

# THE CITY OF DURHAM TRUST

Response to the County Durham Plan Pre-Submission Draft

## COUNTY DURHAM PLAN PRE-SUBMISSION DRAFT - Consultation October 2013

For Office Use Only

Consultee ID:

Received:

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Please use a separate form for each representation.

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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 30 - Housing Land Allocations**

**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.

1. The Trust considers that the inclusion of the following four non-strategic Green Belt sites listed in Table 12 of the Pre-Submission Draft Local Plan, indicated on the accompanying Proposals Map and shown in greater detail in the Non-Strategic Green Belt Modifications (Final Draft), October 2013 to be unsound. Specific objections are given for each site. The objections to the sites discussed below stem from the Authority's unjustified concentration on Durham City at the expense of the rest of the County. These responses should therefore be read in conjunction with the Trust's comments to Policies 1-4.
2. **H8 MERRYOAKS.** The Pre-Submission Draft states that development of this site "is reliant on the delivery of the Western Relief Road" (p.64). Since the site is Green Belt, such action would **not be consistent with national policy**, given the absence of admissible "exceptional circumstances" (para 83 of the NPPF). The Trust's response to Policy 9 also shows that the Relief Road is **unjustified**.
3. The Authority originally considered the site as a potential Strategic Housing Site, but eliminated it at stage 2 of the investigation, and thus omitted it from the Local Plan Preferred Options.(September 2012). The reasons for omitting the site were listed in the Consultation Report: Durham City Green Belt Assessment Phase 2 (December 2010) – in the version published but withdrawn after two weeks and replaced without comment. However, the Trust downloaded a copy before then and it is now attached<sup>1</sup>. Although coming to the same conclusion, only the original version had a list of residual impacts following main implications and suggested mitigation. The residual impacts (p.125), which the Trust takes to be the Authority's objections to developing the site were:
  - "would read as an urban extension into open countryside on the southern approach to the City and would be prominent in many views until structural landscaping became mature."
  - "could encourage further outward development of the city in the future, which is likely to put pressure on the surrounding landscape and environmental assets, and therefore potentially have a negative impact on them."
  - "will increase traffic levels in this area and therefore potentially increase air pollution and noise pollution and congestion in and around Durham City."
  - "If the development around Durham City were to, cumulatively, be considered to require the construction of the northern and/or western relief roads, this would have a significant negative impact on attempts to promote sustainable transport modes.....The roads would also have a significant negative effect upon features of biodiversity, landscape, and historic/archaeological interest. It is also likely that the generation of CIL (or similar) funding for this infrastructure from housing development would prevent the allocation of funding to other improvements in and around the development areas."The evolution of the Policy with regard to this site has **not been positively prepared**, and is thus **unsound**.

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1 Durham\_City\_Green\_Belt\_Site\_Assessment\_Phase\_2.pdf

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4. **H5 DURHAM NORTHERN QUARTER.** The specific site considered here is 4/DU/117 as listed and shown in the Non-Strategic Green Belt Modifications Evidence Paper (September 2012). Since the site is Green Belt, with two-thirds within the City's Conservation Area, housing development is **not consistent with national policy**. Housing does not qualify as "exceptional circumstances" in the NPPF (para 82).
5. The area forms a crucial part of the setting of the World Heritage Site. Housing is thus contrary to purpose 5 of Green Belt (NPPF, para 80) which the site clearly fulfils for Durham's World Heritage Site. The proposal is thus **not consistent with national policy**, or with the existing Local Plan Policy E3 or the County Council's proposed Policy 45.
6. The Non-Strategic Green Belt Modifications (Final Draft), October 2013 revealed that the Authority had undergone a *volte-face* in that the Modifications Paper 13 months previously had recommended no amendment. At that time it was considered that removal of Green Belt status would have an adverse affect on "the openness of the Green Belt" and in terms of its "impact on the setting of the World Heritage Site" (4.74, 4.75). The Authority admits being persuaded by a 60-page master plan submitted at the Preferred Options stage by Carillon Developments and Arlington Real Estate. The extent of agreement is shown by the Authority's SPD repeating the master plan's list of advantages which would follow Green Belt amendment. The master plan purports to show that NPPF is supportive of its proposals (p.17), even citing as "exceptional circumstances" the need for executive housing and improvement of the setting of Crook Hall.(pp. 18-23). (The owners of Crook Hall have refuted the master plan inference that they are in agreement (email [CPDConsultation@durham.gov.uk](mailto:CPDConsultation@durham.gov.uk), dated 22<sup>nd</sup> October 2013). The Authority's decision to concur with Green Belt amendment is **not justified**, and is **not consistent with national policy**.
7. The Authority's reversal of its original position also puts it at odds with planning history of the site, and is hence **unsound**. In 1965 an application for residential development on the site was refused; in 1973 another application was withdrawn when the developer was informed it would be refused. (The area had the equivalent of Green Belt protection from 1959; the wording of the 1969 County Development Plan actually used the wording of Green Belt policy to protect what at the time was designated as an Area of Great Landscape Value.)
8. **Fernhill, Newcastle Road.** To recommend the deletion of this site from Green Belt is **inconsistent with national policy**. The Authority cites in support an appeal inspector who stated that its designation "would be reconsidered through the preparation of the County Durham Plan" (Non-Strategic Green Belt Modifications (Final Draft), October 2013 (3.15). The Trust suggests that the appeal inspector's comment carries much less weight than that of the inspector at the 2002 Local Plan EiP. The latter's strongly-worded comments were unequivocal: "I consider the GB value of this site to be very high. It lies on the western side of the A167 and although there is certainly already development on substantial lengths of the road, where there are gaps they do serve to make a firm, visually apparent and well established boundary to the main built-up area. In addition, the site lies between the open countryside to the west of Durham and Flass Vale, a wedge of open land projecting in towards the city centre of considerable importance to the visual character of the city. I regard the openness of the site as a

# THE CITY OF DURHAM TRUST

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connection between these two areas as being of particular value in preserving the setting and character of Durham City. It certainly has some locational advantages in terms of possible residential development, but that is far outweighed by its importance to the GB, in which it should remain” (para 38).

9. **LAND SOUTH OF SNIPERLEY PARK & RIDE (4/DU/73)** To delete this site from Green Belt would be **inconsistent with national policy**. It would also be contrary to the conclusion of the 2002 Inspector, who stated, “Any consolidation of this development [Witton Grove]..... by extension of the residential area to the north would be likely to cause disproportionate harm to the effectiveness of this part of the GB” (para 77).

### 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 proposed deletion from the Green Belt of the four sites derives from the lack of a justified realistic Regeneration Statement that puts too much emphasis on Durham City at the expense of other parts of the county. The Regeneration Statement needs to be revisited first. From that should flow an achievable Plan that recognises the unique value of Durham City to which the four sites contribute.

### 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**