

# 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:

Acknowledged:

Processed:

Please use a separate form for each representation.

<b>NAME &amp; ADDRESS</b> The City of Durham Trust Registered Office Quality Solicitors BHP Law Kepier House Belmont Business Park Belmont Durham DH1 1TW  Email Address trust@durhamcity.org	<b>NAME &amp; ADDRESS (AGENT)(IF APPLICABLE)</b> <b>ROGER CORNWELL (CHAIR)</b>  <b>OTHER DETAILS AS AT LEFT</b>
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<b>Preferred method of contact (please tick):</b> Email <input checked="" type="checkbox"/> Letter
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To which part of the County Durham Plan does your representation relate? <b>Policy no 4</b>
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### 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. Since Policy 4 begins “To reflect the Spatial Approach” it follows that our comments here reflect our submission on Policy 2. There seems little point in commenting on the detailed site allocations, with the exception of the Durham City Strategic Sites, since these will need to be recast when, as we hope, Policy 2 is made sound.
2. Policy 4 sets out to deliver the number of new homes specified in Policy 3. As shown in our submission on that Policy, this number is too high. Consequently, the figures shown in Table 3 need to be reduced in total by at least 3,900.
3. Our submissions on Policies 2 and 3 both show that once these are made sound, there is no need to extend the footprint of Durham City into the Green Belt to accommodate the Durham City Strategic Sites. These should therefore be dropped. The plan is unsound because it is **not justified**, as incorrect inferences have been drawn from the available evidence. The absence of valid reasons for building on the Green Belt also, of course, makes it **not consistent with national policy** as set out in the NPPF.
4. Even if our comments on Policies 2 and 3 do not find favour, there are, as the Durham City Regeneration Masterplan<sup>1</sup> points out at paragraph 36, a catchment of 107,000 people living within a five mile radius of the City. And research reported in our submission on Policy 8 shows that the travel time to key sites in the City from this radius and beyond is no more than 15-20 minutes. If Durham City needs a “critical mass” then this is the area that will provide it. Failure to consider this reasonable alternative makes the Plan unsound because it has **not been positively prepared**.
5. Paragraphs 4.51 and 4.52 rightly recognise the need for some housing in the smaller towns and villages surrounding Durham. We were however surprised that Bowburn was not mentioned in paragraph 4.51, given the prospect of 5,000 new jobs on its outskirts in the Durham Green Business Park. In a situation where the Durham City Strategic Sites went ahead but the total County population was lower than lower than that predicted in the Plan, then this would detract from the housing market in these surrounding areas and mean that the objective of maintaining them as viable, sustainable, places would **not be effective**.
6. Paragraph 4.39, after acknowledging that Housing Market Areas cross administrative boundaries, and saying that the Council has worked with neighbouring authorities to ensure these issues are addressed, ends “However, because of the logistical and practical difficulties of having housing numbers cross administrative boundaries, for the purposes of the County Durham Plan, they have been allocated to the Delivery Areas/HMAs only within County Durham.” The Duty to Cooperate requires practical outcomes and none has been shown. The **positively prepared** soundness test requires the Plan to meet development needs, including unmet requirements from neighbouring authorities where it is reasonable to do so. Similarly those neighbouring authorities must address Durham's unmet needs. Because this is in the NPPF the presumption must be that this is a practical task that in general local authorities must carry out. The

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<sup>1</sup> <http://content.durham.gov.uk/PDFRepository/DurhamCityRegenerationMasterplanOctober2013LowResolution.pdf>

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authority has not shown why this task is beyond them when other authorities can tackle it, simply citing unspecified “logistical and practical difficulties”.

7. This policy, like several others, shows that the Council has given too much weight to meeting the aspirations of the housebuilders it has engaged with, and not enough to the needs of the local residents and to the comments provided during previous consultations on this Plan. In summary, it is **not justified**.

### Q5

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

Once policies 2 and 3 have been made sound, this policy needs to be redrawn in conformity with them.

### 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**