
PLANNING POSITION WHILST PREPARING THE NEW LOCAL PLAN

SUMMARY REPORT

Purpose of the Report

1. The report sets out the current policy position for the Council in terms of determining planning applications. It provides details on which adopted policies remain relevant to the decision making process and also sets out in what circumstances National Planning Policy is likely take precedent.
2. The report also sets out the planning considerations that should be taken into account should National Policy apply. It is proposed that a number of the policies contained in the Making and Growing Places Development Plan Document (MGP) and other council documents which remain consistent with the NPPF, should carry some weight in the decision making process. Endorsement of the approach to the interim planning policy statement is therefore recommended.

Summary

3. The Council has an adopted development plan which should be used in determining the majority of planning applications within the borough. However, certain elements of that development plan have been deemed out of date in relation to housing development.
4. As reported to Cabinet in November 2015 the implications of a planning appeal decision to allow up to 250 new homes on land at Sadberge Road, Middleton St George went against the Council, primarily because the Council could not demonstrate a five year supply of deliverable housing land against a housing target based on an up to date assessment of housing needs. As a consequence, none of the Council's development policies relating to the supply of housing can be considered up to date, and as such, the national planning policy presumption in favour of sustainable development applies. In practice, this means that new housing development should be permitted unless there are site specific or significant sustainability reasons indicating otherwise.
5. In response to this decision work has been undertaken to quantify the assessment of housing need and as reported to Cabinet in November 2015 this is significantly larger than that which was being planned for in the MGP. Cabinet agreed that work be halted on the MGP development plan document. The MGP will need to be formally withdrawn to enable work to commence on a comprehensive new Local Plan. As such, its draft policies cannot be referred to in determining planning applications, unless they are agreed as part of an interim planning policy position.

Cabinet also agreed in November that a further report be received as soon as possible setting out the draft policies that could be agreed as interim planning policies. This report sets out a proposal to achieve this.

6. Options are being considered to prepare a new local plan in a significantly quicker time than has previously occurred and it is anticipated this will take in the region of 2 to 3 years. Key time savings identified so far include; the existing evidence base documents being up to date due to the significant work undertaken on the MGP still being relevant, a streamlined consultation process as many issues are now known, greater early engagement with key stakeholders on potential development sites and streamlined published documents. This work is ongoing and a final report setting out a programme is due to be considered by Cabinet in April.
7. An interim planning policy position is recommended during the plan preparation period to comprise:
 - (a) Use of **Existing Development Plan** – This is made up of policies that are contained in the Core Strategy (not prejudiced by the housing supply position described above) and saved Policies from the Borough of Darlington Local Plan 1997 (including adopted alterations 2001) that remain consistent with NPPF.
 - (b) Publication of an **Interim Planning Statement**. This would include:-
 - (i) The land allocations that would have been submitted to the Government within the Making and Growing Places DPD.
 - (ii) The adoption of an approach to considering local circumstances for development in the context of the NPPF and its associated presumption in favour of sustainable development. This will include a combination of position statements and policies previously drafted as part of the Making and Growing Places DPD that have been through public consultation and Sustainability Appraisal processes.
8. These elements will have different weight in determining planning applications depending upon the stage reached in the plan making process. It is intended for this position to be set out in a standalone 'Interim Planning Statement' that will be aimed at decision makers and developers to provide clarity on the material considerations while the local plan is prepared.
9. As well as guiding planning application decision making, using these policies will help provide information about how they can be improved for inclusion, where appropriate in the forthcoming new Local Plan.
10. An interim position for new housing will also be included in this statement. This acknowledges the up to date evidence of increased housing needs reported to Cabinet in November, and identifies much of the land that has been previously identified through the Making and Growing Places plan preparation process as interim allocations that could be brought forward for housing development now. Further detail around the local consideration of the national presumption in favour

of sustainable development will also be included.

11. The opportunity has also been taken to clearly indicate which of the up to date development plan policies the Council regards as its strategic policies. This is important to communities preparing neighbourhood plans, as those plans must be in general conformity with the strategic policies of the local plan.

Recommendation

12. It is recommended that Scrutiny Committee:

- (a) Notes and discusses the approach suggested in the report;
- (b) Endorses the approach to the Interim Policy Position;
- (c) Has continued involvement in Local Plan process going forward.

Ian Williams, Director of Economic Growth

Background Papers

No background papers were used in the preparation of this report

David Nelson : Extension 6291

S17 Crime and Disorder	The policies proposed are unlikely to have a direct impact on crime and disorder. Principles of designing out crime are a cross cutting issue for planning matters.
Health and Well Being	The policies proposed should have an indirect beneficial effect on health and wellbeing.
Carbon Impact	A Sustainability Appraisal was carried out on the MGP Preferred Options. Achieving sustainable development is a fundamental objective of the Local Plan.
Diversity	An Equalities Impact Assessment was carried out on the MGP Preferred Options.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This decision does not represent a change to the budget and policy framework.
Key Decision	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan reflects the spatial implications of the overarching aims of One Darlington: Perfectly Placed it has particularly close links to the outcomes of delivering successful communities, giving children the best start in life and providing a strong economy.
Efficiency	By reducing uncertainty and clarifying local policy, the proposed policies and other material presented will help development management decision making.

MAIN REPORT

Formal Withdrawal of Making and Growing Places DPD

13. In November 2015, Cabinet agreed that work be halted on the Local Plan Making and Growing Places (MGP) development plan document and that a new local plan be prepared instead. Regulations require the Council to formally withdraw MGP as soon as reasonably practicable subject to Cabinet agreement (expected April). A notice of withdrawal will be published followed by a six week period for legal challenge before the plan can be formally withdrawn. At this point all material relating to the document, such as the Preferred Options document and consultation responses will be removed from the public domain. The council will still retain this information and where appropriate, use it to inform the preparation of the new Local Plan in due course.
14. Scrutiny Committee will be aware that policy development was at an advanced stage on many topics, having been subject to one or more public consultations and one or more sustainability appraisals. In view of this, and the fact that these policies have been drawn up to be in conformity with the National Planning Policy Framework (NPPF), it is expedient to make as much use as possible of the work already done.
15. The draft policies that were emerging through MGP preparation cannot be referred to in determining planning applications, unless they are agreed as interim planning policies. Cabinet agreed in November that a further report be received as soon as possible setting out the draft policies that could be agreed as interim planning policies. Members of this Committee are asked to consider the proposed suite of interim policies, and the interim approach to considering planning applications in advance of the preparation of a new local plan. These elements will have different weight in determining planning applications depending upon the stage reached in the plan making process.
16. A significant portion of the evidence base gathered developing the MGP remains valid and will be used to inform the development of the new local plan. Options are being considered to prepare a new local plan in a significantly quicker time than has previously occurred and it is anticipated this will take in the region of 2 to 3 years. Key time savings in addition to the advanced stage of the evidence base are likely to include, a streamlined consultation process, greater early engagement with key stakeholders on potential development sites and streamlined published documents. This work is ongoing and a final report setting out a programme is due to be considered by Cabinet in April.

Existing Development Plan Policies which remain up to date

17. It is important to remember that Darlington has an adopted development plan with policies that carry significant weight in determining planning applications.

18. The Council's current adopted development plan policies includes:-
- (a) The policies of the adopted Darlington Local Development Framework Core Strategy (Adopted May 2011);
 - (b) Policies of the adopted Tees Valley Minerals and Waste Core Strategy and Policies and Sites DPDs that are relevant to Darlington Borough (Adopted September 2011); and
 - (c) Saved policies of the Borough of Darlington Local Plan (Adopted 1997 with alterations 2001).
19. The table at **Appendix 1** sets out all the adopted development plan policies and indicates which can be considered up to date. Of particular note is that the Gladman appeal Inspector's decision means that policies relating to the supply of housing (parts of policies CS10, CS1 and the operation of policy E2) cannot be considered up to date.
20. It is also important for communities preparing neighbourhood development plans that the Council clearly identifies which of its adopted development plan policies it regards as strategic, because national planning policy indicates that neighbourhood plans must be in general conformity with the strategic policies of the local plan. The policies that are proposed should be regarded as strategic are identified in **Appendix 1**. The NPPF¹ states that strategic policies should deliver the following:-
- (a) the homes and jobs needed in the area;
 - (b) the provision of retail, leisure and other commercial development;
 - (c) the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - (d) the provision of health, security, community and cultural infrastructure and other local facilities; and
 - (e) climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.
21. Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the Council used the following considerations:-
- (a) whether the policy sets out an overarching direction or objective;
 - (b) whether the policy seeks to shape the broad characteristics of development;
 - (c) the scale at which the policy is intended to operate;

¹ NPPF Paragraph 156-157

- (d) whether the policy sets a framework for decisions on how competing priorities should be balanced;
 - (e) whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan whether the Local Plan identifies the policy as being strategic.
22. Other planning policy documents and guidance can also be material considerations and be given some weight in determining planning applications. These are things like the Planning Obligations and Design of New Development supplementary planning documents (SPDs), interim planning policies, and design and technical guidance, all of which have previously been agreed or adopted by the Council. A full list of all these other planning policy documents, guidance and evidence that represent material planning considerations are set out in **Appendix 2**.

Proposed Planning Policy Statement in relation to NPPF

Background

23. If an application is submitted that cannot be assessed against up to date local policies national policy will take precedent. A key part of this is the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. It is therefore proposed to produce an Interim Planning Policy Position Statement that would guide local interpretation of national policy. This document will contain a number of position statements and where appropriate interim planning policies.
24. It is important that this interim policy position is formally agreed by the Council as it will help make sure it gets the best form of development possible from any schemes that come forward whilst the new Local Plan is being prepared. It is also important to provide potential developers with a useful framework for any proposals they bring forward. The use of interim policies will also help to provide information about how they can be improved should they be appropriate to include in the forthcoming new Local Plan.
25. The proposed interim planning policies have been finalised, taking into consideration the comments received by the public and others during at least two public consultations that were carried as part of MGP preparation. In many cases, the finalised policies also reflect the findings of sustainability appraisal work, and take into account the most recent changes to national planning policy, guidance and best practice. The core of these policies are also consistent with those already considered by Scrutiny Committee. These factors suggest that, if agreed, the interim planning policies could be afforded moderate weight in determining planning applications, rather than the full weight that can be afforded to up to date adopted development plan policies, and that the Council should be able to argue successfully at any planning appeal that these should be given more weight than less rigorously prepared policies.
26. A position statement will be prepared which sets out the Council's aspirations and ambitions for sustainable economic growth including existing work on key growth

zones. The strategic growth zones identified in Core Strategy remain key priorities for the council and still represent the most sustainable locations for significant growth in the borough and we will continue to encourage suitable development in these areas. Each area has a 'Growth Zone Concept Plan' which will be included in the statement to provide context of the key considerations in each zone.

27. In addition the document will also contain:-

(a) Position Statements on the following matters:-

- (i) Housing (allocations proposed in MGP and approach to sites submitted under NPPF presumption in favour of sustainable development)
- (ii) Gypsy and Travellers Sites (position will remain the same as that set out in Core Strategy Policy CS13 and supported by evidence from Darlington Gypsy and Traveller Accommodation Assessment)
- (iii) Landscape Character (the Landscape Character of Darlington is appraised in the Darlington Landscape Character Assessment 2015 and proposals and decisions effecting landscape will be expected to take account of this assessment and mitigate impacts if necessary)
- (iv) Green Infrastructure and Standards (as per Core Strategy Policy CS16 supported by evidence in the Green Infrastructure Strategy and Open Space Strategy)
- (v) Sustainable Design and Climate Change (as set out in national regulations and guidance)

(b) Policies on the following matters:-

- (i) Site/area specific
 - a) Employment Sites
 - b) Town Centre Retail, Primary Shopping and District and Local Centres
 - c) Executive Housing
- (ii) Borough-wide
 - a) Heritage Assets
 - b) Biodiversity and Geodiversity
 - c) Outdoor Sports
 - d) Access and Accessibility
 - e) Parking Provision
 - f) Physical Infrastructure
 - g) SuDS
 - h) Airport Safety

28. These policies were all prepared as part of the MGP, in accordance with NPPF and subject to Sustainability Appraisal. A number of these polies are intended to provide context for the local interpretation of the 'show stopper' considerations that

override the presumption in favour of sustainable development as detailed in NPPF footnote 9.

Outline of Interim Planning Policy Position on Housing Proposals

29. The National Planning Policy Framework supports planning being plan led, with plans providing a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. However, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. It should be noted that national policy is set against a presumption that Local Authorities should take necessary steps to *'boost significantly the supply of housing'*².
30. In relation to housing, the NPPF requires local authorities to plan positively for housing development to meet the needs of their area. It advises that policies for the supply of housing (parts of Core Strategy policies CS1 CS10, and Local Plan policies E2 and H7) should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites. This 5 year supply should be measured against a housing requirement based on an up to date, objectively assessed need (OAN).
31. The findings of the Council's housing needs assessment (reported to Cabinet and called in by Place Scrutiny in November 2015) are that about 9,900 new homes are now needed in the period 2016-36, rather than the 5,800 that were being planned for in MGP for the period 2011-26. Because of this, including just the draft MGP allocations as the only sources of new housing land will not be enough. Potential developers and others also need some guidance about where the additional housing needed could go, whilst a new local plan is being prepared.
32. In order to achieve a five year supply the council needs to deliver housing quickly and cannot wait for a comprehensive local plan to be in place otherwise a backlog of under delivery will develop. The council will consider suitably located sustainable sites in such locations. In order to assist developers further guidance will be provided in the planning policy position statement to identify local considerations for applying the NPPF presumption in favour of sustainable development.

Housing allocations

33. As much more new housing is needed than was envisaged when the MGP was being prepared, and because the sites identified in MGP are the outcome of a rigorous site assessment process, it would make effective use of work already undertaken if these are agreed as housing allocations within the interim policy statement. In doing so, it can help to boost housing delivery, by giving potential developers and others more certainty. It also helps to advertise the availability of a

² NPPF Paragraph 47.

choice of housing land in the Borough, and can contribute to the five year supply of suitable, available and deliverable housing land.

34. Because the site assessment for MGP took account of sustainability considerations, such as access to schools shops and services, and reducing the need to travel by car, and these considerations are still at the heart of the principles of sustainable development that underpin national planning policy, then it is most likely these sites within the main urban area and the two urban fringe strategic locations would also come to the top of any assessment of alternative sites carried out for a new local plan. Land previously identified has not been allocated if development is already underway, e.g. former Feethams football ground, but sites where planning permission has been granted but work has not yet started are still included, because it is useful to flag up the suitability of such sites for housing and any specific planning requirements, should any current planning permission lapse.
35. Consultation was carried out on all of these sites as part of the Making and Growing Places plan preparation: at Preferred Options stage in summer 2013, on Revised Housing Site Proposals in summer 2014 and on New Housing for Blackwell in Summer 2015.
36. The responses to these Revised Preferred Options were reported in detail to a Special Place Scrutiny Meeting in October 2014 and the comments relating to planning matters were considered in finalising the interim policies that are being proposed in this report.
37. The revised housing site proposals agreed and consulted on in summer 2014 included an Option A and Option B for about 370 new homes on the northern edge of Darlington in the Burtree Lane/Harrowgate Hill area.
38. As more housing land is now needed, both sites will be included as allocations in the interim policy statement, though delivery of them both will be subject to satisfactory mitigation of the highway impact that will arise from a combined potential capacity of 750 dwellings, and appropriate primary school (and other local shops and services) provision. Given the relationship of land at 22-26 Burtree Lane to both of these areas, it is also sensible to include that land within the allocated housing land in the area. Work is underway to produce a comprehensive masterplan for the area to address strategic issues such as transport and community infrastructure requirements. These sites are:-

Interim Allocation Ref.	Site Name	Former MGP Preferred Options Ref.	Site Area (Ha)
Burtree Lane/Berrymead Farm Allocations			
IHa1i	Land south of Burtree Lane	RHa1i*	17.14
IHa1ii	Land north of White Horse Pub/Berrymead Farm South	RHa1ii*	19.75
IHa1iii	22-26 Burtree Lane	N/A	2.53

* Boundaries are amended from that previously consulted upon. Rha1i required a portion of land included in Rha1ii to the North of White Horse Pub. Revised site areas are provided accordingly.

39. It is highly likely that were applications to be submitted for any of the sites included within the Revised Preferred Options MGP consultation process (with the exception of Egglestone View which has been omitted) that if assessed against national policy criteria they would be deemed sustainable locations. It is therefore recommended that the council adopt an approach that recognises the detailed assessment work and consultation that has taken place on these sites to confirm the contribution they can make to delivering housing growth in the short to medium term while a new local plan is being developed.

Approach for land not previously identified for housing

40. In the interim, the Council will use the best information it has available to determine whether a 5 year supply of housing land can be demonstrated. The Strategic Housing Land Availability Assessment (SHLAA) seeks to determine sites' potential contribution to meeting housing need by considering their suitability, availability and deliverability. Where a site is considered likely to produce housing completions within five years, it is included in the five year supply calculation. At present, the Strategic Housing Land Availability Assessment does not include sufficient suitable, available and deliverable sites to demonstrate a 5 year supply of housing land in Darlington.
41. The Council recognised the potential for this situation in Core Strategy Policy CS10, supporting windfall housing development in appropriate locations at the Urban Fringe and within or adjacent to larger villages if housing delivery fell below projected rates. This part of Policy CS10 continues to be relevant to determining applications. However, in order to continue to plan positively for housing development to meet the needs of our population, applications for planning permission for residential development in all areas of the Borough should be considered in accordance with the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Saved Local Plan policies and surviving Core Strategy policies (Appendix 1) continue to be relevant to determining site specific issues and whether a development can be considered 'sustainable'.
42. The interim housing policy statement will set out an approach to this that is a logical extension of the approach set out in the Core Strategy, tempered by sustainability priorities.
43. Policy CS10 indicated that if there was insufficient new housing coming forward, new housing could be permitted in appropriate locations at the urban fringe and then within or adjacent to the larger villages provided schemes were subject to conditions or other arrangements agreed to ensure the early delivery of housing. As there is insufficient housing coming forward to meet needs this fall back position remains a valid approach.

44. The Gladman appeal decision³ provided good pointers as to how the sustainable development consideration should be applied. It highlights the need to weigh economic, social and environmental dimensions so any proposal made contrary to the development plan will be expected to be accompanied by a full appraisal of these considerations.
45. The interim housing position statement will provide a comparison of sustainability of settlement locations taking into account numerous sustainability factors including access to school places, proximity to public transport and goods and services. This will provide developers and landowners with an overview of the likely strengths and weaknesses of their proposal in terms of sustainability.
46. In order to meet the identified need for housing additional strategic locations for housing will need to be considered as the local plan develops. The constraints of the borough are such that there are not likely to be significant number of options. The number of suitable and available sites within the existing urban area and larger villages are diminishing and many of the remaining sites of this nature were included in the Making and Growing Places DPD consultations. There was a strong opinion in the responses received to these consultations that loss of further green space within the existing urban areas should be resisted. This would necessitate looking for additional sites on the urban fringe and the edges of larger villages or potentially even to create a new settlement(s). Initial high level work is already underway to identify options for future growth zones around Darlington to try and accommodate the housing need up until 2036. A plan setting out some early thoughts on these likely options will be presented to the scrutiny committee.
47. It is therefore proposed that cabinet approval be sought to further explore the suitability of these expansion options in an Issues and Options consultation for the new Local Plan. The majority of these options would lend themselves to developing an initial 'Growth Zone Concept Plan' akin to those already produced for existing growth zones and these would then inform detailed and ongoing engagement on developing a master plan for the options deemed most sustainable. It may be other strategic expansion options emerge during consultation and these will be considered appropriately. The Council will retain a presumption in favour of sustainable development in these areas so long as they do not prejudice the future delivery of the strategic vision of the area or unacceptably impact infrastructure.
48. It should be noted that smaller sites and larger developments within the urban area like the Town Centre Fringe remain part of the councils long term plans but there is a need to acknowledge that in the current economic climate such sites are unlikely to be able to make a significant contribution to the development required to meet the boroughs needs in the short to medium term.

Viability

49. As the type of sites that can deliver new homes quickly are likely to be greenfield sites outside the urban area which are relatively free of physical development constraints, the Council will expect that the planning requirements and obligations

³ Appeal Ref: APP/N1350/A/14/2217552, Land off Sadberge Road, Middleton St George, Darlington, County Durham, DL2 1JT

(contained in the adopted development plan policies and associated SPD) will typically be met in full. If an applicant considers a development to be unviable with these obligations then a detailed financial assessment should be submitted to accompany the application to enable further debate on potential compromise.

Delivery

50. As one of the main reasons for this planning policy position for housing is to significantly boost housing delivery over the next five years or so to meet the housing need identified, then if an outline planning application is being considered outside of the urban area, it is considered appropriate to impose a constrained time limit (in the region of 18 months) for the submission of all outstanding reserved matters and typically a 1 year time limit for the commencement of development from the date of approval of the last of the reserved matters. This approach was applied by the Planning Inspector to the Gladman Appeal at Middleton St. George. In order to further promote rapid delivery of sustainable housing schemes the council would encourage developers to submit applications for full planning permission if practicable.

Next Steps

51. If the approach is agreed then a full planning policy position statement will be prepared for Cabinet in April 2016. This will be accompanied by a report setting out the timetable for a new local plan for the period 2016-2036. This will most likely be in the form of a new Local Development Scheme (LDS).
52. Options are being considered in order to produce a new local plan in as efficient a manner as possible with a view to adopting a new local plan within 3 years. In order to achieve this a different approach will be required than has previously been adopted and this will likely involve less rounds of public consultation but with more effective stakeholder engagement during these periods. Options to deliver a plan more rapidly have been investigated at a Planning Services Rapid Improvement event being held at the time of writing this report. More detailed feedback will be provided on the outcomes of this event in the form of a presentation to the Place Scrutiny Committee.
53. A revised Statement of Community Involvement (SCI) will be required as the current document has been in place since July 2010 and is in need of update.
54. Last year the Government launched an expert local plan review panel with a view to speeding up the local plan preparation process. As yet there have been no recommendations from the panel but should they be made available the Council will act accordingly. The planning section is also undergoing a service review which may identify further efficiencies to deliver a local plan much quicker than has previously been possible.
55. Scrutiny committee will continue to be involved in key areas of policy development of the new local plan.

Darlington Local Development Framework Core Strategy - May 2011

Policy	Policy remains valid	Strategic Policy*	Comments
CS1 – Darlington's Sub-Regional Role	Partial	Yes	Planning Inspector concluded this policy was out of date while a 5 year supply cannot be demonstrated insofar as it prevents development adjacent to the existing settlements.
CS2 - Achieving High Quality, Sustainable Design	Yes	Yes	Principles of development remain valid. Specific references to Code For Sustainable Homes and BREEAM outdated but is covered with 'or any successor' caveat.
CS3 – Promoting Renewable Energy	Yes	Yes	Principles of supporting renewable energy schemes in suitable locations remains valid. Targets for decentralised energy in development schemes now outdated by other national policy.
CS4 – Developer Contributions	Yes	Yes	
CS5 – The Provision of Land for Employment uses	Yes	Yes	Also see Employment Land Review for updated information.
CS6 – Vibrant Cultural and Tourism Offer	Yes	Yes	
CS7 – The Town Centre	Yes	Yes	
CS8 – Additional Retail Provision	Yes	Yes	Also see Retail Study 2010 for updated information.
CS9 – District and Local	Yes	Yes	

Policy	Policy remains valid	Strategic Policy*	Comments
Centres and Local Shops and Services			
CS10 – New Housing Development	Partial	Yes	Housing figures now outdated owing to publication of OAN. Fall back position if housing figures not being met remains valid as does policy on housing densities.
CS11 – Meeting Housing Needs	Yes	Yes	Requirement for 30% affordable housing reduced in Planning Obligations SPD to 20% on non-strategic housing sites.
CS12 – Existing Housing	Yes	Yes	
CS13 – Accommodating Travelling Groups	Yes	Yes	
CS14 – Promoting Local Character and Distinctiveness	Yes	Yes	References to grading of agricultural land in need of update.
CS15 – Protecting and Enhancing Biodiversity and Geodiversity	Yes	Yes	
CS16 – Protecting Environmental Resources, Human Health and Safety	Yes	Yes	
CS17 – Delivering a Multifunctional Green Infrastructure Network	Yes	Yes	References to grading of agricultural land in need of update.
CS18 – Promoting Quality, Accessible Sport and Recreation Facilities	Yes	Yes	Updated information provided in the Darlington Playing Pitch and Sports Facility Needs Assessment and Strategy 2015.
CS19 – Improving Transport Infrastructure and Creating a Sustainable Transport Network	Partial	Yes	Policy remains valid although some of the specific projects are now complete others the indicative timescales have changed.

Tees Valley Joint Minerals and Waste DPD's (Core Strategy and Policies and Sites) – September 2011

Policy	Policy remains valid	Strategic Policy*	Comments
MWC1 – Minerals Strategy	Yes	Yes	
MWC2 – Provision of Primary Aggregate Minerals	Yes	Yes	
MWC3 - Alternative Materials for Aggregates Use	Yes	Yes	
MWC6 - Waste Strategy	Yes	Yes	
MWC7 - Waste Management Requirements	Yes	Yes	
MWC8 - General Location for Waste Management Sites	Yes	Yes	
MWC9 - Sewage Treatment	Yes	Yes	
MWC10 - Sustainable Transport	Yes	Yes	
MWC11 - Safeguarding of Port and Rail Facilities	Yes	Yes	
MWP1 - Waste Audits	Yes	Yes	
MWP3 - Additional Aggregate Provision	Yes	Yes	
MWP10 - Construction and Demolition Waste Recycling	Yes	Yes	
MWP11 - Small Scale Compositng Facilities	Yes	Yes	
MWP12 - Small Scale Waste Management Operations	Yes	Yes	

Borough of Darlington Local Plan Saved Policies (Adopted 1997, Alterations 2001)

Policy	Policy remains valid	Strategic Policy*	Comments
E2 - Development Limits	Partial	No	Gladman appeal inspector considered that without an up to date 5 year supply of housing, E2 could not be used to determine the location of housing, however the second part of the policy relating to protection of the countryside is still relevant.
E3 - Protection of Open Land	Yes	Yes	Up to date position in GI Strategy
E4 - New Buildings in the Countryside	Partial	No	Linked to Policy E2. Principle of co-location with existing buildings reflected in NPPF.
E5 - Change of Use of Buildings in the Countryside	Yes	No	
E9 - Protection of Parklands	Yes	Yes	
E12 - Trees and Development	Yes	Yes	
E13 - Tree Preservation Orders	Yes	No	
E14 - Landscaping of Development	Yes	No	
E17 - Landscape Improvement	Yes	Yes	Reclamation of Darchem site now complete, Skipbridge underway
E18 - The River Skerne	Yes	Yes	
E20 - Sites of Nature Conservation Importance	Yes	Yes	Local wildlife sites also a consideration
E21 - Wildlife Corridors	Yes	Yes	Updated detail in Green Infrastructure Strategy.
E22 - Local Nature Reserves	Yes	Yes	

Policy	Policy remains valid	Strategic Policy*	Comments
E36 - Designation of Further Conservation Areas	Yes	Yes	
E37 - Enhancement of the Built Environment	Yes	Yes	
E38 - Alterations to Business Premises	Yes	Yes	
E39 - Advertisements in Built-Up Areas	No	No	NPPF provides up to date position on relevant considerations.
E40 - Advertisements in the Countryside	No	No	NPPF provides up to date position on relevant considerations.
E41 - Poster Hoardings	No	No	NPPF provides up to date position on relevant considerations.
E42 - Street Furniture	Yes	No	
E43 - Vacant Upper Floors	Yes	No	
E44 - Architectural Salvage	Yes	No	
E51 - Broken Scar Development Limitation Zone	Yes	Yes	Work is ongoing to see if this remains an issue needing control.
E53 - Satellite Antennae	Yes	No	
H7 - Areas of Housing Development Restraint	Partial	Yes	Relates to Policy E2 – Development Limits. Planning Inspector concluded this policy was out of date while a 5 year supply cannot be demonstrated insofar as it prevents development adjacent to the existing settlements.
H10 - Affordable Housing in the Rural Area	No	No	National policy and definitions should be applied.
H12 - Alterations and Extensions to	Yes	No	

Policy	Policy remains valid	Strategic Policy*	Comments
Existing Dwellings			
H13 - Backland Development	Yes	No	
H14 - Accessible Housing	No	No	Superseded by Part M of Building Regulations.
H17 - Concentrations of Houses in Multiple Occupation	Yes	Yes	
H18 - Houses in Multiple Occupation in Other Areas	Yes	Yes	
H19 - Special Care Accommodation	Yes	Yes	
H20 - Gypsy Sites	No	No	Covered by CS13 of Core Strategy
R3 - Provision of Public Facilities in New Buildings	No	No	There is no scope in national policy to require such facilities.
R4 - Open Space Provision	Yes	Yes	Up to date position in GI policy
R11 - Artificial Turf Playing Pitch	Yes	Yes	
R12 - Access to Open Land and Countryside	Yes	No	
R14 - Recreation Development in the Countryside	Yes	No	
R15 - Horse-Related Development	Yes	No	
R16 - Stressholme Golf Centre	No	No	
R23 - Off-Road Motorcycle Facility	Yes	No	
R27 - Sites for New Community Facilities	No	No	
R28 - School Provision at Brinkburn	Yes	Yes	Although a school is now not being planned for, in principle site remains a suitable location. However alternative use as housing is being considered see Interim Housing Position (IHa10)

Policy	Policy remains valid	Strategic Policy*	Comments
R29 - Village Community Halls	Yes	No	
R30 - West Cemetery Extension	Yes	Yes	
EP2 - Employment Areas	Yes	No	But more up to date position provided in interim policy
EP3 - New Employment Areas	Yes	No	But more up to date position provided in interim policy
EP4 - Haughton Road	Part	Yes	Central Park
EP6 - Prestige Employment	Yes	Yes	But more up to date position provided in interim policy
EP7 - Office / Business Park Development	Yes	Yes	But more up to date position provided in interim policy
EP8 - Reserve Employment Site	Yes	Yes	But more up to date position provided in interim policy
EP9 - Teesside Airport Employment Land - North	Yes	Yes	Dependent on position regarding housing at the airport
EP10 - Teesside Airport Employment Land - South	Yes	Yes	Dependent on position regarding housing at the airport
EP11 - Central Area Development Sites	Part	Yes	Updated by interim policy
EP12 - Office Development Limits	Yes	Yes	
EP17 - Waste Material Storage, Processing and Transfer	No	No	Replaced by joint Tees Valley Minerals and Waste DPD's
S3 - Abbott's Yard Development	No	No	No longer planned
S4 - Town Centre Service Uses	Yes	Yes	
S5 - Town Centre Food and Drink Uses	Yes	Yes	Interim policy more up to date
S6 - Non-Retail Uses	Yes	Yes	Interim policy more up to date
S7 - Mechanics', Clark's and Buckton's Yards	Yes	Yes	
S8 - Window Displays	Yes	No	
S9 - Fringe Shopping	No	No	Core Strategy and

Policy	Policy remains valid	Strategic Policy*	Comments
Areas			Interim policy more relevant
S10 - Safeguarding the District and Local Centres	No	No	Core Strategy and Interim policy more up to date
S11 - New Development in the District and Local Centres	No	No	Core Strategy and Interim policy more up to date
S14 - Recycling Facilities	Yes	No	
S15 - Shopping Trolleys	Yes	No	
S19 - Amusement Centres	Yes	No	
S20 - Sale of Large Items	Partial	No	Interim policy more up to date – req compliance with sequential and impact test
S21 - Petrol Filling Stations	Yes	No	
S22 - Garden Centres	Yes	No	
S23 - Sales from Factories	Yes	No	
T5 - Environmental Appraisal of Major Road Schemes	Yes	Yes	
T6 - Safeguarding Major Road Schemes	No	No	This included the Cross Town Route alignment which was superseded by the Core Strategy. Other proposals either complete or not likely to happen.
T7 - Traffic Management and Main Roads	Yes	Yes	
T8 - Access to Main Roads	Yes	Yes	
T9 - Traffic Management and Road Safety	Yes	Yes	
T10 - Traffic Calming - Existing Roads	Yes	Yes	
T11 - Traffic Calming	Yes	Yes	

Policy	Policy remains valid	Strategic Policy*	Comments
- New Development			
T14 - Private Car Access to Town Centre	No	No	
T15 - Improvements for Pedestrians	Yes	Yes	Completed with Pedestrian Heart
T17 - Rear Servicing	Yes	No	
T18 - Collection / Distribution Centre	Yes	No	
T19 - Multi-Storey Car Parks	Part	Yes	More up to date position in parking strategy
T20 - Town Centre Surface Car Parks	Yes	Yes	More up to date position in parking strategy
T21 - Public Use of Private Car Parks	Yes	Yes	More up to date position in parking strategy
T22 - Priority in Central Car Parks	Yes	Yes	More up to date position in Parking Strategy
T23 - Albert Road Car Park	No	No	Superseded by Albert Road Retail park
T26 - Town Centre Fringe Parking	Yes	Yes	More up to date position in Parking Strategy
T27 - On-Street Parking Control	Yes	Yes	More up to date position in Parking Strategy
T28 - Residents' Parking Schemes	Yes	Yes	More up to date position in Parking Strategy
T29 - On-Street Short Stay Parking	Yes	Yes	More up to date position in Parking Strategy
T32 - Feethams Bus Station	No	No	Superseded by Cinema development
T35 - Taxi Offices	Yes	No	
T36 - Cycle Route Network	Yes	Yes	Network identified no longer up to date.
T38 - Public Cycle Parking	Yes	Yes	
T40 - New Development and Lorries	Yes	Yes	
T41 - Overnight Parking at Chestnut	Yes	Yes	

Policy	Policy remains valid	Strategic Policy*	Comments
Street			
T42 - Lorry Parks	Yes	Yes	
T43 - Residential Areas and Lorries	Yes	Yes	
T44 - Passenger Railways	Yes	Yes	
T46 - North Road Railway Station	Yes	Yes	
T47 - Road / Rail Freight Depot	Yes	Yes	
T49 - Teesside Airport	Yes	Yes	Dependent on position re housing development
T50 - Overhead Lines	Yes	Yes	
T51 - Location of Services	Yes	Yes	
T52 - Drainage Infrastructure	Yes	Yes	
T53 - Sewage Treatment Works	Yes	Yes	
T54 - Stressholme Sewage Treatment Works	Yes	Yes	
T55 - Broken Scar Water Treatment Works	Yes	Yes	

Other planning policy documents, guidance and evidence that represent material planning considerations

Planning Obligations Supplementary Planning Document, January 2013

Revised Design of New Development Supplementary Planning Document, July 2011

Green Infrastructure Strategy 2013-2026

Open Space Strategy, 2007

Landscape Character Assessment (LUC, 2015)

Business Sites and Premises Review (NLP, 2013)

Darlington Gypsy and Traveller Accommodation Assessment (RRR Consultancy, 2014)

Darlington Retail and Town Centre Study (WYG, 2013)

Town Centre Fringe Masterplan

Darlington Playing Pitch and Sports Facility Strategy, 2015

Darlington Strategic Housing Market Assessment, 2015

Town Centre Fringe Masterplan, 2013