

COUNTY DURHAM PLAN

PRE-SUBMISSION DRAFT -

Consultation January 2019

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Please use a separate form for each representation.

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

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 ²³ Policies map

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)

Q3)	Yes (Go to Q2)	No (Go to
Legally and Procedurally Complaint	<input type="radio"/>	✘
Sound	<input type="radio"/>	✘

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

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 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 23

Durham City Sustainable Transport

Q4

Legal and procedural compliance

1. Other than its renumbering from Policy 24, draft Policy 23 is largely unchanged from the *Preferred Options* version of the Council's current Plan. Yet most of the major substantive evidence documents relating to this policy are dated 2019, so obviously were not available to respondents to the *Preferred Options* consultation. One 2018 document – Jacobs' *Durham Local Plan - traffic impact* – has been re-issued in modified form, with a substantial deletion.¹ The other documents carried forward are the landscape and battlefield impact statements relating to the proposed relief roads, and the A167 corridor study. The latter is discussed subsequently within this response. It is clear, therefore, that **this draft Policy was formulated on its current basis before all the relevant supporting evidence was available**. This inevitably limited the scope and validity of the previous consultation round, and also means that elected members taking decisions on the Pre-Submission draft early in January 2019 had a very short space of time to consider all the new evidence that council officials had marshalled in support of their recommendations.

2. Furthermore, the *Preferred Options Statement of Consultation* that was included in the documentation issued to the Council's Cabinet and available to other elected members completely omitted any of the responses to the consultation questions relating to this section of the draft County Plan.² The Trust understands that this element of the *Preferred Options* consultation generated a substantial number of responses. While these can be accessed by interrogating the Council's on-line planning consultation system, neither the quantity nor the substance of the responses on this and related policies was reported to elected decision-makers when they were asked to approve the *Pre Submission Draft*. A statement of consultation is one of the submission documents specified in Regulations 17 and 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, so this significant omission from the document constitutes a substantial failing in procedure.

3. Finally, Regulation 10 (1) (a) of the Statutory Instrument cited in paragraph 2 above requires that a local plan shall have regard to policies developed by a local transport authority in accordance with section 108 of the Transport Act 2000(a). The Council's LTP3 is the relevant document, but the Pre Submission Draft provides no evidence that the Plan has had regard to its policies.

¹ See <http://durhamcc-consult.limehouse.co.uk/file/4958695> (2018) and <http://durhamcc-consult.limehouse.co.uk/file/5244175> (2019). Appendix A is omitted from the latter. These documents will be cited subsequently as *Local Plan traffic impact*, with either a 2018 or 2019 date as appropriate.

² <https://democracy.durham.gov.uk/documents/s101209/Appendix%2010%20-%20Preferred%20Options%20Statement%20of%20Consultation.pdf>

Soundness

Introduction

4. Policy 23 covers a number of related but separate issues, making it complex to structure a response. Because of this complexity, matters of soundness can most easily be considered thematically, under the following subject headings:

- A. Durham City Transport Modelling - this section deals with the main evidence framework, especially that which is provided by the supporting Jacobs document, *Durham Transport Model: Durham County Plan Appraisal Report, 2019* (cited as *Appraisal Report 2019*);
- B. the Durham City Sustainable Transport Delivery Plan (*DCSTDP*);
- C. the proposed Northern Relief Road; and
- D. A167 congestion and proposed Western Relief Road.

A final section (E) provides a concluding overview, and an Appendix summarises relevant Department for Transport (DfT) traffic count information that is referred to in this response.

6. All of these elements cross-refer, and the Trust's comments on this policy should also be considered in conjunction with those on Policies 22 and 24.

7. By way of introduction, however, it is important to make a general point on the Council's current approach to the transport policy area which illustrates its basic failure to prepare the plan positively, and to justify policy with reference to appropriate and proportionate evidence. The two proposed relief roads represent the largest financial component of the associated *Infrastructure Delivery Plan [IDP]*,³ and would potentially place a substantial additional burden on Durham County's council-tax payers during a period of continued restraint on local government expenditure and of future economic uncertainty. They were introduced into the previous, withdrawn County Plan for very different objectives at a time when the county's unemployment levels were significantly higher than regional and national levels and when the promotion of significant in-migration and related housing was the Council's policy aspiration. Though the relief road proposals were supported by an extensive suite of technical evidence, the Council's own consultants have subsequently acknowledged that this was not robust enough to comply with Department for Transport [DfT] appraisal standards for new road schemes and was also not fit for purpose in other respects.⁴

8. The unitary Council also sought to justify the relief schemes on grounds of past "commitment" and of a re-writing of history in a way that seemed to imply the pre-reorganisation County Council had got its priorities wrong,⁵ and should have built ring roads rather than the new roads within the city that were necessary to overcome the constraints of the single-lane streets and mediaeval bridges that provided the only vehicular routes through the city core.

9. It is therefore disappointing that the Council continues to perpetuate such unsubstantiated arguments in the latest version of the Plan. The proposition in para 5.232 of the *Pre Submission Draft* that the "principle" of the NRR was established in the 1979 County Durham Structure Plan completely ignores the fact that a 40-year old planning document has no current validity or indeed relevance unless its policies have been carried forward in successor documents that have been justified and adopted through the requisite statutory processes. The Northern Relief Road failed the tests for inclusion in the previous Council's *Local Transport Plan [LTP]* for 2001-06, and neither

³ <http://durhamcc-consult.limehouse.co.uk/file/5259361>

⁴ *Local Plan traffic impact* (2018), Appendix A, especially paras 2.1-3, 6.5, and 8.

⁵ One of the Council's current evidence papers goes beyond implication: it refers explicitly to "previous errors in planning major roads through the city", and the need to "correct" them. See *Local Plan traffic impact* (2019), p 22.

it nor the Western Relief Road was included in the present Council's *LTP3*. This remains the only current statement of transport policy for County Durham that has been developed and adopted through the required processes (including public consultation and a statutory environmental assessment) that are specified by the Government.

10. Equally disappointingly, the professionally-prepared evidence documents for the *Pre Submission Draft* have also rolled forward similar post-truth claims from the *Preferred Options* stage. The statement on page 13 of Jacobs' 2019 version of *Local Plan traffic impact* that [in 2018] "a further 65 years on and the principal road network remains incredibly similar to that of 1953" is a misrepresentation of the actual situation and bears no relation to what has happened on the ground. Two additional bridges across the River Wear were built in the 1960s and 1970s as part of a completely revised core network, which now contains entirely new roads or substantially improved alignments to modern standards across the inner city between Gilesgate, Elvet, upper Sutton Street and the County Hall roundabout, together with new link roads in the form of Southfield Way and the section of the A690 on the former railway line between Gilesgate and Belmont. These schemes significantly increased the total amount of road space within the city, as well as the capability of the network. There are only two possible explanations for the inclusion of such an erroneous statement within the Council's evidence base: either a professional failure on the part of the consultants to understand how the city's road network has developed since the 1950s, or a conscious intention to misrepresent the facts.

11. These points are made because they are indicative of a fundamental bias within the approach that the Council has taken to this part of the Plan. Policy 23 seeks to salvage the highways component of the withdrawn Plan by re-purposing at least one element, the Northern Relief Road, as a prior condition of any sustainable transport strategy for the City of Durham, while the Western Relief Road is again predicated on development aspirations. These schemes are considered more specifically in sections A, C and D below, but at a general level the Council is breaching every tenet of Government guidance and established good practice by starting from what it perceives to be the solution rather than from an objective identification of the issue to be addressed, then determining the outcome it is seeking to achieve and transparently and sequentially appraising the various options for delivering that outcome.⁶ Without far fuller justification than the current evidence base provides, the venerable lineage that the Council claims for the two relief road proposals is of itself likely to disqualify them from prior selection as the preferred solution in 21st century conditions.

(A) Durham City Transport Modelling

1: overview

12. As already mentioned in paragraph 4, the main current body of appraisal evidence for the proposed relief roads is the Jacobs report *Durham transport model – County Durham Plan Appraisal Report* (2019). This document is one of the January 2019 productions touched upon in paragraph 1 above, so the evidence it contains was not available for the *Preferred Options* consultation. In terms of the guidance that the Council has attached to Q4 of the response form, it is therefore unavoidably necessary to submit any comments on this new evidence in full detail when responding to the Pre-Submission draft of the County Plan.

⁶ See Department of Communities & Local Government, *The DCLG Appraisal Guide* (2016), especially p 9 and sections 1-2; and DfT, *Transport Analysis Guidance: the transport appraisal process* (2014).

13. Jacobs' *Appraisal Report 2019* is in several respects a useful document. However, its scope and content is far less comprehensive than that of the appraisal reports which the same firm prepared at various stages of the development of the withdrawn County Plan. As discussed further in subsequent sections of this response, a particular limitation is the failure to present any quantitative and systematic evidence of projected traffic flows on the study network as a whole – the data series presented in the 2019 report are largely restricted to the modelled flows through a very small sample of junctions, supplemented by mapping which also includes some depiction of flows levels on a selection of roads, and by separate tables giving journey-time projections for three cross-city routes.

14. *Appraisal Report 2019* therefore fails to provide the appropriate and proportionate evidence that is necessary to support Policy 23, and none of the other transport evidence documents fills that gap. In particular, although paragraph 2.4.5 of the *Pre Submission Draft* refers to modelling that the Council has undertaken to test alternative approaches to changing travel behaviour, **none of the modelling information about alternatives is included in *Appraisal Report 2019* or available elsewhere in the publicly-available evidence base.**

15. In addition to these overall deficiencies in the scope of the evidence, the Trust has five more specific methodological concerns about the validity of *Appraisal Report 2019's* data, as follows:

- A 2018 evidence paper reports Jacobs' identification of the then limitations and lack of robustness of the Durham Transport Model as applied in the firm's previous appraisals.⁷ However, it is not clear from the outline technical information provided in section 2.1 of *Appraisal Report 2019* whether the subsequent adjustments to the model's architecture and to the traffic data that it depends upon are sufficient to overcome all of its pre-existing limitations. It is also unclear to what extent the review of the Durham Transport Model has been independently audited and quality-assured. The inside cover of *Appraisal Report 2019* only warrants the document's use by the immediate client and not by third parties; it is reasonable, therefore, to expect that Durham County Council, as that client, should have sought validation of data derived from the Model before releasing it as part of the evidence base for the County Plan. Finally, in the light of recent developments in traffic modelling, including the availability of real-time data derived from mobile phone tracking systems, it has to be asked whether a different modelling approach should have been considered: one which was better attuned to modern traffic conditions and driver information systems, where route choices are influenced in real time by journey planning applications and in-car sat-nav guidance.
- Paragraph 2.5.1 of *Appraisal Report 2019* states that it is assumed for the purposes of the study that all trips are car based, since the number of HGV trips generated by the development sites is likely to be very small. Other categories of traffic are represented in the base data used to refresh the model and are presumably included in the "background growth" factors that have been applied, so it would be helpful to have further clarification of this element of the modelling approach. If, as seems possible, para 2.5.1. is intended to convey that HGVs have been excluded only from the element of the modelled traffic growth that relates to committed and proposed County Plan development sites, it probably is the case that the effects of this specific exclusion are small; however, light vans, pedal- and motor-cycles, and buses would also be excluded if only car-borne trips are included. **It is difficult to see how modelling evidence that specifically excludes other modes of passenger transport, including buses and active travel, can appropriately be used to justify**

⁷ See above, para 7 and footnote 4.

a policy which purports to promote sustainable transport. This restricted approach also conflicts with the relevant Government advice provided in the National Planning Policy Guidance.⁸

- The reference date adopted for the refreshed model and its data is 2015. As explained in paragraph 2.5.2 of *Appraisal Report 2019*, the traffic growth projections embodied in the model are based on DfT forecasts of background growth, and on the planning data for new developments captured in the DfT TEMPRO system. The appraisal years used by Jacobs are 2022 and 2037, and the overall growth factors from 2015 generated for these years are approximately 5.5% and 15.5%, varying for the peak and inter-peak periods. These factors imply a compound average growth rate of about 0.77% in the first period but 0.55% overall.⁹ However, the difficulty this creates, especially in the period up to 2022, is that the DfT's official traffic count statistical releases for the A-roads passing through the junction points selected by Jacobs show an overall *decline* in their combined traffic volumes between 2015 and 2017, the latest year for which data is currently available.¹⁰ This continues the pattern to which the Trust has already referred in previous consultation responses. And while it may be possible to argue about annual changes in quantum, the overall trends seem well established.¹¹ Consequently, **it is inherently unlikely that an actual 0.77% annual traffic growth rate was experienced on these key routes through the city between 2015 and 2017; the total traffic growth assumed by Jacobs to 2022 and ultimately through to 2037 therefore appears questionable.**
- All the scenario modelling appears to have been conducted on the basis that the major infrastructure interventions detailed in Policy 23 – the building of a Northern and a Western Road, and the reduction of capacity on Milburngate Bridge – would be completed by the first forecasting date used in the appraisal, which is 2022. As noted in footnote 51 to paragraph 66 below, the Council's own *Sustainability Assessment Report* was prepared on the assumption that the proposed relief roads would not **commence** within "the next five years". As these modelling assumptions clearly do not synchronise with the Council's own anticipated delivery schedule, **this throws further significant doubt on the accuracy of the modelled outputs and their validity as evidence for Policy 23.**
- There is a particular statistical issue with one of the 2022 junction rows in the "Do nothing" tables in Section 5 of the report, that for Leazes Bowl, where the stated increase in traffic movements is not matched by a comparable increase at the three junctions feeding in and out of Leazes Bowl. This issue was raised with the Council on 7 February 2019 but has not yet been clarified. Since these figures are carried forward in comparative tables, they could potentially affect many of the calculations and comments within the document. Another potential anomaly in the data is referred to in paragraph 20 below, and again is awaiting clarification by the Council.

16. Within the limited scope adopted for the analysis, and subject also to the reservations expressed in paragraph 15 above about modelling assumptions and data assurance, *Appraisal*

⁸ <https://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking>. This advice refers to the need to assess the existing situation and likely generation of trips over time **by all modes**. [*emphasis added*.]

⁹ This front-end loading is itself difficult to understand, since the report notes that significant committed developments in the Plan period will not be delivered until after 2022.

¹⁰ Extracted DfT traffic count data is provided as the Appendix to this response. There were minor increases on some sections of the A690 and A177, but these were greatly outweighed by the decreases on the A167, the A691, and the central section of the A690.

¹¹ One of Jacob's evidence papers for the Council appears to agree. *Local Plan traffic impacts* (2019) states on page 12 that traffic in the city has been "largely static" for the past decade.

Report 2019 appears to provide an internally-consistent means of comparing the modelled traffic impacts of the various scenarios identified. As mentioned above in paragraph 13, the analysis primarily rests on data of the usage and performance of a sample of nine junctions within and around the city, with results reported separately for the morning and evening peak travel hour. However, because of the different locations of the committed and proposed developments whose traffic impacts are incorporated in the forecasts, there is no close correspondence between the traffic growth projected for each of the nine modelled junctions. This can be illustrated by reference to “do nothing” Scenario A 2037 (Table 5.2 on page 23 of *Appraisal Report 2019*), which shows growth from 2015 values in the morning peak ranging between 2.7% and 29.5% at the separate junctions within an overall average of 10% for all nine junctions.¹²

17. Although the report tables show downward totals for all the junctions, these totals can only be regarded as a rough indicator of trends rather than an absolute measure of traffic growth. The report’s narrative therefore concentrates on effects at individual junctions. *Appraisal Report 2019* notes significant differences between the intensity of the morning and evening peaks, with the inclusion of school traffic a major factor in the morning peak. However, these differences are themselves not constant, and vary over time. Consequently, it is risky to place too much emphasis on changes in the aggregate totals in the tables, because of the variability in the factors influencing the changes in the individual cells that make up these totals.

18. Within these limitations, the “Do nothing” scenarios modelled by Jacobs for 2022 and 2037 (Tables 5.1 and 5.2) indicate an overall increase in the nine-junction total traffic movements of 6.4% in the morning peak by 2022, and, as mentioned in the preceding paragraph, 10% by 2037; for the evening peak the increase is 13.6% and 19.7% respectively. These totals include the effects of background growth and of new traffic generated from committed developments, but exclude any traffic from additional development sites proposed in the County Plan.

19. Apart from the “Do nothing” variants, all other scenarios include the addition of one or both of the relief roads to the network. This creates an additional and significant problem with the approach of *Appraisal Report 2019*. Besides their effects on the nine junctions included in the scenario tabulations, the relief roads would also have significant impacts on other junctions and links that are not included in the core analysis. Data relating to these additional impacts has evidently been extracted by the consultants, because there is some discussion of the traffic levels on the relief roads in the narrative commentary in relevant sections of the report. However, the information given is extremely limited and is not presented systematically. **The report’s lack of transparency on these wider impacts is therefore a fundamental weakness in the evidence base.**

20. The bulk of the narrative commentary within *Appraisal Report 2019* rests upon four separate strands of systematic analysis, drawn from the tables for the 2015 reference case and for the various 2022 and 2037 scenarios. Some of this data is plotted on accompanying maps. The first three of these strands are analyses of changes in the ratio of traffic volumes to junction capacity (Volume over Capacity, abbreviated to VoC);¹³ the VoC of the worst performing peak flow through each

¹² Many trips within the city will pass through several of these junctions, but as the proportions will vary and need not be constant at different dates this adds another element of uncertainty.

¹³ As mentioned in para 13, some information is provided about the VoC status of individual road links between junctions. Although some of these link VoC ratios are mapped, there is no systematic tabular presentation of the numerical values underlying either this mapping or the relevant commentary. More generally, the approach to the presentation both of junction and of link VoCs is very coarse grained, with any peak flow performing at between 50% and 85% of theoretical capacity shown as “yellow” in the mapping, even though *Appraisal Report 2019* explicitly notes at para 3.2.1 that at a VoC of less than 85% the infrastructure concerned is likely to be operating within capacity. Removal of this yellow coding from the mapping within the document would create a more accurate visual impression.

junction (some of which are noted in the commentary but not otherwise separately identified); and the modelled delay per vehicle at each junction, defined as the demand-weighted sum of the modelled delays for all possible movements through that junction, divided by total vehicle movements through the junction. The traffic movement totals covering the nine junctions have been touched upon above in paragraphs 16-17, and downward totals are also similarly provided for the total of the average delays per vehicle at all nine junctions. However, this last total is somewhat misleading, since it is extremely unlikely that, even in modelled conditions, a notional single vehicle could experience delay at all nine junctions within a single peak hour. The stated increase in the total delay figure in the morning peak from 5 min 52 sec in the 2015 reference case to 8 min 4 sec in the 2037 “Do nothing” Scenario A appears to be simply the output of the summation, rather than a recalculation to create a more representative average. With the exception of the County Hall roundabout, where peak delays are forecast to increase by a significantly greater proportion than its traffic throughput,¹⁴ none of the increases in modelled peak delay per vehicle at individual junctions exceeds 35 seconds, and some of the modelled delays are unaltered or even reduce over the 2015-2037 analysis period. While traffic modelling and transport appraisal have traditionally made considerable use of the aggregation of small individual values, it is the perception and experience of each road user that influences their individual behaviours, rather than notional aggregates.

21. Consequently, while acknowledging that *if* the DfT forecast growth factors prove correct, and that *if* the Durham Transport Model is now performing robustly, then (other things being equal) there would be an increase in the calculated peak hour delays at many of the selected junctions, the magnitude and consequences of these modelled delays need to be considered in context. Part of that context is provided by the fourth strand of analysis in *Appraisal Report 2019* – the separate series of tables which report modelled end-to-end peak-hour journey times on three cross-city routes. The document only specifies these routes in mapping format and by main road number,¹⁵ but enlargement of the map that is provided as Figure 3.2 of the report suggests that Route 1 extends from the Plawsworth roundabout on the A167 to the A167/B6300 junction north of Croxdale (estimated from the mapping as 6.3 miles); Route 2 from the A690 at the west side of junction 62 at Belmont to the A690/B6300 junction at Meadowfield (approx. 5.2 miles); and Route 3 from the B1198/A181 junction near Whitwell Grange via Shincliffe Bridge, Quarryheads Lane, and Margery Lane and then the North Road, Milburngate, County Hall and Sniperley roundabouts to the A691 roundabout west of Witton Gilbert (approx. 7.1 miles). Each route crosses three or more of the busiest junctions in the analysis, and they were selected as representative of peak-hour cross-city journeys (although Route 3 is unlikely to be chosen for many real-life journeys between its eastern start-point and either its western terminus or most destinations within the city core).

22. It is assumed that Jacobs derived these journey-time calculations from the same model and underlying data as the accompanying junction analysis tables. The focus of the journey-time output is different, because the strategic journey routes extend well beyond the city core. Indeed, the narrative refers at paras 6.1.5 and 8.2.5 to some adverse effects on journey times as a consequence of induced changes in the flows on outer sections of the modelled routes as well as those that can

¹⁴ The issue at the County Hall roundabout appears to be particularly acute in the evening peak, where delays per vehicle in 2037 (Scenario A) are modelled as increasing by 470% over the 2015 value. This comprises more than 50% of all the extra delay seconds in Table 5.2 of the report, and is out of scale absolutely and proportionately with all other modelled increases. Aykley Heads is included in the model’s post-2022 “committed development” traffic growth forecasts, but traffic volumes at County Hall are shown as increasing by only 14% in the 2037 evening peak. Verification of the accompanying delay figures at County Hall roundabout would therefore be useful, if only for explanatory purposes.

¹⁵ *Appraisal Report 2019*, para 3.3 and Figure 3.2.

be directly related to changes occurring at the nine inner junctions. Even inside that core, the three strategic routes will each themselves reflect differing peak hour conditions on their cross-city legs, because of the varying strengths of the tidal-flow commuting elements within the directional totals.¹⁶ Nevertheless, the evidence from these strategic flows provides a useful cross-check when assessing some of the high-level projections that emerge from the modelling.

23. Paragraph 5.2.4 of *Appraisal Report 2019* indicates that, averaged across the three strategic routes, journey times would increase by 8% in the morning peak and 10% in the evening peak between 2015 and 2037 in “Do nothing” Scenario A. Averaging the modelled directional timings in each peak suggests a morning peak increase of 6%, 9%, and 8% respectively for Routes 1, 2, and 3; the evening increases are respectively 9%, 9%, and 11%.

24. Accepting that each route is different in its characteristics and that the entire process depends upon the initial modelling assumptions, no obvious inconsistencies appear to emerge from these individual route percentages. However, there is a particular quirk in the journey time summaries: if the 2037 “Do nothing” Scenario B table (Table 5.5) is used instead of Scenario A for the end-date comparison, the addition of the new traffic arising from the development releases proposed in the County Plan does not have the impact that might have been expected. Indeed, when all the modelled journey times for the strategic routes are summed, the total journey time increase from 2015 to 2037 actually *reduces* slightly from that generated by Scenario A, which assumes only background growth and the addition of traffic from existing committed developments. Jacobs’ narrative in paragraph 5.4.5 covering this element of the Scenario B modelling output simply reports the slightly lower percentage increases without any further comment. This issue is discussed further in paragraphs 33-4.

25. For consistency with the discussion in paragraphs 16-20 above, the results from the Scenario A journey time modelling will continue to be used for this section of the response. In that scenario, modelled peak journey times for the three end-to-end journeys show increases in 2037 that range from 59 seconds to 2 minutes 13 seconds, with the greatest end-to-end increases on the rather indirect Route 3,¹⁷ and with evening peak increases greater than those in the morning peak across all the routes. Since a high proportion of actual journeys on these routes in the morning peak can be expected to terminate in the city, and to start from there in the evening, most journeys are likely to experience a delay that is less than the end-to-end total, though the corollary is that the average speed for those journeys will be lower than that achieved on those end-to-end routes with significant mileage outside the built up area.

26. Accepting this last point, the starting point for assessing the impact of additional delays over the Plan period is that in the 12 months ending in December 2015, the last year for which the relevant DfT data is available, Durham County’s A-roads were significantly less congested during the morning peak than both the regional and national averages, with an average speed of 32.6 mph compared with the national figure of 23.4 mph and 27.6 mph for the north east region.¹⁸ Acknowledging that this figure relates to the entire county, the flow-weighted averaging system used in compiling these statistics should result in the heavily-used A network in and around the city being well-represented in the county averages. Jacobs’ 2015 modelled timings for Route 1 over the

¹⁶ As already noted in para 21 above, much of Route 3 is unlikely to replicate real-life route choices.

¹⁷ As discussed in footnote 14, the modelled 2037 delay at County Hall roundabout appears to be disproportionate. While average delays are calculated on all flows through a junction, the total increase in the Route 3 evening peak journey time by 2037 is 2m 13s; if Route 3 in both directions through County Hall roundabout experienced the forecast average delay there, that alone would account for 71% of the journey time extension on that route.

¹⁸ See <https://www.gov.uk/government/statistical-data-sets/cgn02-flow-weighted-vehicle-speeds#table-cgn0206>

A167 indicate an average speed of 24.5 mph in the morning peak and 25.8 mph in the evening; these speeds are close to the *all-day* average for English A-roads.

27. A similar relative pattern emerges from the DfT's separate series of time lost in traffic delays on A roads, expressed as seconds per vehicle per mile. The County Durham figure in 2015 was 21.2 seconds, which was less than half of both the national average and the average for all of Tyne and Wear: the average delay in Newcastle was 65.4 seconds per vehicle per mile.¹⁹

28. The modelling of Routes 2 and 3 inevitably produces lower speeds than those for the A167, because both these routes cross the city's central built-up area and are subject to the 30mph limit over significant sections. Nevertheless, the 2015 figures for the morning and evening peaks suggest an average of just over 18 mph on Route 2, and about 21 mph on Route 3. The averages for the three routes would each fall by around 2mph in the 2037 Scenario A modelling. Bearing in mind, however, that the longest modelled end-to-end journey time for any of the routes would be 23¾ minutes, and the shortest just under 15 minutes, such an outcome could hardly be regarded as intolerable for individual car users, especially when compared with the typical journey times available to public transport passengers.

29. In summary, while the junction and journey time modelling in *Appraisal Report 2019* forecasts a deterioration in traffic conditions and journey speeds over the Plan period to 2037, in *relative* terms these impacts are slight (except perhaps in the instance referred to in footnote 17), with much of the network continuing to operate within capacity and delivering journey speeds that are likely to remain higher than those in many comparable cities. Overall, the evidence base does not provide the necessary justification for the substantial costly, and damaging interventions that are proposed in the *Pre Submission Draft* to correct the "faults" in the current highway network.

2: modelling of alternative scenarios

(i) - Traffic growth resulting from the additional housing and employment land releases proposed in the Plan

30. As noted in paragraph 19, most of the scenarios examined in *Appraisal Report 2019* assume the addition of new roads to the existing network. There is only one modelled scenario where the growth generated by the CDP releases (all assumed to occur after 2022) can be isolated from the effects of the network changes envisaged in the Plan. This is "Do nothing B", which models the existing network in 2037 when this generated traffic is included. This scenario is therefore directly comparable with "Do nothing A", which includes only the assumed background traffic growth and that generated by existing housing and employment commitments in Durham. The relevant 2037 source data is Tables 5.2 and 5.4 of the Jacobs report, and the results for the nine junctions are summarised below:

¹⁹ See

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763673/cgn050_2.ods

Junction	"Do nothing" A - 2037		"Do nothing" B - 2037		Net effects of adding CDP releases ("Do nothing" B)		Percentage change attributable to CDP releases	
	am peak	pm peak	am peak	pm peak	am peak	pm peak	am peak	pm peak
1 Sniperley	4,540	4,081	4,608	4,310	68	229	1.5%	5.6%
2 Neville's Cross	3,096	2,797	3,104	2,984	8	187	0.3%	6.7%
3 Cock o' the North	2,408	2,226	2,394	2,278	-14	52	-0.6%	2.3%
4 Leazes Bowl	4,343	4,719	4,347	4,727	4	8	0.1%	0.2%
5 New Inn	1,539	1,587	1,556	1,604	17	17	1.1%	1.1%
6 Gilesgate	3,358	4,145	3,368	4,129	10	-16	0.3%	-0.4%
7 County Hall	3,427	3,737	3,506	3,811	79	74	2.3%	2.0%
8 Crossgate/Margery Lane	1,704	1,780	1,709	1,747	5	-33	0.3%	-1.9%
9 Milburngate	4,201	4,179	4,198	4,197	-3	18	-0.1%	0.4%
	28,616	29,251	28,790	29,787	174	536	0.6%	1.8%

31. In absolute terms, the additional traffic attributable to the proposed County Plan housing and employment releases is therefore negligible, and probably well within the margins of error of the modelling process. Indeed, it can be seen that at some junctions the Scenario B modelling generates a *reduction* in the peak flow.

32. As mentioned in paragraph 24 above, the insignificant impact of the additional traffic generated by the proposed CDP releases is also confirmed by reference to the tables in the appraisal report which give modelled journey times on three representative cross-city routes in the morning and evening peaks. When the "Do nothing" A and B journey times in 2037 in tables 5.3 and 5.5 are compared there is no obvious pattern of change, either by route, direction of travel, or time of day. Total journey time increases of 2m 30s are more than offset by savings of 2m 42s, within a framework set by totalled model travel times of more than 228 minutes in the "Do nothing" scenario A.

33. **The argument in Policy 23 that a Western Relief Road is required and justified to support these releases is therefore not supported by the evidence. It is also difficult to see how a case can be made for significant S106 contributions towards the costs of its construction.** Even at Sniperley, the impact of development-induced traffic is relatively slight - the total evening Scenario B peak flow at Sniperley with this addition would remain within the capacity required for the forecast Scenario A "do nothing" flow in the morning peak.

(ii) - Diversion of traffic from Milburngate Bridge by the provision of a Northern Relief Road

34. The statement in Policy 23 that a Northern Relief Road is a necessary precondition for the implementation of the Durham City Sustainable Transport Delivery Strategy is repeated in sections 4 and 8 of *Appraisal Report 2019*, though with no more objectivity than in the *Pre Submission Draft* itself. The proposition underlying this argument is that it is necessary to divert car traffic from the cross-city network, especially Milburngate Bridge, in order to "free up" or "lock in" capacity for more sustainable forms of travel. The Trust has consistently argued that the data which the Council cites is insufficient to support the claim that around a third of traffic crossing Milburngate Bridge can be diverted because it does not have an origin or destination in the city centre. This issue is discussed at greater length in paragraph 70(b) below, but it should be noted here that the most recent evidence used to support this claim acknowledges that there is no direct origin and destination

information directly relating to Milburngate Bridge itself, and that the estimate was based on information from external survey points and assumptions about “potential/most likely routes.”²⁰

35. As mentioned in paragraphs 13-14 above, the data presented in *Appraisal Report 2019* is also insufficient for an assessment of the overall network effects of diverting some cross-city traffic on to a Northern Relief Road between Belmont and Rotary Way. The relevant tables describing Scenarios 3A and 4A show that, in comparison with the “do nothing” 2037 forecasts, there would be reductions in modelled 2037 traffic volumes and journey times through most (but not all) of the nine junctions after the introduction of the NRR. However, this analysis is by definition partial and inadequate, because it does not measure the effects on other existing or new junctions in the wider network. This information seems to have been available to the consultants, since the accompanying narrative refers to additional congestion that would emerge at a number of locations.²¹

36. In addition, *Appraisal Report 2019* fails to take any account of the extended mileage and/or travel times that would be incurred by many of the journeys diverted to a Northern Relief Road, nor does it acknowledge the problem identifiable from the documentation accompanying the previous, withdrawn version of the County Plan, that traffic bound to or from the north-west of County Durham would be diverted on to the NRR at Junction 62 of the A1(M) rather than remaining on the motorway, as at present, to Junction 63. This diversion would introduce additional stress into the local network north of the city.

37. The modelling information presented in *Appraisal Report 2019* is therefore insufficient to permit a proper evaluation of the effects of a Northern Relief Road on the existing highway network in and around Durham City. However, it does allow the claim that the relief road will divert a significant proportion of traffic away from Milburngate Bridge to be evaluated by comparing relevant scenarios. The report does not provide detailed output from the 3B and 4B scenarios, in which a NRR is provided but Milburngate Bridge continues to operate as at present. However, scenarios 3A and 4A offer a “best case” comparison with the base network, since a physical reduction of the bridge’s capacity – the “stick” in demand management terms – is combined with the “carrot” of the attraction provided by the new NRR route and the additional capacity it would offer.

38. With the exception of the relatively small volumes of eastbound traffic diverting into Claypath via the slip road, and traffic leaving the westbound carriageway of the A690 at the Prince Bishops or Walkergate junctions, all traffic over Milburngate Bridge will pass through both the Leazes Bowl and the Milburngate junctions. Because of the other links served by these junctions, Milburngate Bridge traffic does not constitute the entire flow at either point; however, changes in the total movements through the Leazes Bowl and Milburngate junctions offer a reasonable upper bound for trends in traffic using Milburngate Bridge itself.²²

39. Scenario 3A is the only case which isolates the effects of adding just the NRR and the capacity restrictions on Milburngate Bridge to the existing network. The traffic assumption for this scenario is background growth and the effects of committed development, so no provision is made for the CDP releases. However, this is not a factor in the 2022 scenarios, while in 2037, as

²⁰ Jacobs, *Durham City Model Rebase: review of 2015 traffic data & key trends analysis* (2016), para. 4.4.2. No specific examples are given, but (for instance) a driver surveyed at Meadowfield en route to Sunderland could just as feasibly pass through the city via the A167 as continue on the A690 via Milburngate.

²¹ *Appraisal Report 2019*, para 8.2.5.

²² To the extent that current peak traffic conditions at the two junctions may induce some existing journeys to use alternative routes, it is possible that the detail within the modelling may show that a reduction in the Milburngate Bridge flow would be partly offset by increases in other movements, perhaps most obviously in traffic via Elvet Bridge at Leazes Bowl which was bound to or from Gilesgate roundabout and the onward links to Junction 62 and to east Durham.

can be seen from the table in paragraph 31 above, the CDP traffic impacts are relatively insignificant. The comparators used are therefore the “Do nothing A” base network with background and committed development growth in 2022 and 2037. The relevant results for Milburngate and Leazes Bowl are shown below:

Junction		"Do nothing" A		Scenario 3A		Net effects of NRR and Milburngate Bridge alterations		Percentage change attributable to NRR and bridge alt'ns	
		am peak	pm peak	am peak	pm peak	am peak	pm peak	am peak	pm peak
4 Leazes Bowl	2022	4,273	4,500	3,769	3,867	-504	-633	-11.8%	-14.1%
9 Milburngate	2022	4,193	4,044	3,698	3,427	-495	-617	-11.8%	-15.3%
	<i>Total</i>	<i>8,466</i>	<i>8,544</i>	<i>7,467</i>	<i>7,294</i>	<i>-999</i>	<i>-1250</i>	<i>-11.8%</i>	<i>-14.6%</i>
4 Leazes Bowl	2037	4,343	4,719	3,907	4,089	-436	-630	-10.0%	-13.4%
9 Milburngate	2037	4,201	4,179	3,841	3,597	-360	-582	-8.6%	-13.9%
	<i>Total</i>	<i>8,544</i>	<i>8,898</i>	<i>7,748</i>	<i>7,686</i>	<i>-796</i>	<i>-1212</i>	<i>-9.3%</i>	<i>-13.6%</i>

40. As explained above, the junction flows provide a maximum upper bound for the reductions achieved on the bridge itself. The table therefore suggests that in 2022 the total volume of traffic crossing Milburngate Bridge in the morning peak would reduce by less than 11.8% in the morning peak and 14.6% in the evening peak: in 2037 the respective values would be lower, 9.3% and 13.6%. No figure for peak traffic on the bridge itself is supplied in *Appraisal Report 2019*, but a 2016 document prepared by Jacobs gives the following 2015 hourly volumes, taken from automatic traffic counts:²³

Milburngate Bridge peak traffic flows, 2015

Average hour	Eastbound	Westbound	Total two-way
AM PEAK	1,631	1,709	3,340
PM PEAK	1,749	1,719	3,468

41. These are 2015 observed figures, so cannot be related directly to the calculations from the modelled 2022 and 2037 junction flows made in the preceding paragraph. However, by indexing the total “do nothing A” 2022 and 2037 junction flows in each peak at Milburngate and Leazes Bowl from the 2015 base in *Appraisal Report 2019* a very crude attempt can be made to derive 2022 and 2037 projections from the figures in the table above.²⁴ Applying the respective percentages set out in the text of paragraph 41 suggests that the maximum volume of diverted traffic in 2022 would be 448 vehicles in the morning peak, and 357 in the evening. The values in 2037 would be 607 and 589.

42. The finer detail available to the Council from within the modelling should enable it to provide much more soundly based projections by the time the Submission Draft of the Plan is completed. But the very preliminary estimates that are possible from the figures published in *Appraisal Report 2019* and in the 2016 Jacobs document suggest that **the volume of peak traffic that could in practice be diverted away from Milburngate Bridge would be substantially less than the levels of potential traffic diversion stated or implied within Policy 23 and the relevant supporting documents.**

²³ Jacobs, *Durham City Model Rebase: review of 2015 traffic data & key trends analysis* (2016), table 4-5.

²⁴ The approximate nature of this calculation is increased by the doubts about the accuracy of the forecast growth at Leazes Bowl, as mentioned in paragraph 15 above. However, the deviation in the 2022 Leazes Bowl values appears to be upwards, so that if a correction is needed it seems likely that the indexation will have resulted in an over-estimation both of the underlying flows and of the absolute level of traffic diverted from Milburngate Bridge.

43. As the report notes, modelled flows would be reduced at other junctions as a consequence of the provision of a Northern Relief Road and the diversion of trips attributable to the NRR and the reduction of capacity on Milburngate Bridge. However, *Appraisal Report 2019* also identifies some significant adverse effects within the modelled network, particularly in 2037. What Tables 8.1-4 also show, but without attracting any specific comment in the report's text, is that two of the most constrained junctions in the city, New Inn and Crossgate/Margery Lane, receive little or no benefit in the form of peak-hour traffic reductions from the NRR and the changes to Milburngate Bridge. **Consequently, while motorists remaining on the post-1960 sections of modern highway alignments through the city or using a NRR would benefit from the proposed investment, there would be no tangible change in the conditions experienced by those pedestrians, frontagers and cyclists who will continue to be obliged to share Victorian inner-city streets with unconstrained motor traffic.**

44. In addition, paragraphs 8.2.3-5 of *Appraisal Report 2019* note that pressure on the city network would re-emerge before 2037, and that the NRR would itself be carrying a high volume of traffic. This confirms the evidence to this effect that was provided for the previous version of the County Plan, and further emphasises that the analysis provided in *Appraisal Report 2019* is insufficient to assess the full impacts of the Plan's proposals – key junctions to the north of the city which are not included in the tables would have to accommodate the additional and diverted traffic resulting from a NRR.

(iii) – effects of adding a Western Relief Road to the network

45. Scenarios 1 and 2 in *Appraisal Report 2019* analyse the traffic impacts of introducing a Western Relief Road into the existing network, in these instances *without* also including a NRR. The Scenario 1 modelling takes account only of the assumed background traffic growth and the effects of committed development, so does not include the traffic impacts of the development releases proposed in the *Pre Submission Draft*. While the modelling identifies some traffic benefits from the WRR in this scenario, *Appraisal Report 2019* notes in paragraph 6.1.3 that there would be some erosion of these benefits by 2037.

46. Scenario 2 does take account of the extra traffic that would be generated by the proposed development releases, so in terms of the justification that is claimed for the WRR in *PSD* paragraphs 5.243 and 5.246 this appears to be the more relevant of these two scenarios. However, when the 2037 modelled outcomes from Scenarios 1 and 2 are compared, it again becomes apparent that, within the framework provided by the report's junction summaries and journey time analyses, the traffic impacts of the development releases are extremely small. In the morning peak, Scenario 2 contributes a net 224 more vehicle movements through the nine junctions than Scenario 1, or 0.8%; the evening peak difference is 409, equivalent to 1.5%.²⁵ The journey time analysis fails to suggest any consistent impacts from the changes in traffic volumes, with a marginal Scenario 2 increase in aggregate times on Route 1, the A167 corridor, being offset by reductions in Routes 2 and 3.²⁶ These modelled outcomes appear to confirm the analysis in paragraphs 30-34 above, that the traffic impacts of the additional development sites appear to be insufficient to justify seeking Section 106 contributions towards the costs of a WRR. **This in turn affects the fundability of the scheme and therefore its deliverability as proposed in paragraph 5.243 of the *Pre Submission Draft*.**

(iii) – effects of adding both relief roads to the network

²⁵ *Appraisal Report 2019*, tables 6.3-4; 7.1-2.

²⁶ *Ibid*, tables 6.5, 7.3.

47. In addition to Scenarios 1 and 2, which model the introduction of a WRR independently of the provision of a NRR, Section 9 of *Appraisal Report 2019* considers a Scenario 4. This scenario includes a WRR in addition to a NRR and the reduction in capacity over Milburngate Bridge, so therefore directly matches the proposals embodied in Policy 23. However, the discussion of the WRR in this part of *Pre Submission Draft* is linked with the Plan's rejection of the alternative option of on-line improvements to the A167 between Neville's Cross and Sniperley, which is based on separate engineering and modelling evidence. Since that evidence appears to provide the main plank in the Council's argument that a WRR is justified, the issue of the soundness of that element in Policy 23 will be considered in Section D below alongside the evidence relating to the A167 upgrade. The remainder of this section of the Trust's response will therefore focus on the broader network and policy implications of the Council's preferred option of incorporating both relief roads within a sustainable transport delivery plan for Durham City.

48. In Scenario 4 the development traffic discussed in paragraphs 30-34 and 47 above is factored into the modelling. (As in section 8, a "B" option of not reducing the bridge capacity is discussed, but without providing any supporting tables.) The junction analysis tables for Scenario 4A show that, even with the additional traffic from Plan releases, the *total* 2037 peak flows through all nine modelled junctions would be lower than those for Scenario 3A, reflecting the increased diversion of traffic from the existing core network if both relief roads are provided. Despite this, however, compared with the 2015 baseline, there would be increases in the volumes in the evening peak at five of the nine junctions, and at two junctions in the morning peak. As in Section 8 of *Appraisal Report 2019*, the relevant tables also show that, of all the junctions within the built-up area, **least benefit is achieved at the New Inn and Crossgate/Margery Lane junctions.** The former would continue to attract significantly more peak traffic movements than in the modelled 2015 reference case, and Crossgate/Margery Lane would also be busier during the evening peak.

49. It is evident from the tone of Section 9 of *Appraisal Report 2019* and its concluding summary in Section 10 that the consultants favour Scenario 4, since it provides a means of addressing some of the "emerging problems" identified in section 8 when only the NRR is provided. It is also presented as an additional means of facilitating the Durham City Sustainable Transport Delivery Strategy, by reducing some of the congestion and journey time impacts of the reduced capacity on Milburngate Bridge. However, Policy 23 itself does not specify such a role for a WRR in relation to the *DCSTDS*, which is predicated solely upon the diversion achieved by a NRR.

50. The accompanying Jacobs' production *Local Plan traffic impact* (2019) makes it explicit that the introduction of both relief roads into the proposals is primarily aimed at "future proofing" the wider city network, by providing substantial additional capacity for motor traffic growth which would be subject to demand management only on one short section of the cross-city network, Milburngate Bridge. **Scenario 4 in essence therefore discards any meaningful intention of achieving a sustainable transport future for Durham City. Instead, it is based on introducing substantial over-capacity into the existing network for the primary purpose of accommodating future projected demand for car travel** at modelled levels which would be reached only within the two peak hours of the day.²⁷ Such an outcome would be clearly contrary to the professed underlying intentions of *DCSTDP*, and indeed the current policies of LTP3, by directly encouraging rather than managing demand for car travel in and around the city.

²⁷ *Appraisal Report 2019* notes at paras 6.1.1 and 7.1.3 that the WRR is not visible on the congestion mapping because it would operate at under 50% of its capacity in the peaks. It concludes explicitly on its final page (p 30) that "The A167 still exhibits a high volume of traffic in 2037, **but the inclusion of the Western Relief Road is necessary to ensure that forecast growth can occur.**" [emphasis added]

51. It is evident that, since the preparation of the 2018 version of *Local Plan traffic impact*, Jacobs – or their client – have become sensitive to the objection that the provision of the relief roads would of itself generate more car traffic – a fact that was clearly demonstrated in the reports that the same consultant prepared for the previous, withdrawn version of the County Plan. Apart from the exclusion of the technical appendix identifying the problems with the previous version of the Durham Transport Model, the only substantial difference between the text of the 2018 and 2019 versions of this paper is the addition at the very end of the later version of three paragraphs discussing induced demand, that is additional traffic that is created as a consequence of the provision of additional network capacity. These paragraphs cite and borrow very heavily from the executive summary of a recent report for DfT, which was prepared to address the rather different circumstances of inter-urban strategic roads and the question of whether the disbenefits of this additional traffic outweigh the journey-time and other benefits of the extra road capacity.²⁸ After dismissing any potential for switching to more sustainable modes of transport in County Durham, solely on the basis that “County Durham has lower levels of sustainable transport usage than the national and regional [sic]”,²⁹ the 2019 version of this Jacobs report concludes that the other factors that might lead to induced traffic will not result in significant levels of such traffic in the case of Durham. This immediately contradicts the preceding statement in the same paragraph that “the traffic analysis...already accounts for induced traffic due to changes in route.”

52. Consideration of Jacobs’ own list of factors that can induce traffic growth shows that this “perceived consequence” of the relief roads is an issue cannot be dismissed in such arbitrary terms. Taking each factor in turn as listed by Jacobs:

- *Mode of travel, e.g. switching from public transport to driving:*
The basic case that is made for the relief roads in *Appraisal Report 2019* is that car users will benefit from shorter journey times because of a reduction in peak-hour congestion at key junctions. This is borne out by most of the cross-city journeys modelled in the report, apart from those routes directly impacted by the Milburngate Bridge capacity reduction.³⁰ By definition, this will increase the competitive advantage of car travel over bus travel, and reduce public transport usage.
- *Frequency of travel, specifically in terms of making additional trips that would not be made previously:*
To the extent that potential journeys are made more attractive by shortened journey times, whether in the peaks or during the inter-peak periods, the relief roads will lead to more car journeys.
- *Distance travelled by changing routes:*
It seems probable that majority of existing cross-city trips that would be attracted to either of the proposed relief roads would entail a longer route. This view is accepted by the Council’s *Sustainability Appraisal Report (SAR)*.³¹
- *Distance travelled by changing destination:*

²⁸ WSP and Rand, *Latest evidence on induced travel demand: an evidence review* (2018).

²⁹ See *Local Plan traffic impact* (2019), p 27.

³⁰ It should be noted that these journeys were modelled to capture the full cross-city impact. The majority of actual peak journeys will terminate or originate within the city, so the effects of crossing the entire area will not be felt to the same extent. Interestingly, in this limited context *Appraisal Report 2019* accepts that there can be policy benefits from extending peak car journey times (see, for example, paras 8.2.5 and 9.2.1). Elsewhere in the Jacobs documentation, however, and in the Plan itself the reduction in car-users’ journey times is revealed as the overarching transport objective and the primary justification for the relief road strategy. (See, for example, *Local Plan traffic impact* (2019), pp 14-16; *Pre Submission draft*, paras 2.3.9; 2.4.3)

³¹ SAR, paras 4.559; 4.581.

This is a complex issue to model, but as one of the stated aims of the County Plan is to increase overall the attractiveness of Durham City and to reduce cross-boundary trips to work in destinations outside the county from what are described as “peripheral” parts of the county, such as Chester le Street or Seaham,³² then increases in distance travelled, particularly in car mileage, would be a direct consequence of the implementation of these elements of the Plan proposals. For example, Seaham is only 6 miles from central Sunderland, to which there are frequent public transport services; the journey to Durham City is about 14 miles, with less frequent buses and significantly longer journey times.

- *In the longer term, the distance travelled due to changes in residential or employment location or as a result of changes in land-use:*

The source document cited by Jacobs explicitly notes that this is a complex issue that requires further study.³³ However, in the circumstances proposed in the Pre-Submission draft, and in the light of Jacobs’ own modelling, it is quite clearly the case that the changes in land use that would result from the Green Belt releases would directly create additional travel demand, and that this would overwhelmingly be met by car use. As discussed immediately above, to the extent that the policies also aspire to a greater concentration on travel to work in Durham City from what are categorised as peripheral parts of the county, there could also be significant additional induced travel from the changed pattern of employment location.

53. There is therefore simply no basis for Jacobs’ statement in *Local Plan traffic impact (2019)* that “it is not expected that these [ie the factors bulleted above] will result in significant levels of induced traffic.” The opposite is more likely to be the case, as is directly demonstrated by Jacobs’ own modelling.

(B) Durham City Sustainable Transport Delivery Plan

54. In its responses to previous drafts of the latest County Durham Plan and to the various separate consultations on the Durham City Sustainable Transport Delivery Plan³⁴ (*DCSTDP*) and its predecessor documents, the Trust has drawn attention to the contradictions within this element of the Plan’s proposed policies and to the selectivity and deficiencies in the evidence that the Council has marshalled in support of this part of its proposals. The additional evidence that has now been provided still fails to address these fundamental failings – neither Policy 23 as a whole, nor the *DCSTDP* component within it, meets the tests of soundness. They have not been positively prepared; they have not been justified; and their effectiveness has not been demonstrated.

55. The Trust’s basis for reaching this conclusion specifically in relation to Policy 23 and to the *DCSTDP* itself is set out in the remainder of this section B. The Trust wholeheartedly supports the principles of sustainable transport, and considers that the Council’s current Local Transport Plan 3 (LTP3) embodies these principles very admirably and articulates a sound basis for their delivery.³⁵ LTP3 was extensively quoted in the first consultation document³⁶ in the process that led to the final *DCSTDP*. However, that final version, as eventually adopted by the Council in 2018 and cited in paragraph 5.227 of the *Pre Submission Draft*, directly conflicts with LTP3’s policies by prioritising the needs of motorists over those of users of more sustainable modes travel. At the same time,

³² Jacobs, *County Durham travel patterns (2018)* - see Executive summary and section 5; *Durham Local Plan traffic impact (2019)*, p 6.

³³ WSP and Rand, *Latest evidence on induced demand: an evidence review (2018)*, para 5.3.3.

³⁴ Systra and Durham County Council *Durham City Sustainable Transport Delivery Plan (2018)*

³⁵ See <http://durham.gov.uk/media/3031/LTP3-Transport-Strategy/pdf/LTP3TransportStrategy.pdf?m=636736452221070000>

³⁶ JMP and Durham County Council, *Durham City Sustainable Transport Plan: issues and opportunities report (2015)*, pp 10-15.

however, significant inconsistencies remain between the content of the full *DCSTDP* document and that of the *Pre Submission Draft* and the latter's supporting evidence papers. These demonstrate the underlying confusions of purpose and justification within Policy 23, and consequently that **Policy 23 has not been positively prepared.**

56. This can be seen most obviously when comparing the graphic and text on page 8 of *DCSTDP* with the language of *Pre Submission Draft* paragraph 5.245, which in turn reflects *Appraisal Report 2019* and *Local Plan traffic impact (2019)*. The "vision" set out on page 8 of *DCSTDP* and illustrated in Figure 1.1 is one in which car travel is a declining proportion of future travel demand in Durham City – [the vision] "cannot be simply to accommodate all modes freely and without constraint.... this delivery plan must deliver the future demand for moving sustainably by **increasing levels of walking, cycling and public transport.**" [Emphasis added.]

57. In sharp contrast, the *Pre Submission Draft* accepts projected **traffic growth** as a given, rather than considering **movement** as a whole, and seeks only to "mitigate" the former within the parameters provided by the traffic modelling, without adducing any specific evidence for other modes of travel.³⁷ More explicitly, and again contrasting starkly with the language and approach of page 8 of *DCSTDP*, *Local Plan traffic impact (2019)*, while making passing reference to sustainable travel, is ultimately dismissive of the potential for increasing its contribution – *If Durham City achieved a 15% switch to sustainable modes from private car, it would result in a reduction of 170 vehicles³⁸ across the most highly trafficked roads...which would not be enough to mitigate the issues described within this document (page 22); Surveys show that County Durham has lower levels of sustainable transport usage than the regional and national and so there is limited potential for mode switch (page 27).*

58. In place of the generally-accepted definition of "sustainable transport",³⁹ Policy 23 depends upon the semantic sleight of hand of extending the scope of the definition to include the provision of a significant and costly addition of additional highway capacity devoted primarily to peak-hour car commuting. This is done on the pretext that it allows the "reallocation and sharing" of road space for more sustainable transport modes. The Council's underlying argument for this approach appears to be that there is a shortage of highway space in the city; that demand management measures could not achieve sufficient reallocation of that space from car usage to sustainable modes of travel; and that the provision of additional highway capacity is therefore a necessary pre-condition of the delivery of a sustainable transport strategy for Durham City.

59. Even within those terms, however, additional, primarily car-user oriented, purposes have been added to Policy 23, despite its "sustainable transport" badging - *relieve existing highway network problems (Pre Submission Draft page 144); correcting the faults in the current highway*

³⁷ *Pre Submission Draft*, para 5.245. Footnote 78 links only to the table of evidence documents, the transport section of which lacks any specific data, modelled or otherwise, relating to non-car travel. This exemplifies the unsoundness of Policy 23 because of its lack of positive planning and its failure to provide adequate justification for its proposals. As noted in footnote 8 above, this contravenes the National Planning Policy Guidance.

³⁸ As with other statistics in this particular Jacobs' paper, this is a further demonstration of the lack of transparency in the presentation of data – the 15% and 170 figures are quoted without any of the context that is necessary for informed interpretation. 170 is 15% of 1,133, which self-evidently cannot be the total number of car journeys made in the city in a peak hour. If the 15% percentage categorised as insufficient here is actually being applied at a disaggregated level to unspecified "highly trafficked roads", it calls into question why the same approach has not been adopted elsewhere on the same page, where a 13% reduction in vehicles through the city centre is apparently regarded as significant.

³⁹ The *National Planning Policy Framework (CP 48, 2019) [NPPF]* defines sustainable transport as: "Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport." (page 72).

network (*ibid*, para 5.224); address existing congestion and future increases in traffic (*ibid*, para 5.246).

60. But, even within the Council’s unilateral redefinition of “sustainable transport”, at every step in its development of the case for Policy 23 as a sustainable transport measure there are gaps in the logic, evidence, and analysis which immediately call into question the policy’s soundness. Firstly, the only statistical evidence that the Council has provided of a “shortage of highway space” in the city relates to the two peak travel hours on working weekdays, and even then the modelling results show that most flows remain within the designed capacity of the infrastructure.⁴⁰ Peak travel conditions will by definition be busier than those experienced outside the peak hours, and a responsible traffic authority should seek to base its policies upon managing that peak demand rather than upon supplying more highway capacity to meet unconstrained growth in peak car commuting.⁴¹

61. Secondly, as the Trust has repeatedly pointed out in its submissions to previous consultations, the Council has adopted an extremely narrow definition of demand management in Policy 23, which in turn limits the extent of the changes in mode of travel that it considers possible. The discussion of such measures in paragraph 5.228 is confined solely to behavioural tools, consisting of promotional programmes and travel planning. This in contrast with the immediately-preceding non-strategic Policy 22, which includes development control and design interventions, public transport measures, and an acknowledgement of the role of parking policies in encouraging more sustainable travel behaviour. But although one piece of relevant Government guidance is cited in support of Policy 22, the discussion of that advice is again limited, and is confined to only one element of the recommendations within that guidance, travel plans.⁴²

62. Policy 23’s failure to incorporate, even by reference, the wider range of demand management tools mentioned in Policy 22 may perhaps be no more than an editing inconsistency. However, when taken together with the issues discussed in paragraphs 52-3 and 58 above, this omission creates an impression that, in the sole instance where the *Pre Submission Draft* specifically proposes transport demand management measures as part of the Plan’s delivery, the Council is unwilling even to scope, let alone consider properly, the full range of options that is available to support the effective implementation of sustainable policies. This impression is reinforced by the fact that at previous stages in the development of the CDSTDP such wider interventions were discussed, including more effective parking control and public transport measures,⁴³ alongside the limited active travel proposals that are listed in indents c, d, and e on page 144 of the *Pre Submission Draft*.

63. Although Policy 23 does indeed propose one direct intervention to restrain motor traffic in a single instance, Milburngate Bridge, this proposal is caveated and must be regarded as highly conditional in the absence of any developed implementation scheme.⁴⁴ There is no consideration of other means of directly influencing traffic flows which have been raised by the Trust and other respondents at previous stages of the consultation process, such as

- an extension of the pioneering congestion charge in the heart of the city.

⁴⁰ See also footnote 13 above. Note that *Local Plan traffic impact* (2019) generally fails to qualify its infographics and comments by clarifying that this “evidence” relates only to peak travel hours.

⁴¹ The Council’s adopted policy in LTP3 is “to change from facilitating the growth of traffic to managing the growth of traffic, with a view to eventually reducing traffic.” (Para A5.1.3)

⁴² Cm 7996: Department for Transport, *Cutting carbon, creating growth* (2011).

⁴³ *Durham City Sustainable Transport Plan: issues and opportunities* (2015), pp 19-21; 41-4; 55-7.

⁴⁴ See paragraph 70 below.

- expanding the use of intelligent transport techniques (such as the SCOOT system already in place in Durham) to manage the volumes of motor traffic that pass through key sections of the city network, especially during peak periods.
- more effective use of parking controls to influence demand for car commuting into the city.⁴⁵

64. Equally, and again despite the extent to which this issue was raised by respondents during the development of DCSTDP, neither the *Pre Submission Draft* nor the *Infrastructure Delivery Plan* contains any systematic proposals for increasing the overall attractiveness of the city’s existing public transport network as a means of reducing the demand for car travel. Limited investment in the infrastructure and roadside facilities available to buses will not remedy basic defects such as the lack of a multi-operator ticket (as is available, for example, in Tyne & Wear, Teesside, or York); or the absence of easy interchange between bus services at the key Claypath/Leazes Bowl route intersections.⁴⁶

65. As paragraph 5.228 of the *Pre Submission Draft* accepts, demand management measures can be implemented much more quickly than infrastructure improvements. The DfT guidance in Cm 7996 also provides evidence of the high benefits that effective demand management can yield for relatively little investment, drawn from the results of the Government’s “Smarter Choices” programme.⁴⁷ This is particularly true in the peak travel periods.⁴⁸ The modelling evidence that the Council has released about the network’s current and future performance is primarily focused on vehicular traffic flows in these peak hours, but the Plan chooses either to ignore or dismiss the effectiveness of such demand management measures in the peak without publishing any evidence to justify that view.⁴⁹ This is despite the considerable material from DfT-sponsored research that shows that targeted action is effective in moderating the growth of car traffic and supporting the use of more sustainable travel modes.⁵⁰

66. The third evidential and logical weakness in the Council’s formulation of Policy 23 follows on from the points just made in paragraphs 60-66. It is the lack of any objective evidence for the assertion that sustainable transport in Durham City cannot be delivered without the completion of a Northern Relief Road. At the most basic level, this raises fundamental questions about the **effectiveness** of Policy 23. Even if a NRR could be shown to be justified – which will be discussed further in paragraphs 72-81 below – *Pre Submission Draft* paragraphs 5.236-237 note the substantial assessment, authorisation and funding issues that would have to be resolved before such a scheme could be committed. The *Infrastructure Delivery Plan*, paragraph 3.168 is similarly explicit, stressing that “these proposals [*ie, all delivery elements of Policy 23, including the relief roads*] are subject to

⁴⁵ Although managing parking supply at destination is briefly mentioned in Policy 22 (para 5.222) and discussed in *DCSTDP* para 2.229, no consideration appears to have been given to applying a workplace parking levy in Durham, despite its authorisation as a policy tool in the Transport Act, 2000 and the evidence of its effectiveness in Nottingham since the city council there adopted it in 2012. [See <https://bettertransport.org.uk/blog/better-transport/winning-policy-nottinghams-workplace-parking-levy>]

⁴⁶ Apart from the bus station itself, this is the only point in the local bus network where direct inter-connections could be made between the radial bus routes that separately serve the north east and south of the city, and also with the local 64 town service. However, the bus stops on these routes are not located to facilitate such transfers, thus unnecessarily discouraging connecting cross-city bus journeys, such as Belmont to the University.

⁴⁷ See Cm 7669, para 4.10.

⁴⁸ Cairns, S; Sloman, L; *et al*, *Smarter choices, changing the way we travel*, (DfT, 2004), pp 363-5.

⁴⁹ See paragraph 58 above.

⁵⁰ In addition to *Smarter Choices* (footnote 48 above), see also: Sloman L, Cairns S, Goodman A, Hopkin J, Taylor I, Hopkinson L, Ricketts O, Hiblin B and Dillon M, *Impact of the Local Sustainable Transport Fund* (2018).

further detailed design, funding bids and consultation". The associated table shows a funding gap of £45 million against the NRR, all in the post-2021 period.⁵¹

67. The conditionality of what the Council regards as the central plank in its sustainable transport planning for the city, a Northern Relief Road, must therefore immediately call into question its viability. As a delivery plan, the *DCSTDP* also fails accepted project management criteria, since, apart from some limited footway and cycle route projects that have already been committed independently of the *Pre Submission Draft*, the *DCSTDP*'s proposals for other modes of travel does not have a firm programme or even an outline budget. Furthermore, the proposed measures of success, the monitoring criteria and targets set out on page 149 of the *Pre Submission Draft* are weak, incomplete, and unspecific. No quantified baselines and targets are provided; there is no mention of or target for employee travel to work by public transport (which must surely be a key area for effecting change in the peak hours); no project plan has been established for the relief roads; and NO₂ reductions are more likely to be achieved by central government policies for the decarbonisation of road transport than by the weak demand management proposals that are described in Policy 23.

68. Even if analysis is restricted to those specific benefits for Durham City that Policy 23 and *DCSTDP* attribute to the demand management measures that might follow upon the provision of a NRR, the weaknesses of the assumed causal connections become readily apparent. The *Pre Submission Draft* claims that the following outcomes for the city centre will result from the NRR

- a. Reducing the number of car lanes on Milburngate Bridge, creating more space for pedestrians, cyclists, bus users, those with disabilities and visitors (*para 5.231*)
- b. Significant air quality benefits by removing unnecessary slow moving and standing traffic including HGVs from the city (*para 5.231*)
- c. Displacing non-essential car trips away from the city will ... encourage residents and visitors to use active travel and public transport (*para 5.231*)
- d. Major benefits for the cultural and historic environment of the city, making it a much more pleasant place to work, shop, and visit and having direct benefits to the built fabric and public realm of the city, including the World Heritage Site (*para 5.233*)

69. With the exception of (a) above, all of these outcomes were associated with the improved road layout that was developed in the city in the 1960s and 1970s, which Policy 23 now with hindsight appears to suggest was a mistaken strategy. Most long-standing residents will probably consider that, within the then context, these changes were truly transformational for the city centre and its environment, on a scale which a NRR could not achieve. The following comments amplify the inadequacies of the current proposal for effecting such changes, adopting the same lettered indents as above but with further subdivision where required.

- a. (i) It is not apparent how the removal of two all-purpose vehicular lanes from Milburngate Bridge could enable more space to be created for **all the categories of users** specified in paragraph 5.231. The existing traffic lanes are narrow, and the removal of two general traffic lanes would not release sufficient space for both a dedicated cycle lane and a bus lane in each direction. Indeed, the text of the Council's full *DCSTDP* document notes that standard width bus lanes could not be provided, and states that it

⁵¹ *Infrastructure Delivery Plan*, para 3.168; the table follows page 54. The IDP's tentative programming of the NRR needs to be read with paragraph 5.454 of the *Sustainability Appraisal Report*, which assumes that implementation of the relief roads would not commence within the next five years, pushing completion to beyond 2025. As already pointed out above, para 15, 2nd indent, the traffic modelling which supports Policy 23 assumes that the relief roads would be completed by 2022, introducing yet another significant disconnect between the policy and the main evidence document that supposedly provides its justification.

is “likely that buses will have to remain within the general traffic stream.” However, the document also assumes that bus reliability will be supported by reduced traffic levels across the bridge.⁵² This assumption is directly contradicted by *Appraisal Report 2019*, paragraph 8.2.5, which envisages longer journey times as a consequence of the reduction in capacity.

(ii) Any attempt to overcome the lack of carriageway capacity for dedicated bus lanes by perpetuating the present shared use pedestrian/cycle ways on both sides of the bridge would maintain the existing unsafe and unsatisfactory conditions for active travellers, including visitors and the disabled. Equally, however, separating out pedestrian and cycle users by allocating each the exclusive use of one of the present bi-directional upstream and downstream footways would create conflicting movements at each end of the bridge and would interfere with the free flow of pedestrians between the Market Place and the residential and commercial sites under development on both sides of the western end of the bridge.

- b. (i) The extent to which “unnecessary” traffic would actually be removed from the city centre simply by the provision of a NRR and a reduction in lane capacity on Milburngate Bridge is highly questionable, and is compounded by the Council’s substantial overstatement of the volumes of traffic using the bridge and of the proportion of through traffic when it began to formulate this policy. In 2013, when the Council consulted on what was then termed the Durham City Integrated Transport Approach, it stated that 60,000 vehicles per day crossed Milburngate Bridge, of which 30% [i.e. 18,000 vehicles] did not stop in the city or use its facilities.⁵³ At the *Issues and options* stage of the current Plan’s development, these figures had been amended to “47,000 vehicles per day during the working week”, of which 35-40% [i.e. 16,450-18,800 vehicles] had no origin or destination in the city.⁵⁴ By *Preferred Options* stage, those numbers had been moderated to “40,000 per day during the working week”, and “33-36%” [i.e. 13,200-14,400 vehicles] with no origin or destination in the city.⁵⁵

(ii) Besides this substantial shift in the Council’s understanding of the actual scale of the volume of traffic using Milburngate Bridge and the lesser but still significant disparities in its claims about both the percentage and the volume of through traffic, there is also an underlying lack of clarity in Policy 23 about whether the desired reduction that is proposed is a *percentage* or a given *volume*. It is the latter, the absolute reduction in road traffic, that is significant if the objective is to reduce the direct environmental impacts of the traffic using the bridge. While volume is also the key consideration in “freeing up space” for more sustainable uses within the design limits of the structure, it is the reduction in volume that can be achieved *during the peak periods* that is crucial to this purpose, because by definition that is when the greatest use of the available capacity occurs. And since the peak hours account for only two hours out of the daily total, the peak-time *volume* reduction that could be achieved by diversion will obviously be only a

⁵² DCSTDP (2018), p 45.

⁵³ Durham County Council, *Durham City Integrated Transport Approach* (October 2013), para 1.11.

⁵⁴ Durham County Council, *County Durham Plan: issues and options* (June 2016), para 4.94.

⁵⁵ Durham County Council, *Preferred Options* (2018), para 5.23. The same figures are used in the *Pre Submission Draft*, para 5.225, and appear to be based on Jacobs, *Durham City Model Rebase* (2016).

fraction of that daily total.⁵⁶ **The headline figures of total daily volumes and percentages of through traffic on Milburngate Bridge quoted by the Council in successive policy documents therefore have very limited direct relevance to the underlying issues and to the outcomes that could be achieved from this element of Policy 23.**

(iii) As discussed above (paragraphs 40-43), the modelling data in *Appraisal Report 2019* suggests that the maximum achievable peak traffic reduction over Milburngate Bridge in 2037 would be around 13%. *Local Plan traffic impact* (2019) estimates a similar level of reduction.⁵⁷ But any reduction in the flow through the city centre via the A690 and Gilesgate roundabout would almost certainly encourage more traffic to and from the A181 corridor to flow via the city centre, over either the Milburngate or New Elvet bridges. The modelling also indicates that the remaining peak flow over the Milburngate Bridge would inevitably be slower than at present.⁵⁸ This is because up to 87% of existing motor traffic volumes would need to be accommodated in 50% of the present capacity. Consequently, pedestrians, cyclists, the disabled and visitors taking advantage of their new freedom to use more of the space on Milburngate Bridge would be sharing the bridge with bonnet-to-tailpipe general traffic, hardly an attractive environment. In addition, there is no reason to expect that HGVs would be removed from the remaining traffic flow, unless further demand management measures (such as a weight limit or a lorry ban) were introduced. But such measures could be put into effect without a NRR, as indeed was demonstrated a few years ago while the bridge deck was being renewed.

- c. Again, given both the Council's and their consultants' apparent scepticism about the ability to achieve significant peak modal shift, and the practical obstacles to accommodating both more space for active travel and better bus facilities within a remodelled Milburngate Bridge, it is difficult to see how such "encouragement" to residents and visitors to use more sustainable modes could be effective without more substantial policy interventions. Measures such as those mentioned in paragraphs 60-62 above could be put into effect within a much shorter timescale than would be required for the delivery of relief roads, and need not depend upon their provision.
- d. (i) As already suggested above, the immediate environmental benefits within the city that could be achieved by a small diversion of traffic to a NRR are much less than those which were realised last century by the daytime pedestrianisation of Elvet and Framwelgate bridges and Silver Street, and the associated measures to restrict the traffic flows along North Road and through Saddler Street. These are the main pedestrian access routes to the city's retail core and to the World Heritage Site, and these routes would be only marginally affected by reductions in traffic on Milburngate Bridge.

(ii) While the environmental effects of noise and air pollution from motor traffic spread more widely, again the reduction that is likely to be directly attributable to the projected

⁵⁶ The 2016 Jacobs report also suggests that in the morning peak the proportion of through traffic is lower than in the inter-peak and evening peak periods. See *Durham City Model Rebase*, table 4.2

⁵⁷ *Local Plan traffic impact* (2019), p 22. Again, however, it is difficult to interpret the data quoted in this document. The percentage appears to be derived from the modelled volume of traffic using the NRR – "1700 vehicles....in both directions" [itself an ambiguous statement] – rather than direct modelling of city centre flows.

⁵⁸ *Ibid*, paras 8.2.5, 9.2.5.

lessening of the Milburngate Bridge flow would be negligible.⁵⁹ Air pollution benefits also need to be considered in the context provided by the national policy of eliminating the worst sources of such transport-related air pollution over a period close to that of the Plan itself.

(iii) Policy 23 contains no other firm proposals that would significantly reduce existing traffic flows and their associated pollution, or would address the severance and junction conflicts that constrain active travel within the city and make it a less pleasant place to work, shop and visit. The modelling indicates that, even if the preferred option in paragraph 5.246 of the *Pre Submission Draft* was adopted, that of building both relief roads, the total modelled evening peak flow through the key junctions in and around the city would be **higher than** in the **2015** base year, without any consideration of the additional traffic generated elsewhere in the city and its surroundings. **Of the nine modelled junctions, two thirds (Sniperley, Leazes Bowl, Gilesgate, South Road, County Hall, and Crossgate/Margery Lane) are forecast to become busier in one or both of the two peak travel hours.**⁶⁰

70. In short, the evidence does not justify this element of Policy 23, and DCSTDP's effectiveness in delivering the planned outcomes has not been demonstrated.

(C) Northern Relief Road

71. Paragraph 9 above has already commented on the claim in *Pre Submission Draft* paragraph 5.232 that the principle of this scheme has been "established". Despite its antecedents, it has never survived any previous formal testing which could have led to financial authorisation. Indeed, the Council's consultants pointed out in 2013 that, in addition to technical considerations about deliverability, a value-for-money appraisal would need to be completed before any commitment to fund and build either of the proposed relief roads could be entered into.⁶¹ **The Council's renewed attempt to justify this scheme on the basis of previous justification is not supported by the evidence, and is therefore in itself unjustified.**

72. The Council's position has however been modified in one key respect. Policy 23 states at paragraph 5.233 that

... a landscape impact assessment has concluded that there is likely to be some impact on the openness of the Green Belt... **it would therefore be considered inappropriate development in the Green Belt.** [*emphasis added*]

73. Notwithstanding that statement, Policy 5.233 then goes on to argue that

⁵⁹ It is also very difficult to see how a reduction in lanes on Milburngate Bridge could be achieved without traffic restraint measures to ensure a corresponding reduction in the volumes of traffic using the connecting roads that merge in the junctions on either side of the bridge. Traffic management through the Leazes Bowl layout would be particularly challenging, because of the continuing need for traffic to and from Claypath and the Prince Bishop's car park to feed from and into the westbound carriageway, and out from that carriageway toward Walkergate. Any reduction in the free flow of traffic westbound at this point could create considerable air pollution in the "canyon" created by the Claypath underpass and the massing of the Prince Bishops structure.

⁶⁰ *Appraisal Report 2019*, tables 4.1; 9.3-4.

⁶¹ Jacobs, *Durham Local Plan Option Appraisal: final report* (2013), page 3.

there is no alternative means of achieving the benefits resulting from removing traffic from the city centre and therefore very special circumstances have been demonstrated.
[emphasis again added]

74. Fundamentally, therefore, the Council has acknowledged that the construction of a NRR would breach national and local green belt policies, but seeks to use the “special circumstances” provisions in the National Planning Policy Framework [NPPF] to override these policies.⁶²

75. The Trust’s starting-point for its comments on the unjustified and therefore unsound basis of this element of Policy 23 has already been set out in the analysis in paragraphs 61-5 above. **The Council** has failed properly to consider alternative means of removing traffic from the city centre, and therefore **has not provided evidence to justify its statement that there is no alternative.** Furthermore, as discussed in paragraphs 40-3 above, the **modelling evidence is insufficient to support the Council’s view of the extent and effectiveness of the traffic removal that is attributable to a NRR.** As also discussed above (paragraph 70), the extent of the benefits for the city centre of removing some traffic from Milburngate Bridge has not been adequately demonstrated against the specific claims made in *Pre Submission Draft* paragraphs 5.231/3. Taken together with the absence of more specific implementation proposals for Milburngate Bridge, the **effective deliverability of these benefits has therefore not been demonstrated.**

76. But in addition, the Council’s attempted justification has failed properly to take into account the full extent of the harm that the construction of a Northern Relief Road would cause, both to the city and its setting and in terms of its wider network consequences. In terms of the NRR’s adverse effects on the environment and on amenity, these extend well beyond simply its impact on the openness of the Green Belt. They entail the loss of ancient woodlands and hedgerows; the severance of an important active travel route which is also a pilgrims’ way relating directly to the early mediaeval origins of the World Heritage Site; damage to a local nature reserve; and a devastating aural and visual impact on the tranquillity of a key sector of the setting of the city and the World Heritage Site, including the effects on the unspoilt gorge of the River Wear through Kepier Woods, and upon the open countryside that frames the view of the Cathedral from the north-east. Though two routing options are offered in this latest draft of the County Plan, via the former railway viaduct over the Wear near Belmont, or via a new bridge further upstream, both have comparable adverse impacts.

77. The *Sustainability Appraisal Report* details the extent of the harm that a NRR would cause.⁶³ However, because the report accepts uncritically the output of the traffic modelling considered above in Section A of this response, the document concludes, albeit with some reservations, that the transport benefits of the NRR outweigh its harm when compared with the “business as usual” (ie “do nothing”) alternative. As discussed previously, the modelling evidence that the Council has presented is inadequate to bear the burden of justification that both Policy 23 and the SAR place upon it, and this may be why SAR paragraph 4.553 also seeks to invoke as a benefit the short-term employment that would arise from the construction of a NRR. But although paragraph 4.559 explicitly acknowledges that the overall climate change effects of adding the NRR to the highway network would be adverse, the sustainability appraisal fails to take any systematic account of the carbon impacts arising directly from that construction activity, even though it is clear from passing references in the table on pages 380-83 that its authors were aware of the significance of these impacts.

⁶² NPPF (2019) paras 143, 146(c). The same wording appears in the previous edition.

⁶³ SAR, especially pp 377-383.

78. In addition, the SAR also fails to evaluate the adverse network impacts of providing a NRR. Some of these are evident from the way the scope – and cost – of the project has expanded from the initial concept of a new link road between the A690 at Belmont and Rotary Way into a series of new or improved roads and junctions extending right round the north west of the city to the Trout Lane junction with the A691. This is clearly intended to address the congestion in that sector that the Council’s consultants had previously identified would result from the provision of the original NRR scheme. However, it would self-evidently add to the existing junction conflicts and delays at each of these intersections, all of which would be adverse impacts attributable to the NRR.

79. According to the latest modelling commissioned by the Council, the NRR itself would be operating at 50%-85% capacity in the morning peak by 2037.⁶⁴ This is consistent with evidence presented at earlier points in the development of the Plan, and strongly suggests that the NRR would add significantly to the total volume of traffic passing through the north-western side of the city, in close proximity to existing housing. While some of this traffic would be directly induced by the addition of this extra capacity to the city’s road network, the fuller modelling information presented at earlier stages of the scheme’s development showed an associated reduction in traffic using the A1(M) north of Junction 62. As discussed at paragraph 37 above, this modelled outcome appears to reflect the transfer of longer-distance traffic between the motorway and the county road network at Belmont rather than further north at Chester-le-Street. Motorways are significantly safer than all-purpose single carriageway roads, so in addition to the adverse environmental effects in the vicinity of the NRR and its westward connections, such an addition of traffic to the county’s road network would almost certainly worsen road safety.

80. A final flaw in the concept of the NRR is its location of its eastern junction on the A690 west of the A1(M). Because of the severance created by the motorway, access to the intended junction would be circuitous from those parts of the county to the east of Belmont, including Sherburn, Pitlington, Easington and Peterlee. It is likely that most of the traffic from that area heading towards destinations west and southwest of the city would continue to follow the A181 to Gilesgate and onwards via Milburngate, in contrast to the easy access to the NRR that would be available for journeys from the Sunderland local authority area or for traffic using the A1(M).

(D) A167 Congestion and Western Relief Road

81. Paragraph 5.238 of the *Pre Submission Draft* paints a picture of intolerable peak hour congestion on the A167 between the Neville’s Cross and Sniperley junctions. *Local Plan traffic impact* (2019) seeks to reinforce this by highlighting an “average” [sic] speed of 7 to 24mph on this section of route.⁶⁵ The 2018 version of the same document claimed an average speed of only 6 to 12mph,⁶⁶ a not insignificant difference.

82. Paragraphs 5.239-240 of the *Pre Submission Draft* then refer to an AECOM study of the feasibility of an on-line upgrade of this section of the A167, which paragraph 5.241 asserts could not provide an “effective alternative” to a WRR. Echoing its approach to the NRR, the Council then seizes upon the “very special circumstances” argument as justification for the construction of the relief road.

83. However, objective consideration of the argument set out in paragraphs 5.238-241, together with the supporting material, demonstrates that these elements in the Council’s case for a WRR have no real substance, and that the evidence used is partial and highly selective.

⁶⁴ *Appraisal Report 2019* para 5.2.3

⁶⁵ *Local Plan traffic impact* (2019), pp 15-16

⁶⁶ *Local Plan traffic impact* (2018), pp 15-16.

84. The opening statement in paragraph 5.238 of the *Pre Submission Draft* that “traffic modelling shows that the A167 is currently the most congested part of the transport network in both the AM and PM peaks” is advanced without any supporting context, even from the Jacobs material which presumably is the traffic modelling that is mentioned. However, Jacob’s calculations of total peak-hour delays per vehicle in 2015 in *Appraisal Report* show that these are lower at Sniperley in both peaks than at Leazes Bowl or County Hall, despite the significantly greater flows at Sniperley. And while Neville’s Cross junction is hampered by its layout, its modelled performance in the morning peak is better than that at the New Inn, Crossgate/Margery Lane, or Miburngate junctions.⁶⁷ The junction evidence does not therefore appear bear out the claim that this section of the A167 is the “most congested part of the transport network”.

85. In addition, and as discussed in Section B of this response (paragraphs 26-8), *Appraisal Report 2019* shows that the fastest end-to-end peak journeys of all those modelled are achieved on Route 1, the A167 between Plawsworth and Croxdale. This of course includes within it the Sniperley-Nevilles Cross section. No details are provided of the basis for calculating the various speeds between those two junctions that are headlined in the versions of Jacobs’ *Local Plan traffic impact*. However, AECOM calculated peak journey times over the equivalent section of route using a 2013 model base year, when the DfT traffic count series suggests that the Crossgate Moor section of the A167 was carrying a volume of traffic similar to that in 2015,⁶⁸ the baseline for the Jacobs’ modelling. AECOM’s modelling implies morning peak hour speeds in 2027 of 14.7mph northbound, and 13.0mph southbound; the evening equivalents are 16.1mph northbound and 12.9mph southbound.⁶⁹ These average speeds do not appear unreasonable for a peak hour urban journey of less than two miles which involves passing through two signalised junctions, a signalled pedestrian crossing, and a roundabout, together with a school crossing patrol during the morning peak. They also appear to be reasonably consistent with the modelled journey times for Jacobs’ longer Route 1.

86. Missing from all the Council’s evidence is any acknowledgement that the DfT traffic data for the A167 reproduced in the Appendix shows that traffic volumes for the Neville’s Cross-Sniperley section in 2017 were at their lowest *this century*, and that this declining trend is now well established. The average annual daily flow for all vehicles in 2017 was 81% of the 2004 level, and the average daily volume of cars and taxis, the largest component, had fallen by 4,400 vehicles over the same period. While these figures do not differentiate between the peak and the offpeak, it seems inherently unlikely that the distribution of traffic between the peak and offpeak periods could have changed so much as to allow peak traffic volumes to grow sufficiently to worsen peak performance against the overall daily trend of reduced volume.

87. Besides these issues arising from the Council’s representation of current and projected traffic performance on the A167, there is however a more fundamental question relating to the interpretation of the evidence from the AECOM A167 corridor study. As mentioned in paragraph 83 above, the *Pre Submission Draft* uses this evidence to claim that an on-line upgrade of the

⁶⁷ *Appraisal Report 2019*, table 4.1, p 15.

⁶⁸ See Appendix to this response.

⁶⁹ AECOM, *A167 Corridor: option development and transport modelling results* (2018), pp 18-9. Note that the modelled runs started just before and ended just after the start and finish junctions. The distance has been estimated from the mapping provided as 1.6 miles, so the accuracy of these calculated speeds is dependent upon that estimate of the distance. The DfT traffic statistics show the distance between the junctions themselves as 1.24 miles. The speeds calculated above are within Jacobs’ range of 7-24mph in *Local Plan traffic impact* (2019); as noted, however, AECOM used a different traffic model and forecast year, and it is also unclear what mileage figure Jacobs used for their calculation.

Neville's Cross-Sniperley section of the A167 would not provide an "effective alternative" to a WRR, and therefore that the "very special circumstances" exist which justify its construction.

88. The AECOM report demonstrates that the on-line upgrade of this stretch of the A167 would be feasible and deliverable, and estimates that it could be provided for £6.9 million at 2020 prices.⁷⁰ The *Infrastructure Delivery Plan's* provisional budget for the WRR is £35 million,⁷¹ so the burden of proof on the Council in justifying a scheme cost of at least five times that of a feasible alternative is therefore considerable. However, **when taken together with the Jacobs evidence, the AECOM report does not provide that justification.**

89. AECOM's report contains two forms of evidence. One is an engineering study to identify and design a means of improving the peak hour performance of the A167 from Neville's Cross northwards to Sniperley. It concludes that this can be done by providing two running lanes in each direction throughout, and by addressing junction queuing issues at Neville's Cross junction itself, and also at Toll House Road, which is a major cause of peak-hour delay.

90. The second element of the report is the traffic modelling outputs used to forecast the results of the proposed engineering solution. AECOM's modelling uses the Paramics methodology, which was developed as a microsimulation tool to model the behaviour of road traffic through specified junctions and links. While valuable in such localised applications, Paramics is less comprehensive in its scope than a network assignment and forecasting transport model such as that used for Jacobs' evidence. As the AECOM 2018 report notes, the firm's modelling of the A167 was developed in 2013 in connection with the withdrawn previous version of the County Plan. The modelling is therefore nearly five years old, but has been re-applied on the basis that in the interim there have been no significant developments affecting traffic flows in the area.⁷²

91. Although the underlying data used in 2013 was itself also old then, the data was refreshed and the modelling was calibrated against observed traffic flows in the area. The modelled journey times were validated by actual runs over the modelled routes in peak traffic conditions.⁷³ It can be assumed therefore that the 2013 base year data reported in the current AECOM report corresponded reasonably with the underlying traffic conditions in that year.

92. From that data, AECOM's *A167 Corridor* study concluded that the interventions identified in the report would achieve substantial journey time savings in both directions between Neville's Cross and Sniperley in the morning peak hour. This would also be true in the southbound direction in the evening peak. However, for one section of flow only, northbound between Toll House Road and Sniperley, there would be a significant (105%) increase in modelled journey time, resulting in an overall increase in the total journey time between Neville's Cross of 79 seconds, a difference of 22%. This northbound increase would be offset by the 44%, 195 seconds, improvement in southbound journeys.⁷⁴ Overall, an A167 commuter travelling southbound in the morning peak and northbound in the evening peak would still save a net 77 seconds per day. In terms of A167 peak traffic, there would be a clear overall advantage from the proposed scheme; although drivers travelling northbound between Toll House Road and Sniperley in the evening peak who did not make the equivalent reverse journey in the morning peak would suffer some disbenefit, the report notes that that the southbound flow is dominant in the evening peak.⁷⁵ This would weigh the overall balance of benefits and disbenefits still further in favour of the scheme.

⁷⁰ AECOM, *A167 Corridor*, pp 13-16.

⁷¹ *IDP*, table following p 54. No price base is stated.

⁷² See AECOM, *A167 Corridor*, para 1.3.

⁷³ AECOM, *A167 Western Relief Road modelling report* (2014), paras 2.1-2; 3.2-3. Para 2.2 notes that a seasonal adjustment was applied to the observed data.

⁷⁴ AECOM, *A167 Corridor*, Tables 4.2-3, pp 18-19.

⁷⁵ *Ibid*, p 8, para 2.3. A further nuance in the calculation of benefits is noted below, para 101.

93. When the same modelling was repeated for forecast 2027 traffic conditions, a similar overall picture emerged. Significant time savings were still achieved in both directions in the morning peak, with southbound savings even higher (380 seconds, or 55%) than in the 2013 simulation. In the evening peak, though, substantial southbound savings were offset by an increase of 423 seconds, or 87%, in the northbound direction. Even with this deficit in the evening peak, however, the overall balance of time savings in 2027 would remain in favour of the scheme, although by a margin of only 92 seconds.⁷⁶

94. AECOM’s conclusion, that “there is no overall improvement to the performance of the route,”⁷⁷ probably seemed appropriate to the consultants in terms of their own analysis. This doubtless in turn provided the basis for the Council’s claim in paragraph 5.240 of the *Pre Submission Draft* that “the results of the modelling show no overall benefit to traffic movements on the A167.”

95. However, the way that statement is expressed provides three grounds for challenging the conclusion that there is no alternative to proceeding with a relief road. Firstly, it relies directly on the modelling results. A key factor in those results is the underlying increase in AECOM’s modelled “existing” timings from 2013 and 2027, which are summarised in the table below, expressed in minutes and seconds.

AECOM modelled "existing" timings, Sniperley-Neville's Cross

Year	AM PEAK Direction of travel		PM PEAK Direction of travel	
	N>S	S>N	N>S	S>N
2013	7m 23s	6m 32s	7m 28s	5m 57s
2027	11m 26s	7m 03s	11m 24s	8m 05s
<i>increase</i>	<i>4m 03s</i>	<i>31s</i>	<i>3m 56s</i>	<i>2m 08s</i>

96. These increases are material, amounting to 39% of the total modelled timing for both peaks and directions of travel in 2013. It has to be assumed that they are the result of applying the TEMPRO growth factors to the traffic data in the Paramics model that are described by AECOM.⁷⁸

97. It is unfortunate that the 2027 date adopted in this case does not conform to either the 2022 or the 2037 forecasting dates used by Jacobs in *Appraisal Report 2019*, since the latter’s Route 1 in the strategic journey time summaries overlies the section of the A167 modelled by AECOM. However, a broad comparison is possible, and the table below summarises Jacob’s journey time results for their “do nothing” scenario.⁷⁹

⁷⁶ *Ibid*, Tables 4.3.4-5, pp 20-21.

⁷⁷ *Ibid*, p 23.

⁷⁸ *Ibid*, para 4.2.

⁷⁹ *Appraisal Report 2019*, Table 5.3, p 24.

Jacobs modelled "do nothing" timings, Strategic Route 1, A167

Year	AM PEAK Direction of travel		PM PEAK Direction of travel	
	N>S	S>N	N>S	S>N
2015	15m 09s	15m 41s	15m 09s	14m 06s
2022	15m 29s	16m 08s	15m37s	14m 25s
2037	16m 30s	16m 17s	16m 51s	14m 57s
<i>Increase</i>				
2015-22	20s	27s	28s	19s
2022-37	1m 01s	9s	24s	32s
2015-37	1m 21s	1m 26s	1m 42s	1m 51s

98. Despite this lack of any equivalence between either the base modelling dates or the forecasting periods, the Jacobs' results – which model the approximately 6.9 miles of the A167 between Plawsworth and the Honest Lawyer roundabout – provide a limiting case for AECOM's modelling of the approximately 1.6 mile section of the same route between north of Sniperley roundabout and south of Neville's Cross junction. Though the period is longer, the bottom row of the table above probably offers a reasonable comparator for the 2013-27 differences in the AECOM table, because of the closeness of the 2013 and 2015 start dates. In three out of the four direction/peak cases, Jacob's modelling indicates total journey time increases which are markedly lower than the AECOM modelling for about a quarter of the distance. The one exception, northwards in the morning peak, is the lowest of any of the differences.

99. It is difficult to envisage any situation in which reductions in Route 1 journey times north of Sniperley or south of Neville's Cross could come close to balancing out the increases generated by AECOM's modelling, so one or the other of the results must be implausible. Clearly it is up to the respective consultants to validate their own calculations, although it appears that the Jacobs modelling and data have both been more recently refreshed than the underlying content of the Paramics modelling. **But as both reports are included in the Council's evidence base, this clear conflict in their findings in itself demonstrates a significant failure in the Council's justification of Policy 23.** While the AECOM modelling evidence relates solely to the A167 corridor, the Jacobs modelling underpins the entirety of that Policy.

100. In addition to this fundamental issue arising from the modelling itself, there is a second reason why its output does not provide the justification that is claimed in PSD paragraph 5.240 for rejecting the on-line upgrade of the A167 in favour of a relief road. By limiting the calculation of benefits to A167 users, both AECOM and the Council have also chosen to disregard the underlying reason for the northbound evening peak delay that emerges at Sniperley when the effects of the improvements are modelled. This delay arises because the better southbound A167 flow that is achieved out of the Sniperley roundabout allows easier westbound A691 entry into the junction. It is this better A691 flow that in turn impedes northbound A167 passage through the junction. An objective and balanced assessment of the impacts of the A167 upgrade should therefore also take account of the resultant journey time benefits for A691 traffic. Jacobs' *Local Plan traffic impact* (2019) notes at page 16 the significance of Sniperley for A691 traffic as well as for the A167 itself.

101. Thirdly, the limitations of the analysis go beyond the accuracy and scope of the journey time assessments. The AECOM study clearly shows that the improvements to the layout of Neville's Cross junction and its approaches contribute a substantial proportion of the scheme benefits. Despite this, further consideration of any modifications of the Sniperley junction appears to have

been summarily ruled out “at this stage of the design process.”⁸⁰ Noting this reference by the consultants to a staged design process, it is remarkable and disappointing that no steps were taken to develop and consider further any of the traffic management and/or engineering options that could mitigate this specific issue at Sniperley over the ten months between the report’s cover date and the Council’s approval of the Pre Submission version of Policy 23. Though both of the possible options identified by AECOM – two A167 lanes northbound through Sniperley, or signalisation of the junction – appear to have potential, the financial headroom between the estimates for the A167 scheme and those of the WRR would be more than sufficient to allow other options to be brought into consideration. **The failure to explore more fully the possible solutions at Sniperley or its approaches again calls into question whether this Policy has been positively prepared and is justified.**

102. There are also wider grounds for concluding that a WRR has not been justified, and these are similar to those stated above in relation to the NRR. The Council now acknowledges that this scheme would also be considered inappropriate development in the Green Belt, and the immediately-preceding paragraphs in this response have described evidential weaknesses the Council’s “very special circumstances” case for the WRR as a means of relieving the A167. It has also been pointed out in paragraphs 31-4 and 46-7 that the argument that the WRR is needed to provide road capacity for the housing and employment land releases proposed in the County Plan is not supported by the traffic modelling evidence, and that the case for a S106 contribution to its costs has not been demonstrated.

103. As in the case of the NRR, the WRR would have significant adverse impacts on an important part of the city’s setting, and would disrupt valued active travel routes and the tranquillity of this part of the Browney valley, an area that contributes significantly to the visitor economy because of the accommodation offered in farm building conversions and through a site for touring caravans, all close to the proposed alignment of the relief road. Its construction would also introduce significant risks of development pressure on the section of the Green Belt between the A167 and its planned route: whatever the strength of Green Belt policies, the number of instances during the last decade where the Council has approved developer incursions into the Green Belt on the basis of “exceptional circumstances” demonstrates the reality of the response to such pressures.

104. As again with the NRR, the modelling evidence that the Council has made available does not extend systematically to the adverse effects of induced and diverted traffic on junctions and links outside the core network that is included in the junction analysis tables. Specific examples of additional delays to other traffic caused by interactions with the WRR are mentioned,⁸¹ but it is evident from the planned route that a WRR would introduce additional pressure on a swathe of junctions around the south-western quadrant of the city, extending from the A167 at the Browney Lane and Duke of Wellington junctions, via the A690 and B6302 to the A691 before linking back into the A167. Even if existing through-journey flows did not increase, any relief to the A690 at its junction with the A167 at Neville’s Cross would be offset by newly-diverted flows conflicting with radial traffic on the A690, with any traffic attracted from the A167 further south required to make a staggered crossing of the A690 between either the Browney Lane or Lowes Barn Bank junctions and the B6302 at Stonebridge. No assessment of these traffic impacts has been presented, either in the transport evidence base, or in the relevant sections of the SAR. The latter does however conclude that provision of the WRR would increase harmful emissions, because of longer travel

⁸⁰ AECOM, *A167 Corridor*, pp 21-2.

⁸¹ *Appraisal Report 2019*, paras 6.1.5, 7.1.3 and 7.1.5.

distances and because of the overall increase in traffic.⁸² As with the NRR, there would also be a direct carbon impact from the construction of the road itself.

105. The Council acknowledges that a WRR would cause harm to the Green Belt. The “very special circumstances” that it claims would justify this scheme appear to amount to the relief of congestion on the A167, and its enabling role in the build-out of proposed development releases west and north of the city. A third factor that is not so explicitly defined is its contribution to “the most effective transport solution for the city.”⁸³

106. **This claim of “special circumstances” is not justified**, for the reasons enumerated below.

- 1) As noted above in paragraph 87 and is apparent from the Appendix to this response, the annual average daily flow of traffic on the A167 between Neville’s Cross and Sniperley is shown by the DfT’s official statistics to be in overall decline. In addition, peak traffic delays are overstated in the Council’s evidence and do not appear to be exceptional for a road of this nature.
- 2) The AECOM report shows that an alternative means of improving the peak traffic flow is feasible, yet this has not been properly appraised by the Council.
- 3) *Appraisal Report 2019* candidly acknowledges that, if built, the WRR would be operating at no more than half capacity in 2037; that the section of the A167 it purportedly is intended to relieve “still exhibits a high volume of traffic in 2037”; but that the reason a WRR is “necessary” is “to ensure that forecast growth can occur.”⁸⁴
- 4) Quite apart from the impact of a WRR on the openness and tranquillity of the Green Belt and on important countryside and heritage assets, the **adverse traffic impacts** of introducing a WRR into the network have not been adequately scoped, even though passing acknowledgement of such impacts is made in *Appraisal Report 2019*.
- 5) Finally, the modelled traffic growth attributable to the proposed County Plan development releases does not appear to be significant, and is not at a level which would justify a Section 106 payment or the commitment of at least £35 million to the construction of a WRR in order to mitigate them.

107. In addition, and again quite apart from Green Belt policy and other environmental arguments against such development releases, if these releases required the building of a new relief road they would be contrary to the Council’s own adopted policies in *LTP3*, which states that it is...preferable that new development is located to minimise the need for new road construction.⁸⁵

This policy remains consistent with the latest edition of *NPPF*, which at paragraph 108(e), first requires that

any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, **can be cost effectively mitigated to an acceptable degree.** [*emphasis added*]

108. The Council has not even begun to attempt to demonstrate the cost-effectiveness of a WRR against the alternative of an A167 on-line upgrade, let alone more comprehensively. As it stands, this relief road proposal is therefore **not consistent with national policy.**

⁸² SAR, para 4.581.

⁸³ *Pre Submission Draft*, para 5.246.

⁸⁴ *Appraisal Report 2019*, para 7.1.3; p 69.

⁸⁵ *LTP3*, para A.5.1. As already noted in para 3 of this response, the *Pre Submission Draft*’s apparent failure to have regard to *LTP3* is also a breach of the Town and Country Planning (Local Planning) (England) Regulations 2012

109. Finally, so far as the overall role of a WRR as part of “the most effective transport solution for the city” is concerned, **effectiveness has not been demonstrated**, for the following reasons:

- as with the other elements of Policy 23, a high degree of conditionality is attached to the proposal because of the extent of the appraisal and authorisation processes that would be necessary, together with the funding uncertainties surrounding both relief road schemes
- in focusing on a high-cost, highways-led solution to the city’s transport issues, the Council has failed to take other, more sustainable, approaches properly into account, approaches which it notes could be implemented more quickly. It therefore cannot demonstrate that its preferred approach is the **most effective** solution to these issues.

(E) Overview

110. Policy 23 specifically applies to Durham City, which *Pre Submission Draft* notes is the largest settlement and employment centre in the administrative county. The Draft argues that the city should play an important part in delivering *sustainable* patterns of growth.⁸⁶ *DCSTDP* points out the compact nature of the city, and the high proportion of its residents who walk to work.⁸⁷ The particular transport policies applying to Durham City should therefore reflect its characteristics as a compact but significant urban area, with potential for increased sustainability.

111. *DCSTDP* accordingly directly embodies the recommended transport user hierarchy for urban areas that is set out as Government guidance in the DfT *Manual for streets*. This hierarchy places pedestrians first, and then in descending order of priority lists cyclists, public transport users, and specialist service vehicles (such as emergency services and waste collection), with other motor traffic last. *DCSTDP* states that this hierarchy, together with the concept of place and movement set out in the *Manual for streets*, provides “an appropriate framework for developing the focus of interventions within the delivery plan.”⁸⁸

112. But despite the identification of that “appropriate framework”, the interventions that the Council has focused upon for delivery through Policy 23 completely reverse that hierarchy, by elevating the needs of motorists above those of all other road users in Durham City. This can be most immediately illustrated by answering the classic forensic question - who benefits?

113. According to the *Infrastructure Delivery Plan*, the proposed transport expenditure that is directly related to Durham City during the Plan period totals £113.8 million.⁸⁹ Of that total, £97 million is earmarked for new or improved highways; the balance of £16.8 million is for sustainable transport interventions, including £10 million to improve Durham bus station, and £2 million for Milburngate Bridge. £3.8 million within the £16.8 million of non-highway expenditure is for Park & Ride schemes, which arguably are primarily of benefit to motorists.

114. However, the underlying issue extends well beyond the proposed balance of expenditure. It can be traced in the inbuilt assumptions reflected in terminology such as “future proofing the network” and “addressing the expected increase in traffic”, or in the ready dismissal of the practicality and effectiveness of alternative, more sustainable approaches to transport and accessibility. Even more worryingly, it is also expressed in attitudes that elevate the convenience and freedom of choice of motorists above that of all others, many of whom do not have the same freedoms, whether in their access to choices about travel or simply as inhabitants of the urban space

⁸⁶ *PSD*, para 4,89.

⁸⁷ *DCSTDP*, p 7.

⁸⁸ *Ibid*, p 32.

⁸⁹ *IDP*, table following p 54. Planned 2019/20 expenditure totalling £3.75 m has been excluded from the figures in this paragraph.

that is impacted by the “expected increase in traffic”. This therefore makes the approach one that also needs to be judged in terms of the Council’s equalities objectives.

115. Such attitudes permeate much of the evidence base that the Council has issued in seeking to justify Policy 23. Both versions of Jacobs’ *Local Plan traffic impact* have been cited in a number of instances in this response, but these documents’ tabloid approach to evidence, as expressed in misleading infographics or in the imprecise rendering of statistics, is a symptom rather than a cause of their basic lack of objectivity, which appears to stem from a pre-determined view that economic growth is intrinsically bound up with increased car traffic. Such a view is expressed in the document’s opening statement that “It is widely accepted that there is a direct link between the productivity of a city or region and the performance of its internal and external transport infrastructure linkages.”⁹⁰

116. Noting the immediately-following elision of the distinction between the city and the county (its region) in *Local Plan traffic impact* (2019) when quoting economic statistics, and its focus on car travel rather than transport in general, the extent to which facts are strained to fit Jacobs’ particular interpretation of “this widely accepted view” is demonstrated on page 12. The consultants suggest here that the doubling of passenger numbers using Durham railway station between 2001/2 and 2015/6 supports their conclusion that the city’s highway network has reached capacity because, in contrast, road traffic levels have been “largely static” for the last decade. While this acknowledgement of recent trends in traffic levels in the city is welcome, there is another important factor that needs to be considered when interpreting the lack of recent growth in the city’s motor traffic in comparison with the growth in rail passenger numbers. In the 12-month period to September 2018 (the latest date for which data was available at the time of writing), employment in the Durham City parliamentary constituency was 71.8%, 1 percentage point above the north-east regional average: the total number of people in employment in the Durham constituency in the year to September 2018, 48,800, was the fifth highest this century. These levels had been reached from a low point in the 12 months to September 2009 of 60.8%, 6 percentage points *below* the regional average, when 1,000 fewer people were in employment.⁹¹

117. Consequently, **Durham City’s recent economic performance**, as expressed in employment levels, **does not exhibit any correlation with road traffic levels. The underlying assumption in *Local Plan traffic impacts* that there is such a linkage is therefore not justified**, and consequently infects much of the justification assumed for Policy 23 itself.

118. As already noted, the weaknesses in the justification that the evidence base provides for Policy 23 extend much more widely. **Doubts about the modelling assumptions and data assurance in *Appraisal Report 2019* have been set out in Section (A) and Section (D). Until these are clarified Policy 23 cannot be demonstrated to be justified by this evidence.**

119. Furthermore, **the extremely limited range and scope of the evidence** that has been provided in support of the very substantial expenditure on the relief road schemes **is not proportionate to the importance and potential impacts of these elements of Policy 23.**

120. In addition, the inadequate, and indeed in most cases absence of, evidence relating to alternative approaches indicates that alternatives have not been properly considered, and therefore that **this Policy has not been positively prepared.** In particular, the weight that Policy 23 places on the future requirements of just one category of transport users demonstrates the Policy’s **failure to take properly into account the future needs of other transport users and indeed those who are affected by the wider impacts of traffic.**

121. **Policy 23 fails to demonstrate effectiveness**, at a series of levels.

⁹⁰ *Local plan traffic impact* (2019), p 4.

⁹¹ https://www.nomisweb.co.uk/reports/lmp/wpca/1929379952/subreports/pca_ea_time_series/report.aspx?

- Most basically, the modelling evidence in *Appraisal Report 2019* shows the **ineffectiveness of the proposals in achieving a significant diversion of traffic from Milburngate Bridge.**
- **This ineffectiveness is reinforced by the lack of any evidence of the feasibility of actually delivering a rearrangement of traffic flows in the centre of Durham City to achieve all the user and environmental benefits that are claimed.**
- In addition, the narratives included in Policy 23, in the *SAR*, and in the *IDP* all confirm **the extent of the conditions that would require to be met before the relief road schemes could be delivered.** This in turn would **needlessly delay the implementation of sustainable travel initiatives to at least the mid-2020s.**
- In the absence of more effective means of managing road traffic than are proposed in Policy 23, **some areas of the city would continue to suffer disproportionate impacts from the modelled peak volumes of motor traffic, and there would also be adverse impacts from the relief roads in other areas in and around the city** which are not fully disclosed or modelled in the evidence.

122. Policy 23 therefore lacks any real ambition or effectiveness as a sustainable transport delivery policy for Durham City. Its title is essentially “greenwashing” for a “predict and provide” policy of encouraging and meeting the needs of only one category of transport user, the motorist. That is the limit of its aspiration.

123. Finally, **Policy 23 is not consistent with national policy in several respects.** As noted in paragraph 108-9, in claiming “special circumstances” for the provision of a Western Relief Road to mitigate the traffic impacts of development land releases proposed in the *Pre Submission Draft*, **the Council has failed to comply with NPPF, paragraph 108(e),** since it has not demonstrated cost-effectiveness. In addition, **neither of the major highway projects proposed in this Policy has been developed through a process that accords with Government guidance** provided in *The DCLG Appraisal Guide* or with the more specific advice provided in the DfT’s *Transport Analysis Guidance*.⁹² **The Plan’s failure to have regard to the policies adopted in the Council’s LTP3 is contrary to Regulation 10(1)(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, while the limited scope of the supporting evidence that the Council has provided in connection with Policy 23 is not compliant with NPPG.**⁹³

⁹² See above, para 11 and footnote 6.

⁹³ See above, para 15, second indent and footnote 8.

APPENDIX

DEPARTMENT FOR TRANSPORT TRAFFIC COUNT DATA 2000 - 2017

<http://api.dft.gov.uk/v3/trafficcounts/export/la/Durham.csv>

Road and section	Annual average daily flow by year																	
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
A167 Neville's Cross Sniperley	25,494	26,181	26,122	26,127	27,676	27,105	27,231	26,377	26,062	25,935	25,463	25,486	24,135	24,046	24,309	24,117	24,747	22,361
A690 Gillesgate- Milburngate	41,749	42,469	40,536	40,341	40,300	39,861	40,040	38,735	38,258	37,180	36,557	36,518	41,642	41,442	40,863	40,417	41,276	38,270
A690 Neville's Cross- Crossgate /Margery Lane	13,195	12,869	13,106	13,731	13,930	13,457	13,205	13,035	12,782	13,012	13,097	12,973	12,885	12,911	13,295	13,612	13,919	13,916
A691 Sniperley- Milburngate	29,535	27,525	27,472	27,099	27,084	26,552	26,670	28,199	27,800	27,565	26,849	28,100	27,843	27,719	27,894	27,611	21,375	21,351
A177 Hollingside Lane-A167 Jn	8,609	8,655	7,828	7,989	7,997	8,011	8,217	8,139	7,895	7,823	8,029	8,108	7,952	7,884	8,054	8,047	8,218	8,277
A177 Hallgarth St - B1198, Shincliffe	17,185	17,750	16,572	17,043	17,412	17,349	17,694	17,742	17,634	15,584	15,304	18,038	17,992	15,264	15,705	16,317	16,654	15,881

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?

It is not possible to make Policy 23 as drafted Legally and Procedurally Compliant and Sound. It should be withdrawn and completely replaced with a Compliant and Sound version which respects the Council's existing policies in LTP3, better reflects the principles and objectives of sustainable transport, meets the needs of all transport users in the city and those who are otherwise impacted by transport, and complies with the relevant Government guidance on programme and scheme development and appraisal.

This box can be expanded)

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 No
- The publication of the Inspector's report*? Yes No
- Consultation on any Main Modifications? Yes No
- The adoption of the County Durham Plan? Yes No

(*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>