

# 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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Consultee ID:

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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 10 Northern Relief Road**

**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

### 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.

#### Legal and procedural compliance

1. The key evidence document relating to this Policy (*Jacobs' Durham Local Plan Option Appraisal: Final Report*), although dated August 2013, was only made available to consultees on 24 October, ten days into a limited consultation period. This document is essential for respondents to understand and evaluate the basis of the proposals in Policies 9 and 10, which are only briefly summarised in the Pre-Submission Draft. For the Council to withhold such a complex and lengthy (176 pages) evidence document for ten days is unreasonable to consultees and a disregard of the spirit and intent of an open consultation process.
2. In addition, and as is mentioned below in paragraphs 26 and 28, the amount of specific and comparable information provided in this document is less than was given in the equivalent 2012 report, and the solely visual presentation of some key data is less comprehensive than previously and on a scale which makes its interrogation and interpretation much more difficult, again restricting the scrutiny that consultees can undertake.
3. The Council is seeking to use the local planning process to achieve committed status for a scheme which its own consultants (as discussed further below) have advised requires further appraisal; and which is acknowledged in paragraph 4.146 of the Pre-Submission Draft to require an Environmental Impact Assessment. This is a clear abuse of process, and of an attempt to impose a pre-determined outcome without proper evidence and appraisal, and before deliverability can be adequately calculated.
4. In terms of the Duty to Cooperate, while this is a local scheme, it seems likely to have significant implications for cross-boundary traffic, particularly to and from the City of Sunderland, but also potentially with the other Tyne & Wear boroughs. The Council has already signalled its intent of merging some of its functions into the Combined Authority that is currently under consideration for the north-east of England. The Department for Communities and Local Government is currently consulting on this proposal, which if approved will come into effect on 1 April 2014. Our submission on paragraph 1.19 of the Pre-Submission Draft elaborates on these points. Since part of the functions of that Combined Authority will be to draw up a joint Local Transport Plan for the area, which will determine the funding priorities for transport infrastructure schemes across the region, the development of this and the Northern Relief Road scheme in isolation from its local authority partners appears to be a breach of the Duty to Cooperate

#### Soundness

#### Lack of soundness: strategy justification

5. The shaded box on page 75 of the Pre-Submission Draft states that the Northern Relief Road is intended to improve traffic flows through or around Durham City. In this case, the

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Council does not make the direct causal connection with the development of new sites that is specified in the equivalent summary statement for the Western Relief Road in Policy 9. However, paragraph 1.149 states that “the road would also support the delivery of the housing, retail and employment growth proposed in the Plan.” The connection between this road and new development is also implied by the reference in paragraph 4.150 to the use of the Community Infrastructure Levy to fund it.

6. The Council however appears to be ambivalent in its prioritisation of this scheme. Although the latest evidence paper it uses in its support, Jacobs’ *Durham Local Plan Option Appraisal: Final Report* [subsequently cited in this response as Jacobs 2013] suggests on pages 2-3 that the Northern Relief Road would have a greater positive impact on network performance than the Western Relief, paragraph 4.165 of the Pre-Submission Draft proposes that it should not be brought constructed until towards the end of the Plan period. Paragraph 4.151 indicates that “the need for the road will be kept under review as traffic patterns change and the proposed growth included in the Plan is realised.”
7. It appears, therefore, that the Council is not yet satisfied as to the need for this particular intervention. Accordingly, its Soundness in terms of **objectively assessed requirements, appropriateness, and effectiveness** has not yet been demonstrated.
8. The Council repeats in paragraph 4.148 of the Pre-Submission Draft the erroneous claim made at Preferred Options stage that the principle of this road has been established in previous plans and decisions. The scheme that it now seeks to promote is on a different alignment from that considered for the 1979 Structure Plan, which drawn up well before the policy changes by successive governments which began to question the efficacy of new road building. In its highly selective presentation of the concept’s origins and previous standing, the Council has failed to acknowledge that the Capita Symonds work that was undertaken in 2004 to refine options for a northern relief road calculated a low benefit-cost ratio for the proposal, and drew attention to the probability that such a road would of itself have the counter-productive effect of **encouraging traffic growth**. Capita Symonds concluded that its Option 5 (the Northern Relief Road) “does not allow for the removal of traffic from Durham City by the provision of an alternative route”.<sup>1</sup> Despite the Structure Plan identification of three possible routes for a proposed northern relief road for Durham City, the then County Council’s proposal for such a road was expressly excluded from the North East Prioritisation Framework issued in 2006 on the basis of its low cost effectiveness.<sup>2</sup> The former City Council’s Local Plan, while safeguarding an alignment for a northern relief road, acknowledged that the scheme achieved a low NATA (New Approach to Transport Appraisal) score, and would require further evaluation at the planning stage because of its environmental impact.<sup>3</sup> Indeed, the Planning Inspector who conducted the Public Inquiry into the Local Plan stated that he was “by no means certain that this road should or will be constructed,” and expressed “considerable reservation as to the desirability of its eventual construction”.<sup>4</sup> [Emphasis added]

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1 Capita Symonds, *Durham Northern Relief Road: APR Submission (Report Number: DUR/04/009/Rev)* (2004), p 18.

2 JMP Consulting, *Regional Framework Assessment: Final Report appendix E* (2006)

3 City of Durham Council, *Local Plan*, paras 6.32-3.

4 *City of Durham Local Plan: Inspector’s report* [2002], para 64; covering letter, para 15.

9. Because of its low NATA score, the previous County Council did not include a northern relief road in its first Local Transport Plan. It was likewise not included in the second LTP, and the Council's current (2011) LTP3 only referred to the Northern Relief Road as a "possible" scheme.<sup>5</sup> These statutory documents represent more recent, objective and relevant statements of the scheme's inherited status than the Pre-Submission Draft's misleading attempt to imply that it was already committed in principle.
10. Most fundamentally, Jacobs 2013 does **NOT** provide evidence of the viability of the Northern Relief Road. The report states unequivocally on page 3:
- Technical considerations affecting the deliverability of either Relief Road have not been considered in this study. Neither have we considered a value-for-money appraisal.... **Both would need to be completed before committing to fund and build either Relief Road.** [Emphasis added.]
11. The consultants repeat this statement of their professional judgement and advice elsewhere in the document. Not for the first time in the Pre-Submission Draft, the Council appears therefore to have been economical in its presentation of the evidence. Consequently, and quite apart from the ambivalence that the Council itself expresses in paragraph 4.151 of the Draft about its prioritisation of the Northern Relief Road, its own consultants' evidence document shows that Policy 10 has to be regarded on these grounds as failing any objective application of the **positively prepared, justified, and effective** tests of Soundness set out in NPPF. The statement on page 3 of Jacobs 13, the Council's primary supporting document for Policies 9 and 10, is unequivocal - the report does not provide evidence of viability or deliverability.

### Lack of consistency with national policy - Green Belt issues

12. The Council does not appear to envisage that the Northern Relief Road would have the same role in facilitating the development of Green Belt release sites that the Western Relief Road would. However, in common with the latter, the Northern Relief Road would also have its own direct and highly damaging effects on the Durham Green Belt. Its landtake would include parts of the sensitive and valued ancient woodland landscape of the River Wear gorge between Frankland and Kepier woods. It would cut through the established Weardale Way long distance footpath at the historic Frankland Lane, and also impact adversely upon the paths on the eastern side of the river, the Low Newton Local Nature Reserve, and other sites of ecological interest. It would result in the addition of considerable visual, noise and air pollution in the bowl of the river valley to the north east of the World Heritage Site, affecting receptors across an extensive area, including the built-up land that lines the heights above the eastern and western sides of the river bowl. In addition, unlike most existing roads in the immediate vicinity of the city, which follow the natural land form, the Northern Relief Road would cut across the vista when viewed from the riverside pathways, the slower slopes of the valley, from higher vantages within the city (including the Cathedral tower), and from trains on the East Coast Main Line.<sup>6</sup> The three bridge options which are proposed for the river crossing would increase the vertical

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<sup>5</sup> Durham County Council, *Local Transport Plan 3*, para 4.7.11; *Appendix*, para I.3.1.

<sup>6</sup> The Aykley Heads supplementary planning document referenced in the Pre-Submission Draft draws attention to the fact that the railway line provides "important image-fixing views of the City". *Op cit*, p. 17.

scale of this built intrusion into the natural landscape, in one option by as much as 78 metres above ground level. (AECOM, scheme drawing 602166882-112-NRR-0-STR-002.)<sup>7</sup>

13. The Northern Relief Road would therefore create a highly-intrusive visual and aural barrier across the natural bowl of the river's downstream meanders, forming a sharp delineation between the Frankland and Kepier valley lands and the wooded heights to the north east. Quite apart from the other degradation that the road would cause, the sense of openness which NPPF ascribes as one of the most important features of Green Belt land would be irretrievably compromised, in an area which provides one of the most sensitive and valued outlooks from the pivot of the World Heritage Site, the Cathedral tower.
14. Despite the Council's attempt in the 2012 Preferred Options document to claim that that this road scheme would be consistent with paragraph 90 of the NPPF<sup>8</sup>, any objective reading of this NPPF paragraph and its context makes it clear that this interpretation cannot be supported. Consequently, Policy 10 is **not consistent with national policy**.

### Lack of soundness in terms of objective assessment of infrastructure requirements

#### (a) Planning input data

15. The assessments of future traffic demand in Jacobs 2013 are based on the Council's specification of housing and commercial development sites to meet the 2030 population, employment, and household requirements forecast in the Pre-Submission Draft. As noted in the Trust's response to Policy 3, there are demonstrable errors in the way that the Council has built up its forecasts, as well as methodological issues surrounding some of the trend projections it has adopted. These issues have fundamental implications for the soundness of the traffic demand outputs that Jacobs have derived from the planning inputs provided by the Council: even a moderate overstatement of these future requirements will lead to an overestimation of gross traffic demand in 2030 and the risk of double-counting within the model if new flows associated with development sites are in reality offset by a reduction in other flows.
16. Consequently, before even beginning to consider the evidence within Jacobs 2013, the prior question has to be asked as to whether the base data that the Council's transport consultants have been asked to use is fit for purpose. Its detailed examination of the evidence that the Council has provided in support of its Policy 3 leads the Trust to conclude that this is not the case. The Trust therefore contends that Policies 9 and 10 must as a consequence **fail** the **Positively prepared** and **Justified** tests of Soundness, and are also compromised on grounds of **Effectiveness**, because of the doubts about the deliverability of the Council's underlying population forecasts and the preferred development scenario derived from them. As noted above in paragraphs 10-11, the **deliverability** of the Northern Relief Road itself has also not been demonstrated.

### Lack of soundness in terms of objective assessment of infrastructure requirements

#### (b) Traffic model outputs and assessments

17. While presumably Jacobs have discharged the remit they were given by the Council, a limitation of Jacobs 2013 when compared with the same consultant's main report for the

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<sup>7</sup> AECOM, scheme drawing 602166882-112-NRR-0-STR-002.

<sup>8</sup> *Local Plan Preferred Options*, 2012, pp 72-3 (under the crosshead *The NPPF says...*).

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Preferred Options draft of the County Plan – Durham Local Development Framework Option Appraisal: Final Report Jan 2012 [hereafter cited as Jacobs 2012] is that it does not report full traffic data for all options and scenarios. However, there is sufficient complementary information within the two documents to make it very clear that the development proposals in the Pre-Submission Draft do not of themselves provide traffic justification for the Northern Relief Road, even before introducing the factors described in paragraphs 15-16 above.

18. Chapter 2 of Jacobs 2013 describes a number of adjustments to some of the modelling inputs used to generate these latest traffic forecasts. However, the reference cases in the two reports generate very similar 2030 outputs<sup>9</sup>. Table 20 of Jacobs 2012 forecasts 1,024,997 highways trips in the model study area in a 24-hour period; the equivalent Table 10 of Jacobs 2013 sums to 1,024, 589, with only minor differences in the allocation of trips between internal and external zones. Consequently the two sets of data appear almost identical at a macro level, so the 2012 volume seems to offer an acceptable proxy in most situations where Jacobs 2013 does not provide immediately equivalent 2030 data.
19. As noted above, the reference case in Jacobs 2012 (ie without the proposed Green Belt releases) shows a modelled 1,024,997 daily vehicle trips on the study area network in 2030; the total effect of the additional development proposed in the Preferred Options draft would be to increase the modelled number of trips, as set out in Table 24, to 1,032, 008, an increase of 0.7%. To give context, applying that percentage to the morning peak hour trips forecast for the A167 at Crossgate Moor in 2030 in Table 16 of Jacobs 2013 would increase the total vehicle trips in both directions,(2,853) by only 20.
20. The development scenarios considered in Jacobs 2013 are slightly different, because of the reduction in the proposed North of Arnison release and the addition of Merryoaks. However, in the absence of total traffic numbers in the 2013 report, the incremental growth that is associated with the development scenarios that it describes seems to be of a comparable order of magnitude to that forecast in the 2012 report: paragraph 6.3.1 of Jacobs 2013 refers to a total 24-hour increase of 22,246 person-trips across the modelled network in the preferred development scenario, of which over 50% (ie >11,123) is represented by additional car-borne travel in the journey-to-work area. The first difference in the Jacobs 2012 tables is slightly lower, just over 7,000, but either increase is minimal when considered against a base figure of over a million trips.
21. The modelled traffic differences between the reference and preferred development cases in 2030 therefore appear very slight, and even when the more localised impacts associated with the Council's spatial policy are taken into account the effects are minimal. For example, the reference case scenario in Jacobs 2013 forecasts a total morning peak bi-directional flow of 2,085 vehicles on the A167 north of Sniperley, but this increases to only 2,128 in the preferred development scenario: the evening peak flow is actually forecast to fall slightly (Tables 12 and 21). While much of the Council's presentation of the case for the Northern Relief Road appears to be based on its contribution to relieving

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<sup>9</sup> Only the 2030 traffic forecasts described by Jacobs are discussed in this response, since these represent the position at the end of the Plan period. Jacobs also provided 2021 modelling, but these intermediate values have not been cited in this response in the interests of brevity.

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current traffic problems (see, for example, paragraph 4.149 of the Pre-Submission Draft) it is difficult to see how this implied urgency is consistent with delivery “near the end of the Plan Period”.<sup>10</sup>

22. Jacobs 2012 did not model the effects of the Northern Relief Road separately from those of the Western Relief Road. However, as can be found by comparing Tables 20, 24 and 35 in Jacobs 2012, the introduction of both relief roads into the scenarios in itself causes **an increase in total road traffic** across the model area: an increase of about 8,000 daily vehicle movements above the reference case,<sup>11</sup> and an increase of around 3,500 over the preferred development scenario.
23. In the Jacobs 2013 report the Northern Relief Road is modelled separately, although no changes in total traffic levels are reported. Not surprisingly, some reductions in specific peak flows are forecast in comparison with the reference case (see Tables 21 and 26 – note that the latter is wrongly headed WRR). For example, the bi-direction flow on Leazes Road falls by about 200 vehicles in the morning peak and slightly more in the evening. However, as Jacobs 2013 page 90 acknowledges, there are also increases on several links, notably the A167 north of Sniperley, and there is a particularly heavy increase on the A690 at Langley Moor in the evening peak. There is also a very substantial increase in traffic on the A690 close to the motorway junction, presumably reflecting the additional use of this link to gain access to the Relief Road, and this would appear to have significant adverse implications for traffic reliant on that section of the A690 for journeys to and from the city centre and the University’s Stockton Road campus. Since there are forecast increases in volumes on the A181 at both Gilesgate and Sherburn Road, this may reflect some diversion of such traffic away from the A690 because of increased congestion. As with the Western Relief Road, therefore, detailed distribution of the traffic impacts of the Northern Relief Road needs to be understood better before it can be confidently claimed that the addition of this extra capacity will produce overall beneficial effects across the existing road network in the wider city area.
24. The scepticism that detailed examination of the Jacobs report provokes about the evidential justification that the Council claims for the Northern Relief Road is further increased by using Jacobs’ and other data to examine some of the other unsupported claims that are made within the Pre-Submission Draft. At times the Council appears to exhibit the same lack of rigour in its use of language or logic as it does in its selection of numerical evidence: for example, it states at paragraph 4.125 of the Pre-Submission Draft that “the car is currently the dominant mode of transport within Durham City.” It then goes on to compare the number of bus passengers entering the city with the number of highway trips (although, of course, bus trips are also highway trips). But entering the city is not the same as travelling within the city. The misleading impression that this imprecise statement creates is then further compounded by the failure to explain how the subsequent reference to car trips passing through the city without stopping relates to the earlier quotation, and by the lack of acknowledgement of “the comparatively large number of non-motorised users in the model” identified by Jacobs 2013, paragraph 6.3.1.

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<sup>10</sup> Pre-Submission Draft, para 4.165

<sup>11</sup> This is less than the increase with only the Western Relief Road included.

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25. The Pre-Submission Draft states in paragraph 4.123 that “it is particularly important that future investors in the City are not deterred by congestion on the road network”, and much of the modelling effort in Jacobs 2012 and 2013 has been devoted to calculating journey time savings that will result from the introduction of one or both of the proposed relief roads. But, firstly, Policies 9 and 10 provide no evidence of the claimed deterrent effect of the alleged congestion, and any suggestion that Durham is badly affected by road congestion is disproved both by reference to the average journey speeds modelled in the Jacobs reports and by the Department for Transport’s regular published statistics of road traffic and congestion in England.
26. The Trust is not aware of any current government or professional guidance that suggests that additional road capacity should be provided purely to cater for peak hour commuter car traffic, and the most recent DfT statistics of congestion on local authority A roads show that the average speed on Durham County’s A roads during the morning peak in September 2013 was 32.8 mph.<sup>12</sup> This compared with an average for all English local authorities of 24.9 mph and for the north-east of 28.2 mph, and provides a cogent background against which to assess comments about the levels of peak congestion on Durham’s road network.
27. Jacobs 2013 does not directly replicate the comparisons of representative cross-city journeys that were provided for all scenarios in the 2012 report. However, the 2013 report provides a narrative account, and paragraph 6.3.5 compares the effects of the additional development-induced traffic in the preferred approach in 2030 with junction delays and journey times in the reference case. The worst impact of the forecast greater traffic volumes that the report identifies is an increased end-to-end travel time in the morning peak of less than 3 minutes on the 13.3 km corridor between Sacriston and the motorway at Bowburn via the city centre. This appears to be consistent with the relatively negligible increases in junction delays attributable to the preferred development scenario that are summarised in Figure 6m.
28. While the narrative in paragraph 7.2.4 of Jacobs 13 refers to journey time savings in all but two corridors as a consequence of the provision of the Northern Relief Road, no absolute figures are quoted. There is a reference to greater savings in the evening peak, which it is claimed sum to 35 minutes across all corridors. However, since the evening peak journey times for the reference case given in Table 15 of Jacobs 2013 sum to 304 minutes, this amounts to only an 11.5% s on already relatively fast journeys times, and a saving of less than 3 minutes on the longest corridor journey, 25.34 minutes between Carrville and Bearpark via Sunderland Road and Neville’s Cross.
29. While the narrative in paragraph 7.2.4 of Jacobs 13 refers to journey time savings in all but two corridors as a consequence of the provision of the Northern Relief Road, no absolute figures are quoted. There is a reference to greater savings in the evening peak, which it is claimed sum to 35 minutes across all corridors. However, since the evening peak journey times for the reference case given in Table 15 of Jacobs 2013 sum to 304 minutes, this amounts to only an 11.5% s on already relatively fast journeys times, and a

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<sup>12</sup> <https://www.gov.uk/government/collections/road-congestion-and-reliability-statistics>

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saving of less than 3 minutes on the longest corridor journey, 25.34 minutes between Carrville and Bearpark via Sunderland Road and Neville's Cross.

30. This lessening of the visibility of adverse effects has been compounded further in the case of the Northern Relief Road by the apparent "project creep" that has occurred since the publication of the Preferred Options documents. In that version, the route was restricted to the section between motorway junction 62 and the Red House roundabout. The model diagrams shown in Figure 7-g of Jacobs 2013 appear to extend the scope of the "Northern Relief Road Improvements" further south along the A690 and to associated sections of road in the Arnison area. Since, unlike Jacobs 2012, traffic volumes on the Northern Relief Road are no longer shown diagrammatically, this presentation disguises the projected increases in traffic volumes on these connecting and connected routes. It also avoids showing the evidence from Jacobs 2012 that in 2030 the Northern Relief Road itself would already be approaching congestion westbound in the morning peak and eastbound in the evening peak. Indeed, Jacobs' modelling identified that the Northern Relief was forecast to be operating in excess of capacity westbound in the evening peak in 2030.<sup>13</sup>
31. Paragraph 4.150 of the Pre-Submission Draft seems to attempt to take credit for this outcome, arguing that the Northern Relief Road would improve links between north-west County Durham and the A1. What this paragraph fails to make clear, however, but was very evident from Jacobs 2012, is that this is a consequence of the diversion of traffic which currently travels via the motorway and junction 63 at Chester-le-Street to the Northern Relief Road via junction 62, and onwards via the A167 or A691. In contradiction to the Northern Relief Road's stated purpose of reducing through travel via Durham City, it will increase through traffic in the City's built-up area. In addition to the noise and air pollution that the Relief Road would create for the adjoining residential and commercial areas in Newton Hall, some existing roads within Newton Hall would experience significant increases in traffic flows, and junction delays would increase in both the morning and evening peaks at the A167/A1(M) intersection and the Pity Me and Red House roundabouts.<sup>14</sup>
32. This bizarre outcome of actively encouraging through road traffic to divert off the trunk motorway system and on to the locally-funded road network would be made even less sustainable by another consequence clearly demonstrated in the Jacobs 2012 modelling: the corresponding reduction in peak traffic volumes on the A1(M) northwards from junction 62. This will increase the relative attraction of car commuting between Durham and the Tyneside conurbation at the expense of more sustainable modes: a consequence that would be entirely at odds with the Council's professed green transport policies and objectives.
33. Consequently, and even without taking into account the flaws in the Council's underlying planning input data discussed in paragraphs 15-16 above, the modelling outputs provided by its consultants do not provide adequate evidence to support the claims that the Pre-Submission Draft makes to justify Policy 10. What evidence there is has been interpreted

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<sup>13</sup>Jacobs 2012, Figure 27, p 69.

<sup>14</sup>*Ibid*, Figure 28, p 71.

selectively and at times misleadingly, and not tested against current Department for Transport data. In the light of the traffic model outputs and assessments made available by the Council (including earlier reports which still form part of the total evidence base), Policy 10 lacks Soundness, since **it cannot be shown to be positively prepared and justified** in terms of objective assessment or to be based on proportionate evidence.

### Failure to consider reasonable alternatives

34. It is axiomatic in Treasury Green Book and Department for Transport scheme appraisal guidance that before particular capital projects are committed, they should be rigorously compared against alternative ways of achieving the same outcomes. A similar principle is embodied in the Council's current Local Transport Plan,<sup>15</sup> and is in fact repeated later in the Pre-Submission Draft in Policy 49, paragraph 9.27, which also specifies a "viability" test. Since the logic underlying the concept of sustainable development requires that scarce financial, human and material resources should not be unnecessarily diverted into schemes when the same results could be achieved in less resource-intensive ways, it is reasonable to assume that similar criteria are implicit in NPPF criteria.
35. Unfortunately, the Council has ignored such principles in its selection and advocacy of the Northern Relief Road scheme. It has misrepresented available evidence about other options, and instructed its consultants to take a particular approach which prevents the proper appraisal of such options.
36. Paragraphs 4.128-130 and 4.137 of the Pre-Submission Draft refer to previous studies of methods of reducing car travel demand in Durham, and seek to use this evidence to claim that these approaches cannot remove the requirement for the building of the relief roads. These references present an extremely biased description and interpretation of the analysis that was previously carried out.
37. The Council has chosen to ignore the clear evidence from the TIF study which it cites that traffic restraint measures, coupled with support for public transport, were shown to generate substantially positive net benefits, and when this analysis was reworked to include highway building options the latter were shown to generate significantly lower net annual benefits than options involving a traffic restraint cordon and discounted bus fares. It is totally inconsistent for paragraph 4.129 of the Pre-Submission Draft to reject these options in advance on deliverability grounds when the Council has not yet established the deliverability of the relief road schemes that it advocates.
38. The fact that councillors in a previous Authority made a decision on political grounds not to apply traffic restraint policies more widely does not justify the exclusion of such options from future evaluation processes, especially since the TIF analysis clearly demonstrated their efficiency in both traffic management and net social benefit terms.
39. The Council's apparent determination to avoid proper evaluation of alternatives to its relief road proposals is further demonstrated by looking behind the statement on page 72 of the 2012 Preferred Options document, that "sustainable transport techniques were

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<sup>15</sup> Durham County Council, *Local transport plan 3: transport strategy*, p 76.

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included in the 2011/12 modelling work, but a minimal impact on reducing future traffic levels” (sic). This statement is echoed in paragraph 4.137 of the current Pre-Submission Draft.

40. These statements appear to refer not only to the extremely limited and selective use of the TIF evidence discussed above, but also to the strange way in which its consultants used the evidence from the Sustainable Towns demonstration project in Darlington in Jacobs 2012. This extremely relevant local comparator achieved an actual 19% reduction in car-borne trips, but Jacobs applied the much more cautious figure of a 10% reduction when testing the effects of applying a similar approach in Durham, without any evidence to justify this reduction.
41. Moreover, the modelling for the 2012 report completely subverted the intention of such area-wide policies by assuming that the approach would only apply in the new housing release sites proposed in the Council’s Local Development Framework. By assigning a 10% traffic reduction **only to the new traffic** generated by these sites, Jacobs were able to claim, and the Council to repeat, that there would be only a minimal effect on future traffic growth if sustainable transport techniques were applied. The result that was described is in reality simply the outcome of testing only a minimal application of these techniques, and the most persuasive evidence that it provides is that the Council has **not positively prepared this part of its strategy when considered against ... reasonable alternatives, based on proportionate evidence.**
42. The same can be said of the fresh analysis described in Jacobs 2013. In sections 6.4 and 6.5 an alternative “dispersed development” approach is tested, which leads to the conclusion that this option should be discarded because it would have a greater carbon and journey-time impact than the preferred approach. But this result has been achieved because of the Council’s specification that, while **housing** should be **dispersed**, **employment** development **should remain concentrated** on the Aykley Heads site which the Council owns, thus automatically generating longer journeys (and more car travel, because of the relative inaccessibility of the western parts of the Aykley Heads by public transport).
43. Furthermore, the only sites considered by Jacobs for the dispersed housing were those in the SHLAA, whereas the Strategic Sites were chosen **without** this constraint. The SHLAA has in recent years been drawn up in the expectation that the Strategic Sites would be developed. Without this constraint, then more sites could come forward that are not in the SHLAA. Already we note an application for 250 houses on the southern border of West Rainton, a site that is not in the current SHLAA.
44. Despite the fact that Jacob’s own analysis demonstrates that, even in these very restrictive conditions, the alternative option has only minor impacts on the overall volume:capacity performance of the network (para 6.4.3), and generates more non-car use for shorter journeys (para 6.4.1), the dispersed development option was then excluded from the next stages of the appraisal, the application of mitigation measures, **including demand management.**

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45. However, the scope of this demand management appraisal in Section 10 of Jacobs 2013 also appears limited. It relies primarily on “soft” persuasive measures than on active measures to restrain car use, and caveats even these results with the warning that suppressed demand for car travel is likely to remove any headroom that is created, because other car journeys will take up the road capacity that has been created by modal shift.
46. The same limited and self-defeating approach to traffic demand management is expressed in paragraph 4.138 of the Pre-Submission Draft. This refers to a Durham City Integrated Transport Approach (sic) which the Council appears belatedly to have introduced in an attempt to retrofit a veneer of sustainability onto its current approach to transport provision in the city and county. But in comparison with the efforts of similar cities such as Oxford and York there is very little of real operational or financial substance in these proposals that would encourage effective modal shift, and indeed some elements may have the opposite effect. In other submissions to the Council, the Trust has pointed out the likely adverse consequences of moving the North Road bus station to the site of the A690 roundabout, in terms both of the probable negative impact on bus usage and of the streetscape effects.
47. In summary, therefore, **Policy 10 has been developed without objective and adequate consideration of alternative approaches** that would avoid the need for the costly and damaging provision of this relief road. This failure confirms the lack of Soundness of this policy.

### Q5

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

Policy 10 so comprehensively fails these tests that it cannot be made compliant. The proposal has been developed on the basis of limited and selectively-presented evidence, and has not been shown to be either viable or deliverable. Its provision would be a clear breach of NPPF, and it has not satisfied any of the pre-conditions that would be required under Treasury Green Book and DfT appraisal criteria. Consequently, it should be withdrawn completely from the County Plan and replaced by genuinely sustainable policies.

### 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**