

6 April 2023

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Dear Mr Kelleher

**Draft Supplementary Planning Document on Development Viability,
Affordable Housing and Financial Contributions, December 2022**

Thank you very much indeed for the opportunity to comment on the above draft document. The City of Durham Trust strongly supports the County Council's initiative in producing a range of SPDs to assist with interpretation and application of particular County Durham Plan policies. We share the desire to secure consistent and focussed planning applications and submissions that address the requirements laid down in policies and to remove the difficulties that have been experienced by Members, officers, applicants and consultees in some cases.

We have posted our answers to the questions using the on-line facility but have also set them out in this letter so that we can express the above contextual paragraph to you.

Question 1: Do you agree with the proposed scope and content of the SPD?

The Trust agrees with the components listed but advises that some mention should be made here as to why transport is not included for contributions towards delivering the sustainable transport requirements of Policy 21 and for mitigating adverse impacts on traffic and transport, as set out in Chapter 11 of this SPD.

Question 2: Question: Do you agree with the proposed scope that viability submissions are expected to take?

The Trust agrees, and is particularly glad to see the clarifications in paragraph 6.4 that developers cannot plead ignorance of the requirements of the County Durham Plan or claim "abnormal development costs". These arguments have wrongly played a regrettable part in decisions of the County Council's planning committees. From experience, the Trust also considers that 'independent' viability assessments can be questionable; whilst we welcome the County Council commissioning viability assessments separate from the applicant's submissions, the Trust believes that objectors should be allowed, in principle, to submit their own viability assessments.

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Question 3: Do you agree with the proposed approach towards addressing housing need?

The Trust congratulates the County Council on this extensive and detailed methodology. We have not checked the calculations but fully support the principles of the assessment calculators. Provided that no policy variations would be alleged, the Trust suggests that off-site affordable housing should be within the same sub-area of the County as the application site rather than simply anywhere.

Question 4: Do you agree with the approach towards Green Infrastructure provision?

The Trust agrees, noting the recognition in paragraph 8.8 of the need for green open space provision for students, albeit at a lower multiplier representing the average size of households.

Question 5: Do you agree with the approach towards Education provision?

This is one of the trickier aspects of developer financial contributions. The school-child 'yield' from a new major residential development is highly dependent upon which market segment(s) the developer's dwelling designs are aimed towards. The Trust accepts that there needs to be flexibility in application of the formulae but looks to the County Council in its role as education authority to make sure that it is not 'short-changed'. A very significant down-grading of the contribution from the Sniperley Park developers was announced in the course of the Planning Committee meeting and that was unfortunate to say the least, with little or no opportunity for enquiry and challenge from objectors.

Further, choices made by parents as to their preferred first place, including factors such as OFSTED ratings or indeed religious belief, complicate decisions as to which school or schools will need to accommodate additional pupils. The Trust agrees with the principles of the approach put forward but recognises that there will be difficulties and controversies.

As for pre-school/primary provision, the Trust understands that a financial contribution is to be sought for such provision in the case of new primary schools, but not if funding is being sought to extend an existing primary school unless that school already offers pre-school / nursery provision. The Trust asks: should funds for such provision not be provided in both cases - the need will be the same?

Question 6: Do you agree with the approach towards Health provision?

The Trust agrees, with reservations as set out above in relation to education provision and also believes that services other than GPs - for example dentists and pharmacies - should be included.

Question 7: Do you have any comments on the Transport and Digital Infrastructure Section?

The transport and traffic consequences of development are amongst the most unsatisfactorily addressed, in the opinion of the Trust. We have made many comprehensive and detailed submissions with recommendations for avoiding unnecessary adverse impacts but these have often been largely disregarded. It follows that we have little expectation that the developer contributions outlined in chapter 11 will be adequate to ensure sustainable transport outcomes from developers. The matter of digital infrastructure is already presenting major inequality issues and probably deserves an SPD in its own right.

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Question 8: Do you agree with the approach towards HRA mitigation?

Yes.

Question 9: Do you agree with the approach to the delivery of Biodiversity Net Gains?

Yes, this seems to be an exemplary approach.

The Trust hopes that the above comments are helpful in achieving the welcome purpose of this Supplementary Planning Document.

Yours sincerely

John Lowe

Chair, City of Durham Trust