

**THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT)
(ENGLAND) REGULATIONS 2004 and THE TOWN AND COUNTRY
PLANNING (LOCAL DEVELOPMENT) (ENGLAND) (AMENDMENT)
REGULATIONS 2008**

DARLINGTON LOCAL DEVELOPMENT FRAMEWORK Submission Core Strategy Development Plan Document

**Regulation 30: Submission of documents and information to the
Secretary of State.**

**REGULATION 30(1)(e) STATEMENT OF REPRESENTATIONS AND
SUMMARY OF THE MAIN ISSUES**



Planning and Economic Strategy Manager
Chief Executives Department (Regeneration)
Town Hall
Darlington, DL1 5QT

(01325) 388644
planning.policy@darlington.gov.uk
www.darlington.gov.uk/planningpolicy

October 2010

CONTENTS

1. INTRODUCTION 3
2. PUBLICATION OF THE PROPOSED SUBMISSION DRAFT CORE STRATEGY 3
3. NUMBER OF REPRESENTATIONS RECEIVED..... 3
4. SUMMARY OF REPRESENTATIONS 3
5. SUMMARY OF MAIN ISSUES RAISED..... 4
6. SCHEDULE OF MINOR AMENDMENTS..... 6

APPENDIX

APPENDIX 1: LIST OF RESPONDENTS..... 7
APPENDIX 2: REQUESTS TO ATTEND EXAMINATION 8

1. INTRODUCTION

1.1 This document has been prepared to satisfy the requirements of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 in relation to the submission of the Darlington Core Strategy Development Plan Document. Regulation 30 (1)(e) requires that the Council provides information in relation to representations on the Publication Draft Core Strategy setting out:

- the number of representations made and;
- a summary of the main issues raised.

2. PUBLICATION OF THE PROPOSED SUBMISSION DRAFT CORE STRATEGY

2.1 The Publication Draft Core Strategy was agreed by Council on the 22nd July 2010. It was published on 12th August together with the accompanying Sustainability Appraisal and supporting documents. The six week period for making representations under Regulation 28(2) (a) commenced on 12th August and ended on 23rd September 2010. Representations were required to be made to the Planning and Economic Strategy Manager, Chief Executives Department (Regeneration), Town Hall, Darlington, DL1 5QT, or by e-mail to planning.policy@darlington.gov.uk.

2.2 Approximately 930 organizations and individuals on the Council's Local Development Framework consultation database were notified of the opportunity to submit representations on the soundness and Legal Compliance of the Publication Draft Core Strategy. This notification was undertaken in accordance with Regulation 27 and the Council's adopted Statement of Community Involvement (July 2010).

3. NUMBER OF REPRESENTATIONS RECEIVED

3.1 The Council received 111 duly made representations from 28 representors. None were submitted after the period for making representations had closed. Electronic and paper copies of all the representations received have been supplied to the Planning Inspectorate.

3.2 Of those making duly made representations, six were Specific Consultees, 18 were General Consultees and four were Other Consultees. Appendix 1 lists all the respondents.

3.2 Some respondents did not use the questionnaire provided, while some used the questionnaire, but did not specify whether they considered the Core Strategy to be sound or legally compliant. In all these cases, the Council contacted respondents to invite them to send a completed questionnaire and/or clarify their representation.

3.3 Of the 28 respondents, 19 considered the Core Strategy to be unsound, nine considered the Core Strategy to be sound. For the sake of this analysis, a respondent's overall response is classified as unsound once an objection to any policy is made.

3.4 Twelve respondents indicated that they wish to participate at the oral examination. They are listed at Appendix 2 by policy area, together with their reasons for wishing to do so.

4. SUMMARY OF REPRESENTATIONS

4.1 In contrast to public and other consultations at earlier stages of the Core Strategy preparation process (see the Council's Regulation 30(d) statement), the number of representations made has been low. This reflects, at least in part, the significant amount of work that the Council put in to addressing comments made by consultees at earlier (Regulation 25) stages of the process, which included periods of consultation on "Issues

and Options”, “Preferred Options” and “Revised Preferred Options”, together with ongoing dialogue with key stakeholders up to the present.

5. SUMMARY OF MAIN ISSUES RAISED

5.1 A summary of the main issues raised is shown below. These reflect the views expressed in representations and are not the Council’s position. To avoid duplication, main issues are identified under the policy/section to which they most closely relate; similar arguments have been advanced by several representors in respect of both policy CS1 and either policy CS5 or policy CS10, as policies CS5 and CS10 provide more detail on policy CS1 (locational strategy) for employment and housing respectively. A list of all the representations received is set out in Appendix 3.

5.2 General Comments

5.2.1 Following RSS revocation, the Core Strategy, in isolation, does not communicate sufficiently the importance of key RSS policies referring to strategic employment sites in Darlington. The elevated importance of Faverdale for distribution and logistics has been somewhat lost in the Core Strategy.

5.3 Chapter 2 – Developing a Spatial Vision for Darlington

5.3.1 The objectives should identify spatially key sites, such as Faverdale, that will deliver the objectives – otherwise the objectives could apply to anywhere.

5.4 Chapter 3 – Achieving a More Sustainable Community

CS1: Darlington’s Sub Regional Role and Locational Strategy

- (a) Not the most appropriate strategy, as no consideration has been given to the role of the police in place making. Large scale sites will need new and enhanced policing facilities, which should be secured through planning obligations.
- (b) Land at Faverdale has the potential to accommodate other uses, such as residential; detailed policies for this area needs to be flexible to deal with changing circumstances.
- (c) Explicit reference to the key employment location of Faverdale should be made in the policy – as it is, it is given no prominence compared with other strategic locations, but it is of regional strategic significance.
- (d) The strategy of wholesale change in the Town Centre fringe is not appropriate, as the area fulfils an important existing employment role.
- (e) The evidence that housing and employment development can be sustainably delivered without detrimentally impacting on the operation of the strategic road network is unsubstantiated.

CS2: Achieving High Quality, Sustainable Design

- (f) Requiring consistency with the Code for Sustainable Homes is inflexible to any change in government policy.

CS3: Promoting Renewable Energy

- (g) The evidence base, specifically the Update to 2009 Decentralised Renewable and Low Carbon Energy Study 2010, is not robust or aspirational and inconsistent with the strategy. It does not justify the 20% target for the strategic locations or show that this target is viable and feasible as it should be replaced with at least 60% at the strategic locations;
- (h) The Update to 2009 Decentralised Renewable and Low Carbon Energy Study 2010 identifies areas of search for wind energy development; for completeness these should be included in the strategy to provide a focus for the strategic search for

wind energy development, particularly identifying the wind resource in the north eastern part of the Borough.

- (i) To be consistent with the Renewable Energy Strategy 2009, the strategy should set a local target for Darlington to provide 153 GW hours per annum of electricity to meet 30% of its electricity needs from renewable energy by 2020.
- (j) The assessment of potential housing locations in the Update to 2009 Decentralised Renewable and Low Carbon Energy Study 2010 states that biomass would be inappropriate for on site provision but this is identified in the Core Strategy as being most likely in the North west and north east locations. The land in the western fringe would supply appropriate, sustainable and reliable so the land should replace the two selected urban fringe locations.

CS4: Developer Contributions

- (k) Securing contributions towards a carbon management fund may conflict with the tests in Circular 05/05.

5.5 Chapter 4 – Prosperous Darlington

CS5: Supporting the Local Economy

- (a) *Amount of employment land*: The scale of new employment land allocations seems excessive; at 235ha, it is over twice the predicted requirement (101ha), and taking into account existing employment land, will amount to three times the identified need. This could undermine the marketability of land in existing employment areas.
- (b) *Market conditions*: The Core Strategy and its evidence base fails to appropriately reflect the currently low and likely continuing sluggish commercial market, and how this low demand relates to employment land provision in specific areas. The Core Strategy assumptions about demand are overly optimistic, and some employment sites (e.g. Cleveland Street and land at Faverdale Industrial Estate) are unviable for employment use. The policy should be flexible enough to allow some employment land to be identified or used for mixed use or other development.
- (c) *Priorities*: Insufficient emphasis on the Key Employment Site at Faverdale.
- (f) *Evidence base*: regional assumptions about the amount of employment land to be provided have not been justified. The evidence base needs to be revisited and amended before the Core Strategy is examined. Also, the commentary of the Employment Land Review is unjustified and contradictory as regards Faverdale Industrial Estate.

5.6 Chapter 5 – A Vibrant Town Centre and Accessible Local Shops and Services

CS7: The Town Centre

- (a) Policy is insufficiently flexible in proposing 'priority' developments; no strategy for where and by whom they will be delivered.

CS8: Additional Retail Provision

- (b) The inclusion of definitive forecasts and limitations on additional retail provision is restrictive and inflexible.

5.7 Chapter 6 – Quality Housing for All

CS10: New Housing Development

- (a) *Housing numbers*: targets not high enough to deliver Council's gateway growth agenda, its obligations as part of the Tees valley Housing Growth Point, the Tees Valley Unlimited's Statement of Housing Ambition, or meet the needs implicit in the 2009 CLG household projections, which project a 7000 growth in households 2011-2026.
- (b) *Housing locations/delivery*: the strategic locations, individually and collectively, will fail to deliver the vision, aims and objectives, because of over optimistic

assumptions about the ability of the market to deliver new housing, particularly over the next five years and in the PDL areas like Central Park and the Town Centre Fringe, and over reliance on housing land arising from business relocations. Additional sites are therefore needed, and should be allocated or brought forward through a planned approach, rather than relying on a significant number of additional sites being brought forwards through a contingency strategy.

- (c) *Housing locations*: the evidence underpinning the selection of the housing locations (the Strategic Housing Land Availability Assessment (SHLAA) and the Strategic Housing Locations Options Appraisal) is flawed, particularly the selection of the North West Urban Fringe and Eastern Urban Fringe, and the sequential preferences. Land at Hall Farm and at the Western Urban Fringe are considered as appropriate, if not more so, and should be identified as well as or instead.
- (d) *Housing locations evidence*: the strategy should allow for the reallocation of some employment sites for housing, and more greenfield sites to address a shortfall of housing land.
- (e) *Evidence*: the evidence underpinning the selection of housing locations (the SHLAA) is out of date and a further review of it should be undertaken. The evidence for deviating from Housing Growth Point targets lacks detail.
- (f) *Overall approach*: It is premature and unjustifiably prescriptive and restrictive to specifically define the phasing of sites, given that further work needs to be done on the sequential deliverability of the sites and on their capacity, constraints and opportunities.

CS11: Meeting Housing Needs

- (g) The affordable housing provision target of 30% is not robustly justified, as the evidence it is based on indicates it is only viable in 50% of the Borough.

CS13: Accommodating Travelling Groups

- (h) The requirement for 98 additional residential pitches to meet the needs identified in the Gypsy and Traveller Needs Assessment should be written into the Plan.

CS19: Improving Transport Infrastructure and Creating a Sustainable Transport Network

- (i) Initial representations from the Highways Agency indicated that further analysis of the impact of the Core Strategy policies on the Strategic Road Network needed to be undertaken for a credible evidence base to be in place. The Agency provided a subsequent Position Statement on 22nd October. This includes further analysis and sets out amended wording to the Core Strategy that if adopted, would allow the Agency to withdraw its objection and consider the Core Strategy sound. Minor amendments to the Core Strategy are proposed to allow this.

5.8 Sustainability Appraisal (SA)

- (a) The SA is inconsistent and flawed, and does not justify the options chosen, particularly the location of new housing. An alternative sustainability assessment provided draws different conclusions about the most sustainable locations for new housing development, finding in favour of land at the Western Urban Fringe over the two urban fringe locations identified in the Core Strategy.

6. SCHEDULE OF MINOR AMENDMENTS

- 6.1 A schedule of minor amendments has been prepared. It includes amendments such as typographical errors, duplications, grammatical corrections and clarifications to the plan derived from the representations made and which the Council wishes to make to the Core Strategy. This schedule is being submitted as a separate document. None of the minor amendments are considered to trigger the need for any further sustainability appraisal or Habitat Regulations Assessment.

APPENDIX 1: LIST OF RESPONDENTS

Representer Number	Representer Name	Agent
Soundness Representations		
001	Mr W Cairney	Andrew Moss, Ward Hadaway
002	Bussey & Armstrong	R Smith, Peacock & Smith
003	Mr L Hume	
004	Theatres Trust	
005	Environment Agency	
006	Gone	
007	Ward Bros Steel and Baydale Properties	England & Lyle
008	Durham County Council	
009	PPG Land	GVA Grimley
010	Northumbrian Water	England & Lyle
011	Church Commissioners for England	Barton Willmore
012	Sainsbury's Supermarkets	Turley Associates
013	Persimmon Homes	
014	Highways Agency	Halcrow Group
015	The Warmfield Group	Turley Associates
016	Durham Cathedral	Smiths Gore
017	English Heritage	
018	Durham Constabulary	GVA Grimley
019	Sport England	
020	Argon Faverdale and Spencer Industrial Estates	GVA Grimley
021	Nottinghamshire Council Council Pension Fund	Savills
022	Banks Renewables	
023	Manners Family Trust & Mr and Mrs Morgan	England & Lyle
024	St Modwen Developments	Barton Willmore
025	The Coal Authority	
026	Dobbies Garden Centre	GVA Grimley
027	Miller Homes	Pegasus Planning
028	Mrs Ord	
Non-Soundness Representations		
NTS001	Equality Human Rights	
NTS002	Health and Safety Executive	
NTS003	Civil Aviation Authority	
NTS004	North Yorkshire County Council	
NTS005	Hambleton District Council	
NTS006	Peel Airports Ltd.	
NTS007	Stockton Borough Council	
NTS008	One North East	
NTS009	Yorkshire Forward	

APPENDIX 2: REQUESTS TO ATTEND EXAMINATION

Representor Reference Number	Representor	Summary of reason for wishing to participate at the oral part of the Examination
Developing a Spatial Vision for Darlington		
027	Miller Homes Ltd	Because of the important status of the Land at Faverdale as a Key Employment Location within Darlington Borough within the RSS and concerns outlined in the representation.
027	Miller Homes Ltd	As above.
024	St Modwen Developments Ltd	To examine the soundness key issues of employment and housing land provision.
027	Miller Homes Ltd	As previous representor 027 entry.
Locational Strategy Policy CS1		
018	Durham Constabulary	To be properly represented so as to present information that allows full and appropriate understanding of infrastructure requirements and spatial planning issues.
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
027	Miller Homes Ltd	As previous representor 027 entry.
016	Durham Cathedral	We consider it essential for the issues to be considered in detail with the Council Officers and the Inspector during the course of the examination.
Achieving High Quality Sustainable Design Policy CS2		
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
018	Durham Constabulary	It is necessary for Durham Constabulary to be properly represented to present information that allows full and appropriate understanding of infrastructure requirements and spatial planning issues.
027	Miller Homes Ltd	As previous representor 027 entry.
Promoting Renewable Energy Policy CS3		
022	Banks Renewables	Part of the examination needs to be devoted to wind power, and as a developer proposing a major wind farm in Darlington, Banks Group should be represented.
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
027	Miller Homes Ltd	As previous representor 027 entry.
011	Church Commissioners	Are a major landowner within the Borough and could be instrumental in delivering development objectives outlined in the Core Strategy.
002	Bussey & Armstrong	The issues raised in this representation are significant in relation to delivery of Core Strategy objectives for the promotion of renewable energy and the timely delivery of new housing in the proposed strategic locations. Their consideration at the oral part of the examination would be both necessary and justified.
Developer Contributions Policy CS4		
018	Durham Constabulary	As previous representor 018 entry.
027	Miller Homes Ltd	As previous representor 027 entry
016	Durham Cathedral	As previous representor 016 entry
Supporting the Local Economy Policy CS5		
015	The Warmfield Group	Only wish to attend if other representations question the soundness of the plan in respect of Policy CS5, or the Faverdale site. This is to ensure that evidence is available to the Inspector which responds directly to any criticisms of the proposal.
020	Argon Faverdale & Spencer Industrial Estates	No reason cited.
024	St Modwen Developments	To examine the soundness of the Core Strategy particularly in relation to employment and housing land provision.
018	Durham Constabulary	As previous representor 018 entry.

027	Miller Homes Ltd	Given the status of the Land at Faverdale as a Key Employment Location within Darlington Borough within the RSS and concerns outlined in the representation, it is considered that representation at the oral examination is essential.
Vibrant Cultural and Tourism Offer Policy CS6		
018	Durham Constabulary	As previous representor 018 entry.
027	Miller Homes Ltd	As previous representor 027 entry.
A Vibrant Town Centre and Accessible Shops and Services, Policies CS7 and 8		
012	Sainsbury's Supermarkets	A key employer and investor in Darlington and want concerns about the development strategy properly heard.
012	Sainsbury's Supermarkets	As above.
018	Durham Constabulary	As previous representor 018 entry.
012	Sainsbury's Supermarkets	As previous representor 012 entry.
018	Durham Constabulary	As previous representor 018 entry.
New Housing Development Policy CS10		
016	Durham Cathedral	It is essential for the issues to be considered in detail with Council Officers and the Inspector during the examination.
016	Durham Cathedral	As above.
016	Durham Cathedral	As above.
024	St Modwen Developments	To examine the soundness of the Core Strategy in relation to employment and housing land provision.
027	Miller Homes Ltd	As previous representor 027 entry.
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
020	Argon Faverdale & Spencer Industrial Estates	No reason cited.
018	Durham Constabulary	As previous representor 018 entry.
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
016	Durham Cathedral	As previous representor 016 entry.
011	Church Commissioners	Are a major landowner within the Borough and could be instrumental in delivering development objectives outlined in the Core Strategy.
Meeting Housing Needs, Policy CS11		
018	Durham Constabulary	As previous representor 018 entry.
024	St Modwen Developments	To examine the soundness of the Core Strategy in relation to employment and housing land provision.
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
Existing Housing Policy CS12		
018	Durham Constabulary	As previous representor 018 entry.
Accommodating Travelling Groups Policy CS13		
001	Mr W Cairney	An important issue which needs to be debated at the Examination, especially as Government guidance appears to be evolving.
Promoting Local Character and Distinctiveness Policy CS14		
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.
Improving Transport Infrastructure and Creating a Sustainable Transport Network Policy CS19		
018	Durham Constabulary	As previous representor 018 entry.
Key Diagram		
027	Miller Homes Ltd	As previous representor 027 entry.
Sustainability Appraisal		
023	Manners Family Trust/Mr & Mrs Morgan	To fully examine the issues raised.