

COUNTY DURHAM PLAN PRE-SUBMISSION DRAFT - Consultation January 2019

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Consultee ID:
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Please use a separate form for each representation.

<p>NAME & ADDRESS (Block Capitals) THE CITY OF DURHAM TRUST c/o BHP LAW, AIRE HOUSE, MANDALE BUSINESS PARK, BELMONT, DURHAM DH1 1TH</p> <p>Email Address trust@DurhamCity.org</p>	<p>NAME & ADDRESS (AGENT)(IF APPLICABLE)</p> <p>Email Address</p>
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Preferred method of contact (please tick): Email Letter

To which part of the County Durham Plan does your representation relate?

Site Name	Appendix	Policy no	22	Policies Map
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Q1 - Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan is to be Legally and 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)

	Yes (Go to Q2)	No (Go to Q3)
Legally and Procedurally Compliant	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sound	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Q2 - If you consider that this policy/proposal of the Pre-Submission Draft Local Plan is Legally and Procedurally Compliant and 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 and the suggested change, 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.

(This box can be expanded)
(Go to Q6)

Q3 - Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally and Procedurally Compliant or Sound? (Please select all that apply)

Positively Prepared	X
Justified	X
Effective	X
Consistent with national policy	X

Q4 - If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally and 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.

Policy 22: **Delivering sustainable transport**

The Trust welcomes the fact that Policy 22 clearly acknowledges the importance of sustainable transport. However, the policy itself remains largely **unjustified**, not **positively prepared**, and is unlikely to be **effective**: it is drafted largely as a development control mechanism so, despite its heading, the policy's direct effectiveness in achieving delivery would, as it stands, be extremely limited and purely reactive. While the Trust supports the lettered sub-clauses in draft Policy 22, and the two concluding paragraphs, as worthwhile planning conditions to ensure that new development meets sustainable transport criteria, the Trust's view is that these conditions should be included in a substantially-reworded Policy 22 that provides a more comprehensive and proactive basis for delivering sustainable transport. To be **justified** and **positively prepared**, Policy 22 ought to be a fully strategic county-wide policy, whose aims determine more local policies such as Policy 23 on Durham City, which is logically a subset of Policy 22, and whose inadequate evidence on road building, contrary to the guidance on sustainable transport in the NPPF, renders them together **in breach of national policy**. If the policy for sustainable transport in Durham City is not sound, then the policy for sustainable transport in the County cannot be sound either.

In addition, it is the Trust's experience that the planning instruments referred to in paragraph 5.212 – Transport Assessments, Transport Statements and Travel Plans – have in practice been afforded limited weight in recent significant planning decisions, either by the Council or on appeal. The Trust is also aware of several instances where these documents have been poorly prepared and have in some cases included manifest errors, yet these defects have not been taken into account when determining the relevant applications. If these instruments are to be more effective as a means of ensuring that developers comply with the Council's sustainable transport objectives at the planning stage, then the Council itself must strengthen its capacity for ensuring proper scrutiny of the transport documentation that accompanies applications or is made a condition of approval.

An important recognition of recent studies is that planning for new housing, often under pressure to meet government targets, is still doing too little to minimize use of the private car (see for example the Foundation for Integrated Transport report, "Transport for New Homes: Project Summary and Recommendations", July 2018). The Trust welcomes the revised acknowledgement in paragraph 5.203 in the preamble on how the planning system can influence travel behaviours through choice of development locations, making best use of existing public transport hubs, and enabling new sustainable transport choices. Policy 22, as it stands, is **not effective** with respect to directing development to appropriate locations. This is not the only deficiency: the Trust's view is that the content of Policy 22 needs to be substantially redrafted if it is to be attuned to its title, Delivering Sustainable Transport, and to reflect and address all of the issues set out in paragraphs 5.202-223 of this section of the Pre-Submission Draft document. The preamble should therefore be reworded as a comprehensive statement of transport planning and delivery objectives as were set out, for example, in the Council's Local Transport Plan 3. Development control measures, though important, should form simply one element of an array of mutually-reinforcing delivery policies.

In replying to the Trust's response to an earlier version of this policy, the Council defended its approach: "The scope of policy is to deal specifically with development management applications and the policies in the Plan are not designed to perform the role of a fully worked up Transport Plan." The Trust acknowledges that transport planning in the County falls under the remit of the Joint Transport Committee for the North East, whose Transport Plan is to cover the areas overseen by both the North East and the North of Tyne combined authorities. Nevertheless, significant transport planning powers remain delegated to Durham County Council under this arrangement, just as many issues relating to transport inform the week-by-week planning decisions taken by the Council. If Policy 22 is to be **effective**, the scope of the sub-clauses should be extended to the Council's own responsibilities for transport planning, highway design, traffic management, transport integration,

and public transport support, to ensure that the hierarchy detailed in existing sub-clause (a) is respected and implemented as the guiding principle for all the Council's decision-making that directly involves or has implications for transport, travel, and accessibility.

The Trust urges that DCC should influence the work of the Regional Transport Team with fully researched local knowledge, as opposed to its current tendency of commissioning consultant's reports that seemed predetermined by remits in favour of inherited, unsound local policies, the two Durham City relief roads in particular. The extremely premature and question-begging appearance of the confusingly named "Durham Relief Road" as a potential future investment(s?) in the draft "Investment Programme" of Transport for the North suggests that some questionable evidence is being put into the regional transport planning process.

Monitoring. For reasons implicit in the preceding section of this response, the sole monitoring indicator proposed – a zero tally of successful planning appeals against Policy 22 – would be completely inadequate as a measure of the effectiveness of the Council's delivery of sustainable transport. In its response to the Trust's submission on this policy in the Preferred Options draft, the Council wrote: "The council acknowledge the Trust comment on Transport Plans and the council would in an ideal world, fully enforce Travel Plans. Unfortunately, funding has been withdrawn from central government in recent years with regard to behaviour change programmes for sustainable transport. However, the council have received a number of high-profile travels plans in recent years from major employers so some progress has been in this respect. The council must therefore put in place the correct monitoring arrangements so that Travel Plans can be reviewed fully in future years" (emphasis added). The Trust welcomes this last acknowledgement, but it underlines the degree to which Policy 22 is currently not **effective**.

Success in achieving the high-level objective that is embodied in Policy 22's title can only be measured in relation to transport and access *outcomes*, most obviously by monitoring changes in the balance between the volumes of sustainable and less sustainable travel and in the levels of accessibility afforded to users of different travel modes. A highly relevant example of an outcomes-based approach to monitoring is provided in Table 7.2 of the Durham City Sustainable Transport Delivery Plan, with its objectives to "support economic growth and improve access to economic opportunity;" "improve access to education, training and economic opportunity for young people"; "improve the health of people living, working and studying" in the region ; improve "the safety of travelling," and finally to "enhance the built, historic and natural environment." A further objective of reducing carbon emissions from transport would be essential, given the national aim to phase out all diesel and petrol vehicles by 2040.

While the Parking and Accessibility Standards, referred to in the policy text, set maximum and minimum requirements for car parking depending on the type and location of development, there is no standard to define what an acceptable modal share for access to a major development is, or how ambitious travel plans should be in achieving modal shift. The joint RTPi/TCPA publication "Rising to the climate crisis: a guide for local authorities on planning for climate change", 2nd ed., Dec. 2018 recommends on page 36 that local authorities "ensure that appropriate targets are set within travel plans for new development, particularly for new neighbourhoods". Without guidance from policy, how can robust planning decisions be made and defended? Absence of guidance will leave policy being **ineffective**. In 2016, for example, a large development of land close to Bowburn (DM/15/03912/OUT) was approved, promising 4100 jobs, despite the Travel Plan suggesting an initial modal share of 97% by private car, and the Transport Assessment declaring it to be a sustainable location. Such mitigation as was identified was highly localised, with the majority of planning gain being devoted to increasing the motorway junction capacity. This, and other examples of poor transport outcomes, are given in the appendix at the bottom of this section. This policy, as it stands, will not avoid a repeat of such decisions.

The same RTPi/TCPA publication includes among the key measures to promote sustainable transport "managing the provision of car parking (including consideration of charging for use), so that it is consistent with cutting greenhouse gas emissions" (see section 5.2, p. 40). The Durham City Sustainable Transport Delivery Plan (page 28), notes the great difficulty of achieving demand management through car parking policy because of the "extensive parking that is available, in some cases free of charge, at major employment sites across the city" and notes the opportunity to control the quantity and price of parking available, and thereby influence the peak travel behaviour. The possibility for achieving this through land use policies and requirements in Travel Plans has not been picked up either in Policy 22 or Policy 23 or their supporting text. This should form part of the strategic county-wide policy as well as being articulated within the policy for Durham City.

Delivery issues: *Delivering sustainable transport Paragraphs 5.212-219.* The Trust has commented above on the limited effectiveness to date of Transport Assessments, Statements, and Plans in influencing planning decisions in County Durham. In this context, the Trust notes that paragraph 5.214 refers to a government publication *Creating growth, cutting carbon* (Cm 7996), published in 2011. That document in turn references the 2010 report on the DfT Smarter Choice Programmes in the sustainable travel towns (which included Darlington.) It is clear from these documents that the favourable impacts quoted in paragraph 5.214 depended on a much wider range of interventions than simply travel plans. In previous submissions the Trust has pointed out that a key success factor in such initiatives has been the strong commitment of the local authority to sustainable transport delivery, a factor which previously does not appear to have been very evident in County Durham.

Walking and cycling: *Paragraphs 5.204; 5.216-218; 5.222.* The Trust welcomes the recent adoption of the County Durham Strategic Cycling and Walking Delivery Plan 2019-29, and the commitment to use the planning system to promote access to active travel in new developments. While also noting the commitment to long-distance walking routes, the Trust considers that as highway authority the Council needs to demonstrate equal commitment to pedestrian movement on the existing urban road network, and as planning authority should ensure that developers are not permitted to cause long-term disruption to pedestrian flows, as has happened in Durham City over recent years, with pedestrians sometimes being forced to walk in the road.

The detail of the proposed strategic cycle and walking network is to be set out in Local Cycling and Walking Infrastructure Plans (LCWIPs), and the County Durham Strategic Cycling and Walking Delivery Plan 2019-29 contains no maps or allocations itself. Therefore, the primary and secondary cycling routes, which were included in the allocations map in the 2013 Pre-Submission Draft, would not be properly safeguarded in the new Plan. This should be remedied. Once the LCWIPs are in place, the proposed policy provides a mechanism to contribute to the development of the network, but unless these are produced speedily, the policy risks not being **effective**. In view of the three-year delay between the expiry of the previous County Durham Cycling Strategy 2012-2015, and the lack of any more detailed network planning since 2013, the Trust is of the view that this risk is unacceptably high.

The Trust is concerned about the lack of understanding shown of what constitutes good walking and cycling provision. Greenfield developments come forward (e.g. Mount Oswald and Integra 61) with poorly-designed active travel infrastructure which gets approved. The Council does make reference to no less than eight different existing design guides or standards in the County Durham Strategic Cycling and Walking Delivery Plan 2019-29 (Action Plan, section 4.4) where it is stated that the Council will ensure “that the standards are observed in new developments from the earliest stages of the design process”, but this is not a planning policy. The policies of the CDSCWDP are all actions on the Council. In particular Objective 3 states “we will ensure cycling and walking infrastructure is better planned and embedded in planning policy to influence development management decisions”. To achieve this, the appropriate policies should be transposed into the County Plan where the requirements will be clear to developers and decision-makers, rather than relying on circular references between the two documents. If possible, a single formal Design Manual should be adopted for walking and cycling design. Local authorities adopting such an approach include North Tyneside and Oxfordshire County Council.

Neither Policy 22, nor Policy 30, refer to the need for provision and good design in cycle parking. The current Parking and Accessibility Standards, referenced in this policy, do not provide adequate guidance on good design. The County Durham Strategic Cycling and Walking Delivery Plan 2019-2029 is silent on design aspects also. The Trust recommends adapting the Cambridge City Council “Cycle parking guide for new residential developments” (February 2010, available from <https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf>).

Buses: *Paragraphs 5.205; 5.219; 5.221* The Trust considers that the County Plan should demonstrate greater commitment on the Council’s part to sustaining an effective bus network as an alternative to car use. In particular, reductions in revenue support mean that many communities, even close to the city, now have limited or no bus services in the evenings and on Sundays, greatly restricting the choices of families without private cars. Policy 22 should be amended to require developers to demonstrate consultation with local bus operators on the design of estates and facilities. Transport Assessments and Transport Statements submitted in the last five years rarely do more than list existing services, destinations and frequencies.

Rail: *Paragraphs 5.206-207. 209.* The Trust welcomes the reference in paragraph 5.209 to the Metro and Local Rail Strategy produced by Nexus on behalf of the Combined Authority. As noted, this includes options for extending local rail or Metro services to both Chester-le-Street and Durham City as well as southwards on the Durham Coast line. These options are referred to further in Policy 24, and include use of the Leamside line to create the opportunity for Metro services both to Sunderland and to Newcastle via Washington, as well as for a southward local passenger route to Ferryhill and Teesside. In the context now provided by the Government’s approval for new dual-voltage Metro trains that would be compatible with the electrification system on the East Coast Main Line, the Trust considers it essential that the safeguarding of the Leamside line that is already included in the Council’s preferred options should also be extended to the route of the disused Leamside-Newton Hall connection. However, when considering other options for future uses of the Leamside line, the Trust is also concerned that the Council should not support its development as an avoiding route for Durham City for long-distance passenger services. This would undermine the existing strategic role of Durham station, which is referred to in paragraph 5.206 and is reflected in the fact that Durham is now the second-busiest station in the region, exceeded only by Newcastle itself.

In relation to the proposals for the extending the local railway network the Trust notes that central government

is currently calling for evidence by May 19th 2019 in relation to “how light rail, or similar rapid transit systems, could be incorporated into the transport networks in our towns and cities in the future, and how they will help to complement and integrate new modes and trends” including “what the possible environmental, economic and congestion benefits would be of introducing new systems” (“Transport Network,” 12th February 2019, <https://www.transport-network.co.uk/DfT-evidence-call-looks-to-build-on-popularity-of-light-rail/15649>). The Trust strongly urges the Council to take a full and positive part in this call for evidence, as opposed to pre-empting some major transport issues by forwarding the building of expensive “relief roads” on the basis of dubious evidence (see CDT response to Policy 23) and in ways that make this overall sustainable transport policy **unjustified**, and not **positively prepared**.

Finally, Policy 22 remains **not legally or procedurally compliant** in relation to the conduct of consultations. Consultation responses to Policies 21-25 (formerly Policies 22-26 in the Preferred Options draft of the CDP), were absent from the version of “Preferred Options Statement of Consultation” document considered by the DCC cabinet prior to its meeting on 16th January which approved this Pre-submission draft. (See Minutes of that meeting Item 4, Appendix 10, <https://democracy.durham.gov.uk/ieListDocuments.aspx?CId=154&MIId=10662&Ver=4>).

Appendix: Examples of poor sustainable travel design, transport assessments and travel plans

In support of the Trust's points about the need for better design guidance to be given to developers, and the poor standard of scrutiny of transport assessments and travel plans we give the following selection as evidence. Further details can be provided.

DM/14/01268/RM – Mount Oswald northern access road application DM/15/03912/OUT – “Integra 61” site, on land south of Bowburn

Greenfield sites with shared or segregated pedestrian and cycle access alongside main access roads. Poor design at side roads, where active travel could have been prioritised over turning traffic. Poor bus stop design. Inadequate provision for cycling and walking at main access junctions.

DM/15/03912/OUT – Integra 61 site, Bowburn

The Transport Assessment estimated that 97% of employees would arrive by car. The officer's report to committee stated the “site is located in a reasonably sustainable location” (para. 219). The County Durham average is 75% of work journeys being by car.

DM/17/01682/FPA – Teaching and Learning Centre, South Road

Part of the University's masterplan enabling the increase in student numbers. Despite a building capacity of 2000 with expected occupancy of 1600, the Transport Statement based the peak flow assessment on just 321 people arriving in the morning peak, and then spread them evenly from 8am to 9am. Pavements in the area are already filled beyond capacity in the peak.

DM/18/01650/FPA – Erection of Mathematical Sciences and Computer Science building with associated works and access

Transport Statement asserts development will be car-free, and assesses impact on that basis, despite acknowledging that a large car park adjacent will be subject of a separate application. Uses TRICS to estimate peak arrivals, but the figures do not stand up to scrutiny as the numbers produced would envisage the building being only 18% full by 9am. Travel Plan included impossible modal share targets that sum across all modes to significantly more than 100%.

Q5 - What change(s) do you consider necessary to make this policy/proposal of the Pre-Submission Draft Plan Legally and Procedurally Compliant and Sound?

The policy itself appears to be drafted largely as a development control mechanism so, despite its heading, the policy's direct effectiveness in achieving delivery would, as it stands, be extremely limited and purely reactive. While the Trust supports the lettered sub-clauses in draft Policy 22, and the two concluding paragraphs, as worthwhile planning conditions to ensure that new development meets sustainable transport criteria, the Trust's view is that these conditions should be included in a substantially-reworded Policy 22 that provides a more comprehensive and proactive basis for delivering sustainable transport. Policy 22 ought to be a fully strategic county-wide policy, whose aims determine more regional policies such as Policy 23 on Durham City, which is logically a subset of Policy 22.

The recognition, especially in paragraph 5.203, that the planning system strongly influences travel

behaviours through choice of development locations, making best use of existing public transport hubs, and enabling new sustainable transport choices suggests, strongly supports the recommendation of the UK Committee on Climate Change in Feb 2019 that “Sub-national transport bodies should play a role in coordinating regional housing plans and sharing good practice across local authorities” (“UK housing: Fit for the future? <https://www.theccc.org.uk/wp-content/uploads/2019/02/UK-housing-Fit-for-the-future-CCC-2019.pdf>). This means proactive engagement beyond simply "making the best use of existing public transport hubs" (paragraph 5.203).

As the Council itself acknowledges, there is a need to put in place the correct monitoring arrangements so that Travel Plans can be reviewed fully in future years. In addition, the requirement that developers submit adequate transport assessments should be strengthened, either via stronger policy or clearer guidance in the supporting text. Topics that should be addressed include:

- lowering the thresholds which determine whether a Transport Statement or Transport Assessment is required in cases where a development is proposed within or adjacent to the Air Quality Management Area (AQMA);
- assessing the available capacity of the existing cycleway and footway network in the area of the development, as stipulated by paragraph 4.14 of the Guidance on Transport Assessment;
- the need for Transport Assessments and Transport Statements to do more than just indicate the potential cycling and walking catchment areas for a development, but additionally to address network quality and deficiencies;
- the range of possible interventions which might be funded via planning obligations;
- a requirement to demonstrate that walking and cycling have been included in the brief at the inception of the design process, as recommended by CIHT (Response to the Cycling and Walking Investment Strategy Review, Chartered Institute of Highways & Transportation, June 2018, paragraphs 4-10).

Policy 22 should also require developers to demonstrate consultation with local bus operators on the design of estates and facilities.

The policy, and the supporting text, should be strengthened to give a clear indication as to the quality of cycle and walking infrastructure that is acceptable, by reference to an established design guide.

The issue of demand management by means of car parking policies (including the potential for charging) should be addressed through more specific and stringent land use policies and explicit requirements in the submission of Travel Plans.

Success in achieving the high-level objective that is embodied in Policy 22's title can only be measured in relation to clearly specified transport and access *outcomes*, most obviously by monitoring changes in the balance between the volumes of sustainable and less sustainable travel and in the levels of accessibility afforded to users of different travel modes.

The policy should set a high expectation for the outcomes to be achieved in terms of modal share, air quality and carbon emissions for travel to and from a development at the outset of occupation. Travel plans should only be accepted if they have targets which deliver or exceed County Durham's new targets of being 60% carbon neutral by 2030 and 100% carbon neutral by 2050 (see <https://www.durham.gov.uk/article/21066/We-commit-to-climate-change-improvements>). The Council should develop a document setting out the acceptable modal share parameters, based on different types of development and location, in a similar style to the Parking and Accessibility Standards, taking into account the potential for demand management, improved public transport, and increased cycling using the DfT's recommended Propensity to Cycle modelling tool. Reduction in the need to travel (for example, by increased home working) should also be part of the solution.

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 No

Q7 - Do you want to be informed of the following:

- | | | | | |
|---|-----|-------------------------------------|----|--------------------------|
| • Submission of the Local Plan to the Secretary of State? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The publication of the Inspector's report*? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • Consultation on any Main Modifications? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| • The adoption of the County Durham Plan? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

(*Note an independent Government appointed Planning Inspector will examine the County Durham Plan and produce an Inspector's report).

Please send the completed question response forms to:

FREEPOST SPATIAL POLICY

Responses can also be sent by email to:

CDPconsultation@durham.gov.uk

However, we would prefer if you made your responses online, via our interactive website:

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

In order to make responses online, you may need to register. This is quick and easy to do.

Find out how and why we collect information about you, what we collect and who we share it with. More information can be found at:

<http://www.durham.gov.uk/dataprivacy>

**CLOSING DATE FOR RESPONSES –
4:30PM 8 MARCH 2019**