

**SPECIAL COUNCIL
17 FEBRUARY 2022**

**ADOPTION OF DARLINGTON BOROUGH
LOCAL PLAN 2016 – 2036**

**Responsible Cabinet Member – Councillor Alan Marshall
Economy Portfolio**

**Responsible Director – Ian Williams
Chief Executive**

SUMMARY REPORT

Purpose of the Report

1. Following agreement by Cabinet on 8 February 2022 this report seeks Council approval of the changes recommended during the examination process of the Borough of Darlington Local Plan 2016 – 2036 (Darlington Local Plan). The conclusions and recommendations of the independent inspector's report (Appendix 1) identifies that the Local Plan (subject to recommended Main Modifications) is sound, legally compliant and capable of adoption.
2. In addition, the report informs members of the statutory procedures for the adoption of the Local Plan, following which there is a six-week period when it can be challenged in the High Court under section 113 of the Planning and Compulsory Purchase Act 2004.

Summary

3. An up-to-date Local Plan is essential to meet the development needs of the Borough and to enable the Council to shape and maintain control of development.
4. The Local Plan is a framework for growth and aims to ensure that Darlington becomes an even more sustainable location in which people increasingly choose to live, work and visit. Not only does it help to deliver the economic strategy, it also makes provision for new housing and infrastructure to meet local needs of our current and future population.
5. The success of the Borough is predicated on growth and underpins the future vibrancy of our town centre and our local communities. The Local Plan sets out how Darlington will grow, adapt and change and importantly how this will be achieved and managed. It provides the Council with the required spatial guidance and direction to contribute to and enable the structured development of the Borough – in support of both the Council's drive for a growing economy, building stronger communities and creating opportunities for all whilst mitigating and adapting to climate change, protecting and enhancing the environment, heritage, green infrastructure etc.

6. This report follows a previous report in February 2020 which agreed the submission draft of the Local Plan.

Recommendations

7. It is recommended that Council:
 - (a) Agree the conclusions of the Report on the Examination of the Darlington Local Plan received from the Planning Inspectorate (see Appendix 1 of this report) which recommended that, subject to modifications, the Local Plan can be adopted.
 - (b) Agree that the Darlington Local Plan (including all modifications detailed in **Appendices 1 and 2**) attached at **Appendix 3** and Policies Map at **Appendix 4** be adopted (including modifications detailed in **Appendix 5**).
 - (c) Agree that the Core Strategy (2010) policies and saved Local Plan (1997, alterations 2001) policies will be superseded upon the adoption of the Darlington Local Plan.
 - (d) Note there is a six-week High Court challenge period should any aggrieved party wish to challenge how the plan has been prepared.

Reasons

8. Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their local planning authority area. Government guidance requires that Local Plans must be positively prepared, justified, effective and be consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF).

Ian Williams
Chief Executive

Background Papers

- (i) National Planning Policy Framework, 2021
- (ii) Planning and Compulsory Purchase Act 2004
- (iii) Town and Country Planning Act (Local Planning) (England) Regulations 2012
- (iv) Localism Act 2011

S17 Crime and Disorder	The Local Plan has a role in reducing crime through the promotion of good design and location of development
Health and Well Being	A key objective of Local Plan policies will be to improve people’s health and wellbeing by protecting and improving the economic, social and environmental conditions in the Borough
Carbon Impact and Climate Change	A Sustainability Appraisal has been carried out on the strategic issues and options. Achieving sustainable development will be a fundamental objective of the Local Plan
Diversity	An Equalities Impact Assessment will be part of the Local Plan preparation process
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	The Local Plan will be prepared using existing budgets and will ultimately form part of the Council’s Planning Policy Framework
Key Decision	This is not an Executive decision - the adoption of the Local Plan is a full Council decision
Urgent Decision	No
Council Plan	The Local Plan will represent the spatial implications and help achieve the economic growth aspirations of the Council Plan
Efficiency	The consultation stage of the Local Plan represents the most efficient way to produce the Local Plan having regard to the legislative and engagement requirements
Impact on Looked After Children and Care Leavers	This report has no impact on Looked After Children or Care Leavers

MAIN REPORT

Information and Analysis

9. Local Planning Authorities must prepare a Local Plan that sets out the local planning policies for their local planning authority area. These policies are important material considerations when deciding planning applications, as all decisions must be made in accordance with the policies unless there are very strong reasons not to do so. Government guidance requires that Local Plans must be positively prepared, justified, effective and be consistent with national policy, in accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF). The NPPF states that every local planning authority in England should seek to have in place a clear, up-to-date Local Plan that conforms to the Framework, meets local development needs and reflects local people’s views about how they wish their community to develop. The plan preparation process should fully involve everyone with an interest in the document or area, and they should have had the chance to comment.

10. Darlington cannot stand still. It has to support its communities to thrive and compete with neighbouring Boroughs, and further afield, to attract investment. It needs a strong, clear Local Plan if it to grow in a sustainable way, and to preserve both its prosperity, and its unique quality of life.
11. The Local Plan is a framework for growth and aims to ensure that Darlington becomes an even more sustainable location in which people increasingly choose to live, work and visit. Not only does it help to deliver the economic strategy, it also makes provision for new housing to meet local needs supporting the needs of our current and future workforce, and other new developments with the provision of key new infrastructure.
12. The success of the Borough is predicated on growth and underpins the future and vibrancy of our town centre and our local communities. The Local Plan sets out how Darlington will grow, adapt and change and importantly how this will be achieved and managed. It provides the Council with the required spatial guidance and direction to contribute and enable the structured development of the Borough – in support of both the Council’s drive for a growing economy, building stronger communities and creating opportunities for all.

The Local Plan Preparation Process

13. In April 2016, Cabinet agreed to the production of a new Darlington Local Plan and supporting documents to replace the existing policy documents.
14. The Darlington Local Plan as prepared sets out the policies and proposals to guide planning decisions and establishes the framework for the sustainable growth and development of the Borough up to 2036. The Local Plan covers a range of matters including the number of new homes that are needed and where they should be located; the amount and proposed location of new employment land, improvement of town centres as well as provision of infrastructure and community facilities in the Borough.
15. The key milestones in the production of the Local Plan are detailed below:

Issues and Scoping Consultation	May to August 2016
Draft Local Plan Consultation	June to August 2018
Publication Draft Local Plan Consultation	August to September 2020
Submission of Local Plan	December 2020
Examination Sessions June 2021	May to September 2021
Main Modifications Consultation	October to November 2021
Inspectors Report	January 2022

16. The preparation of the Darlington Local Plan included two public consultations prior to the submission of the publication draft Local Plan in December 2020 to the Planning Inspectorate. Following submission of the publication draft Local Plan, Planning Inspector William Fieldhouse BA (Hons) MA MRTPI, was appointed to conduct the examination into the Darlington Local Plan to determine whether it is legally compliant and sound. In advance of the hearing sessions, officers prepared hearing statements in response to initial questions raised by the Inspector.

17. The hearing session's element of the Examination process took place over a three-week period in May and June 2021, addressing 10 topic areas in eight sitting days, covering all aspects of the Local Plan. An additional hearing date was arranged in September 2021 to discuss some matters in further detail.
18. Whilst significant parts of the Local Plan as submitted were considered sound the Planning Inspector identified, at examination, the need for a number of Main Modifications to ensure soundness, clarity and effectiveness across a range of policies and supporting text. These Main Modifications were the subject of a further consultation period which took place between October and November 2021.
19. Alongside the Main Modifications, the consultation also made available Additional Modifications (which are minor changes to Local Plan text) and Policies Map Modifications (which details where changes to the Local Plan have resulted in consequential changes to the policies maps, or where corrections need to be made).
20. Responses received to the Main Modifications consultation were sent to the Planning Inspector for consideration. The Council received the 'Report on the Examination of the Darlington Borough Local Plan 2016 - 2036' from the Planning Inspectorate which concluded that:

"The Council has requested that I recommend main modifications to make the Plan sound and legally compliant, and therefore capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Darlington Borough Local Plan 2016-2036 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound."

21. The 'Report on the Examination of the Darlington Borough Local Plan 2016-2036' is included as **Appendix 1** to this report. The report includes a 'Non-technical Summary' of the examination process and key main modifications on page 4. In accordance with regulations, stakeholders who have asked to be kept informed of the publication of the 'Report on the Examination of the Darlington Borough Local Plan 2016-2036' have been notified.
22. In relation to the consultation process undertaken, the inspector also concludes in Paragraph 21 of his report that:

"I am satisfied that the Council carried out consultation in compliance with the 2012 Regulations and the Statement of Community Involvement that had been published in July 2016 and then updated in August 2020 to take account of restrictions relating to the coronavirus pandemic".

Darlington Borough Local Plan Adoption Process

23. As the report from the Planning Inspectorate finds the Darlington Local Plan, subject to Main Modifications, sound and capable of adoption it is recommended that it be adopted as Council policy. Should it be resolved that the Darlington Local Plan be adopted it will form part of the Development Plan alongside the Joint Tees Valley Minerals and Waste Core Strategy and Policies and Sites LDDs (September 2011) and Low Coniscliffe and

Merrybent Neighbourhood Plan (and any further Neighbourhood Plans made in the future).

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan, unless the material considerations surrounding the proposal indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.
25. One necessary main modification is that the Darlington Local Plan provides a schedule of policies to be replaced upon its adoption. Policies to be replaced are all Core Strategy (2011) policies and saved Local Plan (adopted 1997, alterations 2001) policies.

Next Steps

26. Upon adoption of the Darlington Local Plan it is necessary, as soon as is reasonably practicable, for the Council to complete the following statutory procedures:
 - (a) The Inspector's Report, the Local Plan and supporting documentation, the Adoption Statement and Sustainability Appraisal Post Adoption Statement will be made available during normal office hours in the places where pre-submission documents were made available;
 - (b) Publish the documents referred to above on the Council's website;
 - (c) Inform stakeholders who have asked to be kept informed of the adoption of the Darlington Local Plan and let them know where the documents can be inspected; and
 - (d) Send a copy of the Adoption Statement to the Secretary of State.
27. The legal date of adoption of the Darlington Local Plan is the date it is adopted by Full Council. Under section 113 of the Planning and Compulsory Purchase Act 2004, there is a period of six weeks from this date within which any person aggrieved by the document may make an application to the High Court on the ground that:
 - (a) The document is not within the appropriate power;
 - (b) A procedural requirement has not been complied with.
28. Grounds for being aggrieved do not include disagreement with policies contained within the Darlington Local Plan.

Darlington Local Plan Monitoring

29. The Darlington Local Plan establishes the framework for the sustainable growth and development of the Borough up to 2036. The effectiveness of policies within the plan will be monitored through the Authority's Monitoring Report (AMR) which is a requirement of the Town and Country Planning (Local Planning) (England) Regulations 2012.
30. It is a legal requirement (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) that policies within the Local Plan are reviewed to

assess whether they need updating at least once every five years, and then updated as necessary.

Financial Implications

31. Local Plan preparation and allowances are made within the existing Local Plan Budget to facilitate the adoption of the plan.
32. Going forward, the Darlington Local Plan will be key to delivering housing, employment and infrastructure development and is an important determinant of the future economy of the borough.

Legal Implications

33. There are no direct legal implications arising from this report. However, it is important to note the six-week challenge period detailed above.