

CABINET
9 JULY 2019

BOROUGH OF DARLINGTON
PROPOSED SUBMISSION LOCAL PLAN 2016 – 2036

Responsible Cabinet Member – Councillor Alan Marshall
Economy and Regeneration Portfolio

Responsible Director – Ian Williams
Director of Economic Growth and Neighbourhood Services

SUMMARY REPORT

Purpose of the Report

1. This report seeks Members' approval for changes to the Darlington Local Plan following the consultation which occurred in the summer of 2018 between 21 June and 2 August 2018.
2. It also seeks that Members agree the publication of the Proposed Submission copy of the Local Plan (incorporating the proposed changes) for the statutory six-week period to allow representations to be received prior to submission for independent examination.
3. It further seeks a number delegated powers for the Director of Economic Growth and Neighbourhood Services in consultation with the Economy and Regeneration Portfolio Holder as set out in the recommendations.
4. It also sets out for Members approval, the revised timetable and process for producing the new Local Plan (including the revision of the Local Development Scheme).

Summary

5. An up-to-date Local Plan is essential to meet the development needs of the Borough and to enable the Council can shape and maintain control of development.
6. 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 provision of key new infrastructure.

7. 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.
8. The new Local Plan will cover the period 2016 to 2036. The ambition is to prepare a Local Plan to be submitted for inspection by the end of 2019 (with adoption likely by summer 2020).
9. This report follows a previous report on 6 June 2018 which agreed the consultation on the Draft Local Plan.
10. The consultation on the Draft Local Plan was carried out for a six-week period between 21 June and 2 August 2018.
11. The consultation involved writing to all parties on the Local Plan consultation database, Parish Councils and Statutory Consultees. There was also a series of drop in sessions where officers were available to discuss the Plan. It is estimated around 600 people attended these sessions.
12. Over 1,300 comments were received from 292 residents/organisations. A summary of all comments received can be viewed in Appendices 1 and 3. The full version of all comments can be viewed on the online portal¹.
13. Recommendations have been made on changes to the draft plan both as a result of comments received (**APPENDICES 1 and 2**) and as a result of other factors including the latest national policy and guidance (**APPENDIX 3**). Comments that haven’t resulted in change have all had suggested responses (**APPENDIX 4**). All responses will be made publicly available via the online portal subject to approval.
14. Subject to approval the changes made will form the Proposed Submission Local Plan against which representations will be invited for a six-week period starting early August 2019.
15. Further modifications can be suggested alongside submission to the planning inspectorate.
16. Comments and suggested changes to the Sustainability Appraisal are also reported (**APPENDIX 5**).
17. A Local Development Scheme 2019-22, setting out the programme for the Local Plan preparation has been produced (**APPENDIX 6**).

¹ darlington.gov.uk/portal

Recommendations

18. It is recommended that Cabinet:-

- (a) Agree to the recommended changes to the Plan in response to representations received as highlighted in APPENDIX 1 and 2.
- (b) Agree the extra changes to the Plan and Policies Map suggested by officers and highlighted in APPENDIX 3.
- (c) Agree the recommendations not to make further changes to the Plan as highlighted in APPENDIX 4.
- (d) Agree changes in relation to the Sustainability Appraisal (APPENDIX 5).
- (e) Agree that the attached Local Development Scheme (2019-2022) (APPENDIX 6) is approved to take immediate effect.
- (f) Agree that the Proposed Submission Draft Local Plan be approved for a six-week pre-submission representation period.
- (g) Following the conclusion of the pre-submission representation period, authorise the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy and Regeneration Portfolio, to make any minor editing and formatting changes necessary.
- (h) Authorise the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy and Regeneration, to thereafter submit the Proposed Submission Local Plan (including and changes made under 18(g) above) and other required documents for to the Planning Inspectorate for examination.
- (i) Authorise the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy and Regeneration, to ask the Inspector appointed to hold the Examination, to recommend such modifications to the Proposed Submission Local Plan and submission documents as may be necessary to satisfy the requirements as to soundness.
- (j) Agree that a like report move forward for consideration by Council when they meet in July 2019.

Reasons

19. The recommendations are supported by the following reasons:-

- (a) 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).

- (b) The Council is required to have an up to date Local Development Scheme (Planning & Compulsory Act 2004, as amended by Section 111, Localism Act 2011).

Ian Williams
Director of Economic Growth and Neighbourhood Services

Background Papers

- (i) National Planning Policy Framework, CLG February 2019
- (ii) Planning and Compulsory Purchase Act 2004
- (iii) Town and Country Planning Act (Local Planning) (England) Regulations 2012
- (iv) Localism Act 2011

David Hand : Extension 6294

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	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	Yes
Urgent Decision	No
One Darlington: Perfectly Placed	The Local Plan will represent the spatial implications of the overarching aims of One Darlington: Perfectly Placed.
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

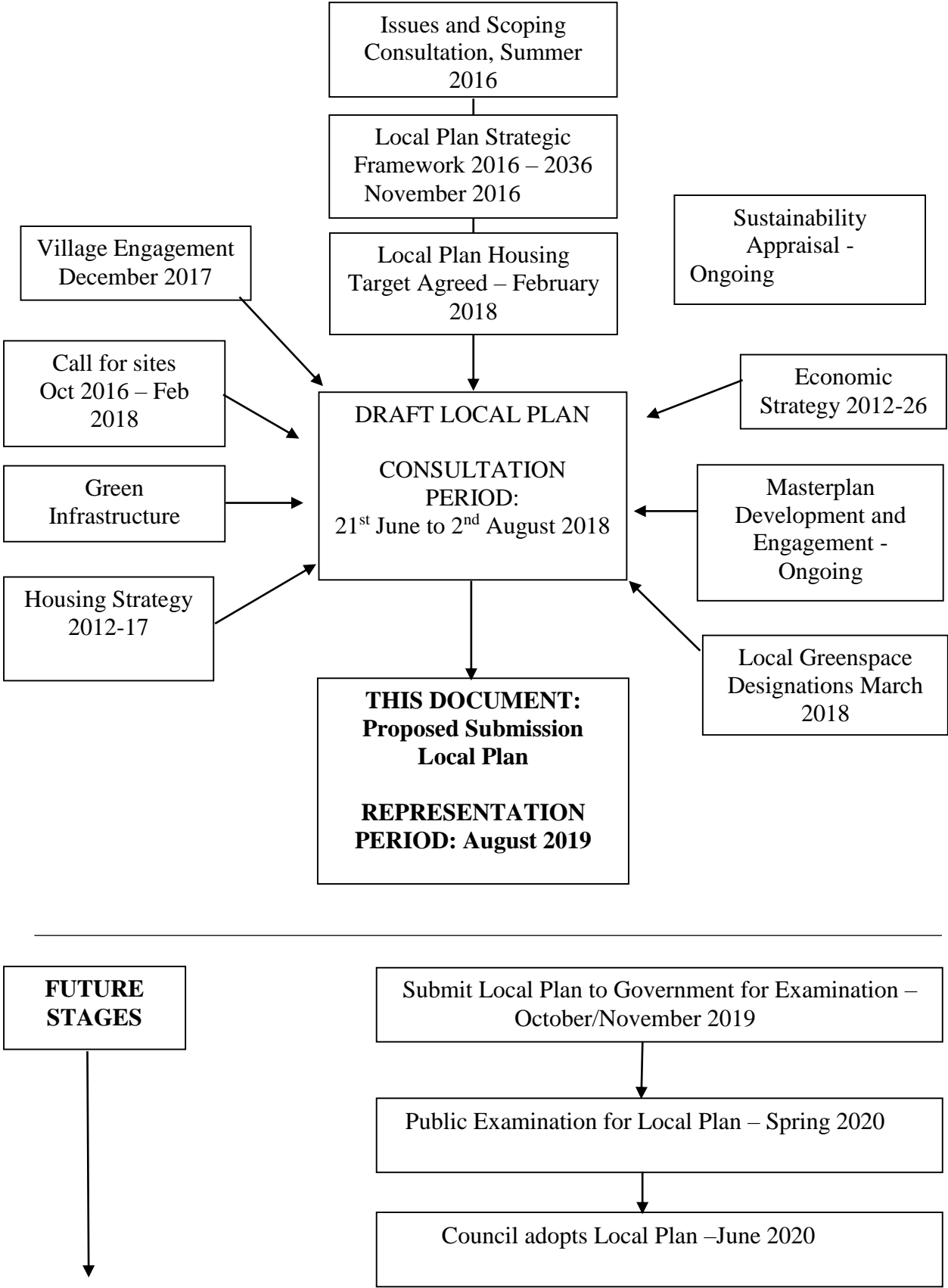
MAIN REPORT

Information and Analysis

20. 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.
21. 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.
22. 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 provision of key new infrastructure.
23. 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

24. **Figure 1.1** shows the development stages and various evidence bases which have informed the Plan to date and the future process.

Figure 1.1: Stages of Preparation of the Local Plan



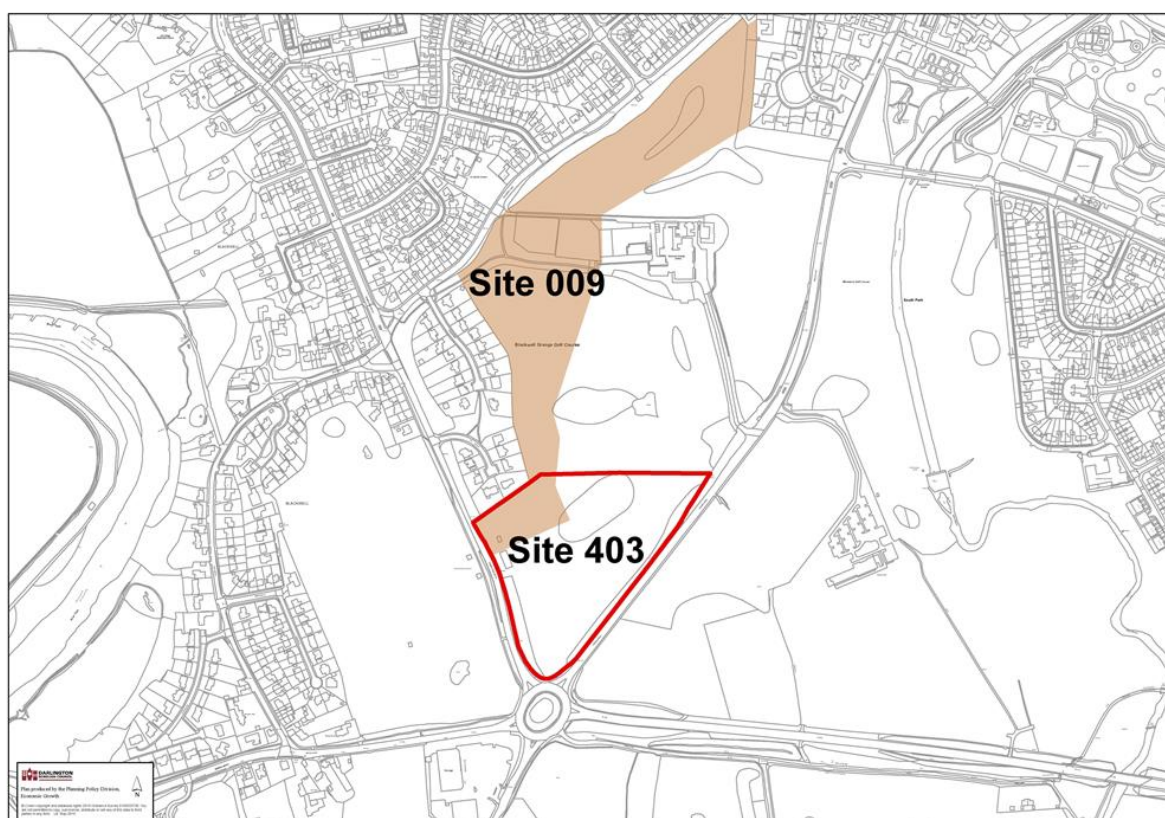
Draft Local Plan Consultation – Summer 2018

25. The Local Plan Regulation 18 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 requires that the local planning authority invite comments from the “statutory bodies” such as Historic England, the Environment Agency, Highways England and Natural England, together with residents and other persons carrying out business in the area about the Local Plan.
26. There are no fixed rules regarding the form and content of Regulation 18 consultations, however the Council adopted its Statement of Community Involvement (SCI) in 2016 which sets out who we will consult and how we will consult. The Issues and Scoping Consultation in Summer 2016 also formed the first part of the Regulation 18 Consultation and was reported to Cabinet on the 8 November 2016. This work then informed the development of a Draft Local Plan.
27. Members should be aware that as part of the development of the Draft Local Plan there was significant consultations as agreed with Cabinet including the establishment of Members Local Plan Reference Group, Local Plan Steering Group, Subject Theme Groups and some Parish Councils where specific engagement events were held. These consultations involved Statutory Consultees.
28. This resulted in the publication of a Draft Local Plan in June 2018 which provided the opportunity for stakeholders and local residents to comment on the policy framework to guide development over the next 20 years, together with the suggested site allocations, associated detailed assessment, and other policies which could accommodate the growth necessary to meet the Objectively Assessed Needs of the Borough. The plan was also supported by a Sustainability Appraisal (incorporating Strategic Environmental Assessment – SEA) was also released for comment.
29. Consultation on the Draft Local Plan ran between 21 June 2018 and 2 August 2018. Numerous public drop-in events were held to allow members of the public and other stakeholders to view the plan and speak to officers. Events were held at varying times including weekends at public events as well as at Facilities such as the Dolphin Centre and Darlington College. During the consultation 292 individuals and organisations submitted representations generating 1344 individual comments.
30. Summaries of all these comments are provided in APPENDICES 1 and 4. APPENDIX 1 sets out the comments that have resulted in suggested changes to the plan which equates to around 30%. APPENDIX 4 summarises comments where it is not being recommended to make alterations to the plan for submission.
31. In addition to the comments received a number of other alterations, including alterations to the Policies Map, are recommended in APPENDIX 3.

Summary of Key Changes

Housing

32. Policy H1 Housing Requirement has been altered with regards to the minimum housing requirement figure. The figure of 422 net additional dwellings per annum has been replaced with 177 net additional dwellings per annum. This is to reflect the Government's standard method for calculating housing need (a detailed explanation can be found in Appendix 2a)
33. Policy H2 Housing Allocations; site 9 Blackwell Grange East – In response to representations that highlighted the relative sensitivity of Site 009 it is proposed to be replaced with revised site 403. As shown on the plan below.

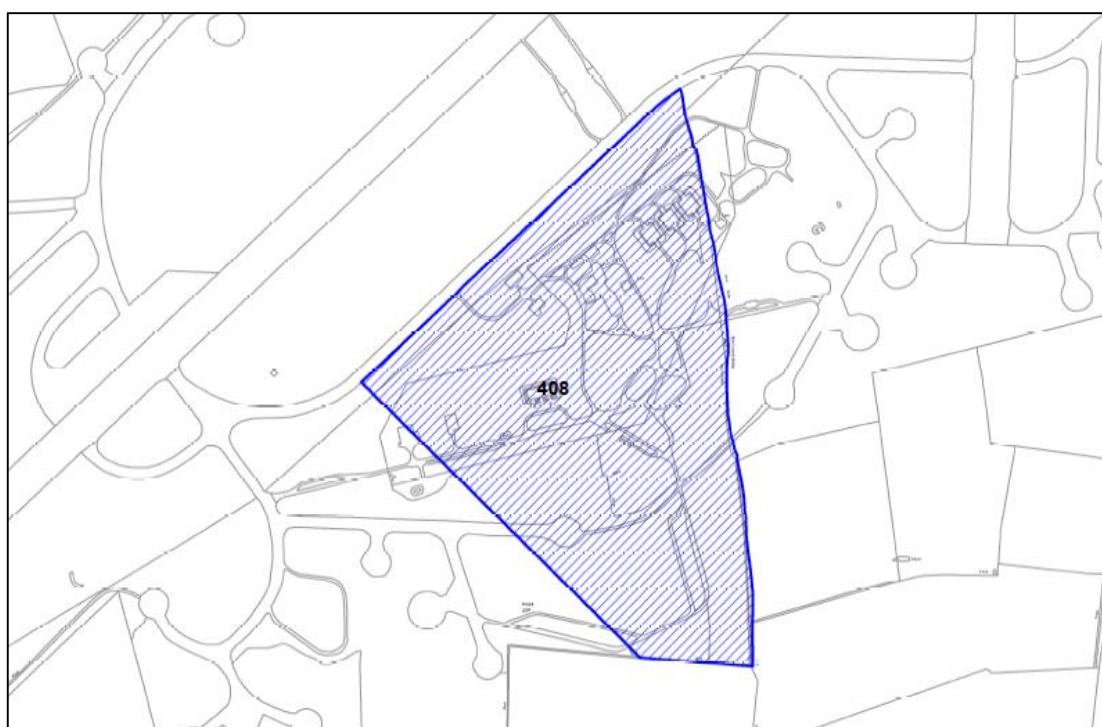


34. Policy H2 Housing Allocations has been altered to remove site 375 Land South of High Stell. An initial assessment by the Council's Highway Engineer has raised issues with vehicle accessibility to this site. As such it has been decided to remove the proposed allocation from the Local Plan. However, the site is a logical extension to the village and therefore the site will remain within the proposed development limits of the village. As such, if access issues can be resolved in the future the site can be brought forward for development.

35. Further evidence base work has been carried out on the housing needs of people with disabilities and the accessible and adaptable homes standards within policy H 4 Housing Mix. The evidence within the Darlington Strategic Housing Market Assessment Update 2019: Housing for People with Disabilities (March 2019) supports the need for a target of 9% of all dwellings to meet M4(3) Category 3 requirements and 80% of all housing to meet M4(2) Category 2 requirements. This new evidence will be reflected in policy H 4 Housing Mix of the Proposed Submission Local Plan.

DTVA Employment Site Boundary Changes

36. Reflecting on Heritage Impact Assessment work DTVA South Site 362 has been reduced in size to minimise the impact on the Grade II Listed St Georges Church (See **Site 408** below). Any development proposals will need to be supported by additional archaeological investigation in line with Policy ENV1.



Heritage Policies

37. Following comments from Historic England Heritage Policies ENV1 and ENV2 have been redrafted (in consultation with Historic England) APPENDIX 2d.

Biodiversity and Geodiversity

38. Changes made to Policy ENV 7 to reflect the revised NPPFs requirement to provide net gains for biodiversity as a result of developments.

Proposed Submission Local Plan – Regulation 19

39. The next phase is the Submission of the Local Plan (incorporating the proposed changes) for a statutory six-week period to allow comment and representations Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 to be received prior to submission for independent examination.
40. This allows local communities, businesses and other interested stakeholders with the opportunity to comment on the policy content on the Council's final version of the draft Local Plan, within a specific remit. The remit of representations under this public consultation is limited and relates to the 'Tests of Soundness' and also includes legal compliance, as set out in National Planning Policy Framework.
41. Once Regulation 19 is complete, an updated Proposed Submission Local Plan is then submitted to the Secretary of State for the Department for Housing, Communities and Local Government. They will then appoint an independent Planning Inspector to undertake a 'public examination' of the Local Plan.
42. During the examination process, the Secretary of State and the Planning Inspector will use the National Planning Policy Framework and comments and representations submitted during the Regulation 19 consultation to determine whether a Local Plan is sound and legally compliant.
43. The Inspector in examining the plan and taking account of representations made, may conclude that modifications are required to make it sound and capable of adoption. It is proposed that the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy and Regeneration, be delegated authority to recommend to the Inspector such modifications to the draft Local Plan submission documents as may be necessary to satisfy the requirements as to soundness.
44. The evidence base that has been used to produce the plan will be available. This includes:
 - (a) OAN Report
 - (b) Strategic Flood Risk Assessment (SFRA)
 - (c) Flood Risk Sequential and Exceptions test
 - (d) Traffic modelling reports
 - (e) Infrastructure delivery plan
 - (f) Whole plan viability report
 - (g) Village sustainability evidence
 - (h) Housing selection statement
 - (i) Housing and Economic Land Availability Assessment (HELAA)
 - (j) Consultation statement
 - (k) Equality impact assessment
 - (l) Statement of common ground
 - (m) Sustainability Appraisal
 - (n) Habitat Regulations Assessment scoping report
 - (o) Impact of Growth on Sports Facility Requirements

- (p) Heritage Impact Assessment of specific allocation sites
- (q) Town Centre and Retail Study
- (r) Gypsy and Traveller Accommodation Assessment
- (s) Employment Land Review
- (t) Landscape Assessment Review

Outcome of Representations

- 45. The responses received during the representation period will be carefully considered. It is suggested that any minor editing and formatting changes that are necessary as a result could be dealt with by the Director of Economic Growth and Neighbourhood Services, in consultation with the Portfolio holder for Economy and Regeneration Portfolio.
- 46. If the representations received require more substantive change they would be taken through the Members Local Plan Reference Group and if deemed necessary, further changes to the draft local plan could be proposed. If this is required, then it would require further formal consideration by Members.

Local Development Scheme 2018-2021

- 47. The Local Development Scheme (LDS), attached at APPENDIX 6, is a statutory requirement. It sets out the planning policy documents that the Council will prepare over the next three years, when the key stages of preparation will be, the scope of each document, the resources available for, and risks to, their preparation. It will replace the existing LDS 2018-21.
- 48. The focus over the next 1-2 years will be on producing the Local Plan itself and carrying it through Examination to Adoption. Work is also planned to revise the current Planning Obligations and Design Supplementary Planning Documents.
- 49. Following the adoption of the Local Plan the policies and proposals will need to be monitored to assess their effectiveness and an Implementation Plan produced to ensure delivery of the Plan.
- 50. This report proposes that the LDS should take effect the day after the next meeting of Full Council.

Financial Implications

- 51. Local Plan preparation and allowances are made within the existing Local Plan Budget to facilitate consultation.
- 52. Going forward the Local Plan will be key to delivering housing, employment and infrastructure development and is an important determinant of the future economy of Darlington.

Legal Implications

- 53. There are no direct legal implications arising from this report. However, it is important the consultation under Regulation 19 is undertaken to allow stakeholders and local people the opportunity to make representations.