

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:

Received:

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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 9 Western 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 24 and 26, the amount of specific and comparable information provided in this document is also 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. It is still unclear from the narrative in paragraph 4.147 of the Pre-Submission Draft; from the accompanying Proposals map; and from the scheme drawings prepared by AECOM whether the Council intends that the junction between the A167 and Toll House Road (C17) will be stopped up. The AECOM scheme drawings (60216682/112/WRR/0/HIG/004) that were exhibited at the Council's consultation event at Durham Town Hall on 15 October 2013 showed three different options for the junction between the Western Relief Road and Toll House Road, dependent on whether the junction with the A167 was retained. Each option showed a significantly different layout and land-take. Yet understanding of the proposed relief road's interaction with the existing road network is essential for proper analysis of its traffic impacts, both on the wider network and more locally. The Council is therefore seeking to use the local planning process to achieve committed status for a scheme that has not yet been properly defined either in terms of its land-take or its traffic impacts; 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 another example of an 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 with perhaps limited implications for cross-boundary traffic, the Council has joined with six other north-eastern authorities in seeking the creation of a Combined Authority. 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: confusion in strategy justification

5. The Council's on-line evidence page, as accessed via the link (xxvi) on page 73 of the Pre-Submission Draft, states that the purpose of Jacobs' *Durham Local Plan Option Appraisal: Final Report* [subsequently cited in this response as Jacobs 2013] is to assess "the viability of the relief roads proposed to the north and west of Durham City as part of comprehensive transport improvements within the city". This is not however how the purpose of the Western Relief Road is described in the introductory box to Policy 9 on the same page, 73, of the Pre-Submission Draft. That wording clearly states that the specific purpose of the road is to "facilitate the development of the Strategic Sites at Sniperley Park and North of Arnison and the Merryoaks housing allocation"¹: no reference is made to "comprehensive transport improvements within the city".
6. Paragraph 4.107 is even more explicit: it states that "the complete build-out of the Sniperley Park and the North of Arnison sites can only happen as a result of the additional capacity... introduced by the Western Relief Road". A similar statement about the road's role in facilitating new development is made in paragraph 4.142. However, that paragraph also introduces a separate purpose, that of relieving current congestion at the A690/A167 junction at Neville's Cross. The Council's documentation is therefore imprecise as to whether the Western Relief Road is intended primarily to relieve existing congestion or to facilitate future development. As a consequence, the Pre-Submission Draft lacks clarity as to the basis on which the Council seeks to justify the scheme, and therefore as to how its Soundness is to be judged.
7. However, despite this confusion, paragraph 4.145 makes a specific funding link between housing and retail development at Merryoaks, Sniperley, and North of Arnison, stating that it is "necessary" that these sites "provide the funding to enable the construction of the WRR to deliver the proposed housing and retail growth." This will be by means of a Section 106 and/or Section 278 Agreement. An even balder statement is made in paragraph 4.107: "the Plan **requires** these... sites to provide the funding to pay for the construction of the Western Relief Road." [Emphasis added.]
8. The logic of the Council's position seems therefore to be that, in the absence of the Green Belt sites referred to, the Western Relief Road would not be fundable. (Equally, it must be inferred that without the Western Relief Road, these specific developments in the Green Belt could not proceed.) In that case, the alternative traffic justification that is implied in paragraph 4.142 is irrelevant (and in any event is weak, as succeeding paragraphs in this response will show.) But whichever statement of purpose in the documentation reflects the Council's true intent, **neither meets the Soundness test.**

¹The Merryoaks housing allocation is of itself a new element in the Pre-Submission Draft, and has therefore not been the subject of previous consultation at Preferred Options stage.

Most fundamentally, Jacobs 2013 does **NOT** provide evidence of the viability of the Western Relief Road. Despite its description on the Council's evidence web-page, the Jacobs 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.]

9. 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, Policy 9, if intended to address current traffic issues, has to be regarded 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

10. This limitation in the main evidence document relied on by the Council, that it does not confirm viability and deliverability, applies regardless of whether the Council wishes to make the case for Policy 9 as part of "comprehensive transport improvements" or specifically in order to facilitate the delivery of the three Green Belt schemes named on page 73 of the Pre-Submission Draft. But in the latter case, the Western Relief Road then also fails the "consistent with national policy" test of Soundness. Its financial and functional justification is predicated on Green Belt release, but NPPF makes very clear the strength of the national policy presumption against such releases and also against planning policies which undermine existing town and city centres and which fail to promote the use of sustainable transport.
11. In addition to facilitating the opportunistic incursions into the Durham Green Belt which appear to underlie the Council's housing and other development proposals, the route of the Western Relief Road would itself be entirely through Green Belt, where it would represent a hugely damaging and unwarranted intrusion. The creation of the Relief Road would despoil sensitive and historically-significant countryside; sever a mediaeval walkway and former railway paths which are widely used for recreational and active travel purposes; and inflict visual, noise and air pollution on the Browney and Deerness valleys. The brutality of the severance impacts are vividly demonstrated in the scheme drawings for the road's intended interaction with Club Lane and the Lanchester Valley walkway, while the pollution impacts would be exacerbated by the vertical alignments which the proposed road would need to follow because of the challenging topography along its route. The scheme provides for badger crossings; it does nothing, however, to respect the interests of the county's human residents who value their existing use of the same habitat.
12. The Council's own analysis of Green Belt housing options provided extremely compelling evidence why the landscape west of the A167 and south of Whitesmocks should continue

to be protected,¹ and this evidence applies with even greater strength to any proposal to force a new north-south highway through this sensitive area. The Council's 2012 Preferred Options document disingenuously suggested on pages 72-3 under the crosshead *The NPPF says...* that this road scheme would be consistent with paragraph 90 of the NPPF, yet it is self-evident that the Western Relief Road would of itself hugely constrain the openness of the Green Belt and conflict with the purposes of including land within it. These are specific pre-conditions in the same paragraph of NPPF which the Council has failed to quote. The risk would be that, just as has happened with the A167 (itself a former relief road), it would gradually assume the role of a new western boundary for future extensions of the built-up area of the city. Even without its intended purpose in relation to development releases further north in the Green Belt, **the argument against the Western Relief Road in terms of lack of compliance with national policy is overwhelming.**

Lack of soundness in terms of objective assessment of infrastructure requirements

(a) Planning input data

13. 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.
14. 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 strong doubts about the deliverability of the Council's underlying population forecasts and the preferred development scenario derived from them. As noted above in paragraphs 8-9, the **deliverability** of the Western 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

15. 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 Preferred Options draft of the County Plan – *Durham Local Development Framework Op-*

¹Durham County Council, *Green belt sites assessment phase 2* (2010), pp 50-63.

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tion 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 Green Belt releases do **not provide the traffic justification** for the Western Relief Road that is claimed on page 73 of the Pre-Submission Draft, even before introducing the factors described in paragraphs 13-14 above.

16. Despite the adjustments in the modelling inputs described in Chapter 2 of Jacobs 2013, the reference cases in the two reports generate very similar 2030 outputs.¹ 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.
17. 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 just 0.7%. To give some 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 number of vehicle trips in both directions (2,853) by only 20.
18. 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.
19. As already mentioned, paragraph 4.142 within Policy 9 states that “the 2013 traffic modelling identifies a clear need for the WRR in order to enable the new development proposed in the north west of the City.” But this is far from evident from the Jacobs material cited above. Even considering the more localised impacts from this development, the traffic increases seem insufficient to justify the major infrastructure interventions proposed in Policies 9 and 10. 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

¹Only 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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Sniperley, but this is increases to only 2,128 in the preferred development scenario: the evening peak flow is actually forecast to fall slightly (Tables 12 and 21).

20. As can be found by comparing Tables 20, 24 and 32 in Jacobs 2012, the introduction of the **Western Relief Road** into the scenarios in itself **causes in an increase in total road traffic** across the model area: an increase of about 9,000 daily vehicle movements above the reference case, and a smaller increase of 1,300 over the preferred development scenario. In the Jacobs 2013 report, the Western Relief Road, while not surprisingly resulting in some reduction in forecast peak flows on the A167 at Crossgate Moor, also leads to significant increases on several links, for example the A167 and A691 respectively north and west of Sniperley, and the A690 at Langley Moor. The addition of any extra capacity to a road network should by definition produce traffic benefits, but the Western Relief Road's overall beneficial effects in terms of improved traffic flows across the entire city area seem questionable, especially since the model results suggest increased total or directional flows in at least one peak hour on urban streets such as Crossgate Peth, Sherburn Road, Church Street and Front Street, Framwellgate Moor, in addition to the adverse effect on Langley Moor that has already been mentioned.
21. The scepticism that detailed examination of the Jacobs report provokes about the evidential justification that the Council claims for the Western 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 para 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.
22. 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 regularly-published statistics of road traffic and congestion in England. Both the Pre-Submission Draft (eg paragraphs 4.126 and 4.142-3) and the Jacobs reports describe the A167 as a particular problem, yet the table below, taken from Department for Transport data, shows that daily traffic volumes on the Crossgate Moor stretch of the A167 are now **lower than in 2000**. The peak level was reached in 2004, and the downturn in these traffic volumes clearly predates any economic effects from the recession. This count data seems to be consistent

with suggestions that assumptions of continuing “background growth” in road traffic may be ill-founded.¹

Annual Average Daily Flow on the A167 Crossgate Moor

Year	All Motor Vehicles
2000	25,494
2001	26,181
2002	26,122
2003	26,127
2004	27,676
2005	27,105
2006	27,231
2007	26,377
2008	26,062
2009	25,935
2010	25,463
2011	25,486
2012	24,135

Source: <http://www.dft.gov.uk/traffic-counts/about.php>

23. Turning more specifically to peak-hour congestion, 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. 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.² 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.
24. 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.
25. While the narrative in paragraph 7.1.4 of Jacobs 13 refers to journey time savings in all but two corridors as a consequence of the provision of the Western Relief Road, no absolute figure is quoted, and it seems probable that this improvement could only be marginal in relation to the numbers given in paragraph 6.3.5. There is a further unsupported refer-

¹See, for example, the recent discussion in <http://www.parliament.uk/documents/commons-committees/transport/POST%20briefing%20on%20peak%20car.pdf>

²<https://www.gov.uk/government/collections/road-congestion-and-reliability-statistics>

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- ence in the same paragraph to a saving of 15.7 minutes per vehicle per day for a two-way trip. However, in the absence of any information about how this figure has been derived, such a saving seems inherently implausible if it intended to be taken in the context of one-way corridor timings ranging between 15 minutes and 22 minutes described in Reference Case Table 14. Only four of the possible 16 out-and-back journey combinations over the eight corridors have combined timings that sum to more than 40 minutes for a return trip in the morning and evening peaks, with the lowest being no more than 25 minutes. More evidence seems to be required to show how average two-way time savings of almost 16 minutes might result from introduction of the Western Relief Road.
26. This is part of a wider issue arising from the differing levels of data provided in the two Jacobs reports. Whereas the 2012 report modelled traffic effects across the whole of the network around the city, the 2013 report restricts the visual and tabular information to a much narrower range of roads. The visual information is also on a scale which is much more difficult to interrogate and interpret either on screen or in printout than in the 2012 report. This change in presentation has the effect of making the adverse impacts of the Western Relief Road on other parts of the network less apparent, except when they are referred to in the narrative. An example occurs in paragraph 7.3.4 of Jacobs 2013, which identifies “a particular localised problem at Stonebridge junction (A690/B3602)”. Since this junction would provide the primary link between the existing network and the southern end of the Western Relief Road, it is difficult to see how this can be represented as a “localised problem” to be appraised, resolved and funded separately from the relief road which is the root cause of that problem.
27. The restricted presentation of model outputs has also apparently enabled the Council to make the erroneous claim in paragraph 4.144 of the Pre-Submission Draft that “the WRR should reduce the amount of traffic in villages such as Bearpark, improving safety and amenity.” Unless there has been a radical but unpublished correction to the modelled forecasts previously reported by Jacobs, this statement is a total misrepresentation of the available evidence. **Figure 29 on page 76 of Jacobs 2012 shows that the traffic flow on the local C17 road through Bearpark and Aldin Grange would increase by more than 200 vehicles in the morning peak and by over 300 vehicles in the evening peak as a direct result of the building of the Western Relief Road.**
28. Consequently, even without taking into account the flaws in the Council’s underlying planning input data discussed in paragraphs 13-14 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 9. What evidence there is has been interpreted 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 9 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

29. 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,¹ 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.
30. Unfortunately, the Council has ignored such principles in its selection and advocacy of the Western 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 these options.
31. 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.
32. 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.
33. The fact that councillors in a previous Authority made a decision on political grounds not to apply traffic restraint policies more widely does not provide any basis for 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.
34. 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 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.
35. 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 ap-

¹Durham County Council, *Local transport plan 3: transport strategy*, p 76.

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- plied 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.
36. 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 actually provides is that the Council has **not positively prepared this part of its strategy when considered against ... reasonable alternatives, based on proportionate evidence.**
 37. 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 much of the Aykley Heads site by public transport).
 38. 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.
 39. 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.**
 40. However, the scope of this demand management appraisal in Section 10 of Jacobs 2013 also appears limited. It relies primarily on "soft" persuasive measures rather 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.

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41. 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 the 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 previous 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.
42. These include the removal of the present easy interchange between services via a covered traffic-free concourse; the less convenient access by bus to North Road and Milburngate shops that would result; the negative environmental and amenity effects of increased kerbside parking by buses; and the destruction of the green vista at a key entry point to the city by the substitution of hard landscaping for the mature trees that presently frame the view of the city through the railway arches.
43. In summary, therefore, **Policy 9 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 9 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