

## Comment Receipt

<b>Event Name</b>	County Durham Plan Pre-Submission Draft
<b>Comment by</b>	The City of Durham Trust (Mr John Lowe - 440609)
<b>Comment ID</b>	699
<b>Response Date</b>	06/03/19 15:36
<b>Consultation Point</b>	Policy 21 Non-Strategic Green Belt Amendments ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1

### Q1

#### **Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan to be Legally & Procedurally Compliant and Sound?**

(Please note the considerations in relation to the Local Plan being 'Legally and Procedurally Compliant' (Please see guidance notes).

(Please select one answer for each question)

**Legally and Procedurally Compliant** No (Go to Q3)

**Sound** No (Go to Q3)

### Q3

#### **Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally & Procedurally Compliant or sound? (Please select all that apply)**

- . Positively Prepared
- . Justified
- . Effective
- . Consistent with national policy

### Q4

**If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally & Procedurally Compliant or Sound please use this box to explain why.** Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

On the question of whether the Pre-Submission Draft Local Plan is legally and procedurally compliant, the City of Durham Trust notes that the Preferred Options Statement of Consultation presented to the County Council's Cabinet meeting on 16 January 2019 missed out all the responses to the equivalent

policy (Policy 22 at that stage), and therefore elected decision-makers were unaware of what consultees had said at Preferred Options stage.

The Trust also notes that this policy continues to be listed in Appendix A as a strategic policy. Surely a policy of non-strategic amendments cannot be a strategic policy.

Indeed, NPPF 2019 paragraph 136 states that *“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.”*

The Trust draws from this that the Plan should have a Strategic Policy establishing a need for changes to Green Belt boundaries and then a Non-Strategic Policy for detailed amendments to the boundary. These amendments have to be justified on the basis of how they now do not perform some or all of the purposes of Green Belt. The amendments cannot be to accommodate housing need - this is clear from the Government’s statement in February 2019 following its ‘Technical consultation on updates to national planning policy and guidance’. The Government’s statement says on page 6: **“Local authorities may also not be able to meet their identified housing need in full, for example because of land constraints (such as Green Belt) in their area and it may be that need is better met elsewhere. The proposed approach does not change this.”**

The Inspectorate and the Courts have similarly established that a shortfall in meeting Objectively Assessed Need is not a justification for development in the Green Belt. So, to repeat, the County Council’s proposed deletions of areas of Green Belt have to be on the basis of the merits of those areas in terms of meeting the five purposes of Green Belts; they cannot be in order to accommodate housing need. Policy 21 fails to justify the proposed deletions in any way that accords the clear requirements of NPPF and so is **contrary to National policy**.

The Trust further believes that all the amendments should be listed. Thus the Non-Strategic Policy on amendments to the Green Belt boundary should specify all seven put forward somewhere in the Pre-Submission Draft Plan, namely: Sniperley Park, Sherburn Road, Aykley Heads southern car park, PBSA2 Howlands, Former Police Skid Pan, Fernhill, and Lumley Boys School.

The Trust has already stated its opposition to Sniperley Park and Sherburn Road. It also offers the following comments on the three deletions put forward in Policy 21.

#### **Former Skid Pan, Durham City**

There is an error in the Green Belt Assessment, which says “The General Area is considered to contain no notable heritage assets and therefore makes a **weak** contribution to the setting of Durham City.” The Grade II listed telecommunications mast was previously located on the site of the Police HQ and is being moved to the new Police HQ which is about 400m from the skid pan.

The justification for removing this site from the Green Belt is that “if left [it] would be an unsightly area of derelict land which could attract antisocial behaviour”. The way to address this issue has been pointed to in paragraph 141 of the NPPF (2019): *“Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.”*

### **Former Lumley Boys' School, Great Lumley**

We are not commenting here because this is outside our area of interest. No inferences for or against this proposed deletion should be drawn.

### **Fernhill, Durham City**

This site is being assessed as if it were a newly proposed addition to the Green Belt whereas it is, of course, already included in the Green Belt. As such the presumption has to be that it remains.

The Green Belt Assessment document concludes on Fernhill: *Summary: Overall this site makes a strong contribution to Purpose 1 due to the risk of sprawl, and Purpose 4 given its proximity to the historic core.*

Further, reproduced below is the relevant part of the Inspector's report into the City of Durham Local Plan, issued in 2002:

*"37. Under Policy H1 I consider how future housing needs could be provided for. The redevelopment of previously developed land within the existing built-up area will in general be the most satisfactory choice in terms of national and regional strategic guidance. In terms of sustainability the next best alternative is likely to be urban extensions, as by making use of existing facilities, including public transport, these can help to minimise travel, especially by car. The merits of this site as put forward by the objectors to a large extent derive from this. These must however be seen in the context of the identification of the GB in Policy 5 of the SP which sets out particular strategic approach for Durham. There are many sites on the edge of the City, including this one, which might otherwise be capable of making some provision for possible longer term housing development, but my primary concern is with the importance of the site to the GB. Only if that were to be very low might it be appropriate to remove it from the GB.*

*38. In fact in this instance I consider the GB value of the 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 this part 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 objection 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 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."*

The City of Durham Trust avers that nothing has changed between this 2002 assessment and today, and consequently that Fernhill should remain in the Green Belt. In fact, the County Council has rightly refused both applications for housing development on this site since the City of Durham Local Plan 2004 was approved.

### **Q5**

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

Policy 21 should set out Strategic Policy establishing a need for non-strategic changes to Green Belt boundaries. A new Policy (Non-Strategic) should set out those individual amendments to the boundary that meet the criteria set out in the new policy 21. For the reasons set out above these should include neither the former skid pan nor Fernhill. If the southern car park at Aykley Heads and the proposed PBSA2 are to be included these must be justified. The Trust reserves the right to challenge any such justifications.

**Q6**

**Do you wish to participate in the Examination in Public? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the Examination).** Yes

**Q7**

**Do you want to be informed of the following:**

**The submission of the Local Plan to the Secretary of State?** Yes

**The publication the Inspector report?** Yes

**Consultation on any Main Modifications?** Yes

**The adoption of the County Durham Plan?** Yes