

**SPECIAL CABINET
11 FEBRUARY 2020**

**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 of 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 to 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 the provision of key new infrastructure.

7. 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.
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 August 2020 (with adoption likely by April 2021).
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. It should be noted the Local Plan is a framework with further controls and steps necessary before any development can take place.
13. Comments and recommended changes were originally to be reported to Cabinet on 9 July 2019 but this was deferred to enable further work and engagement to be undertaken into the proposed access to Skerningham Garden Village across Springfield Park.
14. 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.
15. Subject to approval by Council the changes made will form the Proposed Submission Local Plan against which representations will be invited for a six-week period starting April 2020.
16. Further modifications can be suggested alongside submission to the planning inspectorate.
17. Comments and suggested changes to the Sustainability Appraisal are also submitted. (**APPENDIX 5**).

¹ darlington.gov.uk/portal

18. A Local Development Scheme 2020-23, setting out the programme for the Local Plan preparation has been produced (**APPENDIX 6**).

Recommendations

19. 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 as a result of an Inspectors Advisory Visit (undertaken on 4 September 2019) 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 (2020-2023) (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 any changes made under 18(g) above) and other required documents 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 to recommend to Special Council, when they meet on 20 February 2020, that the Proposed Submission Local Plan, be approved to be placed on deposit to allow representation and then submitted to the Secretary of State for Independent Examination.

Reasons

20. 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 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	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

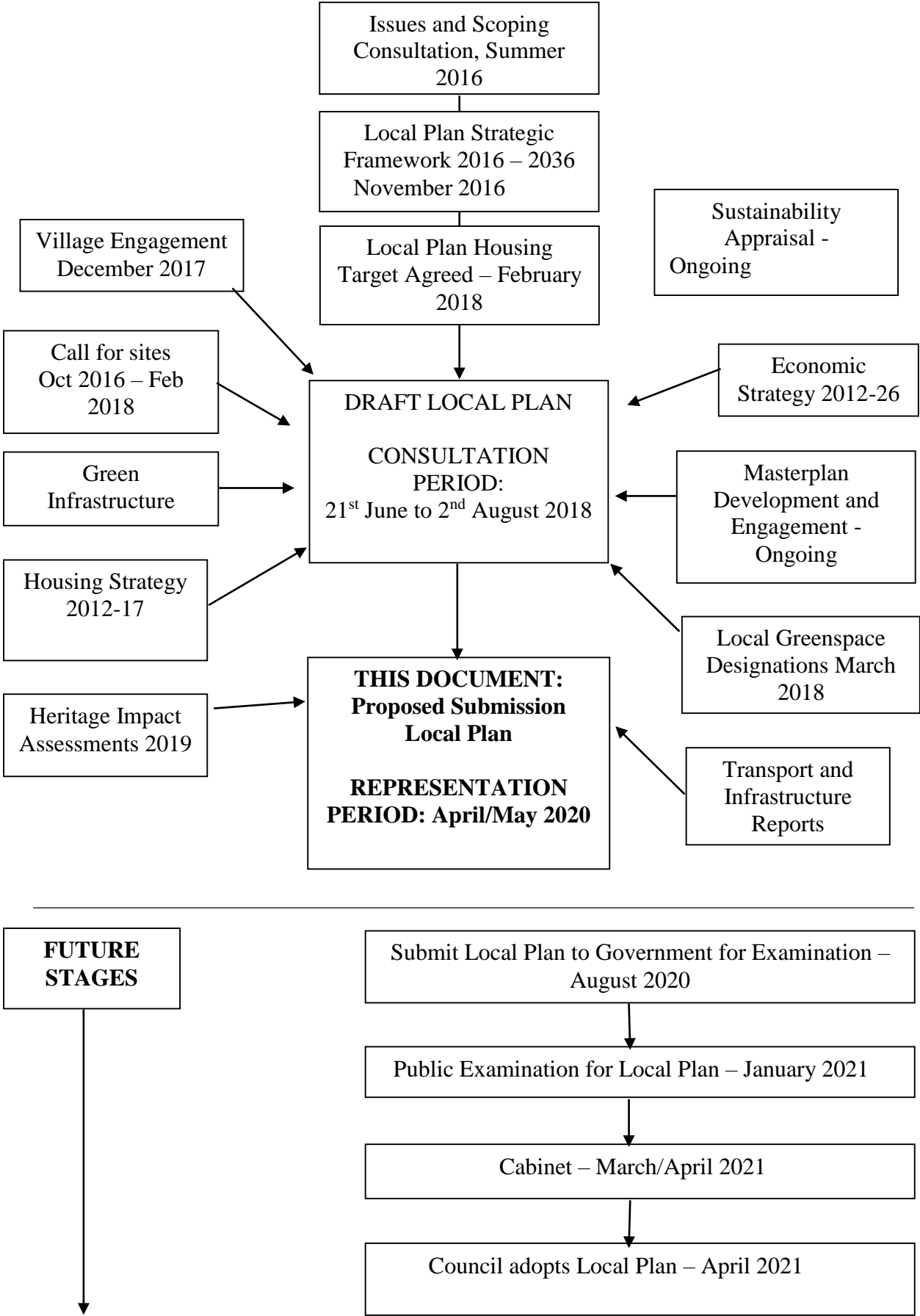
MAIN REPORT

Information and Analysis

21. 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.
22. 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.
23. 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.
24. 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.

25. **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



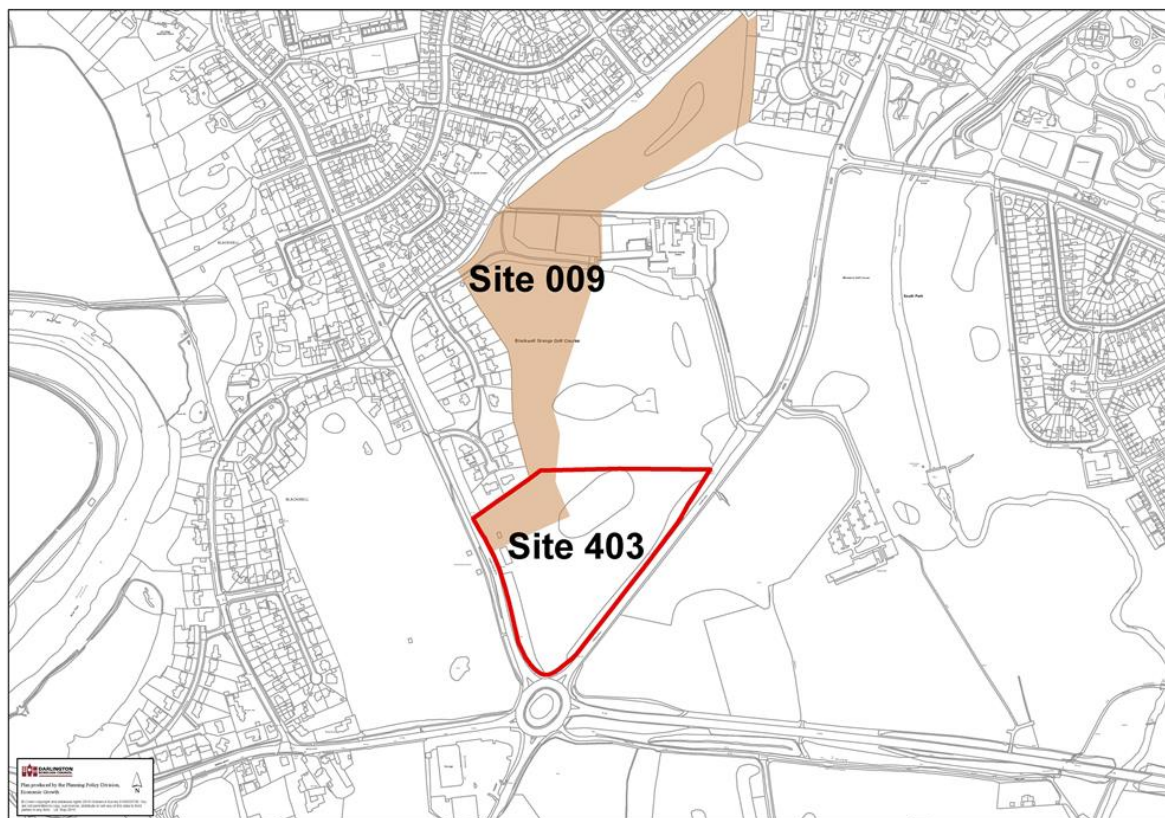
Draft Local Plan Consultation – Summer 2018

26. 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.
27. 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.
28. 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.
29. 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) which was also available for comment.
30. 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 locations such as the Dolphin Centre and Darlington College. During the consultation 292 individuals and organisations submitted representations generating 1344 individual comments.
31. 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.
32. 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

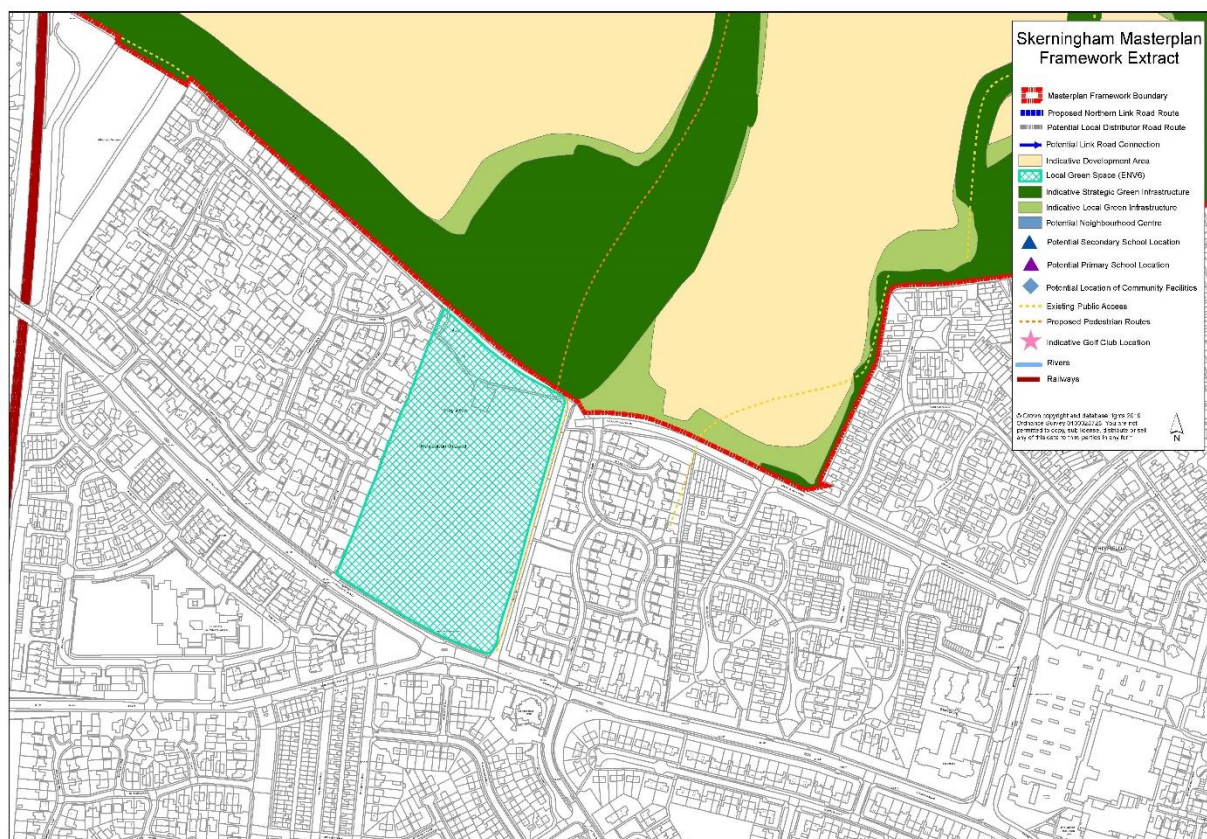
Housing

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 for 100 dwellings. An initial assessment by the Council's Highway Engineer has raised issues with vehicle accessibility to this site. Concerns were also raised over impact on the amenity of adjacent residential properties. As such it has been decided to remove the proposed allocation from the Local Plan and amend development limits to exclude the land.
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.

36. The Draft Local Plan identified a number of potential access points into the Skerningham Strategic Allocation site (Policy H 10), one of which was through Springfield Park. A number of objections to this proposal were raised during consultation on the Draft Local Plan in 2018. This was also specifically raised when the Local Plan was scrutinised by Place Scrutiny Committee on 13 June 2019. To provide more information to inform decisions on this matter additional traffic modelling work was commissioned to establish how the traffic patterns might change if the access point across Springfield Park was removed from the plan. In addition, the site promoters Skerningham Estates Ltd also undertook additional work to identify how the road could be aligned and what opportunities the sites allocation might create to make improvements to the park as part of development. The additional traffic modelling indicated that, whilst beneficial, an access across Springfield Park has not been shown to be critical at this stage of traffic assessment.
37. Additional engagement with the public and other stakeholders took place in January 2020 to inform them of the results of the further traffic modelling work, and to share the potential designs for a remodelled park. Two drop-in sessions were held in January where Council officers and representatives of the site promoter were available to answer questions. A questionnaire was produced asking for people's opinions on two matters:
- (a) Question 1: The Skerningham Development proposed a number of vehicle access points in the draft Local Plan. The information provided shows the traffic levels that could be generated on the local roads both with and without the new link road along the side of Springfield Park. Do you think the new Springfield Park Access Road should be included? - 73% answered No to this question and 27% answered Yes (out of 101 responses).
 - (b) Question 2: If Included the Springfield Park Access Road is shown to run alongside the edge of the existing Park minimising the impact on the Park. The Park will also be extended in size and significantly enhanced with pedestrian, cycle ways, water features and an improved play area. An illustrative option has been produced identifying what can be provided with the Access Road running alongside of the park? Would you be in favour of the proposal? - 67% answered No to this question and 33% answered Yes (out of 99 responses).
38. As a result of that resolution and two public engagement events on this matter, it is recommended that Springfield Park be removed from the boundary of the Skerningham Strategic Allocation as highlighted in Policy H 9. It is therefore further recommended that figure 6.1 is amended to remove Springfield Park and any indicated access points (See extract from Figure 6.1 below). Furthermore that the Policies Map is amended to remove Springfield Park from Site 251 and amend the site boundary of the allocation. It is further recommended that the site area in Policy H 2 is amended to reflect the change.



39. As a consequence of removing Springfield Park from the proposed Skerningham allocation the site has been reassessed as one of the sites submitted for consideration under policy ENV 6 as a Local Green Space. It is recommended that the site now be designated and listed in Table 9.1 of Policy ENV 6.

Heritage Policies

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

Biodiversity and Geodiversity

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

Wording Changes within the Plan

42. Please note that within the various Appendices to this report are details of changes to the wording of the plan which are displayed as track changes whereby:

- (a) ~~strikethrough~~ = deleted text
- (b) underline = new text

Proposed Submission Local Plan – Regulation 19

43. The next phase is the deposit 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.
44. 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 Local Plan, within a specific remit. It should be noted that this period of representations is limited to comments and observations on legal compliance of the Plan and on the 'Test of Soundness'. The national planning policy framework suggests that a local planning authority should submit a plan for examination which it considers is sound, namely that it is:
 - (a) Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
 - (b) Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
 - (c) Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
 - (d) Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
45. 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.
46. 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 stage to determine whether a Local Plan is sound and legally compliant.
47. 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.
48. The evidence base that has been used to produce the plan will be available. This includes:

- (a) Strategic Housing Market Assessment (SHMA) including the Objective Assessment of Housing Needs Report (OAN)
- (b) Strategic Flood Risk Assessment (SFRA)
- (c) Flood Risk Sequential and Exceptions test
- (d) Transport and Traffic 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

49. 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.
50. 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 Local Plan could be proposed. If this is required, then it would require further formal consideration by Members.

Further consideration of an access through Springfield Park

51. As a result of this further work, and following public engagement, Springfield Park has been removed from the boundary of the Skerningham Strategic Allocation and the Skerningham Masterplan Framework been amended to remove the indicated access points. The access points for the Skerningham site will need to be determined by a transport assessment, and reflected in the masterplan, submitted in support of a planning application for the site.

Next Steps

52. As set out in Figure 1.1 earlier in this report there are three further Key Stages after Regulation 19 stage before the Local Plan can be adopted. These are Submission to Government for Examination, Public Examination and Council Adoption. An updated timetable is provided in the Local Development Scheme.

Local Development Scheme 2020-2023

53. 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.
54. 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. It is also hoped that with the co-operation of other Tees Valley Authorities work will begin on a joint Tees Valley Climate Change Supplementary Planning Document.
55. 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.
56. This report proposes that the LDS should take effect the day after the next meeting of Full Council.

Financial Implications

57. Local Plan preparation and allowances are made within the existing Local Plan Budget to facilitate the next stage of plan preparation.
58. 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

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