

# THE CITY OF DURHAM TRUST

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Spatial Policy Team,  
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## **The County Durham Plan: Local Plan Preferred Options**

As the largest civic amenity society in the North East, which has cared for the environment of the City and its surrounds for 70 years, the City of Durham Trust has a duty to submit the following comments. While we speak primarily for our members, we believe that the comments may represent the views of many others of the disenfranchised citizens of Durham.

In our answers, *Trust* refers to the City of Durham Trust, *Preferred Options* refers to the *Local Plan Preferred Options* document, *Authority* or *Council* refers to Durham County Council and *NPPF* refers to the National Planning Policy Framework. Our responses are arranged systematically in the order in which the corresponding questions appear in the *Preferred Options* document. We have tried to make each response self-contained, which means that in some cases the same text appears in more than one place.

We have not responded to every section: in some cases this is because the Policy refers to a location outside our area of interest which is broadly the former City of Durham District, in other cases it is because we broadly support the policy and feel we have nothing useful to add to it.

The Trust would be happy to clarify any aspects of its submission in discussion with the Council's officers, if this would assist.

Yours sincerely,

Dr DCD Pocock  
Secretary

Roger Cornwell  
Chairman

## INTRODUCTION

1. The City of Durham Trust agrees that the underlying aim of a County Durham Plan should be to improve the well-being of all who live in County Durham. We also agree with the Authority that the way to achieve this goal is by improving the economy of the county and accept that Durham City has an important role to play in this task. But while agreeing with the general objective of the Plan, we **object** to the preferred strategy to be adopted to achieve the same.
2. The degree of over-concentration on Durham City is a strategy contrary to county-wide planning which has characterised planning in County Durham hitherto. This new strategy focusing on the county town will be at the expense of the rest of the county, and represents an opportunity lost. It is not at all clear from the document that the preferred Spatial Approach does in fact draw – as claimed – upon the strengths of Option B, for there is still heavy reliance on the favoured Option A with its hoped-for trickle-down effect from an expanded county town. It is a high risk, inappropriate strategy, as will be shown.
3. The document appears reluctant to acknowledge the county’s position sandwiched between two metropolitan areas. In this respect, the frequent references to the importance for Durham City to achieve a “critical mass” are unrealistic, for the county town will never become a third metropolitan area or regional capital. (No indicative numbers are given for ‘critical mass’, but even a doubling in the City’s size would still leave it trailing in Newcastle’s shadow.) Rather, the Authority should seek to capitalise on the county’s comparative advantages.
4. It is noticeable that the proposed over-concentration on the City has coincided with the abolition of both regional and district authorities, which has meant that there has been no body to oversee context or speak specifically for the City. Within this new administrative context the County Council is acting in a quite unprecedented manner in proposing a Plan which will alter the character of the City as we know it.
5. Over-concentration on the City has characterised the present plan-making from the outset in 2009. Despite rounds of consultation, which have generated the submission of many carefully-argued suggestions for adjustment, the Authority has taken scant notice of the public’s feedback for a more balanced approach. (The anodyne content of the ‘summary boxes’ in the present document, which purport to tell ‘what we told you’, reinforces this conclusion. No quantification or weighted analysis of responses is indicated in any of the summaries.)

## Questions 1 and 4

### Spatial Vision and Policy 2 – Spatial Approach

#### (a) Excessive focus on Durham City

1. The Trust accepts the need for regeneration and agrees that the City will have an important role to play in the Plan period, but is seriously concerned over the high degree of total development which DCC wishes to direct towards the City. The small, tight-knit nature of the City, which is one of its defining qualities, will be lost through a deliberate policy of subjecting it to excessive and unsustainable growth. The language of para 3.2 leaves one in no doubt of this key part of the Vision. The City is termed “an under-utilised asset” needing “a critical mass of employment, population and visitors” in order “to fulfil its potential” and to become “a city of regional, national and international significance.”
2. Such over-concentration and resultant increase in the size of the City would be highly injurious to its character. This is not simply the view of the Trust - the government-appointed Inspector at the 2002 Local Plan Inquiry concluded:

“ In essence the character of Durham does not derive from views of the Cathedral and Castle but from the relationship between them and the actual physical size of the built-up area.....An increase in the physical size of the City, irrespective of any effects on views or countryside quality, would be likely to have a generally harmful effect on the character of the City” (para 4).

The *Regional Spatial Strategy* acknowledged this size constraint (2.77). Thomas Sharp, former president of both the Town Planning Institute and Institute of Landscape Architects, wrote: “There is no need for Durham to grow large. There would be no benefit in it, indeed, there would be injury.” Bill Bryson, past Chancellor of Durham University and international commentator, is only the last of a long line of writers who have valued the small size of the settlement : “It’s wonderful - a perfect little city”<sup>1</sup>.

3. In stark contrast to these considered views is the comment of the County Planning Officer: “The population is too low to attract many of the facilities we want. Population is really holding Durham back in many respects” (*Durham Times*, 6<sup>th</sup> August 2010). The *Preferred Options* document expresses it thus: “The City needs a critical mass of employment population and visitors to become a city of regional, national and international significance” (4.87). But in specific spheres – architectural/spiritual, academic - the City is already of the significance mentioned, while the Trust does not agree that the City “currently lacks a coordinated critical mass of quality business and conference facilities” (6.63) given the facilities in its major hotels (including the convertible Gala theatre) and wide-ranging facilities in the colleges and lecture theatres of the University.
4. However, in terms of the significance of overall employment, it is unrealistic to envisage Durham as more than a sub-regional centre, given its size and geographical location

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1 *Notes from a Small Island (1996), p.294.*

within the North East. Despite the appellation ‘city’, Durham cannot hope to compete with Newcastle in terms of critical mass, for the former will remain the retail, professional services and media core of the region. Even in tertiary education, it should be noted that Newcastle has two universities and a bigger student population. In short, there are no indicators to suggest that Durham will ‘buck the trend’ characteristic of UK regions towards dominance of a main city, a trend apparent during an era of loss of traditional industrial bases and the growth of a service-led economy.

**(b) Circularity and Over-aspirational Nature**

1. *Preferred Options* contains an implicitly circular set of assumptions and/or aspirations. On the one hand, the proposed figures for new housing reflect an aspirational number of new jobs, even as, on the other, it is hoped that the new population will form a “critical mass” for creating those same jobs.
2. Again, the reference to the need for a “critical mass of employment, population and visitors” is merely a circular statement unless “critical” is defined. Otherwise it simply means “sufficient to achieve the stated aims.”
3. Comparison with other centres is also overly aspirational. At meetings between Trustees and County planners, for instance, Oxford and Cambridge have been held as models which Durham might follow. Unfortunately, the former evolved on opportunities that emerged locally. Attracting such opportunities from outside, as is proposed for Durham, is a very different prospect. (A reply to the Trust on this matter, that such inward investment was what had to happen, highlights the over-aspirational nature of the Plan, especially given the infrastructure that exists for county-based development at other sites.)
4. The 12,600 immigrants of working age, which *Preferred Options* hopes to see by 2030 may also seem unrealistic given the regional effects of central government policy in the large conurbations adjoining the County. See below at c(4) for more detail on this point.
5. A charge of dubious evidence may also be made. For example, the reference to “one million people of working age living within 45 minutes of the city” (*Preferred Options, paragraph 4.84*), to suggest that there is some economic advantage over cities such as Newcastle and Sunderland, is a bizarre use of statistics. In the GHK Report *Mapping County Durham’s Functional Economic Market Areas*<sup>2</sup>, it writes that “there is anecdotal evidence that further growth could be unlocked should the constraints on sites and premises be overcome (para 3.3.3). Hardly less convincing is the assertion in the same Report that the City has “substantial congestion on existing road networks” (3.2), a statement which does not match the official Department of Transport statistics of congestion in Durham.

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2 GHK in association with CURDS, Newcastle University, January 2010

**(c) Lack of proper recognition of regional context**

1. The *Preferred Options* is essentially a plan for economic regeneration : “the over-arching priority for County Durham is to improve its economic performance” (4.1). It is therefore crucial that measures to promote improved economic performance are at the right spatial level, ie in the context of a meaningful economic area. Since the local government reorganisation of 1974 the administrative county no longer constitutes a meaningful economic area, and it is this challenge which *Preferred Options* fails to address. (This general challenge or dilemma is discussed in *Why Places Matter, and Implications for the Role of Central, Regional Local Government*<sup>3</sup>). County Durham is an integral part of the wider regional economy – in terms of economic links, economic institutions and national policies – and must be seen in this broader context.
2. The economic links between parts of County Durham and the neighbouring Authorities have been identified in *Mapping Co Durham’s Functional Economic Market Areas* (Reference given above.) Its detailed analysis of ‘functional economic areas’ shows that the northern fringe of the county groups with the adjacent parts of Gateshead, and thereby also with Newcastle and environs. In the eastern part of the county the link is with Wearside rather than Tyneside. In the south there are very strong travel to work and housing market linkages with the Tees Valley. Retail linkages show the same orientation.
3. Key among the institutional links are the North East and Tees Valley Local Enterprise Partnerships. “As the LEPs are based on more meaningful economic areas, they are better placed to determine the needs of the local economy along with a greater ability to identify barriers to local economic growth”<sup>4</sup>. In addition to Local Enterprise Partnerships, private sector businesses have recognised the need to coordinate activities on a regional level, and they have established the NE Economic Partnership to work on issues of strategic importance. There are also regional groups for specific industries, eg Tourism Network NE.
4. National policy issues, as applied to the region, do not affect the County uniformly. The two LEPs, for example, have been successful in their applications to set up Enterprise Zones in Sunderland and along the banks of the Tyne, and in the Tees Valley with sites in Hartlepool, Stockton, Middlesbrough and Redcar. Another central government intervention at regional level is the recent decision to provide funds for, and devolve decision-making to, Newcastle to help that city invest in growth, improve local skills, create jobs, support local businesses and improve critical Infrastructure.
5. All of the above factors have implications which affect different parts of the county in varying degrees. It thus makes little sense to view Co Durham as if it were uniform space or an independent unit. It is a major flaw of the *Preferred Options* that it does not make serious and detailed attempt to embed the Plan in this wider context. There are but passing acknowledgements of the regional context. There is no mention at all in the

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3 Dept for Communities and Local Government, 2008

4 <http://www.communities.gov.uk/regeneration/economicgrowth/localenterprisepartnerships>

document of Local Enterprise Partnerships, and while there is recognition of the 'duty to co-operate' (1.6), there is no indication of 'co-operation' thus far or how in practice the Council will ensure compatibility of the Local Plans of neighbouring authorities.

**(d) Risky Strategy of the Plan**

1. The Report of the Management Team to the Cabinet<sup>5</sup> on 24<sup>th</sup> July 2012 identified three specific risks which it listed in Appendix A. These were public dissatisfaction at the focus on Durham City, which might lead to reputational damage; opposition to the Green Belt proposals, which if successful could lead to the Plan needing to be re-written; and failure of the recommendations to be approved, which would cause a delay in social, economic and environmental regeneration.
2. The risks identified by the Council's officers concentrate primarily on process risk and on risk to the Council's own reputation. This is rather a limited concept of risk, especially in view of the fact that the Council's prime purpose is to serve the well-being of the people of the County, rather than the reputation of its members and officers. The Council appears not to have acknowledged two areas of consequential risk for the intended beneficiaries of the Plan:
  - i. a failure within the Council's overall vision or of individual policies within it, whether resulting from changes in external circumstances, flawed evidence, or faulty interpretation, which prevented the Plan's delivering its intended outcomes
  - ii. successful challenge at public inquiry to any of the key elements of the plan which had the same effect.
3. As stated in our submission on Strategy, the Plan is over-aspirational. We live in uncertain times, and the Plan needs to reflect this. Scenario 4 is, as paragraph 4.27 recognises, ambitious and while no doubt the County Council and its partners will be working to achieve it, what is needed is a strategy that accepts that the outcome will quite probably fall short, and which ensures that the different elements are kept in step with each other.
4. The risk assessment did not consider that the business park at Aykley Heads might not attract the new businesses that are planned. On the other hand, the *Aykley Heads Draft Supplementary Document* states (para 2.6) that it is intended to demolish County Hall and relocate services elsewhere. In a worst-case scenario the numbers of people working at Aykley Heads could actually decrease.
5. The plans for new housing on three sites in the current Green Belt rely on a level of Community Infrastructure Levy that is currently the highest proposed outside London. (See the Trust's submission on the CIL for more detail.) This could be reduced by the Inspector. If this happened there would be insufficient funds to pay for the Western and Northern Relief Roads.
6. The same effect could result from central government action if CIL levels were lowered or

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5 <http://democracy.durham.gov.uk/documents/s24237/TheCountyDurhamPlanReportUSE.pdf>

indeed abolished altogether. Before the last election the Conservative Party said that if elected it would abolish CIL. The Coalition Government has not done this, but if the Conservatives win the next election outright they might carry out the threat. There is a growing body of debate and lobbying about the level of CIL and the effect it could have on affordable housing provision. This is a very fluid area, and it would be unwise to assume that a high level of CIL could be maintained throughout the life of the Plan.

7. An increase of 3,875 houses in the proposed Durham City Strategic Housing Sites will increase demands for medical services and school places. While Policy 7 proposes a primary school and health centre for Sniperley Park, there is the risk of over-demand for places at the local secondary schools.
8. The proposal for a new supermarket and petrol station on 3.5ha immediately north of Arnison, when added to the existing facilities at Arnison and Mercia centres, will create an alternative with easy parking that will be at the expense of Durham City centre. This is surely less a risk, more a certainty. (In addition, as our answer to Question 27 shows, it is inconsistent with the evidence and advice provided by the Authority's own consultants and with the latter's analysis of the retail issues facing Durham City and its catchment. It is also contrary to guidance in NPPF and with the interpretation of national and regional policy provided by its own officers.)
9. A final risk of the spatial policy of the Plan would arise if house building proceeds apace on Green Belt sites, which are obviously favoured by developers, but commensurate employment opportunities do not materialise. The extensive new areas could become dormitories for Newcastle. Then if new employers open in County Durham subsequently, the homes intended for their workers will no longer be available.

**Question 2**

**Strategic Objectives**

1. The Objectives are not of equal value, and some might involve conflict.
2. The Trust objects to the over-emphasis in Objective 2 on exploiting the City's perceived potential in the realms of enterprise, retail, residential, cultural, academic and visitor activities "for the benefit of the whole county". This will in reality undermine the stated objective because of its disastrous effects on the present character of the City, killing the goose that lays the golden egg.
3. The Trust also notes the surprising lack of any explicit recognition of the Green Belt given the continuing "great importance" attached to green belts in national planning guidance (NPPF, para 79). Non-specific references are made to the environment and green infrastructure, but no direct reference to the Green Belt.
4. The Trust regrets that there is no specific objective on sustainable transport to complement Objective 10. This would propose a more sustainable transport system and reduce the reliance on the private car, and promote alternatives to the car such as walking, cycling and public transport.

### Question 3

#### Policy 1 – Sustainable Development

1. It is appropriate that this is the Authority's first Policy, and appropriate that the key phrase of NPPF – "presumption in favour of sustainable development" – should be quoted. However, a full reading of the government guidelines, compared with what the Council is actually proposing in its *Preferred Options*, suggests that it is actually concentrating on economic development, often with scant reference to sustainability, and at the same time at the expense of the linked social and environmental dimensions. The 20 criteria, cited in the Policy, against which developments are to be judged, are breached by the Council's proposals throughout the document. The most frequent and significant breaches are of criteria a, b, h and q. Examples of unsustainable proposals are numerous.
2. The proposal for new roads (Western and Northern Relief roads) does not pass the test of criteria a, b or h, is contrary to NPPF and even to the Authority's own transport policy. Its LTP3 states that it is "preferable that all new development is located to minimise the need for new road construction," and that, even when faced with a problem, "such projects shall only be pursued after all other options have been considered" (Appendix, p.11). The Council has not done the required homework on its two proposed "relief roads".
3. New roads will incur social disruption and environmental damage; increased travel will lead to higher levels of CO<sub>2</sub> emissions, making it increasingly difficult to achieve the aim of a 40% reduction by 2020. It is therefore a surprise to read in the Authority's Sustainable Travel Policy (47), under the heading of 'Accommodating Modes of Travel': "[I]t is very important that we plan in a sustainable manner for the accommodation of motor vehicles as private vehicles are the most popular mode of transport in the County" (para 9.19).
4. Travel will be increased as a result of building a new out-of-town shopping centre adjacent to Arnison, and by the concentration of 6,000 employees at Aykley Heads. (The latter is served patchily by public transport, with travel from Sunderland, the Raintons, Pitlington, East Durham, West Hartlepool, Crook, Meadowfield / Brandon / Langley Moor and the villages along the Deerness Valley all requiring a change at Durham Bus Station.)
5. The Authority is hardly proposing to "make the most effective use of land, buildings and existing infrastructure" (criterion h) when, in addition to new roads, it favours demolishing County Hall and Milburngate House, or when it ignores potential sites in the town centre (including Old Shire Hall and the former County Hospital) in favour of concentrating newly constructed office development at Aykley Heads.
6. The protecting and enhancing of the vitality and viability of town centres (criterion q ) is hardly evident when it is proposed to build another out-of-town centre, incorporating a large food store, at Arnison. Durham City's centre has already experienced considerable leakage from the Arnison and Sunderland Road centres; *Preferred Options* itself states that Durham City centre currently secures only 6.4% of main food expenditure arising within its catchment area (4.53).

7. The need for the Council to address the issue of sustainable development more wholeheartedly and holistically is emphasised by the fact that analysis by the WWF has demonstrated that, out of 60 British cities Durham ranked 53rd in terms of its ecological footprint, with an adverse impact 16% worse than the "best in class" (Newport, Plymouth, Salisbury, Hull, and Stoke-on-Trent)<sup>6</sup> . This is not a record to be proud of, and suggests a reality so far removed from Objectives 10 and 15 and the fifth and six paragraphs of the Spatial Vision as to make it essential for the Council to undertake urgent re-assessment and reprioritisation.
8. The Trust therefore asks the Authority to recast its Sustainable Development policy in conjunction with a redrafting of its proposals. As presented in this document, the Authority's proposals appear to be pursuing growth at almost any cost: of sacrificing Durham City's incomparable character, of which its setting is an integral part, by ranking the Council's pursuit of "critical mass" above the rebuilding and vitality of the free-standing settlements elsewhere in the county.

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6 [http://assets.wwf.org.uk/downloads/city\\_footprint2.pdf](http://assets.wwf.org.uk/downloads/city_footprint2.pdf) This ranking refers to the former City of Durham Council area, and is based on the ecological impact of all forms of consumption in each city, of which CO<sub>2</sub> effects account for about 70%. The CO<sub>2</sub> performance element appears to find at least a partial echo in the Office for National Statistics' latest set of summary statistics for the north-east region, which drew attention to the fact that in 2009 the north-east had a higher level of carbon emissions per resident than any other English region. (<http://www.ons.gov.uk/ons/rel/regional-trends/region-and-country-profiles/key-statistics-and-profiles---august-2012/key-statistics---north-east--august-2012.html> ) It should be noted that, according to the WWF city data, Durham City's ecological footprint ranking at 53rd was worse than Newcastle's at 41st, and considerably poorer than Sunderland's, which was ranked 8th.

**Question 4**

**Policy 2 – Spatial Approach**

Our comments on this question appear above with Question 1.

## Question 5

### Policy 3 - Quantity of New Development

1. As stated in our submission on Strategy, the Plan is over-aspirational. We live in uncertain times, and the Plan needs to reflect this. Scenario 4 is, as paragraph 4.27 recognises, ambitious and while no doubt the County Council and its partners will be working to achieve it, what is needed is a strategy that accepts that the outcome will quite probably fall short, and which ensures that the different elements are kept in step with each other.
2. Although paragraph 2.2 of the *Preferred Options* paper says “The main economic challenge over the Plan period is to support private sector job growth and enable people to access jobs that are within the County and in neighbouring areas”, this policy shows no sign of taking any cognisance of what is happening in adjoining authorities, as is required by the duty to co-operate. There will be cross-border travel to work, in both directions, and the policy needs to recognise this. Given the initiatives in Tyneside and Sunderland it seems there will be a net outflow of County Durham residents to those jobs, but the Hitachi development at Amazon Park in Newton Aycliffe seems likely to draw in workers from Darlington. We will go into more detail in considering the next question (Distribution of Development) but the premise of this policy seems to be that x jobs in County Durham will be filled by x people living in County Durham.
3. Paragraph 4.31, says that although bringing empty houses back into use is a “key priority”, no allowance has been made for it because of uncertainty over the funds available to do it. If this is actually a key priority then the funds need to be allocated, otherwise the statement is empty rhetoric. There are 10,110 empty houses in County Durham<sup>7</sup> – one third of the number of new houses said to be required by Scenario 4, and of course a higher ratio for the more realistic scenarios – 42% in the case of the baseline. In addition there are undeveloped sites with planning permission<sup>8</sup> which have 1301 units yet to start on site and 2064 under construction. To plan to build around 4000 new homes on Green Belt land with this number of empty houses is indefensible.
4. Increasing the supply of houses without a corresponding increase in demand will increase the number of empty houses as new purchasers are more likely to opt for new houses.
5. It seems obvious that if new houses are built before the new jobs materialise, these will not be available to the new workers as they will already be occupied. It is therefore key that the release of housing land goes hand in hand with the arrival of new jobs. If this is not done it will be difficult to resist planning applications from housebuilders. The Monitoring and Implementation Framework shows no linkage between achieving housebuilding targets and achieving job creation targets. This needs to be remedied.

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<sup>7</sup> *County Durham 2012 Strategic Housing Market Assessment*, table 4.1a

<sup>8</sup> <http://www.local.gov.uk/mapping-unimplemented-planning-permissions-by-local-authority-area> and click on County Durham on the map.

## Question 6

### Policy 4 - Distribution of Development

1. The Trust feels that the distribution focusses too heavily on the City of Durham. There are two aspects to this: the first is that given how much of the area surrounding the City is within 15 minutes by bus or 10 minutes by car from the City Centre, it would be perfectly possible to site new housing outside the Green Belt while still achieving the objectives of the Plan. The fact that the city is surrounded on all sides by smaller settlements makes it possible for those working in the City to choose the best match between their residence and their employment without necessarily travelling across the city centre.
2. The 2012 *County Durham Settlement Study* repeats the shortcomings of the earlier version. A detailed critique accompanies this submission but the main points are that the scoring matrix used is rigged in favour of the main towns to the detriment of settlements which are quite close, but not close enough, to a main town. Consequently the Plan proposes that development should be concentrated in the large towns and not in the broader hinterland around them.
3. There is a discrepancy in that the footnote to paragraph 4.41 references the *County Durham Settlement Study* dated December 2010<sup>9</sup> but the Key Evidence Base gives a 2012 date. We have used the 2012 version which is also on the Council website<sup>10</sup>.
4. The County Durham Plan proposes 21,805 new houses in the 12 main towns and 5,470 in the smaller towns and larger villages. For the reasons given above, this needs to be rebalanced away from the main towns.
5. There are more sensible ways of achieving County-wide improvement in economic performance. First, a different balance between the role of Durham City and other parts of the County is feasible and desirable. Greater weight should be given to the opportunities for attracting further employment, and associated housing, to the Policy Delivery Areas other than the Central area, with further attention given to sites such as Amazon Park and Durham Gate. This would not only alleviate the detrimental effects of excessive development in Durham City but would also help to achieve the declared intention (Objective 6) of lessening inequalities between communities in the County.
6. Secondly, further development of the City would be eased by taking a broader geographical view of the 'City'. NPPF guidelines (para. 17) say that growth should be actively managed to make the fullest possible use of public transport, but even with existing public transport it is clear that within 15 minutes of the City centre there are possibilities for housing and other development in non-Green Belt sites. In addition, the concentration on Aykley Heads could be lessened by giving more attention to employment sites such as the Ice Rink and Milburngate House, instead of cursorily dismissing such sites (p. 61).

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9 <http://content.durham.gov.uk/PDFRepository/CountyDurhamSettlementStudyDec2010.pdf>

10 <http://content.durham.gov.uk/PDFRepository/CountyDurhamPlanSettlementStudySeptember2012.pdf>

7. The Key Evidence Base cites the County Durham Strategic Housing Land Availability Assessment (2011) but this is not available on the public websites. We used a Freedom of Information request to elicit the 2010/11 SHLAA Trajectories spreadsheet. This shows net annual totals which sum to 39,172 dwellings and does not include the three “strategic” sites proposed for the Green Belt around Durham. This is clearly substantially in excess of the requirement stated in the *Preferred Options* report, even before making any allowance for empty properties.

## Question 7

### Policy 5 - Durham City

1. The Trust accepts that Durham City has a part to play in the measures to improve the economic performance of the County but, in relation to Question 7, we do have concerns about Policy 5. While we agree that there is some scope for further development in the City, the extent of the proposed new developments is on a scale which takes little or no account of the consequent adverse changes in the character of the City and on the very elements which make it attractive.
2. Durham City is quintessentially a small city (see our comments on Policy 2) which it is not possible to transform into the key driver for the whole of the County economy. Several concerns arise. For instance, the compact city centre defeats the idea of creating an integrated Central Business Quarter by developing Aykley Heads, and we have shown that the Council appears to have a fundamental misconception of what of a Central Business District is (see our remarks on Policy 6). Another problem is the needless erosion of the Green Belt (see our response on Policy 13). This is of particular importance in an historic town like Durham, where a function of the Green Belt is to preserve the town's setting and special character. The Green Belt is already tightly drawn round the City so removing chunks of it will be a proportionately greater loss than if it were drawn more generously. Furthermore, there are serious doubts about the claimed benefits of the proposed relief roads (see our later comments) and while assurances are given that such roads would not eventually become a boundary for infill development, the experience at Sniperley where such an assurance was given that there would be no infilling between the Park and Ride and the houses in Witton Grove and Sniperley Grove, only to have such a proposal made in this Plan, indicates that such promises cannot be relied upon.
3. We have already noted that the City is internationally renowned for its cultural and architectural heritage and for its world-class university. It is, however, mistaken to believe that because the City excels in these dimensions it can attain national and international standing in all dimensions and establish itself as a leading regional centre. In terms of retailing and private sector commerce and manufacturing it is fantasy to suppose that it will not always be out-competed by Newcastle.
4. We also believe that inadequate account has been taken of the risk of not being able to attract prestigious office development, such as the headquarters of major national companies, to Aykley Heads (see our description of the risks of the *Preferred Options*). The probability and the impact of such a failure are not low, but the *Preferred Options* does not acknowledge this nor identify means of adapting the strategy. A half-cock development on such an important site in the City could be a permanent blight.
5. There are more sensible ways of achieving County-wide improvement in economic performance. First, a different balance between the role of Durham City and other parts of the County is feasible and desirable. Greater weight should be given to the

opportunities for attracting further employment, and associated housing, to the Policy Delivery Areas other than the Central area, with further attention given to sites such as Amazon Park and Durham Gate. This would not only alleviate the detrimental effects of excessive development in Durham City but would also help to achieve the declared intention (Objective 6) of lessening inequalities between communities in the County. The present version of the *Preferred Options* has modified the earlier proposal to concentrate almost exclusively on Durham City ( Option A) rather than having a mix of development in the City and elsewhere in the County (Option B) but it has not gone far enough, and a further rebalancing of options will benefit all in the County.

6. Secondly, further development of the City would be eased by taking a broader geographical view of the 'City'. NPPF guidelines (para. 17) say that growth should be actively managed to make the fullest possible use of public transport, but even with existing public transport it is clear that within 15 minutes of the City centre there are possibilities for housing and other development in non-Green Belt sites. In addition, the concentration on Aykley Heads could be lessened by giving more attention to employment sites such as the former Ice Rink, Meadowfield, Durham Science Park, Milburngate House, and Sherburn Grange instead of cursorily dismissing such sites (in the green box, p. 61).
7. A surprising and inexplicable omission from Policy 5 is any real consideration of the role of the University. The significant presence of the University is of course acknowledged but its long-term plans for expansion are not given due attention. The University is a major player in the local economy: it is a leading employer (with, in 2012, 3,854 staff including 1,449 academic posts), it is one of the largest land/property owners in the City, students make up almost 30 per cent of the term time population and there is a large conference trade in vacations . Yet there is no explicit consideration in the *Preferred Options* of the extent to which the University's intentions are compatible with the *Preferred Options*, and how co-ordination might be achieved. History shows that there has not always been full alignment of the University and the Local Authority in planning matters, so this omission in the *Preferred Options* is regrettable.

## Question 8

### Policy 6 – Aykley Heads

1. The Trust disagrees with the Council's Policy 6, which seeks to remove part of Aykley Heads from Green Belt protection with the objective of extending the site that would become available from the redevelopment of the existing County Hall and police headquarters to create what it regards as a strategic employment and housing location. The Trust questions the environmental and economic wisdom of these proposals, and does not consider the Council's approach to be consistent with its sustainability objectives or its underlying stewardship responsibilities as unitary planning authority.
2. The wider Aykley Heads area is recognised in current planning documents as a vital component of the so-called 'inner bowl' around Durham City, the higher land acting as a backdrop to the World Heritage Site. Aykley Heads is also an important presence in many a townscape outside the WHS. To give one example, the steep slope of its eastern side is prominent from the bottom of Hallgarth Street, where its skyline helps create the effect of a city open to green spaces beyond. To close off such a space with new building would replace this openness with a sense of urban claustrophobia.
3. We note that the Inspector involved in setting up the current GB boundaries wrote as follows, less than a decade ago:

I am in no doubt as to the physical attractions of the site of the Aykley Heads Business Park, nor that it has some potential for further development. The Environmental Statements produced by W A Fairhurst & Partners offer a clear demonstration as to how a carefully designed low density low rise development could take place on most of the site without harm to the Area of High Landscape Value or to views from or of the World Heritage Site.

The exception to this is the most eastern part – site 4 on the plan in CR40. As the Statement concludes, 'the development of Site 4 will give rise to moderate adverse impacts, due to the appearance of the building on the skyline from the east and south east and set apart from other elements within the area, and due to the length of time needed for screen planting to integrate the building into its surroundings'. Such harm would be unacceptable and I am not convinced that adequate mitigation could be satisfactorily achieved on this part of the site.<sup>11</sup>

4. This view supports the current Green Belt boundaries, which were established by that Public Inquiry and designed especially to protect the eastern area of the site. However, the relative attractiveness of other areas of Aykley Heads for a low rise business park has arguably diminished since the Inspector's report was written, because of changes and new opportunities emerging in the centre of Durham City. As noted subsequently in the Trust's response to this question, a number of very substantial buildings or large sites

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<sup>11</sup> Inspector's report, para 121.

already in the city centre are either currently vacant or soon to be vacated or demolished. In these circumstances, to put forward one of the City's most attractive green areas as the site for a business district seems unnecessary and unjustifiable. Such a development would also lead to a further decentralization of the city's economic life, following the University's move of many of its operations to Durham's southern fringe.

5. To replace, as proposed, both County Hall and the Durham Police headquarters at Aykley Heads with new housing and/or a business district would also involve large demolition costs. We also understand that expensive measures might be needed in such circumstances, to prevent asbestos fibres in these early 1960s buildings getting into the atmosphere. Other costs would involve safety measures to block off the mine-shafts in the woods near the DLI museum, as these would become more hazardous if the local resident population increased.
6. There are serious transport issues to address with this site. As detailed below, Aykley Heads is actually relatively inaccessible. The severance caused by the river valley and the railway means that pedestrian and public transport access from parts of the city which are relatively close as the crow flies is in fact very circuitous. More employment on this site will inevitably generate additional car traffic over Milburngate Bridge or along the A167 and the link roads to the existing roundabout, already congested at peak times. Paradoxically, the best public transport access is by train, but in the context of the County Council's "local strategy for local people" that is only really relevant for people from Chester-le-Street. Those from, say, Seaham or Bishop Auckland are unlikely to want to commute to Aykley Heads by train via Darlington. So Aykley Heads does not tick the sustainability box, but it will add to the dispersal of economic activity from the historic core of the City which is also the node of Durham's transport network.
7. There is also a specific conflict within the Council's proposals. The Masterplan for the site appears to designate the area which currently contains the park & ride facilities for Durham railway station as Development Area D, for development with buildings of up to three storeys in height.<sup>12</sup> As noted in the Trust response to Question 49, this site's current use is essential in supporting the role of Durham station as the railhead for most of the county and for adjacent parts of Tyne & Wear. It should therefore be protected in this use rather than compromised by inclusion in a speculative development brief.
8. All in all, the Trust, while supportive of the underlying purpose of the Council's study of employment sites, does not agree that the evidence warrants the singling out of Aykley Heads as "strategic."
9. Neither does the Trust accept that that the Aykley Heads development site should be extended further into the existing Green Belt. Paragraph 14, footnote 9, of NPPF makes

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<sup>12</sup> Durham County Council, *Aykley Heads draft supplementary planning document* (2012), p 24

it clear that Green Belt sites are excluded from the presumption in favour of sustainable development, and goes on to advise at para 83 that:

Once established, Green Belt boundaries should only be altered in exceptional circumstances.

10. The Council's evidence base has entirely failed to demonstrate any "exceptional circumstances" applying its proposed extended Aykley Heads development site that would warrant its removal from the established Durham Green Belt. The Council itself proposes the retention of a significant swathe of parkland along the south-eastern side of the site, so even in the Council's own terms it would be totally inconsistent to seek the removal of Green Belt protection from this area – unless of course the Council retains undisclosed ambitions for the subsequent development of this area also. The Trust therefore wishes to remind the Council that its predecessor's attempt in 1988 to establish offices on the south-eastern third of Aykley Heads Estate was withdrawn following the threat of a call-in from Government Office for the North East.
11. In seeking to resurrect yet again previous ambitions for extensive green-field development at Aykley Heads, the *Preferred Options* document suggests in paragraph 4.52 that "Durham does not have a clearly defined Central Business District", and goes on at paragraph 4.93 to argue that development of the Aykley Heads site will address this alleged deficiency. Similar assertions are made in the *Strategic employment sites selection paper* (2012) at paras 2.4 and 2.7.
12. The supplementary planning document, *Aykley Heads, Durham City*, amplifies the Council's position with the following statement at paragraph 1.8

The Policy Directions Paper (May to July 2011) consulted on potential strategic employment allocations, including Aykley Heads, and confirmed our view that development of this site would create a central business district in the City which would be attractive to the market both nationally and internationally.
13. This appears to be an attempt by the County Council to use semantics in support of its flawed approach to its planning responsibilities for Durham City. Most sources identify the phrase "central business district"[CBD] as a US-English synonym for "city centre"<sup>13</sup>, and it is clear that among the key characteristics of a CBD or a city centre are the convergence of transport routes; a concentration of retailing and professional activities; a node-point for civic, cultural and recreational services; and a high level of office employment. The BBC's on-line GCSE geography revision notes helpfully remind us that

The CBD is located in the centre because it is:

  - a central location for road/railways to converge
  - the most accessible location for workers

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13 For example, [http://en.wikipedia.org/wiki/Central\\_business\\_district](http://en.wikipedia.org/wiki/Central_business_district)

- accessible to most people for shops and businesses<sup>14</sup>
14. Durham already has such an area: indeed, the city's secular development pattern was defined by the convergence of radial road routes at the river crossings to the peninsula. Although the original mediaeval concentration around the Market Place expanded into Elvet and later along North Road towards the railway station, Durham retains a compact and recognisable city centre extending eastwards from the viaduct to the historic core around the Market Place and Cathedral. Even after the building of the new roads in the 1960s, the area described above remains the focus of public transport routes and of road access to the city, reflected in the high level of off-street parking provision within easy reach of the Market Place.
15. By contrast, although Aykley Heads has provided a focus of office employment since the migration of the County Council headquarters there from Old Elvet, it does not meet any of the other criteria of a city centre or CBD: most fundamentally, its location cannot be described as "central", either to Durham City itself, or to most of the city's wider catchment area. With one exception (its pedestrian accessibility to the railway station) Aykley Heads fails to meet the BBC's simple test for GCSE students which is quoted above. Since, as noted above, Durham is directly accessible by rail from only one other settlement in the county – Chester-le-Street – Aykley Heads' relative closeness to the station is not strongly relevant to a County Plan whose underlying objective appears to be increasing employment opportunities for all county residents.
16. In terms of local accessibility, a 2 km walking radius from Milburngate or the Market Place extends as far as the Sunderland Road estate and much of Sherburn Road, as well the whole of the south and west of the city to as far north as Framwellgate Moor. Applying the recommended 400m walking distance from a bus stop, most of the historic city centre can be easily accessed from the North Road bus station or stops, and this penetration is increased for routes to the city from the south and east which use the Market Place stops. While Aykley Heads is more accessible on foot from Newton Hall and Pity Me, its bus accessibility from the wider hinterland is poor except by those direct services which are routed via the Aykley Heads roundabout. Apart from the half-hourly local town services and the Park & Ride route between Sniperley and Belmont, regular buses crossing the city centre to serve Aykley Heads are limited to Arriva's routes X1/X2 and 7/7A and Go-Ahead's X21 Bishop Auckland-Newcastle service. There are no direct bus services from the east of the county, nor from the Crook, Deerness and Brandon areas, and the time and fare penalties of changing between buses in the city centre would make this an unattractive option for commuting to Aykley Heads. Though, as noted, certain through Arriva and Go-Ahead services are routed past Aykley Heads via the bus station, this adds

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14 [http://www.bbc.co.uk/schools/gcsebitesize/geography/urban\\_environments/urban\\_models\\_medcs\\_rev2.shtml](http://www.bbc.co.uk/schools/gcsebitesize/geography/urban_environments/urban_models_medcs_rev2.shtml)

around 5 minutes to cross-city journeys, as does the loop via Milburngate for westbound local services using North Road.

17. Even when using those direct bus services routed via the County Hall roundabout, the north-eastern parts of the proposed development site would be well beyond the recommended 400m maximum walking distance from a bus stop. For those travelling on buses which terminate in the city centre, the main entrance to the site is about 900m on foot from the North Road bus station, and the walk involves crossing both the A690 and the A691 on the level, unattractive at the best of times and particularly stressful during peak traffic. The direct walking route from the Market Place is over 1km, and is exposed for most of its length to pollution and hazards from traffic on the 40mph A691.
18. In modern urban development parlance, most of the Aykley Heads site is better described as an Edge City rather than a CBD – it will compete with, rather than complement, Durham’s city centre. Unfortunately, this will further perpetuate a trend which has already been established through the creation of out-of-centre shopping and employment centres at the Arnison Centre/Abbey Road to the north, and Dragonville/Belmont to the east, and through the outward drift of hospital and educational facilities and employment from the city centre.
19. The County Council and its predecessors have permitted and at times actively participated in this dilution of Durham City’s core functionality, and the consequent encouragement of additional car journeys at the expense of bus and active travel access. The creation of yet another off-centre employment zone will simply exacerbate to these trends. Indeed, despite the claims for accessibility which the Council makes for Aykley Heads, the size of the existing County Hall car park clearly demonstrates that, contrary to the Council’s sustainable travel policies, a large proportion of its own members and staff opt for car travel to reach this location.
20. It is difficult not to believe that the promotion of Aykley Heads has been opportunistically driven, and is more about finding solutions to the property issues facing the County Council and the Police Authority than about any real concern with the beneficial development of the city itself. While the *Preferred Options* document refers at para 4.52 to the constraining effect of the lack of city centre development sites, unique redevelopment opportunities have arisen recently at the County Hospital, Waddington Street bus depot, Old Shire Hall and Milburngate/Ice Rink sites. All of these are within or adjoin the existing city centre; are far more accessible by sustainable transport than Aykley Heads; and offer the opportunity for coordinated replacement and expansion of city centre employment opportunities in locations that can easily be reached from all of the wider hinterland.
21. In seeking to justify its choice of Aykley Heads, page 61 of the *Preferred Options* document dismisses the potential of other city locations. However, the wording in the green box on that page appears to have been deliberately designed to mislead consultees:

the only alternative sites in or close to the city which were considered in section 11 of the Council's Strategic employment sites selection paper are Mount Oswald, Meadowfield, Belmont Business Park, and Sherburn Grange: the two city centre sites named on page 61 (Milburngate and the Ice Rink) are not even mentioned in the Site selection "evidence paper".

22. Despite the language of page 61 of the *Preferred Options* report, the Council has therefore completely failed to address the issue of the current availability of several key central sites which are already well-integrated into the city's urban fabric and existing movement patterns, and which collectively provide a substantial strategic opportunity. Instead, the Council's fixation on Aykley Heads is such that it appears content to allow the market to find an after-use for these established and important sites, rather than discharge its key responsibilities as local and strategic planning authority by engaging actively in developing a comprehensive master-plan which recognises the key importance for Durham's future of the release of so many substantial central sites at the same point in the development cycle.
23. It is instructive to contrast the approach of Durham County Council with that of Preston City Council and Lancashire County Council. The latter share high-level objectives for Preston which are very similar to those which Durham County Council professes for our City, and indeed the language of key policy papers is very similar. A further coincidence is that both sets of proposals involve a main-line railway station and a county council HQ.
24. The crucial difference is that in promoting a revitalised Central Business District for Preston the local authorities have taken the defined city centre as their starting point, and anchored their proposals firmly within a context that respects existing movement and development patterns, as well as recognised professional nomenclature. This is expressed in terms of the following objective:

Provide a framework to ensure that the new CBD integrates into the city centre in terms of land use, physical form and movement patterns thereby supporting the overall regeneration of the city centre.<sup>15</sup>
25. Surely the citizens of Durham have the right to expect a similar approach from their own local authority.

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15 Preston City Council, *New Central Business District for Preston: supplementary planning document, April 2011*. Accessed via: <http://www.preston.gov.uk/businesses/economic-regeneration/central-business-district/>

## Question 9

### Policy 7 – Durham City Strategic Housing Sites

1. The Authority's attack on the Green Belt stems from its over-concentration on Durham City and a consequent search for housing sites within 5km radius. Its methodology in choosing housing sites is misguided, for there should have been an initial investigation of all potential sites over a more generous area in which Green Belt locations were assigned extremely negative weightings, since one of the two essential characteristics of a Green Belt is permanence. The methodology is further misguided in using environmental impact or landscape value to select which parts of potential Green Belt locations should be selected for housing, since openness and not landscape quality is the other essential characteristic of Green Belt. (NPPF, para 79).
2. The City's Green Belt was only conceded by the previous County Council at the third time of asking; its first proposal did not constitute a 'belt' at all (County Structure Plan Review: Deposit Plan, 1995, p.82). The present Green Belt is acknowledged in the present *Preferred Options* to be "drawn extremely tightly around the City" (4.183). In fact, it is so tightly drawn that it is the smallest Green Belt of any historic city. This was noted by the government-appointed Inspector at the 2002 Local Plan Inquiry: "[M]ost GBs are many miles wide.....The general extent of the GB around Durham...as defined on the Proposals Map is seldom more than 5km wide and in parts is as little as about 0.8km." (para 7). Notwithstanding its acknowledged minimal extent, and NPPF stating that, "once GBs have been established, local authorities should plan positively to enhance the beneficial use of the GB" (para 80), the Council now wishes to remove three sizeable chunks.
3. Such action appears contrary to NPPF: "Once established, Green Belt boundaries should only be altered in exceptional circumstances" (para 83). The Authority itself expressed doubt in a Council Policy Statement reviewing the major implications of the NPPF two months after its appearance: "The Government has also reasserted the need for Green Belt protection and the requirement to demonstrate exceptional circumstances for any Green Belt deletion remains. As such, it is highly unlikely that proposals that involve the development of Green Belt land will be viewed favourably in the light of this Paper" ('Assessing Development Proposals in a changing National Planning System', May 2012, p.136, para 3.18)
4. The present *Preferred Options* document does not spell out what the Council considers to be the "exceptional circumstances" – indeed, the phrase is not used in the 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 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. It should be noted that the Inspector in 2002, in anticipating possible future development, came to a different conclusion. Acknowledging the small size of the Green Belt, and recognising the need for sustainability, he 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 nodes and close to existing facilities in the larger settlements with better facilities beyond the GB." (para 7). The outer edge of the Durham Green Belt in fact can be reached in any direction in 10-15 minutes by public transport. The Trust therefore maintains that the Council is (a) flying in the face of time-distance reality, as well as the Inspector's conclusion, (b) turning a blind eye to the NPPF. (The latter also states that authorities "should consider the consequences for sustainable development ...towards locations beyond the outer Green Belt boundary" (para 84).)
6. As a result of the above facts, the Trust objects to the three proposed Strategic Green Belt Alterations in order to develop housing on such land at Sniperley Park, north of the Arnison Centre and Sherburn Road. Again, the Inspector's 2002 Report is instructive, for his "Housing Chapter" strongly asserts the primacy of Green Belt over housing development:

“Its [Durham’s] unique character and setting make it physically unable to absorb new housing at levels which market forces might indicate. It is largely for these reasons that the GB has been proposed.....Housing development which extends either into the countryside surrounding the City, or into important open spaces or undeveloped areas within it, will be resisted” (paras 4.9,10).

7. For all three sites the Authority itself presented a comprehensive case against development with a long list of negative factors in its Consultation Report: Durham County Green Belt Assessment Phase 2 (December 2010). North of the Arnison Centre has 11 “cons” or negative factors (pp.45-6), Sniperley Park 9 (pp23-4) and Sherburn 8 (p.115).
8. The building of what is effectively a new town on the northern outskirts, with its town centre opposite the Arnison Retail Centre, will further damage the established City centre, and is entirely contrary to NPPF (para 24). It can hardly be called a sustainable development when it will be beyond a comfortable walking distance for a large part of the site, while this out-of-town shopping centre will attract – need to attract? – car-borne shoppers from a distance. Neither “exemplar of design” (4.104), nor “new and enhanced landscape structure” can compensate for the loss of the openness of Green Belt. The topography beside the long north-eastern boundary, demarcated by the main line railway, will mean that the “break” between Chester-le-Street and Durham will be significantly reduced.
9. The Inspector in 2002 did not mention the proposed North of the Arnison Centre since it was accepted as Green Belt by all sides, but he did pronounce on both Sniperley Park and the Sherburn Road sites. On the former, he wrote:

“In general the A167 forms a firm and appropriate boundary to the GB. The limited housing to the west at Witton Grove is rightly excluded from the GB, but because of its limited size its harmful effects on the GB are not great. 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 this part of the GB”

The Trust agrees with the Inspector’s comment that the A167 is “a firm and appropriate boundary”.

10. On the Sherburn Road site he commented thus:

“ 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 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 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” (paras 25, 26).

The Trust does not concur with the Council’s opinion that the development would provide “an attractive gateway to the City” (4.110) for motorists travelling northwards on the A1(M).

## Question 10

### Policy 8 - Western Relief Road

1. The City of Durham Trust remains completely opposed to the Council's proposal for a Western Relief Road for the City. Its effects would be contrary to the Council's own transport policies and sustainability objectives, and the scheme would have very damaging effects on the environment and setting of the City, both by encouraging road traffic growth and through its direct impact on the Green Belt. The arguments put forward in its favour on pages 68-73 of the *Preferred Options* document are highly selective and even tendentious in their use of evidence, their representation of the policy context, and in their treatment of previous consultation responses.
2. The manner in which this proposal and that for the Northern Relief Road has been brought forward is also contrary to Department for Transport and Treasury Green Book advice on good practice: there is no demonstration that other options have been properly considered and tested as alternatives to these highly-divisive schemes. This is also in breach of the requirement in Policy 5 of the Council's current Local Transport Plan that "Proposals for improvements to the highway network will only be brought forward, in the absence of suitable alternatives, capable of achieving the same objectives".<sup>16</sup>
3. Although the *Preferred Options* document refers on pages 69-70 and 72 to options that were considered as part of the 2006/7 TIF modelling, these references present an extremely biased description and interpretation of the analysis that was carried out as part of the TIF work. The Council has chosen to ignore the clear evidence from the TIF study that traffic restraint measures, coupled with support for public transport, were shown to generate substantially positive net benefits,<sup>17</sup> 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.<sup>18</sup>
4. The fact that councillors subsequently 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 demonstrated their efficiency in both traffic management and net social benefit terms.
5. The Council's 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 *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 appears to reference not only the extremely limited and selective use of the TIF evidence discussed above, but also the bizarre way in which its consultants have applied the

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

17 Jacobs, *Durham TIF study: Technical note DT 7* (2008), p 27.

18 Ibid, p 40.

evidence from the Sustainable Towns demonstration project in Darlington. This local comparator achieved a 19% reduction in car-borne trips, but while in planning terms Jacobs' approach may have been prudent in assuming a more cautious reduction when testing the effects of applying a similar approach in Durham, no evidence to justify the selection of their preferred figure (10%) has been presented.

6. Moreover, the intention of such area-wide policies is completely contradicted by assuming that the approach would apply only in the new housing release sites proposed in the Council's Local Development Framework, and consequently by assigning a 10% traffic reduction only to the new traffic generated by these sites.<sup>19</sup> While this sleight of hand allows Jacobs 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 is described is in reality simply the outcome of testing only a minimal application of these techniques.
7. The claim in para 4.126 of the *Preferred Options* document that the Western Relief Road proposal is justified because it was accepted by independent inspectors in 1979 and 1993 (the latter in the face of opposition by the City of Durham Council) is spurious in the current context. Those public inquiries were based on the premise that the A167 was part of the trunk road network and served a national strategic transport function. The 1993 inquiry was also informed by the then policies of the Conservative government and the mistaken belief, set out in the white paper *Roads for prosperity*,<sup>20</sup> that continued road investment was required to ensure economic growth. In the face of strongly hostile public reaction to proposals such as the Newbury by-pass, and the growing international awareness of environmental imperatives, the Conservative administration under John Major abandoned its ambitions for a substantial road building programme. Later transport white papers and guidance have given priority to alternative modes of transport and to making more effective use of existing road infrastructure through traffic management and through planning policies which reduced the need for travel.<sup>21</sup> Indeed, analysis published in 1999 by a government body went so far as to suggest that, rather than encouraging investment, road building can actually harm local and regional economies.<sup>22</sup>
8. So far as the A167 is concerned, the changed policy background and better-informed professional understanding are clearly demonstrated by the fact that the Department of Transport did not proceed to implement the approval for the Western Relief Road that it received in 1993. This was followed by the Highways Agency's decision to exclude the A167 through Durham from the core network of nationally-strategic routes, and its

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19 Jacobs, *Durham County Council Durham Local Development Framework (LDF): final report* (2012), pp 10-11.

20 Cm 693 (1989)

21 First systematically set out in *A new deal for transport*, Cm 3950 (1998), but the same approach underlies subsequent national transport policy documents.

22 <http://www.dft.gov.uk/topics/appraisal-evaluation/sactra>. It is also relevant to observe that the north east, and County Durham in particular, saw no shortage of new road investment from the Hailsham Plan of the 1960s onwards. However, this investment has not corrected the region's relative economic underperformance.

detrunking in 2003 because it was considered to be a road which primarily served local, rather than national, needs. Consequently the strategic arguments which were adduced at the 1993 public inquiry no longer have any relevance; in addition, as para 4.127 itself acknowledges, the Council's current Western Relief Road scheme is significantly different from the proposals which the public inquiry inspector was persuaded to recommend.

9. Just as fundamental as the A167 road's change in status is its subsequent traffic history. In 1988 the Annual Average Daily Traffic (AADT) flow on the A167 north of Neville's Cross was 20,500 vehicles; the predicted 2012 design level for then proposed Western Relief Road was 24,000-29,700 vehicles, and in arguing the case for the relief road the Department of Transport claimed that without the removal of through traffic from the A167 its traffic levels would increase to an AADT of over 30,000 and up to 42,000 by 2012. The Department for Transport's traffic counts for 2011 show that AADT flows on the A167 between the A690 and A691 junctions were 25,486 vehicles, barely more than their 2000 levels.<sup>23</sup> The 2011 counts also confirm that traffic levels on the A167 are currently close to the lower end of the range that was forecast for 2012 *after the relief road was built*, and substantially *below* the volumes predicted for 2012 *if the relief road was not provided*.
10. Clearly the 1993 traffic growth forecasts which persuaded the inquiry inspector of the case for a western relief road were completely wrong. But this appears to be consistent with the Council's continuing mis-representation of the traffic situation in County Durham. Durham has one of the lowest levels of road congestion in the region and indeed in Great Britain, reflected in the fact that speeds on the county's A roads are higher than both the regional and GB average.<sup>24</sup>
11. There are errors of nomenclature, syntax and grammar in paras 4.128-131 of the *Preferred Options* document which make their precise logic difficult to follow, but the document still appears to base the case for the Western Relief Road on the long-discredited "predict and provide" approach. This case also appears to be dependent on the release of Green Belt land for housing, which the Trust, in common with other local and national bodies and many individuals, continues to oppose. However, even this element in the Council's case is qualified by the admission in para 4.131 that some housing could be built on the contested sites without requiring the provision of additional road capacity.

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23 [www.dft.gov.uk/traffic-counts/download.php](http://www.dft.gov.uk/traffic-counts/download.php)

24 Data accessed through <http://www.dft.gov.uk/statistics/releases/congestion-on-local-authority-managed-a-roads-april-to-june-2012/>. Table CGN0206a shows that the average speed on Durham's locally-managed A roads in May 2012 was 34.1 mph, compared with a regional average of 29.6 mph and an England & Wales average of 25.4 mph.

12. The acknowledgement in para 4.129 of the document and in Jacob's work for the Council<sup>25</sup> that further significant road network changes would be required to manage the adverse traffic impacts of the Western Relief Road provides additional demonstration that this proposal has not been properly scoped and evaluated. It is certainly not at the stage of robustness where the Council can confidently make the assumptions set out in the green boxes on pages 71-2 of its *Preferred Options* report.
13. In particular, and in addition to the opportunist incursions into the Durham City Green Belt which underlie the Council's housing and employment development proposals, the Western Relief Road would itself amount to a hugely damaging and unwarranted intrusion into the Green Belt. Its creation 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. These impacts would be exacerbated by the vertical alignments which the proposed road would be required to follow because of the challenging topography along its route.
14. The Council's own analysis of Green Belt housing options provides extremely compelling evidence why the landscape west of the A167 and south of Whitesmocks should continue to be protected,<sup>26</sup> and this evidence applies with even greater strength to any proposal to force a new north-south highway through this sensitive area. It is disingenuous for the *Preferred Options* document to suggest on pages 72-3 that this road scheme is consistent with para 90 of the NPPF, when it is self-evident that the Western Relief Road will constrain the openness of the Green Belt and conflict with the purposes of including land within it. The Council's policies as set out in its *Local Plan Preferred Options* document do not provide the necessary evidence and justification either for the substantial financial investment that would be required to build the Western Relief Road or for the irreparable damage to the Green Belt that would result.
15. The Trust therefore urges the Council to abandon its damaging and unjustified proposal for a Western Relief Road.

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25 See especially para 5.7, Jacobs, *Durham LDF option appraisal: final report*, (2012), p 73. Jacobs' report is however silent on the fact that its analysis demonstrates that by 2030 the northern leg of the Western Relief Road would itself be congested in the morning peak (Figure 27, p 69), and 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 in excess of 300 vehicles in the evening peak (Figure 29, p 76). The latter outcome is completely contrary to the impression created by para 4.129 of the *Preferred Options* document, which implies that there will be a reduction in "rat run" traffic through Bearpark.

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

## Question 11

### Policy 9 - Northern Relief Road

1. As with the Western Relief Road, the City of Durham Trust remains completely opposed to the Council's proposal for a Northern Relief Road for the City. Its effects would be contrary to the Council's own transport policies and sustainability objectives, and the scheme would have very damaging effects on the environment and setting of the City, both by encouraging road traffic growth and through its direct impact on the Green Belt, including the sensitive and valued woodland landscape of the River Wear gorge through Kepier Wood. It would sever the established Weardale Way long distance footpath at the historic Frankland Lane, and also impact adversely on the paths on the eastern side of the river, the Low Newton Local Nature Reserve, and other sites of ecological interest. The western end of the route could also potentially conflict with future proposals for the re-use of the Leamside-Newton Hall railway alignment, and with possible requirements for the provision of additional capacity on the existing East Coast Main Line following the Government's recent commitment of £240m for the route's upgrading.<sup>27</sup>
2. Just as with the case for its Western equivalent, the arguments that are set out for the Northern Relief Road in paras 4.113-125 and 4.134-6 of the *Preferred Options* report are highly selective and biased. As detailed in the Trust's response to Question 10, the Council has not robustly examined alternative policy approaches which would obviate the need for this costly and intrusive addition to the financial burden which the existing road network places on its council-tax payers.
3. The Council's case is further weakened by the admission in para 4.137 and elsewhere in the documentation that the road would not be required until the very end of the plan period. Despite the significantly different phasing which the Council proposes for the delivery of the two relief roads, its published documentation analyses the traffic case and consequences of the Northern Relief Road in combination with the Western Relief Road, rather than separately. This is contrary to accepted good practice, and means that the specific traffic evidence which the Council claims in support of the Northern Relief Road scheme has no transparency.
4. It is also clear that (again, in common with the Western Relief Road) the prior approvals which the Council cites for the Northern Relief Road are not relevant to this particular proposal, since the scheme that it now seeks to promote is on a different alignment. In its highly selective presentation of the concept's origins and previous standing, the Council has also failed to acknowledge that, despite its inclusion in the Structure Plan, the earlier proposal for a northern relief road was expressly excluded from the North East Prioritisation Framework issued in 2006. The former City Council's Local Plan, while safeguarding an

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<sup>27</sup> Department for Transport, *Railways Act 2005 statement* (2012), para 52.

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>28</sup> 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>29</sup> Presumably for these reasons, the previous County Council did not include a northern relief road in either its first or second Local Transport Plans.

5. For the Council to claim, as it does in para 4.154, that “in fact the amount of traffic since that time [2004] has increased significantly” is a distortion of the actual evidence. Traffic flow counts on all A roads and motorways in County Durham in 2004 summed to 2,029,844 vehicles: in 2011 the total was 2,115,336 – only 4% higher, hardly a “significant” increase over 7 years. Growth on the county-administered A roads was slightly less, at 3.5%.
6. Flows on individual roads naturally vary within the County totals, but of the A roads close to the projected Northern Relief Road, average daily flows on the A167 north of Sniperley increased by only about 700 vehicles between 2004 and 2011 (2.4%), while those on the A690 section between the A1(M) junction and the Gilesgate roundabout increased by just under 3000 vehicles (11.5%). Between Gilesgate roundabout and the A691 junction (including Milburngate bridge) traffic volumes on the A690 fell by almost 4000 vehicles (-9.4%) over the same period, while those on the A691 between Milburngate and Sniperley increased by 1000 vehicles (3.8%).<sup>30</sup> The increase in traffic on the high-capacity Gilesgate-Belmont section of the A690 was more than offset by the fall on the cross-town section between Gilesgate and Milburngate, so the overall picture is hardly one of insupportable traffic growth on the routes that might be relieved by the Northern Relief Road.
7. As already noted, the fact that the Council itself does not consider that this new road would be needed until the end of the plan period (and only then if housing development takes place on contested sites) confirms that there is no proven traffic justification for its inclusion in the County Plan at the present stage.
8. In addition, however, scrutiny of the figures in the Jacobs papers which the Council has included in the evidence base in support of its road proposals suggests that, despite the stated intention of diverting through traffic away from the existing road network through and surrounding the City, the provision of the Northern Relief Road would largely serve to relieve the A1(M) north of its junction with the A690 by routing more traffic via Durham's northern

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28 City of Durham Council, *Local Plan*, paras 6.32-3 (accessed via [http://www.cartoplus.co.uk/durham/text/06\\_t\\_transport.htm#t3](http://www.cartoplus.co.uk/durham/text/06_t_transport.htm#t3) )

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

30 <http://www.dft.gov.uk/traffic-counts/download.php>

outskirts. Figure 26 of the main Jacobs report shows that flows on the A1(M) in 2030 would decrease substantially in both the morning and evening peaks, while the A167 north of Sniperley would see a significant increase in traffic volumes.<sup>31</sup> As the Jacobs report itself acknowledges, traffic to and from the Chester-le-Street direction would be attracted away from the A1(M) and back onto the A167.<sup>32</sup> As a consequence, in 2030 the Northern Relief Road would already be approaching congestion westbound in the morning peak and eastbound in the evening peak. Jacobs' modelling also identifies that it would be operating in excess of capacity westbound in the evening peak.<sup>33</sup> In addition to the noise and air pollution that the Relief Road would create for the adjoining residential 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>34</sup>

9. By freeing up capacity on the A1(M) north of Durham, the Northern Relief Road could have the effect of actually undermining the County Council's overarching objective for the County Plan, that of supporting additional employment in the City of Durham. This extra headroom for traffic growth on the direct motorway link northwards would make it easier for County Durham residents (particularly those from the eastern side of the City itself but also from areas further south and to the east of the motorway) to commute by car to the far wider range of employment opportunities in the Tyne & Wear conurbation. Consequently, more housing with the Council's area would become accessible to residents who were employed outside the county, reducing the stock available to those working locally and encouraging less sustainable travel patterns.
10. This possibility needs to be taken into consideration as a potentially significant offset against the contribution to its preferred policies that the Council attributes to the Northern Relief Road. This contribution principally results from the trivial reductions in car users' modelled cross-city peak travel times that the new road *might* facilitate. These time savings (which are inclusive of the benefits already attributed to the Western Relief Road) would amount at most to 3.2 minutes in one direction in the corridor between Bowburn and Sacriston. They would generally be less than 2 minutes on the other routes through the City, but in two instances would entail *increases* in car travel times.<sup>35</sup> Crucially, relief to the A690 through the City would be minimal, despite the claims that are made for the Northern Relief Road as a means of reducing city-centre congestion and pollution. The provision of this relief road would of itself also attract more traffic to the A167 south of Sniperley.

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31 Jacobs, *Durham Local Development Framework (LDF) option appraisal: final report* (2012), para 5.6.3, p 66.

32 Loc cit.

33 Ibid, para 5.6.4, p 68; Figure 27, p 69.

34 Ibid, Figure 28, p 71.

35 Jacobs, op cit, Table 37, p 72.

11. The assumed benefits for only one section of the community (peak hour car commuters) need to be considered against a background in which motorists in Durham already enjoy faster average journey times than the regional and GB average. Account also needs to be taken of the environmental damage, increases in road traffic, and reductions in public transport use and active travel which the Council's road construction proposals would directly cause. When the Council itself does not envisage a requirement for the Northern Relief Road's early delivery, it is difficult to see any credible case for including the building of this road as a core strategy within the preferred options for the County Plan. The Trust therefore urges Durham County Council to withdraw its Policy 9.

## Question 12

### Policy 10 – Student Accommodation

1. The first paragraph of this policy states “A site at Mount Oswald, Durham City, [...] is identified as suitable for purpose-built student accommodation as part of a wider housing allocation.” The issue of the wider housing allocation is not relevant to a policy dealing with student accommodation, and is not justified in the subsequent paragraphs. This phrase should be deleted from this policy.
2. We have major reservations about the current proposals for the Mount Oswald Golf Course and have stated them in our comments on planning application CMA/4/83 which we hope the Council will reject in its current form. However we do accept the need for a new college and Mount Oswald may be a suitable site. Given the fluid nature of this aspect of the policy we will defer more detailed comment for the deposit draft.
3. This policy underestimates the scale of the problem, possibly because it is based on inadequate evidence. The 2011 Census should clarify the position but the small area statistics are not due out for several months. Durham University has published a Residential Accommodation Strategy<sup>36</sup> and this submission draws on the information contained therein.
4. For the 2012/13 academic year, the total student population is 13,500. Around 5,700 (43%) live in college and the other 7,800 live out. Paragraph 4.162 says “Students living outside the purpose built accommodation tend to house share in the private market sector estimated at 8-10% of all houses within the City.” Given that the SHMA (table 4.1a) gives the total number of dwellings in the City as 18,225 that would equate to between 1,458 and 1,823 houses with between 4.3 and 5.3 students living in each house, which is plausible. However, the same table gives the number of student lets as 383 which is much too low. The University should be able to provide the information requested.
5. However, most of the student lets are in the central wards of the City where many streets are over 50% student lets and some are almost entirely so. This is an undesirable situation which runs counter to NPPF paragraph 50 which says “there is a need to create sustainable, inclusive and mixed communities.” - this is quoted at the end of this part of the *Preferred Options*. Contrary to what is said in paragraph 4.163, if an Article 4 Direction were introduced it would materially help in achieving this objective.
6. The large number of students living in the City compromises the objective of creating a critical mass able to support more retail etc. The three University terms last 28 weeks so for the remaining 24 weeks in the year the town has nearly 30% fewer residents. Furthermore, the nature of student households differs from the settled population so that they are for example less likely to buy white goods.

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36 <https://www.dur.ac.uk/resources/estates/documents/DurhamUniversity-ResidentialAccommodationStrategy2012-2020.ppt>

7.    The University's Residential Accommodation Strategy predicts future student numbers in Durham City as 14,000 in 2015/16 and 15,300 in 2019/20. Assuming the Mount Oswald College is built but no others there will be an extra 800 students living out by 2019/20.
8.    In fact the University's aim is to accommodate 50% - 70% in college (but they are not sure if they can achieve this). Their plans include a map with possible further colleges at Elvet Waterside, Hild/Bede and off Green Lane. These plans need to be incorporated into the County Durham Plan so that they may be considered at the Examination in Public.

**Question 14**

**Policy 12 - Executive Housing**

1. The policy outlined here reflects the Council's study of May 2011 (*Executive Housing Study For County Durham*)<sup>37</sup> where market-led policies are being advocated on the siting of "executive housing" which many people would consider as entrenching social divisiveness. That study advocated that "executive housing" be sited in the general Chester-le Street, Durham City and Sedgefield areas, focusing on semi-rural sites with good access to the A1 away and removed from "dwellings at the lower end of the housing market" (p. 16).
2. The site highlighted in the Plan exemplifies the point conceded in the 2011 study that "Appropriate locations are unlikely to be in convenient walking distance of existing services, and executives have car orientated life styles" (16) Since the "creative" or "executive" classes at issue here are supposed to be general role models for the life-styles of others the conflict with measures to improve public transport, and its image, is striking.
3. The Trust consequently opposes policy 12.

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37 <http://content.durham.gov.uk/PDFRepository/ExecutiveHousingStudy13May.pdf>

## Question 15

### Policy 13 – Green Belt

1. The Trust objects to Policy 13 since it relates to the area within the redrawn boundaries of the Green Belt on the Local Plan's new Proposal's Map. (The content of the policy would have been acceptable in relation to the existing Green Belt.)
2. The Authority's attack on the Green Belt stems from its over-concentration on Durham City and a consequent search for housing sites within 5km radius. Its methodology in choosing housing sites is misguided, for there should have been an initial investigation of all potential sites over a more generous area in which Green Belt locations were assigned extremely negative weightings, since one of the two essential characteristics of a Green Belt is permanence. The methodology is further misguided in using environmental impact or landscape value to select which parts of potential Green Belt locations should be selected for housing, since openness and not landscape quality is the other essential characteristic of Green Belt. (NPPF, para 79).
3. The City's Green Belt was only conceded by the previous County Council at the third time of asking; its first proposal did not constitute a 'belt' at all (County Structure Plan Review: Deposit Plan, 1995, p.82). The present Green Belt is acknowledged in the present *Preferred Options* to be "drawn extremely tightly around the City" (4.183). In fact, it is so tightly drawn that it is the smallest Green Belt of any historic city. This was noted by the government-appointed Inspector at the 2002 Local Plan Inquiry: "[M]ost GBs are many miles wide.....The general extent of the GB around Durham...as defined on the Proposals Map is seldom more than 5km wide and in parts is as little as about 0.8km." (para 7). Notwithstanding its acknowledged minimal extent, and NPPF stating that, "Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt," (para 81), the Council now wishes to remove three sizeable chunks.
4. Such action appears contrary to NPPF: "Once established, Green Belt boundaries should only be altered in exceptional circumstances" (para 83). The Authority itself expressed doubt in a Council Policy Statement reviewing the major implication of the NPPF two months after its appearance: "The Government has also reasserted the need for Green Belt protection and the requirement to demonstrate exceptional circumstances for any Green Belt deletion remains. As such, it is highly unlikely that proposals that involve the development of Green Belt land will be viewed favourably in the light of this Paper" ('Assessing Development Proposals in a changing National Planning System', May 2012, p.136, para 3.18)
5. The present *Preferred Options* document does not spell out what the Council considers to be the "exceptional circumstances" – indeed, the phrase is not used in the 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:*

- 1. The poor state of County Durham's economy and the resulting high levels of unemployment and deprivation;*
- 2. The lack of government investment available to assist our deprived communities and significant reduction in public sector expenditure to support economic development and training;*
- 3. Low land values in many parts of the County with the resultant lack of interest from developers;*
- 4. The need to be build [sic] on the County's assets such as Durham City to ensure the delivery of new development; and*
- 5. 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 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.

6. It should be noted that the Inspector in 2002, in anticipating possible future development, came to a different conclusion. Acknowledging the small size of the GB, and recognising the need for sustainability, he 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 nodes and close to existing facilities in the larger settlements with better facilities beyond the GB." (para 7). The outer edge of the Durham Green Belt in fact can be reached in any direction in 10-15 minutes by public transport. The Trust therefore maintains that the Council is (a) flying in the face of time-distance reality, as well as the Inspector's conclusion, (b) turning a blind eye to the NPPF. (The latter also states that authorities "should consider the consequences for sustainable development ....towards locations beyond the outer Green Belt boundary" (para 84).)
7. As a result of the above facts, the Trust objects to the three proposed Strategic Green Belt

Alterations in order to develop housing on such land at Sniperley Park, north of the Arnison Centre and Sherburn Road. Our detailed reasons are given in our answer to Question 9 on Policy 7. The Trust also objects to the removal of Green Belt status at the Aykley Heads Strategic Employment Allocation. Detailed reasons are given in our answer to Question 8 on Policy 6.

8. Among the proposed Non-Strategic Green Belt Alterations, the Trust also objects to the proposals for Land to the South of Sniperley Park & Ride, at Fernhill and at the former Stonebridge Dairy site.

(a) Sniperley P&R: The Trust agrees with the 2002 Inspector, who stated, “Any consolidation of this development [Witton Grove], however, by the 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).

(b) Fernhill: Again, the 2002 Inspector was 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 it 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 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).

Planning applications for residential development on the site have twice been refused in recent times, the last in September 2011

(c) Former Stonebridge Dairy: The Local Plan defined this as a Major Developed Site in the Green Belt, which is very narrow here between the Stonebridge public house and Langley Moor. The planning permission that was granted in 2008 was for a business park and it was justified on the grounds that it would “reduce the impact on the openness of the green belt compared to the current buildings”<sup>38</sup>. We also note that employment here would be readily accessible from Langley Moor, Brandon, Meadowfield and the villages in the Deerness Valley. This is a sensitive site and in an ideal world, given that the major developed site has been demolished, we would like to see this remain as Green Belt. But recognising the realities of recent planning history, if the site is to be a candidate for development, there must be conditions that minimise the impact that development would have on the surrounding Green Belt.

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38 Committee report <http://217.23.233.227/WAM/doc/Committee%20Report-156664.pdf?extension=.pdf&id=156664&location=VOLUME1&contentType=application/pdf&pageCount=3>

**Question 16**

**Policy 14 – Major Developed Sites in the Green Belt**

1. This policy begins “Limited Infilling at Major Developed Sites in the Green Belt, as shown on the Proposals Map, will be permitted...”. However they are **not** shown on the Proposals Map.
2. A number of sites are listed in paragraph 4.189 and these appear on the Proposals Map as holes in the green wash that indicates the extent of the Green Belt. But other sites – for example the village of Plawsworth – also appear as holes and their status is unclear as there is no key (on the printed map) or tick-box (on the interactive map) to assist.
3. It is not clear whether the sites listed at paragraph 4.189 are examples or form a definitive list. The Trust has no objection to any of the sites listed but obviously cannot comment on other sites that might have been omitted.
4. The Plan needs certainty, and this means that the Council should bring to the next stage of the process a definitive list of sites in the text of the Plan. This should include the sewage treatment works, rather than saying “a number of”. Obviously they should also appear on the Proposals Map, but the purpose of the map should be to define the footprint of the sites, not be the only place where the sites are shown.
5. Paragraph 4.191 needs clarification, as the first reference to “previously developed sites” seems out of place. We could support this paragraph if it read  

This Policy will be used when considering proposals relating to the defined Major Developed Sites. Proposals affecting other previously developed sites will be assessed against the overarching Green Belt Policy.
6. We object to the final part of paragraph 4.192: “excluding temporary/insubstantial buildings, peripheral car parking and peripheral housing development.” This gives too much leeway for creeping expansion, particularly peripheral housing. To include these would completely undermine the purposes of the Green Belt. It would in addition be contrary to the intentions and provisions of Section 9 of NPPF.

**Question 25**

**Policy 23 - General Employment Sites**

1. The Trust objects to the inclusion of Durham Science Park and the former Ice Rink among the General Employment Sites listed for Central Durham. While these sites are suitable for use B1 they are not suitable for either B2 or B8. They should be listed as further Specific Use Employment Sites in Policy 24.

2. The Durham Science Park at Mountjoy was the subject of policy EMP2 of the City of Durham Local Plan<sup>39</sup>, which said:

The development of Durham Science Park will continue on the site shown on the proposals map adjacent to the Mountjoy research centre at Hollinside Lane.

The Science Park will be occupied only for research and development, laboratories and high tech uses as set out in class B1 of the use classes order

The accompanying text explained

Science Parks usually consist of a low density development providing the latest advanced technology located in close proximity to a university campus, thereby allowing for the creation of close links between academic institutions and industry. Such sites are of strategic importance and consequently they have a limited distribution throughout the United Kingdom.

That continues to be the case and for that reason this site should be transferred to Policy 24.

3. The former Ice Rink is in a prestigious site visible from the World Heritage Site and in particular Prebends Bridge. While it is accessible on foot and public transport and so suitable for B1 uses, it is unlikely that a general industrial (B2) use would meet either the accessibility or design criteria that this site merits, and a storage and distribution (B8) use would surely be out of the question.

*(The above two paragraphs are repeated in our response to question 26.)*

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39 [http://www.cartoplus.co.uk/durham/text/05\\_emp\\_employment.htm#emp2](http://www.cartoplus.co.uk/durham/text/05_emp_employment.htm#emp2)

**Question 26**

**Policy 24 – Specific Use Employment Sites**

1. The Trust considers that Durham Science Park and the former Ice Rink should be listed as further Specific Use Employment Sites in Policy 24. They are currently listed as General Employment Sites in Policy 23, but while these sites are suitable for use B1 they are not suitable for either B2 or B8.
2. The Durham Science Park at Mountjoy was the subject of policy EMP2 of the City of Durham Local Plan<sup>40</sup>, which said:

The development of Durham Science Park will continue on the site shown on the proposals map adjacent to the Mountjoy research centre at Hollinside Lane.

The Science Park will be occupied only for research and development, laboratories and high tech uses as set out in class B1 of the use classes order

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40 [http://www.cartoplus.co.uk/durham/text/05\\_emp\\_employment.htm#emp2](http://www.cartoplus.co.uk/durham/text/05_emp_employment.htm#emp2)

**Question 27**

**Policy 25 – Retail Allocations**

1. The Trust opposes the retail allocations policies set out in pages 131-4 of the *Preferred Options* document in terms of their proposed application to North Road, Durham City and to North of Arnison, Durham City. Our responses on these two aspects are set out below.

***North Road, Durham City***

2. The Trust accepts the need for reinvigoration of North Road, not least because of its importance as the main gateway to the city for visitors arriving by train, coach and bus, and because of the importance of its streetscape in framing the unfolding prospect of the World Heritage Site from the north west. The Trust acknowledges the diminishing quality and extent of the retail offer in this formerly important shopping street, and agrees that this commercial underperformance contributes to the run-down appearance of the built environment of North Road and its connecting streets. However, the Council itself has played a part in undermining the appearance and role of North Road: it has failed to maintain the footways to the standards to which they were designed - a high proportion of the paving slabs are now replaced by tarmac, and no attempt appears to have been made to address the aesthetic and hygiene problems caused by gum on the street surface. In addition, by closing the Parking Shop it has directly contributed to the withdrawal of activities from the street and to the number of empty frontages. The County Council's lack of enforcement of existing road traffic orders and the apparent absence of any effective oversight of taxi operations at the east end of North Road are also an element in the degradation of the pedestrian shopping experience in the area.
3. The Council's preferred strategy does nothing to address the fundamental issues facing North Road, and its proposed developer-led strategy is unlikely to offer prospects of an early reversal of the area's decline. The strategy also contains a number of significant weaknesses which are likely in themselves to further diminish, rather than enhance, the functioning and appearance of North Road. Among these are the following:
  - By limiting its consideration of North Road to the section of the street south-east of the railway viaduct, the strategy reinforces the severance created by the construction of the realigned A690 and excludes the existing retail uses beyond the viaduct, which extend into Sutton Street. This section continues the C19th streetscape, and has always formed part of North Road's commercial area. As well as forming part of the step-free route from the railway station, this part of North Road, together with Sutton Street, will also potentially gain added importance in integrating new development on the Waddington Street/County Hospital sites with the city centre. The exclusion of this functionally-linked contiguous area undermines the strategy's coherence and limits its effectiveness in improving the perception of North Road as a key gateway to the city.
  - By rezoning the entire bus station as part of the proposed retail allocation

without making any specific provision for its replacement, the Council's strategy risks undermining one of the important factors that could contribute to improving North Road's commercial performance: its ready access by public transport from the whole of the surrounding area<sup>41</sup>. In its earlier public consultations on the future of North Road, the Council suggested moving bus facilities closer towards the A690 roundabout, and this may be why the map on page 127 of the *Preferred Options Appendices* volume extends the zoning to include the soft and hard landscaping along the A690 on both sides of the roundabout, and the roundabout itself.

- The reality is that these areas could not provide an effective substitute for the present bus station site. The bus station is well integrated into the topography on the southern side of North Road while being largely screened from the street itself by its frontage. Its operational area provides 11 departure stands and 2 further setting-down stands, together with designated parking bays for 4 buses. At peak times it is also necessary for parts of the entrance and exit roads to be used as holding space for buses. For large parts of the day all stands are in use, with some being reoccupied at 5-10 minute intervals. Although the bus station could benefit from improvement in the layout and management of the passenger waiting facilities, its bus operational area is probably optimal for the throughput of services which it is required to handle, and its overall layout facilitates easy passenger interchange between bus routes. It is also close enough to the railway station for reasonable inter-modal connections on foot, and a direct link between bus and rail stations is also provided by the Cathedral bus service.
- No other single space within the designated North Road retail area could accommodate the existing functions of the bus station, and on-street provision is not a feasible or acceptable substitute. Modern buses are around 11-12 metres in length, and a ready appreciation of the amount of frontage that would be required to replace the saw-tooth layout of the eleven existing main stands is provided by the two on-street bus stands on the opposite side of North Road. The kerb-side space required for these two stands is not far short of the length of the street frontage of the entire bus station, while the damage to the road surface and the interruption to pedestrian flow caused by on-street bus activities at these stands is also readily apparent.
- To move the existing stands within the bus station to other lateral frontages in North Road and along the roundabout approaches would probably take up all of the available kerb space. Such a layout would significantly detract from the appearance and amenity of the whole of the North Road area, and would be

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<sup>41</sup> A survey carried out by the Council's consultants found that a higher proportion of shoppers in the central area of Durham arrived by bus than at other comparable centres in the County. See GVA Grimley, *Durham County Council: retail and town centre uses study* (2009), Vol 2, para 3.101.

significantly less efficient both for bus operators and for users. Passengers would no longer be able to interchange quickly and safely within a compact and dedicated area and would not have the shelter from the elements and the other facilities which the present bus station provides.

- Concentrating bus operations around the A690 roundabout, even if it were feasible, would also detract significantly from the landscaping of this area, which softens the intrusion caused by the inner relief road and complements the way in which the railway viaduct frames the views in both directions along North Road. Any loss or reduction of the soft landscaping (including the now-mature planting on the roundabout itself and alongside St Godric's Road) would be a serious diminution in the quality of the existing streetscape, while the extension of hard landscaping to create on-street bus stands and layover area would create swathes of sterile and unwelcoming space at this key entrance to the City.<sup>42</sup> Any changes to the layout of the existing roundabout and the traffic management on its approaches to accommodate new bus stops would also add to the severance which is currently created by the A690.
  - In terms of commercial development requirements, the policy justification for converting the bus station to retail uses also seems extremely tenuous. The Council's own evidence paper dismisses North Road as not providing a sufficiently large site to address the city centre's identified deficiency in food retailing space,<sup>43</sup> and since all of the existing street frontage of the bus station apart from the pedestrian access and bus exit spaces is already dedicated to retail use, it is hard to understand the basis of the claim in the evidence paper that relocation of the bus station is necessary for its site to be utilised for retail frontage.<sup>44</sup> In view of the current number of voids in The Gates shopping centre and in North Road itself (including the modern block opposite the bus station) it is difficult to see any pressing requirement for adding to the current supply of retail sites in the area at the cost of relocating the existing convenient and effective bus facilities.
4. While the Council's approach may be influenced by its ownership of the bus station and the possibility of capital receipts, this cannot be regarded as an acceptable basis for policy making – the Council also has wider responsibilities as public transport and planning authority, and it would be a dereliction of these duties for the Council to pursue an asset-based approach which compromised other outcomes. In the current depressed state of the property market, it would also be an extremely short-sighted approach and would

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42 Concrete surfacing is generally recommended for bus stands, because of the damage to flexible surfaces which is caused by oil drips.

43 Durham County Council, *The County Durham Plan: Retail Site Assessment Selection Paper* (2012), paras 3.11; 3.25.

44 *Ibid*, para 3.11.

amount to poor stewardship of operational assets which the Council holds in trust for Durham's residents.

5. The Trust calls on the Council to revise fundamentally its proposed approach to the regeneration of the North Road area, by first of all correcting its own failures in the discharge of its responsibilities as highway and licensing authority, and as a property owner in North Road. By playing its part in restoring the fabric of the area and managing its use more effectively, the Council could directly and significantly contribute to creating a more welcoming ambience for shoppers and visitors in North Road, encouraging footfall and creating a better trading environment for the existing retail businesses.
6. Rather than seeking to promote additional development in competition with established businesses in the North Road quarter, the Council should also engage pro-actively with existing commercial stakeholders in order to address the perceived deficiencies in the zone's current retail offer, the high proportion of vacant premises, and the poor presentation and layout of much of the existing stock of buildings. In particular, the Council needs to work with the owners and principal tenants of The Gates, to ensure that this key retail and townscape asset regains its intended place in the City's shopping hierarchy, perhaps by reconfiguring its layout and parts of its frontage, and certainly by ensuring that it has more visitor- and pedestrian-friendly linkages into the adjoining retail and commercial areas. For example, the underpass below Milburngate Bridge is extremely unattractive and is not DDA-compliant, while despite the closeness of the proposed office development at the Ice Rink site, current pedestrian links between there, The Gates, and North Road are likely to place the area at a disadvantage in attracting retail traffic from this new development.

#### **North of Arnison, Durham City**

7. Part of the Trust's opposition to the proposed allocation of 3.48 ha for retail uses in the Green Belt immediately north of the Arnison Centre rests on its overall objection to the unjustifiable encroachment into the Green Belt<sup>45</sup> which underlies the Council's Preferred Strategy. However, the Trust also considers that the specific policy reasons which the Council gives for including this retail allocation as part of its green belt release proposals contradict both the advice of its own consultants and national guidance, while the supporting claims that are made about sustainability are completely spurious.
8. The Council contends that this site is required for a convenience superstore in order to address an identified deficiency in food retailing provision in Durham City.<sup>46</sup> By definition, however, a new Out of Town<sup>47</sup> Green Belt site cannot be relevant to this deficiency, and for the relevant evidence papers to claim that this is the most sustainable location for such

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45 See our responses to questions 7, 9 and 15.

46 *Retail Site Assessment Selection Paper*, paras 3.5; 3.14.

47 This categorisation of the site uses the County Council's own nomenclature: see *Local Plan Preferred Options: appendices*, p 397.

additional provision is a complete distortion of the logic. The Council's retail site search paper dismisses an alternative City centre site partly on parking and highway access grounds (despite the availability of off-street parking in close proximity at The Gates), but then seeks to justify the North of Arnison site as a "sustainable" site for a major food superstore because it will be easily accessible from the new housing areas included in the proposed Green Belt release. The same flawed argument is also deployed in the planning document for the North of Arnison release.<sup>48</sup>

9. An out of town superstore development on the scale proposed would require to attract most of its business from beyond the immediate local catchment, and would therefore inevitably generate a substantial number of car trips: many of them would of course be across the city via Milburngate if the new provision is intended to address a city-wide deficiency. But even if the analysis is limited to the context of a walk-up retail facility to serve a new housing area, any marginal credibility that the Council's claim for sustainability might have is largely eroded by the location of the proposed superstore at the south-western extremity of a development zone that extends around 1km northwards and eastwards. The retail area would be beyond a comfortable shopping walking distance from much of the site, especially when the indirect road and non-vehicular routes shown on the Masterplan are taken into account.<sup>49</sup> Moreover, since the retail area will have no direct road access from the rest of the development site, shopping trips by car by residents of the Green Belt release area would have to make use of Rotary Way, which is acknowledged elsewhere in the document as a potential obstacle to access.<sup>50</sup>
10. The final vestige of credibility in the identification of the North of Arnison Green Belt release as the Council's preferred site for an additional food superstore to address the deficiency in the City's convenience shopping provision is then completely destroyed by the fact that the preferred location is adjacent to the existing Arnison Centre, which includes the extensive food shopping facilities at Sainsbury's as well as the current and expanding food provision by other major retailers. The Council's property consultants, GVA Grimley, have pointed out that Sainsbury's catchment already extends as far north as Chester-le-Street,<sup>51</sup> so would clearly encompass the proposed Green Belt housing release.
11. In a telling qualification, the North of Arnison supplementary planning document acknowledges that if the proposed food supermarket cannot be delivered, "the detailed design for the site should incorporate a number of units for local convenience shopping, either clustered together or distributed across the site".<sup>52</sup> As the Council's planners have effectively conceded by this reference, local convenience shopping is the actual level of provision that would be appropriate and requisite for a new development on this scale,

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48 *Retail Site Assessment Selection Paper*, pp 8-9; 13; Durham County Council, *North of Arnison draft supplementary planning document* (2012), pp 35; 47.

49 *North of Arnison draft supplementary planning document*, figure 29, p 55.

50 *Ibid*, para 4.36.

51 GVA Grimley, *Durham County Council: retail and town centre uses study* (2009), Vol 1 pp 54; 57.

52 *North of Arnison draft supplementary planning document*, p 35.

rather than the importation of an additional superstore to serve the entire City.

12. Instead, by conflating a need for local convenience shopping facilities with the requirement to correct a deficiency in food shopping provision at the City catchment level, the Council appears to be placing its objective of eroding the Green Belt above that of improving the balance and performance of the City's retail economy. It is also disregarding the advice of its own officers and consultants, together with national planning guidance. The documentation referenced in the County Plan Evidence Base webpage includes the 2009 Core Evidence technical paper on retail and town centres, and this paper identified a number of extremely relevant core messages for retail development in the City of Durham from the then current national advice and from local and regional studies<sup>53</sup>:

- *Focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.* [Para 2.4]
- *Actively manage patterns of urban growth to make the fullest use of public transport and focus development in existing centres, near to major public transport interchanges.* [Para 2.4]
- *Policies for retail and leisure should seek to promote the vitality and viability of existing town centres, which should be the preferred locations for new retail and leisure developments.* [Para 2.9]
- *There needs to be significant retail development in Durham City Centre, including improving the city's secondary retail frontages and further expansions (where possible) of the existing shopping centres in the city centre.* [Para 2.17]
- *The development of further regional and/or sub-regional out of centre facilities for retail and leisure investment should be restricted.* [Para 2.20]

13. Although the coalition government has issued revised planning advice, the above key messages remain consistent with the current overarching guidance contained in paras 23-4 of NPPF. However, the Council has chosen to be extremely selective in its reference to NPPF in that part of the *Preferred Options* document that deals with its retail allocation policy, preferring to quote only an extract from these paragraphs which deals specifically with situations where town centre sites cannot be made available.<sup>54</sup>

14. Despite the Council's finessing of the evidence base to suit the policy outcome it seeks to achieve, the unequivocal advice it received from its own consultants is that is that the

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53 Durham County Council, *County Durham core evidence base: technical paper no 9 – retail and town centres* (2009).

54 *Preferred Options*, p 134. The extract quoted by the Council fails to mention the requirements which the guidance places on local authorities before selecting out of centre sites, and also their obligation to plan positively to encourage economic activity in town centres.

additional provision to meet the identified shortfall in food shopping provision needs to be located in the city centre. GVA Grimley's report states:

...we consider that there is a quantitative and particularly a qualitative need for a new mainstream foodstore in the city to alleviate the overtrading of the Sainsbury's store.

Consistent with our advice elsewhere, **any provision should be centrally located so as not to diminish the potential qualitative benefits arising.**<sup>55</sup>

15. It is interesting that the shortfall in provision which the consultants identify is very close to the floorspace formerly occupied by Waitrose in The Gates centre.<sup>56</sup> In the context of the Council's aspiration to develop the City's retail economy, it is also extremely revealing that GVA Grimley's survey of city centre shoppers found that, for needs that could not be satisfied in Durham's central area, respondents were more likely to travel to Newcastle, the Metro Centre or Sunderland than to the Arnison Centre or other out-of-town retail parks.<sup>57</sup>
16. The Council's preferred option of a substantial retail allocation North of Arnison is therefore inconsistent with its stated objectives; the evidence and advice provided by its own consultants; and with the latter's analysis of the retail issues facing Durham City and its catchment. It is also contrary to national policy guidance and with the interpretation of national and regional policy provided by its own officers in 2009.

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<sup>55</sup> *Durham County Council: retail and town centre uses study*, Vol 2, paras 11.91; 11.94 (emphasis added).

<sup>56</sup> Too much should not be made of Waitrose's withdrawal from the city in 2008: this site in The Gates previously traded successfully as a Safeway store, but that company's decision to sell its UK operation led to regulatory intervention in the sector and considerable churn of individual sites between operators. Waitrose acquired this site from Morrison, but it is arguable with hindsight that Waitrose's then business model was inappropriate to the size of the site and to trading conditions in Durham. The subsequent success of the firm's smaller site at Eldon Square in Newcastle demonstrates that its current business model enables it to sustain effective town-centre operations in competition with the larger supermarket chains.

<sup>57</sup> *Durham County Council: retail and town centre uses study*, Vol 2, para 3.102.

Question 28

Policy 26 – Retail hierarchy and development in commercial centres

1. The Trust agrees with the proposed hierarchy set out on p 134-5 of the *Preferred Options* report, and welcomes many of the proposals within the document, in particular the restriction on A5 uses detailed on p 136.
2. However, the Trust considers that some of the proposals as they apply to Durham City centre and as further detailed in Appendices I and J<sup>58</sup> should be more strongly defined. In particular, as indicated in our response to Q 27, the Trust considers that the main centre boundary shown on page 135 of Appendix I should be extended to take in the existing commercial and retail uses in North Road between the A690 roundabout and the junctions with the station approach road and with Sutton Street, and should also extend along the eastern side of Sutton Street as far as its junction with the A690 at the railway viaduct, and also include the commercial uses on the opposite side of Sutton Street between Flass Street and the railway viaduct.
3. The Trust also considers that the “primary frontages” designation should extend as far as Elvet Bridge; along Claypath to the eastern edge of the delineated main centre boundary; and along North Road to the railway approach/Sutton Street junctions.
4. The Trust strongly supports the purpose of the Council’s proposals for uses within primary and secondary frontages, set out in subsection 3 beginning on page 135 and explained in more detail in paras 6.42-45. However, the wording of the first (and second) bullets on p 136 is defective, because the word “then” appears to be have used instead of “than”. The “plain English” description in para 6.44 makes the intention clear, and the Trust would expect the 50% threshold to be applied to the extended primary frontage area within Durham City Centre as proposed in our para 3 above.
5. As discussed in our response to Q27, the Council’s consultants have stressed the importance of improving the convenience shopping offer within the main centre boundary of Durham City. The Trust therefore considers that the wording in the last bullet point on page 134 (under the rubric “District Centres – Arnison Centre Durham City, Sherburn Road Durham City”) should be strengthened by the **bold** amendment shown below, to read:

“Additional high street comparison retail provision and **convenience food provision** within the District Centres will need to be carefully assessed to protect the vitality and viability of Durham City Centre.”
6. The Trust calls on the Council to amend its proposals as detailed above in order to give greater protection to the role of Durham City Centre within County Durham’s retail hierarchy.

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58 Durham County Council, *Local plan Preferred Options: Appendices* (2012), appendices I and J.

**Question 31**

**Policy 30 – Housing Land Allocations**

1. The Trust has commented elsewhere in this document on most of the sites in the top portion of Table 8, and asks you to refer to detailed answers to the appropriate Questions. Here we re-iterate in summary form our objections to the following sites in Central Durham.
2. The reason for our objection to the inclusion of the three large sites in the Green Belt, - Sniperley Park (HA5), North of Arnison (HA15) and Sherburn Road (HA16) - are given in our answers to Questions 9 and 13. They result from a blinkered and territorially-confined initial survey, thereby ignoring accessible, sustainable sites beyond the Green Belt, contravene NPPF and ignore recommendations of the government-appointed Inspector's recommendations at the last EiP.
3. We object to the Mount Oswald proposal (HA8). It is contrary to Local Plan policy EMP3, which allocates 10% of the area, along the northern perimeter, for development. The central portion is a Historic Park and Garden, and is currently open space as a golf course. We have objected to the current planning application (CMA/4/83), which we hope the Council will reject in its present form. However, as stated in answer to Question 12, we accept the need for a new university college and the north-eastern portion may be a suitable site. Since we understand discussions are still on-going between the University and a developer, the Trust will defer more detailed comment for the Deposit Draft.
4. We object to Sniperley Park and Ride (HA13). It is another section of Green Belt, the boundary of which was drawn here with particular precision after debate. The result conforms to the Inspector's recommendation.
5. The Former Stonebridge Dairy (HA11) has an extant planning permission for a high class office complex. (The advertising on site has recently been renewed.) The City's small Green Belt is here at its narrowest, and Trustees would prefer it to revert to greenfield from its present brownfield state. If this is unrealistic, then the proposed employment use would help ease the over-concentration elsewhere and be readily accessible to employees to the south and west. Any development on the site must have conditions attached to minimize the impact on the surrounding Green Belt.
6. Potters Bank (HA10). Trustees would prefer this to remain open. It is adjacent to the University Business School, which could well seek expansion in the future beyond current plans.

**Question 45**

**Policy 44 – Historic Environment**

6.    The Trust considers Policy 44 to be a comprehensive and positive statement, consistent with NPPF.

**Question 46**

**Policy 45 – Durham Cathedral and Castle World Heritage Site**

1.    The Trust considers that the protection of the peninsula and setting of the World Heritage Site, given in Policy 45, lacks a sufficiently strong preservation or conservation element. It does not lay down the inviolable nature of the World Heritage Site before turning to possible “applicants” or “developments”. Thus, the opening sentence of the Policy speaks of “requiring development proposals to demonstrate that full consideration has been given to their impacts” The following sentence then refers to “the need to demonstrate that the development will cause no substantial harm.”
2.    The *Preferred Option* wording contrasts with that of the current District Local Plan, which proudly announces that the Cathedral and Castle form “one of a select number of sites in Britain to be inscribed as a World Heritage Site” (para 3.27), and begins its Policy E3 by stating that it will be protected by “restricting development to safeguard local and long distance views.” (Moreover, the Local Plan lists some of the “ridgelines” which afford key views. One, significantly, is that of Aykley Heads.) In contrast, *Preferred Options* simply refers to inner and outer bowls “and beyond.” The value of these long views has long been acknowledged by authorities; the WHS Management Plan review is currently considering them.
3.    In short, the Trust is disappointed at the generality of this Policy and text.

## Question 48

### Policy 47 - Promoting sustainable travel

1. While the Trust welcomes the Council's stated commitment to promoting sustainable travel that is expressed in the heading for this Policy, these principles appear in practice to have been largely ignored in the development of the strategic policies set out in Chapter 4 of the document. Consequently, much of the discussion on pages 204-09 does not match the reality of the Council's current proposals and is therefore largely empty rhetoric. Furthermore, even this discussion seeks to move away the focus from the underlying objective of promoting public transport and active travel that is generally regarded as central to the delivery of a sustainable transport policy, preferring instead the Council's novel reformulation as "planning in a sustainable manner for the accommodation of motor vehicles as private vehicles are the most popular mode of transport in the County".<sup>59</sup> Since the Council's current "sustainable travel" policy proposals are in actuality based on the principle of relegating bus and active travel to a residual role, the Trust finds it necessary to **oppose** the current way in which Policy 47 expresses the objective of sustainable travel and the way in which it has been interpreted and applied in much of the rest of the document.
2. The Council's proposed approach is both contrary to the provisions of its current Local Transport Plan (LTP3) and to the guidance of NPPF, both of which rest on a positive interpretation of sustainable travel. The latter states at para 29:

*The transport system needs to be **balanced in favour of sustainable transport modes**, giving people a **real choice** about how they travel. (Emphasis added.)*

It goes on at para 34:

*Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.*

3. Durham County Council's current failure to implement these positive obligations which NPPF places upon local planning and transport authorities is all the more disappointing because of the way its transport professionals anticipated this guidance in LTP3. While acknowledging the importance of regeneration for the county, the LTP policies also stressed other key outcomes:
  - Reduce carbon emissions
  - Promote equality of opportunity
  - Contribute to better safety security and health
  - Improve quality of life and a healthy natural environment.<sup>60</sup>

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<sup>59</sup> Preferred options, para 9.19.

<sup>60</sup> Durham County Council, Local Transport Plan 3 (2011) para 3.4

4. The LTP Appendix volume which contains detailed justification of the approved LTP policies includes against Policy 5 the crucial statement that:

Road building can be disruptive and expensive and it is more **preferable that all new development is located to minimise the need for new road construction**. In terms of building roads to overcome problems relating to congestion and safety, then such projects shall only be pursued after all other potential options have been considered.<sup>61</sup>
5. Despite its quotation of para 29 of NPPF and other related guidance, the green box on p 209 of *Preferred Options* explicitly admits the limitations which the Council has chosen to place on the analysis of alternative options which would support real transport choice.<sup>62</sup> The relatively small amounts which the Council proposes to spend on infrastructure to support sustainable travel options cannot be described as creating a balance in favour of sustainable modes when compared with the sums approaching £50 million which the relief roads would be likely to require.
6. It is also entirely misleading for the same paragraph on p 209 to claim that the Council is planning “positively through development” to control car use. The Council has completely failed to demonstrate any such policy focus in its approaches to the locational choices set out in its *Preferred Options* report, despite the strong emphasis which both NPPF and in the Council’s own LTP3 place on the importance of this factor in delivering a sustainable travel policy.
7. The NPPF acknowledges the importance of supporting economic growth, but crucially qualifies this by the inclusion of the term “sustainable”. It also stresses that sustainable development involves three inter-dependent dimensions: economic, social, environmental.<sup>63</sup> The social dimension includes the read-across to equality of opportunity and access which is included in LTP3 but which is negated by the priority which is given in the *Preferred Options* proposals to out-of-centre sites for housing, retail and employment which will only offer non-car access which is qualitatively and quantitatively poorer than that available to car owners. The environmental dimension includes recognition of carbon and other polluting impacts on the environment, together with landscape quality and other effects on the natural environment which would also be compromised by car-based policies and by locational choices which consume greenfield and greenbelt sites in preference to the re-use of brownfield land and to the strengthening of existing town centres.
8. Because of its blinkered approach to the options available for delivering economic growth, the draft Durham County Plan falls short on all the other key tests of sustainable development. It certainly cannot be regarded as embodying sustainable travel principles.

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61 *LTP3, Appendix, p 11.* (Emphasis added.)

62 These evaluation failures are discussed in more detail in the Trust’s response to QQ 10-11.

63 NPPF, para 7.

The Trust cannot therefore support the Council’s draft Policy 48 as currently formulated, and considers it to be inconsistent with both NPPF and LTP3.

**Question 49**

**Policy 48 - New transport infrastructure**

1. The Trust supports some aspects of this policy, but wishes to see additional safeguarding of current and potential public transport infrastructure, as detailed in paras 6-8 below.
2. In addition, the Trust strongly **opposes** the broad presumption in favour of the approval of new highway schemes as laid out in the grey box on pp 209-10 of the *Preferred Options* document. This policy statement amounts to a complete departure from the priorities and approach in the County Council's *Local Transport Plan 3 (LTP3:)* *Transport Strategy*, which was completed by the Council as recently as 2010 after extensive consultation and became effective in 2011. The public consultation clearly confirmed that the people of County Durham have no appetite for new road building, and wish to see a greater emphasis on sustainability and on promoting public transport use in place of encouraging the growth of car travel.
3. Policy 5 in LTP3 reflects this very clearly, with its explicit acknowledgement that new road construction should only be considered when all other options have been exhausted.<sup>64</sup> The rationale for this policy is set out in the LTP appendix volume, as follows

**A.5 Policy 5 New Road Infrastructure**

**A.5.1** Road building can be disruptive and expensive and it is more preferable that all new development is located to minimise the need for new road construction. In terms of building roads to overcome problems relating to congestion and safety, then such projects shall only be pursued after all other potential options have been considered.<sup>65</sup>

4. As already discussed in the Trust's response to Question 48 on Sustainable Travel, paragraph A.5.1 acknowledges that locational decisions are key to effective and sustainable transport planning. Unfortunately, much of the strategy set out in the *Preferred Options* document ignores that inconvenient truth, and it is therefore unsurprising that a large proportion of its proposals would result in unsustainable outcomes. The Trust therefore calls upon the Council to revise its *Preferred Options* to make them consistent with the adopted policies of LTP3.
5. The Trust's specific objections to the Northern and Western relief roads mentioned in para 9.36 of this section have been set out separately.
6. On a point of detail and consistency, the Council's draft Aykley Heads planning document proposes the creation of a Development Area D on land which appears to include the main car park for Durham railway station.<sup>66</sup> Any significant new low-rise building on this site would be incompatible with its current function of providing 239 parking spaces which support the

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<sup>64</sup> Durham County Council, *Local Transport Plan 3* p 76.

<sup>65</sup> *LTP3, Appendix, p 11*

<sup>66</sup> Durham County Council, *Aykley Heads draft supplementary planning document* (2012), p 24

station's strategic role as the third-busiest passenger station within the entire north-east region<sup>67</sup> and as the main railhead for the county and for adjoining parts of the Sunderland and South Tyneside local authority areas. Any undermining of this role through the reduction or loss of these parking facilities would be contrary to the Council's established policies as well as to the interests of current users. It would accordingly seem logical and appropriate to make provision within Policy 48 for the future safeguarding of interchange infrastructure at Durham railway station.

7. Apart from this comment, the Trust is generally supportive of the current rail and freight transfer proposals which the document set out in paras 9.29-31 and 9.33-35. However, the Trust considers that the safeguarding of those parts of the Leamside line within or along the County boundary should also be extended to the former Durham-Sunderland branch between Newton Hall and Leamside, for the same reasons that are set out in para. 9.30 of the *Preferred Options* document.
8. Consistent with Policy 2 of LTP3 and with the Government's recent confirmation of additional funding to improve local rail capacity into the Newcastle urban area,<sup>68</sup> the County Council should therefore revise its County Plan proposals to include this safeguarding, and should give priority to discussions with the Tyne & Wear Integrated Transport Authority and its constituent councils about improving public transport links with that conurbation. Specifically, this should include consideration of options for extending the operations of the Tyne & Wear Metro into the county, both along the Leamside line and also from their existing terminus on the former Durham-Sunderland branch at South Hylton. This could provide opportunities for sustainable rapid transport links to be created from the Newton Hall and Belmont/Sherburn areas to Washington, Newcastle and Sunderland via Rainton, relieving the A167, A690 and A1(M). It would possibly also allow the Belmont Park & Ride site to be developed into a major multi-modal transport interchange, capable of feeding the Tyne & Wear conurbation in addition to Durham City, and thus reducing carbon emissions within the county which arise from cross-boundary car journeys.

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<sup>67</sup> Office of Rail Regulation, *2010-11 station usage report and data* (2012).

<sup>68</sup> *LTP3, Appendix*, pp 8-9; Department for Transport, *Railways Act 2005 statement* (2012), para 25.