal compliance issues

Participants

- Darlington Borough Council
- Skerningham Estate
- Banks Group
- Teesside International Airport /International Development

Next steps in examination

End of Annex 3