

# 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>
---	--

<b>Preferred method of contact (please tick):</b> Email <input checked="" type="checkbox"/> Letter
--

To which part of the County Durham Plan does your representation relate?	<b>Policy no 8</b>
--	--------------------

### 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 Policy 8 is unsound in its preparation, methodology, consistency and sustainability. The origin of this unsoundness is given in our comments to the initial County-wide Policies 1 – 4, and these should be read in conjunction with what follows. In particular, our comments here should not be construed as accepting the population and household figures.
2. **Positively prepared.** The search for Strategic Housing Sites is confined to an arbitrary 5 km radius, which inevitably means that Green Belt sites will be included. Having apparently located three such Sites, the Authority argues the case for each in terms of environmental or landscape impact and in terms of sustainability. This flawed methodology is not consistent with national policy and produces solutions which are unjustified.
3. **Consistent.** NPPF gives the characteristics of Green Belt as permanence and openness, with a capability of enduring beyond the plan period (para 83). The Pre-Submission Draft is **not consistent with national policy** in proposing (a) to remove significant sections of Green Belt established a mere ten years ago, and (b) by citing as “exceptional circumstances” a need to direct new development to locations that are attractive to the development industry.
4. At the previous stage the Council did not spell out what the Council considered to be the “exceptional circumstances” – indeed, the phrase is not used in the Preferred Options document, but in response to a formal question to the Authority by the Trust, the Council’s Portfolio Holder for Economic Regeneration (25 July 2012) gave this answer:

*As Mr Clark correctly identifies the NPPF states that Green Belt boundaries should only be altered in exceptional circumstances and through the preparation of a Local Plan.*

*The County Durham Plan is therefore the correct mechanism for a review of the Green Belt and the exceptional circumstances which justify this review are the same as those that underpin the entire Plan and its Strategy:*

- *The poor state of County Durham’s economy and the resulting high levels of unemployment and deprivation;*
- *The lack of government investment available to assist our deprived communities and significant reduction in public sector expenditure to support economic development and training;*
- *Low land values in many parts of the County with the resultant lack of interest from developers;*
- *The need to be build [sic] on the County’s assets such as Durham City to ensure the delivery of new development; and*
- *Significant underperformance against national averages on all indicators of prosperity and economic wellbeing.*

*It is clear that what has been tried in the past, which although there has been some*

# THE CITY OF DURHAM TRUST

## Response to the County Durham Plan Pre-Submission Draft

---

*successes, has not been sufficient to lift County Durham from its position as the poorest performing economy in the Region, which is in turn the poorest performing in the country. The Council must have an ambitious Plan if it is to change this and the current economic difficulties mean that we need to redouble our efforts to achieve this. It is the Council's view therefore, that these circumstances are indeed exceptional.*

The Council's *Durham City Green Belt Site Assessment Phase 3* (September 2012) para 1.5 later repeated the identical reasons. The Trust does not doubt the serious economic situation in the country and county, but finds it profoundly unsatisfactory to argue in such general terms to adjudicate between specific locations. The case is not thereby made for altering specific boundaries within the Green Belt.

5. **Consistent. The Pre-Submission Draft is not consistent with national policy**, which advises that authorities "should consider the consequences for sustainable development....towards locations beyond the outer Green Belt boundary" (para 84). The Authority has not looked beyond 5km.
6. **Justified.** The government-appointed Inspector at the 2002 Local Plan Inquiry, in acknowledging the small size of the Green Belt, and recognising the need for sustainability, concluded that development outside such a comparatively narrow Green Belt could "be located so as to minimise travel distances for work and leisure by being at existing or proposed public transport modes with better facilities beyond the Green Belt" (para 7). This is a reasonable alternative that cannot be ignored.
7. Research by the Trust (attached as an appendix<sup>1</sup>) shows that the outer edge of the Durham Green Belt in fact can generally be reached by public transport in 10 minutes or less. This puts the nearer villages within 15 minutes, and places like Chester-le-Street, Spennymoor, Ferryhill and Coxhoe within 20 minutes. Car travel knocks about 5 minutes off these times. (See also the Trust's response to Policy 14). This evidence is appropriate and proportionate: if a voluntary body like the Trust can do it then it should have been well within the capabilities of the County Council. It confirms that the County Authority should have engaged in a much wider initial analysis to compare alternative sites beyond the narrowly-drawn Green Belt. The failure to consider the reasonable alternative shows the plan was **not positively prepared**. The proposal to site development beyond the Green Belt is a more appropriate strategy that that put forward in the Plan which is therefore **not justified**.
8. A further issue is that the Site Selection Process looked at potential sites within a 5km radius of the centre of Durham, while the Aykley Heads site where the new prestige employment site would be located is about 1.5km away to the north. Making that site the centre of the search brings in the large villages of Sacriston and Witton Gilbert, both outside the Green Belt. The Trust's researches included three centres, adding both Aykley Heads and the University Stockton Road site to the City centre.
9. **Positively Prepared.** The Pre-Submission Draft refers to a three-stage approach which was undertaken to determine the choice of Strategic Housing Sites (4.106). Detailed examination suggests that the Sites are less suitable than the Draft indicates, and that the **policy has not been positively prepared**. At stage 2 of the assessment process a Consultation Report: Durham City Green Belt Assessment Phase 2 was issued publicly,

---

1 Site\_Selection\_Process.pdf

# THE CITY OF DURHAM TRUST

## Response to the County Durham Plan Pre-Submission Draft

---

but removed from the Council's website without explanation after two weeks, and replaced by a second version. However, the Trust downloaded a copy before then and it is now attached<sup>2</sup> Both versions contained a long list of negative factors for all three Sites. North of Arnison Centre had 7 (pp.42-2), Sniperley Park 9 (pp.23-4), Sherburn Road 8 (p110). Both versions ended consideration of each Site with a final summary of (a) Main implications, (b) Recommendations, (c) Mitigation suggested. The withdrawn first version alone however, had a fourth, final summary heading, namely (d) Any Residual Impacts. To take Sniperley Park as an example, the residual impacts included the following:

1. "If the development proposed 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 Community Infrastructure Levy (or similar) funding for this infrastructure from housing development would prevent the allocation of funding to other improvements in and around the development areas."
2. "Development of this site will increase urban sprawl, delete a large area of the Durham Green Belt, and erode the 'rural' quality that currently characterises this area."
3. "Even with mitigation, the effects upon landscape and biodiversity would be strongly negative." (The Pre-Submission Draft states that "the wildlife potential of the site will be enhanced" (para 4.110).
4. "This extension to Durham City may encourage further outward development of the city in future." (p.26)

One final quotation from the version issued in error records the reason for the deletion of Ramside as a Strategic Housing Site:

Because the ambition is to generate large amounts of revenue for infrastructure projects, it is unlikely that there would be enough money for the development to include appropriate amounts of affordable housing and well-planned open space and for sustainable building techniques to be used. (p.77)

"Ambition" finds no mention as a criterion in the texts – or in the NPPF.

10. **Justification.** The three individual Sites, besides being on Green Belt, and thus contrary to the County's own policy – and NPPF – are **not justified**. Sniperley Park was commented on by the 2002 Inspector in the following terms: "In general the A167 forms a firm and appropriate boundary to the GB.... Any consolidation of this development, however by the extension of the residential area to the north would be likely to cause disproportionate harm to the effectiveness of the GB" (para 24). The same Inspector commented on the Sherburn Road Site (paras 25-6).

"I accept that it would be possible for such mitigation works to reduce very greatly the harmful impact of development here. I also accept that because of the existing development and topography any impact on views of or from the Cathedral tower would be likely to be relatively small. At the same time it is clear that similar

---

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

# THE CITY OF DURHAM TRUST

## Response to the County Durham Plan Pre-Submission Draft

---

arguments could be put forward in respect of development in many parts of the GB. Given the relatively small scale of this GB and the importance of the general size and scale of Durham as aspects of its character, I am doubtful whether such arguments should prevail. There would certainly be some advantage if the land could be removed from the inner edge of the GB to be safeguarded for potential longer term.....However, in this case the harm done to the purposes of the GB would be too great. It is an integral part of the GB and should not be deleted from it” .

With regard to this Site, the Trust also denies the suggestion that Housing, rather than the present agricultural land, would “present an attractive gateway to the city” when seen from the A1(M) (para 4.121). The North of Arnison Site was never considered to be under threat by the Inspector in 2002 and thus made no comment. Even with a reduction in size, it would most obviously extend northwards the built-up area of the City. It would also remain prominent by its extension alongside both the A167 and main line railway. (The promise of “an exemplar of design quality” hardly overcomes the basic inadmissibility of building on Green Belt.) The Pre-Submission Draft has dropped the proposal for a sizeable retail centre, but occupants of 1000 houses would clearly exacerbate parking problems at the already heavy use of the Arnison Centre.

### 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 unjustified and undeliverable nature of this policy springs from the lack of a justifiable Regeneration Statement that also 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 a search for land for a more realistic increase in population, with housing land sought firstly on brownfield sites, followed by sustainable sites beyond the Green Belt.

### 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**