

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

COUNTY DURHAM PLAN PRE-SUBMISSION DRAFT - Consultation October 2013

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Preferred method of contact (please tick): Email Letter

To which part of the County Durham Plan does your representation relate?

Policy 1 – Sustainable Development

Q1

Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan to be Legally & Procedurally Compliant and Sound?

Legally and Procedurally Compliant No (Go to Q3)

Sound No (Go to Q3)

Q2 – not relevant.

Q3

Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally & Procedurally Compliant or sound? Is it:

Positively Prepared? No

Justified? No

Effective? No

Consistent? No

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

Q4

If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally & Procedurally Compliant or Sound please use this box to explain why.

Policy 1 contains a set of points corresponding to policies in the NPPF. As such it might not be deemed suitable for consultation. The Trust, however, takes this opportunity to use the space provided for responses to make some general queries about the sustainability of the plan.

1. It is appropriate that this is the Authority's first Policy, and appropriate that the key phrase of NPPF – "presumption in favour of sustainable development" – should be quoted. However, a full reading of the government guidelines, compared with what the Council is actually proposing in its *Pre-submission Draft*, suggests that it is actually concentrating on economic development, often with scant reference to sustainability, and at the same time at the expense of the linked social and environmental dimensions. This is **not consistent with the NPPF Paragraph 8** which requires that economic, social and environmental gains should be sought jointly and simultaneously. The 18 sustainability criteria, cited in the Policy, against which developments are to be judged, are breached by the Council's proposals throughout the Draft Plan. The most frequent and significant breaches are of criteria b (protecting and enhancing town centres), d (need to travel), e (sustainable communities, especially in rural areas), j (most effective use of land, infrastructure etc.) , l (conserving townscapes and landscapes) and o (minimising greenhouse emissions). Examples of unsustainable proposals are numerous.
2. We also find that the plan and its supporting documents are **not positively prepared** in the minimal sense of being coherent, containing at times contradictory figures and projections in key areas of policy (see the Trust's response to Policy 3). This raises the question of whether the plan as it stands is in a condition to make effective consultation possible or worthwhile.
3. The need for the Council to address the issue of sustainable development more wholeheartedly and holistically is emphasised by the fact that analysis by the WWF¹ has demonstrated that in 2007 out of 60 British cities Durham ranked 53rd in terms of its ecological footprint, with an adverse impact 16% worse than the "best in class" (Newport, Plymouth, Salisbury, Hull, and Stoke-on-Trent.) This ranking refers to the former City of Durham Council area, and is based on the ecological impact of all forms of consumption in each city, of which CO₂ effects account for about 70%. It is should also be noted that, according to the WWF city data, Durham City's ecological footprint ranking at 53rd was worse than Newcastle's at 41st, and considerably poorer than Sunderland's, which was ranked 8th. This is not a record to be proud of, and suggests a reality so far removed from policies o (on emissions) and d (on the need to travel) and from the fourth paragraph ("Sustainability") of the Spatial Vision as to make it essential for the Council to undertake urgent re-assessment and reprioritisation.

1 See http://assets.wwf.org.uk/downloads/city_footprint2.pdf

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

4. The plan, however, proposes to locate large numbers of new housing at precisely those sites in Durham City that must generate a demand for major road-building, potentially wasting resources raised from developers that might have been better used. Perversely, the plan even seeks to address the issue of air quality in Durham City by the construction of the two new A roads (the Western and Northern Relief roads).
5. The proposal for new roads does not pass the test of criteria d, e or j, is contrary to the NPPF on sustainable transport and even to the Authority's own transport policy. Its LTP3 states that it is "preferable that all new development is located to minimise the need for new road construction," and that, even when faced with a problem, "such projects shall only be pursued after all other options have been considered" (Appendix, p.11). New roads will incur social disruption and environmental damage; and the newly induced traffic that must result from an increase in capacity will lead to higher levels of CO₂ emissions, making it increasingly difficult to achieve the aim of a 40% reduction by 2020 (criterion o).
6. The Authority is hardly proposing to "make the most effective use of land, buildings and existing infrastructure" (criterion j) when, in addition to new roads, it favours demolishing County Hall and Milburngate House, or when it ignores potential sites in the city centre in favour of concentrating newly constructed office development at Aykley Heads.
7. The protecting and enhancing of the vitality and viability of town centres (criterion b) is not evident in respect of what is envisaged for Durham City. Proposals for major house building to the NW of Durham, directly adjoining the huge estate of Newton Hall, must create what will be to all intents and purposes a new town several miles to the NW of Durham's old centre. In fact it must drain the centre of the old city. Even the proposed new large retail space formerly acknowledged as needed for Durham City has now been moved to the north of the Arnison Centre (6.29)--a distance as far to the north of the City's market place as Bowburn is to the south east. The Northern Relief Road would then link big retail centres on either side of the river and further exacerbate the move of economic and social life away from the old city.
8. Durham City's centre has already experienced considerable leakage because of the Arnison and Sunderland Road centres. The Pre-Submission draft of 2013 states that "Given the particular characteristics of Durham City centre it is no surprise that the Retail and Town Centre Study found that presently[sic] secures only 1.6% (3.8 million[sic]) of main food expenditure arising within the Durham catchment zones. Existing stores outside of the town centre are trading strongly however, and capacity modelling has identified additional capacity in the City for a mainstream foodstore. As a result there is an identified need to plan for a new store in the City" (4.50). Strikingly, this same section of the Preferred Options draft document of 2012 had read: "The Retail and Town Centre Study found that Durham City centre presently secures only 6.4% (£7.9 million) of main food expenditure arising within the Durham catchment zone." If this striking drop in retail activity in the City centre is accurate then it becomes all the more surprising that the new store is now to be located so far away . This is not "sustainable development."

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

9. The Trust is not convinced that the current plan is positively prepared in always being based on “balanced evidence.” Some issues in the Sustainability Appraisal report of October 2013 are being presented in a slanted format. Local Government Association guidance on procedures for sustainability appraisal² cautions Councils against overlooking important elements, among them 'where mitigation is proposed, whether or not there will be any residual effects.' The Council appears to have totally disregarded this advice in preparing the current SA.
10. The Sustainability Appraisal of August 2013 for Newcastle/Gateshead³ is an example of the recommended procedure. A section entitled “a description of any mitigation measures” is followed directly by “consideration of any important residual effects”. In contrast, Durham County Council's SA Rept of Oct 2013 fails to treat important residual effects explicitly or fully. Section 3.12 setting out the methodology of the appraisal, omits all mention of referring to residual effects.
11. Despite these omissions in the current SA, the Council has previously clearly shown its understanding of the requirement to identify residual effects. In December 2010 it published the *Durham City Green Belt Assessment Phase 2* on its website. Though this document was subsequently withdrawn from the website and replaced by an amended version without any explanation, the Council had placed this report in the public domain, and a copy is attached for reference⁴. This first draft of the Green Belt scoping document offered recommendations each with subsections on “mitigation” and on “residual impacts.” The latter, however, were excised from the second version.
12. A similar process seems to have been applied to the 2013 Sustainability Appraisal. Looking at some of the final SA recommendations for the new housing at Sniperley (section 7.8), Newton Grange (7.11) and Sherburn Grange (7.37), we find that the sub-sections there on mitigation follow, usually word for word, those for these sites already given in the original 2010 document, except that the “Residual Impacts” sections and their material have been removed. What may be residual impacts for these sites are not now given specific treatment under that heading but are covered far less directly and only in general elsewhere in the document (see “Environmental Effects in section 8.11, Policy 3: Quantity of New Development”).
13. In another place possible residual impacts are listed by some perverse logic as a benefit. (The appraisal of the housing proposed for North of the Arnison Centre includes a series of bullet points headed by the statement: “7.10 SA of the above site North of Arnison as a potential housing site identified the following likely positive implications:”. In fact ALL the impacts then listed are negative). While this may be just a slip, it is symptomatic of the lack of a clear and explicit distinction throughout the Sustainability Appraisal Report between what is mitigable and residual impacts after mitigation. With the crucial Policies 2, 4 and 7 (“Spatial Approach,” “Distribution of New Development” and “Durham City Strategic Housing Sites”) the issue of residual effects is effectively finessed: that is, any “adverse effects” of the elements

2 http://www.local.gov.uk/c/document_library/get_file?uuid=ccde5903-79b8-49ad-a245-0896a8cd92b1&groupId=332612 on page 11

3 <http://oncorestrategyng.limehouse.co.uk/file/2614597>

4 [Durham City Green Belt Site Assessment Phase 2.pdf](#)

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

of the policies are listed as what that would ensue “*without adequate mitigation*” (p. 333, 343, 362). The impression is projected that any mitigation measures later listed could be sufficient, leaving the issue of their adequacy and any residual impacts to pass unappraised. The phrase “without adequate mitigation” effectively muddies the water compared to the earlier and very specific Green Belt scoping report.

14. An issue pivotal to the plan is not appraised but rather asserted in the Sustainability Appraisal when it claims “The impact of congestion has knock on effects on Durham City's ability to accommodate new business as the current problems restrict the numbers of new jobs that can be created within the city due to the additional pressure on highway capacity (6.120)”. This is not accompanied by the necessary evidence of would-be employers actually being put off by current or feared levels of peak-hour congestion in Durham. In fact since levels of congestion for Durham City are not at all striking on the national scale, specific evidence of perceptions of congestion damaging possible investment must be expected if the plan to build new roads and to boost the population to achieve some supposed “critical mass” is to be sound and justified.
15. A significant element of the plan remains at odds with a finding in the Sustainability Appraisal. SA asserts of the proposed Western Relief that
the route of the road runs through the Bearpark mediaeval park. More importantly, it cuts through Club Lane, which is the route which the monks used to use from Durham to Beaurepaire – the road would sever Beaurepaire from Durham and thus destroy its context. It also runs past the Neville’s Cross Battlefield; therefore its development would hamper its interpretation (6.129)
To destroy two important parts of the setting of the World Heritage Site is contrary to an unconditional statement in Policy 45 of the Draft Plan (“Proposals will also need to demonstrate that the development will cause no harm to the significance of the WHS (including cumulative or consequential harm) either through impacts on its appearance, fabric, character or setting.”) While the Sustainability document argues that the term “setting” in relation to the Cathedral and World Heritage site is in need of clarification, its own account of the relation of Beaurepaire to the Cathedral is already an answer in this case.

THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

Q5

What change(s) do you consider necessary to make this policy/proposal of the Pre-Submission Draft Plan Legally & Procedurally Compliant and Sound?

The Trust asks the Authority to recast its Sustainable Development policy in conjunction with a redrafting of its proposals. Paragraph 8 of the NPPF requires that economic, social and environmental gains should be sought jointly and simultaneously. As presented in this document, the Authority's proposals appear to be pursuing growth at almost any cost: of sacrificing Durham City's incomparable character, of which its setting is an integral part, by ranking the Council's pursuit of "critical mass" above the rebuilding and vitality of the freestanding settlements elsewhere in the county.

As previously detailed in the Trust's responses to earlier stages of the Council's consultation on the CDP, we consider that the Plan should be based upon a strategy which disperses development more evenly across the county and which recognises more clearly the close economic ties between neighbouring local authority areas and particular parts of the administrative county of Durham

Q6

Do you wish to participate in the Examination in Public? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the Examination).

Yes

Q7

Do you want to be informed of the following:

The submission of the Local Plan to the Secretary of State? Yes

The publication the Inspector report? Yes

The adoption of the County Durham Plan? Yes