

**REPRESENTATIONS BY
WILLIAM CAIRNEY
TO DARLINGTON CORE STRATEGY
PUBLICATION DRAFT**

STATEMENT

OF

Mr Andrew Moss BA(Hons), Dip TP, MRTPI

DECEMBER 2010

wardhadaway

Sandgate House
102 Quayside
Newcastle upon Tyne
NE1 3DX
Tel: 0191 204 4000
Fax: 0191 204 4110

Ref: (P) AM.CAI046.1

Representor number 001

1. Preamble

- 1.1. This Statement is submitted on behalf of Mr W Cairney following on from representations dated 9 September 2010 in relation to policy CS13.

2. Response to Inspector's Question 4 (Policy CS13)

- 2.1 As detailed in representation 001/01/CS13/LC123, policy CS13 should allow for private sites to contribute towards supply. This appears to be common ground having regard to the Council's Initial Response in their Report dated November 2010. The matter needs however to be specifically written into the policy.

- 2.2 For discussion purposes I would propose the first section of the policy be amended to state;

"Private sites for settled occupation by gypsies will be permitted subject to acceptable performance against the criteria to which this policy is subject. Additional provision will be made for travelling groups at the existing sites at Honeypot Lane, Neasham Road, and other small sites within the Borough. Where required, additional sites for Gypsies and Travellers and Travelling showpeople will be allocated in accordance with the following criteria..." (my suggestions underlined).

- 2.3 In turn in accordance with the initial representation submitted in September 2010 the final sentence of the policy should be amended to state;

"In allocating sites preference will be given firstly to locations within and then adjacent to settlements, and then to the reuse of brownfield land in other locations" (my suggestions underlined).

2.4 Following on from the above, question 4 notes the Government's signal of its intention to withdraw Circular 1/2006. There are four main comments I would make in relation to this.

- 1) Whilst the intention to change policy has been signalled, at this stage Circular 1/2006 is in force and policy is to be formed accordingly. In turn at this stage the Inspector's findings, which have to reflect current national policy are binding. National policy includes Circular 1/2006.
- 2) Following on from the above, 'intention' has been subject to continued scrutiny in the ongoing Cala Homes cases. This provides further support for the position that to be sound the Plan must accord with current national policy including Circular 1/2006. Indeed if it were otherwise the case much if not all existing national policy would not to be taken into account, leaving an undesirable policy vacuum.
- 3) Open Source Planning Green Paper provides details of the Conservative Party's proposals in relation to travellers (page 18). It details that *'planning rules should ensure fairness between the settled and the traveller communities and that local authorities have a role to ensure the provision of suitable authorised sites to tackle genuine local need for their area'*. Acknowledging that to be the case it is clear that a moratorium on new sites is not proposed or envisaged.
- 4) Darlington has had a long association with Gypsies and travelling groups as detailed in reasoned justification para 6.4.1. In my opinion for the Strategy to be sound it is necessary for it to include a policy on the subject. In due course, if circumstances change for example through the withdrawal of Circular 1/2006 and its replacement with something else, that change would be a material consideration and taken into account in the determination of planning applications pending the formulation of a new Plan.

3 Response to Inspector's Question 5 (Policy CS13)

3.1 Circular 1/2006 para 54 notes that in assessing the suitability of rural sites, local planning authorities should be realistic about the availability or likely availability of alternatives to the car in accessing local services. In the circumstances and having regard to the guidance in para 64 in my opinion it would be sound to amend the wording of criterion a to;

a) have appropriate access and are acceptably located for schools, shops, employment opportunities and other local facilities and services; and (my suggestions underlined)

3.2 The above slightly amended wording would acknowledge that whilst sustainability is undoubtedly an issue, pragmatic and realistic decisions have to be made.

4 Response to Inspector's Question 6 (Policy CS13)

4.1 It is not reasonable to defer quantification of the projected requirement to the Accommodation Growth DPD. The GTAA report was issued in January 2009 and therefore is up to date. In the circumstances the GTAA figures should be referenced in the policy. In this respect it is of relevance that RSS policy 30 and in particular para 3.108 references figures in a White Young Green report which predated the GTAA. In turn RSS 3.108 states further studies are to be undertaken as part of the evidence base. The GTAA is one these further studies. In the circumstances it is not reasonable to defer quantification of the projected requirement to the Accommodating Growth DPD. It is possible that figures / the requirement may change again out of ongoing work and this potentially could be noted in the reasoned justification to Policy CS13. I would add that in practice it does not present a problem acknowledging that when there is conflict between policies, Section 38 (5) of the Act requires they be settled in accordance with the most recently adopted document within the

Development Plan. In due course, that will be the Accommodated Growth DPD.