

DARLINGTON BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY EXAMINATION

Re-insertion of appropriate references to the North East of England Plan
January 24th, 2010

1. Introduction

- 1.1 This statement sets out the relationship of the Core Strategy to the Regional Strategy, and outlines the appropriate references to the 'North East of England Plan Regional Spatial Strategy to 2021' (the Regional Strategy, published in July 2008, hereinafter referred to as the RSS) that the Council is seeking to reintroduce into the Core Strategy. The statement has been prepared as a result of the Council's reconsideration of the status of the RSS, and in response to a letter from the Examination Inspector to the Council dated 6th January 2011(ID/8). It complements the statements already prepared for the Examination by the Council (DBC002 to DBC006).

2. Background

- 2.1 The RSS was published in 2008 and regard was had to it in the preparation of the Core Strategy Preferred Options and Revised Preferred Options. During the final stages of preparing the Core Strategy: Publication Draft (CD009), on 6th July, CLG issued a parliamentary statement revoking all regional strategies, indicating that Regional Strategies no longer form part of the development plan. A 'Dear Chief Planner' letter issued the same day (SD082) advised of the revocation with immediate effect. The Council considered the implications of this at its meeting on 22nd July where the Publication Draft Core Strategy was considered. The covering report to Council (CR001) considered the implications of RSS revocation and concluded that the removal of the RSS from the statutory development plan did not require a rethink of the development strategy for two key reasons:
- (a) many of the planning principles in the RSS are now enshrined in national planning policy, with which the Core Strategy has to have consistency, in order to be found sound.
 - (b) the Council had significant input into the preparation of the RSS, ensuring that its provisions for the amount and type of development proposed for Darlington fitted in with the Council's own ambitions for the Borough. Examples include the identification of Central Darlington as a focus for regeneration, and the continued inclusion of Faverdale as a key employment location.
- 2.2 The Council resolved that the Core Strategy Publication Draft be agreed and published (Minute 17 (4)(a) refers).
- 2.3 The Publication Draft Core Strategy included no references to the RSS, but included justification for the policies, for example, from more up to date sub-regional and local studies and strategies that have also been relied upon in preparing the document (see Appendices 2 and 3 of the Core Strategy). For matters like housing numbers, the justification was found in documentation submitted by the Council and its partners whilst the RSS was being prepared, and in other regional strategies, such as the regional economic strategy.
- 2.4 After the Council submitted its Core Strategy to the Secretary of State for Examination on the 29th October 2010, a High Court judge found that the Secretary of State had acted unlawfully by revoking Regional Strategies and had used his powers improperly ([2010] EWHC 2866 (Admin)). The effect of this decision was to re-establish Regional Strategies (in this case, the RSS) as part of the development plan. However, on the same day, in a

'Dear Chief Planner letter (SD083), CLG indicated that local planning authorities should still regard as a material consideration the Government's intention to abolish Regional Strategies in the Localism Bill. A legal challenge to this letter has in turn been made, but at the time of writing, no judgement has been made on it.

- 2.5 On 6th January, the Examination Inspector wrote to the Council (ID/8) requesting a submission to the Examination setting out the Council's re-insertion of appropriate RSS references. The Council accepts that, at this time, the RSS is part of the development plan and that to be found sound, the Core Strategy needs to be in general conformity with the RSS. However, it also wants to ensure the continuing relevance and longevity of the Core Strategy over the medium to long term, and therefore is proposing re-introduction of references to the RSS in a manner which will not make the Core Strategy appear dated immediately if and when the RSS is legally revoked.

3. Re-insertion of appropriate RSS References: Proposed Minor Amendments

- 3.1 The Council is therefore seeking to make further minor amendments to the submitted Core Strategy (DC009+CD009) to insert appropriate references to the RSS. These minor amendments are proposed on the understanding that the evidence base supporting RSS policies also supports several Core Strategy policies, and with the intent that any future revocation of the RSS as a plan, will not materially affect the soundness of the Core Strategy.
- 3.2 The proposed minor amendments are set out in **Appendix 1**.

4. Conclusion

- 4.1 The Council considers that making these minor amendments and preparing this statement will help to demonstrate that the Council has had due regard to the RSS in preparing its Core Strategy, and that the Core Strategy is in general conformity with the RSS. The Core Strategy is therefore considered legally compliant with these requirements.

Appendix 1: Proposed minor amendments to re-insert RSS references.

Publication Draft CS paragraph number.	Proposed Amendment Ref no.	Minor Amendment Proposed
1.2	RS1	(a) Replace first sentence with: <i>'The Core Strategy is the key document of the statutory Development Plan for the Borough',</i>
	RS2	(b) insert reference to a side note after the word 'Plan', that side note to say: <i>^{XX}The North East of England Plan, as the Regional Strategy, is part of the statutory Development Plan, though the Government has signaled its intention to revoke Regional Strategies in Section 89(3) of the Localism Bill (13th December 2010).'</i>
After 2.9	RS3	Insert the following sub heading and two paragraphs of text: <i>Regional Planning Policy Context</i> <i>2.10</i> <i>This Core Strategy has also been drawn up to be in general conformity with the Regional Strategy (RSS)¹¹, 'The North East of England Plan: Regional Spatial Strategy to 2021', published by the Government in July 2008. The RSS sees Darlington as having a key role in contributing to regional economic growth, and a gateway to the Tees Valley and North East. It recognises that the Borough's unique, accessible location and market town character make it perfectly placed to attract high quality employment in the financial, business services, logistics and advanced engineering and public sectors, which may otherwise not locate in the region. It specifically identifies brownfield opportunities in Central Darlington as a priority for development, and land in the Faverdale and Heighington Lane areas as key employment locations. It also acknowledges that the Borough's road and rail infrastructure, together with Durham Tees-Valley Airport on the eastern boundary of the borough, could make it pivotal as a gateway and interchange in helping to achieve a regional renaissance.</i> <i>2.11</i> <i>The references throughout this Core Strategy subsist until the necessary parliamentary authority is obtained to revoke the RSS, after which the references to the RSS will be redundant.</i>
	RS4	Add side note as follows: <i>¹¹The RSS sets out the long term spatial development strategy for the region – see side note XX [(b) in minor amendment above].</i>
3.1.2	RS5	Insert the following sentence after the first sentence: <i>'These functions are all acknowledged in the RSS, which also identifies Darlington as a main settlement.'</i>
3.1.3	RS6	Insert the following text in the first sentence after '...at least 2.5% per annum': <i>' This is also the working assumption on which the RSS is based. The Strategy also aims to contribute.....'</i>
3.2.3	RS7	Replace end of last sentence to read: <i>'... low carbon sources, in accordance with Government and RSS targets'</i>
	RS8	And amend side note to read: <i>'PPS22: Renewable Energy and RSS Policy 39.'</i>
3.3.1	RS9	Insert the following text at the end of the last sentence: <i>',' and contribute towards the RSS minimal target of 138MW installed capacity in the Tees Valley³.</i>
	RS10	Add side note reference <i>³RSS Policy 39, CLG, 2008.</i>
3.3.7	RS11	Replace the end of the third sentence with the following: <i>'... low carbon sources, to contribute to Government and RSS targets renewable energy targets.'</i>
	RS12	Retain side note reference (as amended by minor change at 3.2.3 above.

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4.1.3	RS13	Insert the following after 'Regional Economic Strategy' in the first sentence: <i>'and Regional Spatial Strategy'</i>
4.1.5	RS14 RS15 RS16	Amend as follows: <i>'Work carried out as part of the Darlington Gateway Strategy^{kk} (SD021) and subsequently updated in the Employment Land Review (SD017) identified the amount of employment land available through existing allocations to be 353ha. This is the basis of the amount of employment land provision proposed, and conforms with the 'up to 360ha' identified in the RSS^{hh}.</i> Add side notes as follows: ^{kk} <i>Strand C; Employment Land Review.</i> ^{hh} <i>RSS Policy 18, CLG, 2008</i>
4.1.6	RS17	Amend the first part of the first sentence to read: <i>'To achieve the most sustainable pattern of development and to support RSS and Core Strategy objectives....'</i>
5.0.7	RS18 RS19	Amend first part of first sentence to read: <i>'Both national and regional^{jj} policies place an emphatic preference on town centres,.....'</i> Add side note as follows: ^{jj} <i>particularly RSS Policies 10 and 25.</i>
6.1.2	RS20 RS21	Add the following text to the end of the third sentence: <i>'...., and so shows how new housing provision in the Borough will meet the amount and phasing required by the RSS.'</i> Add the following text to side note 2: <i>'..and subsequently, RSS Policy 29'</i>
6.1.5	RS22 RS23	Amend the first sentence of 6.1.5 to read as follows: <i>'The broad locationsreflect the Government's general approach to delivering sustainable development, and the RSS sequential approach^b, together with factors such as.....'</i> Add a side note as follows: ^b <i>RSS Policy 29</i>
6.1.10	RS24 RS25	Add the following text to the end of the first sentence: <i>',' and contribute towards meeting the regional target of 75% by 2016¹⁴</i> Add side note as follows: ¹⁴ <i>RSS Policy 29'</i>
6.1.13	RS26	Add the following text to the end of the sentence: <i>',' reflecting the type of new housing that is needed in the Borough, and the requirements of RSS Policy 29'.</i>
6.3.1	RS27 RS28	Insert the following text at the end of the last sentence: <i>'to meet and sustain vacancies at or below 3%. This is the level assumed in calculating the number of new homes needed (see para 6.1.3), and the target that is set out in the RSS².</i> Add side note as follows: ² <i>RSS Policy 29'</i>
9.3	RS29 RS30	Insert the following after paragraph 9.2, as a new paragraph: <i>'Both the RSS and national planning policy guidance on transport² set out an approach that rebalances the transport system to give more emphasis to more sustainable, less carbon-dependent and more socially-inclusive forms of transport, such as public transport, walking and cycling.'</i> Add side note as follows: ² <i>PPS13: Transport, CLG, 2011 and RSS Policy 50</i>
9.5	RS31	Insert the following text after the first sentence and before the second sentence:

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		<i>'This is recognised in the Policies 10 and 51 of the RSS'.</i>
Appendix 3	RS32	Add the following text under the regional heading: <i>The North East of England Plan Regional Spatial Strategy to 2021, published by the CLG in July 2008</i>
Various paragraphs and side notes	RS33	Consequential renumbering of side notes and paragraphs arising from all of the above.