

Comment Receipt

Event Name	County Durham Plan Pre-Submission Draft
Comment by	The City of Durham Trust (Mr John Lowe - 440609)
Comment ID	735
Response Date	06/03/19 20:18
Consultation Point	Policy 31 Hot Food Takeaways (A5 Uses) (View)
Status	Submitted
Submission Type	Web
Version	0.1

Q1

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

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

(Please select one answer for each question)

Legally and Procedurally Compliant No (Go to Q3)

Sound No (Go to Q3)

Q3

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

- Positively Prepared
- Effective

Q4

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

The Trust welcomes and supports the intent of this policy, but there is an error and an ambiguity which indicates that it is **not positively prepared**.

This Policy makes a cross-reference to Policy 10 *Retail Hierarchy and Town Centre Development*, but that Policy is now Policy 9 (it was Policy 10 in *Preferred Options*).

The word *college* is ambiguous, because it may refer to several types of establishment including sixth form colleges, further education colleges and higher education colleges such as the buildings of Durham University. We infer the Policy is meant to apply to the first-named, and not the last-named, but its application to FE colleges is not clear since these will have students aged 16-18 as well as older people.

These deficiencies mean the Policy will be open to challenge and so it will **not be effective**.

Q5

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

Correct the cross-referencing error.

Define what is meant by "college" in the Policy. We suggest "schools and colleges" should be replaced by "schools and sixth-form colleges".

Q6

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

Q7

Do you want to be informed of the following:

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

The publication the Inspector report? Yes

Consultation on any Main Modifications? Yes

The adoption of the County Durham Plan? Yes