

## Durham City Neighbourhood Plan

### Reg.16 Consultation Responses

**Representations received by Durham County Council as part of Regulation 16 Submission Draft publication and submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act**

#### DURHAM CITY NEIGHBOURHOOD PLAN – SUBMISSION VERSION

Agent/ Contact	Organisation Details	Comments
Simon Craig	Environment Agency	<p>The Environment Agency aim to reduce flood risk, while protecting and enhancing the water environment. On this basis, we have some specific comments for you about your plan proposal.</p> <p>1. Flooding</p> <p>We specifically support Policy S1. However, we would like to see the inclusion of text stating that any development will not increase flood risk elsewhere and that it will reduce flood risk overall. Also, we would like to see the inclusion of text stating that any development which is located near to a watercourse or to Flood Zones 2 and 3 will take a proactive approach to mitigating and adapting to climate change and will include appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.</p> <p>We support the fact that all allocated sites are located within Flood Zone 1. Although identified sites D1.5, D1.6 and Blagdon Depot do fall within Flood Zones 2 and 3, we welcome the fact that they will not be formally allocated until flood risk issues have been resolved satisfactorily.</p> <p>The neighbourhood plan should seek to steer development away from areas at risk of flooding. However, if you wish to formally allocate any sites in Flood Zones 2 and 3 within your Neighbourhood Plan, the Sequential Test and where appropriate, the Exception Test should be undertaken. A Strategic Flood Risk Assessment (SFRA) should be prepared and form part of your evidence base.</p> <p>2. Biodiversity</p> <p>We would advise a slight change of wording to Policy S1 (part e) to ensure ‘you achieve biodiversity net gain’ in order to reflect the objectives of the National Planning Policy Framework. This would also reflect the Government’s forthcoming Environment Bill which advocates the achievement of biodiversity net gain in all development proposals. It would also be consistent with the Government’s 25 Year Environment Plan.</p> <p>3. River Wear - Water Quality</p> <p>We welcome the inclusion of the information about the River Wear in Section 6 of your plan (on page 26). This watercourse is classified within the River Basin Management Plan (RBMP) as having moderate status. Developments within or adjacent to this watercourse should not cause further deterioration and should seek to improve the water quality based on the recommendations of the RBMP. An assessment of the potential impacts of the neighbourhood plan on this watercourse under the Water</p>

		<p>Framework Directive (WFD) should be included within any SEA/SA appraisal.</p> <p>Whilst we agree in general with this section (6) it needs a little more clarification as the sentence ‘and where possible reduce the impact on the water environment’ could be interpreted as meaning that deterioration to the water environment would be acceptable. This is not the case. The WFD does not allow the deterioration of the water environment. Your statement must be changed or reworded to reflect this more clearly. In addition to this, the River Wear is a WFD waterbody.</p> <p>Planning should aim to make improvements to the river to help it, or enable it to achieve its objectives as set in the RBMP. Objectives for the River Wear are to ‘achieve good ecological potential’ by 2027. No action must be allowed that would prevent the waterbody from being able to achieve its objectives.</p> <p>With regard to any extension of the World Heritage Site, consideration must be given to the WFD and the associated implementation of measures required to achieve environmental objectives or targets for the river and its catchment. Such measures include improving fish passage.</p> <p>4. River Wear - Description</p> <p>The description of the River Wear corridor in Section G2.1 (page 60) should ideally include reference to the river being a natural main river protected by the WFD. We would welcome the inclusion of text encouraging opportunities to enhance the river corridor where possible throughout the city and into the rural area upstream and downstream. Enhancements along the river and its corridor could be important to achieve net gain in biodiversity through planning. We would advise that Section G2.1 includes reference to water quality and flood prevention measures, specifically the WFD failures on this waterbody should also be specified and addressed in the plan.</p> <p>5. Green and Blue Infrastructure</p> <p>All reference to “Green Infrastructure” should be changed to “Green and Blue Infrastructure” throughout to reflect the significance of the water environment in the plan area. For example, Policy G1 (page 56) should be changed to: Protecting and Enhancing Green and Blue Infrastructure. Blue infrastructure refers to water elements in the environment, such as rivers, canals, ponds, wetland and floodplains.</p> <p>It would be useful to have an accompanying map with the description of Local Green Spaces on page 72. Our suggestion is that this could be further developed by indicating areas of connectivity for blue and green corridors between the sites shown, and relating this to Policy G3 (Creation of the Emerald Network) and G4 (Enhancing the Beneficial Use of the Greenbelt).</p>
Melanie Lindsley	The Coal Authority	<p>According to the Coal Authority records there are recorded risks from past coal mining activity within the Neighbourhood Plan area including; mine entries, recorded and likely unrecorded shallow coal workings and reported surface hazards.</p> <p>Allocations for new development should consider the potential risks posed by past coal mining activity to any sites proposed. I have reviewed the data we hold against the locations of the sites proposed for allocation and can confirm that although The Avenue site appears to fall within the Low Risk Area the other two sites, John Street and Main Street, fall within the High Risk Area. Consideration should therefore be given to the potential risks posed to new development on these sites by coal mining legacy.</p> <p>In addition any allocations on the surface coal resource will need to consider the impacts of mineral sterilisation.</p>

<p>Janet George (Secretary)</p>	<p>St Nicholas Community Forum</p>	<p>St Nicholas Community Forum wholeheartedly supports the City of Durham Parish Council Neighbourhood Plan Proposal 2019.</p> <p>We are delighted to see a plan that demonstrates deep knowledge and understanding, specifically of Durham City itself, also clear understanding of the range of issues that impact upon it, plus offering workable, sensible strategies to mitigate these issues. The document has clearly been written by people with longstanding appreciation of, and care for, this City.</p> <p>St Nicholas Community Forum (SNCF) is a residents association covering the Peninsular And much of the town centre including the Market Place, Millennium Place and Walkergate, Claypath, lower Gilesgate and the roads leading off them and all the Housing along the Sands.</p> <p>Our aims and objectives are essentially to promote community awareness and improve the quality of life in our area.</p> <p>We urge serious and open consideration of the content of this Plan, and very much hope that Durham County Council will adopt it without change, as it truly reflects the views and wishes of the community that lives here. SNCF is well able to offer a large body of evidence demonstrating the many calls, over a long period, for help from Durham County Council for Durham City.</p> <p>The City of Durham Parish Council Plan addresses those calls. It is important to note the section “What is good and bad about the City” and heartening to see that this Neighbourhood Plan does its best to really address what has been highlighted by local people. Our main concerns come under the two following headings.</p> <p>Housing and the Expansion of Durham University</p> <p>SNCF cannot stress enough the need of effective control of the expansion of Durham University because of the negative impact on the life, health and well-being of the permanent residents.</p> <p>There is no balance now between the number of residents and the numbers of students living in or near the city centre, whether in HMOs which result in the loss of family homes or in PBSAs, which also generate thoughtless income while damaging the local retail trade because the students are only in Durham for less than two thirds of the year.</p> <p>Not only are the permanent residents at crisis point in their feelings for their lovely city, but students are also expressing similar opinions.</p> <p>SNCF hopes the policies offered in this Neighbourhood Plan are adopted and would be happy if even stricter controls were put in place, such as no further conversions of any existing property (be it one, two, three or more beds) to student accommodation, no extensions of existing student accommodation, and full support of returning student properties to the permanent population. The university is able to supply sufficient student accommodation through its new developments within its own estate.</p> <p>We fear the Durham County Council’s current and proposed planning policies are too weak as they do not protect any house where the student density is less than 10% (according to the rather inaccurate County Council assessment that is based only on student council tax exemption), which means the loss of another potential family</p>
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		<p>home. In contrast we would support proposals for more affordable housing and consideration of the needs of an increasing elderly population. SNCF would also appreciate steps to reduce the cost of University-supplied accommodation, so that such buildings are fully occupied, and to ensure the growth of such accommodation so that more undergraduate students do not affect the already cramped City.</p> <p>The Environment, Climate Change and Transport</p> <p>SNCF fully supports protection for all the Green areas in and around the City. Some have been encroached upon to a worrying extent. The protection of World Heritage views is also important to us, and we have seen the gradual creep upwards of less attractive modern buildings blocking the once spectacular views to be had from various locations.</p> <p>We support the Neighbourhood Plan’s proposals regarding sustainability and resilience to climate change and would welcome the speedy adoption of the suggestions offered, and (we hope) implemented well before the zero-carbon date of 2050 offered by Durham County Council. We would happily support a ban on any more felling of mature trees and destruction of wildlife habitat in and around the City. We most certainly support proposals by the Durham City Parish Council to protect the environment and improve air quality. Ideally, we would like greater emphasis on more affordable and wisely available public transport, increasing electric buses and discouraging diesel vehicles in the City.</p>
<p>Simon Priestley (Trustee)</p>	<p>Crossgate Community Partnership</p>	<p>Crossgate Community Partnership (CCP) are a charity whose objects are:</p> <ul style="list-style-type: none"> <li>• to promote the conservation and improvement of the physical and natural environment of Crossgate and the surrounding area in Durham City</li> <li>• to promote the establishment, continuation, and improvement of local amenities</li> <li>• to build and maintain a strong, safe, healthy, and balanced community by encouraging the residents of Crossgate and neighbouring areas to participate in community activities.</li> <li>•</li> </ul> <p><b>The Partnership welcomes and strongly supports the draft Neighbourhood Plan.</b></p> <p>Whilst the Plan does not cover the whole of the City it does deal with significant areas such as the city centre and the surrounding area, the majority of the University’s estate and the World Heritage Site. It is a model that could be used for the adjacent parished areas to develop their own Neighbourhood Plans.</p> <p>The Partnership welcomes a Plan that, for the first time since the demise of the Durham City Council, concentrates on the city to create a planning framework for the future. Durham City has been under significant pressure from development, increased levels of traffic and degradation of air quality and so an up to date local planning policy has been needed.</p> <p>The Partnership has supported the development of the Plan firstly through the work done by the Neighbourhood Planning Forum in which some of our members participated and latterly through the City of Durham Parish Council. We have been impressed with the extent of community participation and consultation that took place over the development and the Plan reflects the outcome of those efforts. By comparison with the County Plan we felt that there was more buy in from participants given the clearer focus. Clearly the Plan cannot reflect everybody’s views but the Parish Council has collected the evidence to support the proposals that it has put forward and is to be commended for that.</p> <p>The breadth of this consultation is covered well in the Consultation Statement reflecting the additions, amendments and deletions in the Plan that have emerged from the</p>

process.

This increased local involvement in the development process is emphasised by the use of the phrase “Our Neighbourhood” throughout the Plan as the proposals reflect that theme.

Having supported the Plan as a whole I shall address some specific areas.

#### **Theme 2a**

One of the city’s strengths is its heritage so protecting it for future generations is crucial in addition to its being a basis for the tourist and student economy. This approach is endorsed and encouraged in Part 16 of the National Planning Policy Framework (NPPF).

#### **CCP therefore supports the Neighbourhood Plan policies H1 to H4 which support this Theme 2b**

CCP notes the support that the local population has for the green spaces and the general environment of the city as noted in paragraph 4.75. CCP also acknowledges the broad thrust of this chapter. We note the criteria that the NPPF sets out regarding the designation of Local Green Spaces (LGS) in Para 100(b) and consider that the proposals in the Plan meet these criteria. The Wear Valley Corridor delivers pleasant routes for moving around the city other than through the city and enables people to view historic aspects of the city other than the cathedral and castle. Paths within the wooded areas give unexpected views of these major sites. The Flass Vale LNR brings a green area into the city which has been improved over the years providing a peaceful presence, a wildlife and historical area linking through to the Neville’s Cross Battlefield site. Similar thoughts could be expressed about the other areas proposed as LGS.

#### **CCP therefore supports the Neighbourhood Plan policies G2 and G3 on Protecting and enhancing the green infrastructure and Designating Local Green Spaces.**

#### **Theme 4**

A major topic for discussion and consideration in the CCP over the past few years has been the increasing studentification of the Partnership’s area. Paragraphs 4.172 and 4.173 set out clearly the outcome of this and the potential increasing problem as the University seeks to increase its intake. The Viaduct area where 90% of the properties are Houses in Multiple Occupation (HMOs) falls within the CCP’s boundary. This studentification has also taken some significant potential housing sites out of the mix such as the old Berendsen’s Laundry site.

Paragraph 4.178 shows that housing is one of the key public priorities to be delivered in a future plan and the Plan reflects this.

CCP welcomes the intention of the University to develop further Purpose Built Students Accommodation (PBSAs) on its own land rather than using land intended for housing.

CCP also welcomes the intention to prevent further expansion of existing HMOs and the creation of additional HMOs.

#### **CCP therefore supports the proposed Neighbourhood Plan policies D2 and D3 on PBSAs and HMOs**

One of the consequences of the increasing studentification has been the loss of affordable terrace housing in the city. These were properties which people bought as their first homes. Post conversion to HMOs these properties are now outside a price bracket that could be described as “affordable”.

		<p>Conversely much of the new housing developed on sites such as Mount Oswald could not be described as affordable.</p> <p><b>CCP therefore strongly endorses the Neighbourhood Plan policy D5</b></p> <p>One of the criteria for the acceptance of Neighbourhood Plan is that it should meet national policies and advice predominantly expressed in the NPPF. Clearly a small group such as CCP cannot check that the NP meets this criterion in totality. However, sampling of certain elements shows that these have met the NPPF requirements. This gives CCP the confidence to support the statement in Para 27 of the Basic Conditions Statement that “ The evidence provided in this Basic Conditions Statement demonstrates that the Durham City Neighbourhood Plan meets the Basic Conditions as set out in the Neighbourhood Planning Regulations (2012).”.</p> <p>To reiterate the statement in the second paragraph of this letter, <b>The Partnership welcomes and strongly supports the draft Neighbourhood Plan.</b></p>
<p>Simon and Ros Priestley</p>	<p>Residents</p>	<p>Having drafted the response from Crossgate Community Partnership which is in support of the Neighbourhood Plan this submission I am attaching that response as a summary of our views on the Plan.</p> <p><b>“The Partnership welcomes and strongly supports the draft Neighbourhood Plan.</b></p> <p>Whilst the Plan does not cover the whole of the City it does deal with significant areas such as the city centre and the surrounding area, the majority of the University’s estate and the World Heritage Site. It is a model that could be used for the adjacent parished areas to develop their own Neighbourhood Plans.</p> <p>The Partnership welcomes a Plan that, for the first time since the demise of the Durham City Council, concentrates on the city to create a planning framework for the future. Durham City has been under significant pressure from development, increased levels of traffic and degradation of air quality and so an up to date local planning policy has been needed.</p> <p>The Partnership has supported the development of the Plan firstly through the work done by the Neighbourhood Planning Forum in which some of our members participated and latterly through the City of Durham Parish Council. We have been impressed with the extent of community participation and consultation that took place over the development and the Plan reflects the outcome of those efforts. By comparison with the County Plan we felt that there was more buy in from participants given the clearer focus. Clearly the Plan cannot reflect everybody’s views but the Parish Council has collected the evidence to support the proposals that it has put forward and is to be commended for that.</p> <p>The breadth of this consultation is covered well in the Consultation Statement reflecting the additions, amendments and deletions in the Plan that have emerged from the process.</p> <p>This increased local involvement in the development process is emphasised by the use of the phrase “Our Neighbourhood” throughout the Plan as the proposals reflect that theme.</p> <p>Having supported the Plan as a whole I shall address some specific areas.</p> <p><b>Theme 2a</b></p> <p>One of the city’s strengths is its heritage so protecting it for future generations is crucial in addition to its being a basis for the tourist and student economy. This approach is endorsed and encouraged in Part 16 of the National Planning Policy Framework (NPPF)</p>

**CCP therefore supports the Neighbourhood Plan policies H1 to H4 which support this**

**Theme 2b**

CCP notes the support that the local population has for the green spaces and the general environment of the city as noted in paragraph 4.75. CCP also acknowledges the broad thrust of this chapter. We note the criteria that the NPPF sets out regarding the designation of Local Green Spaces (LGS) in Para 100(b) and consider that the proposals in the Plan meet these criteria. The Wear Valley Corridor delivers pleasant routes for moving around the city other than through the city and enables people to view historic aspects of the city other than the cathedral and castle. Paths within the wooded areas give unexpected views of these major sites. The Flass Vale LNR brings a green area into the city which has been improved over the years providing a peaceful presence, a wildlife and historical area linking through to the Neville's Cross Battlefield site. Similar thoughts could be expressed about the other areas proposed as LGS

**CCP therefore supports the Neighbourhood Plan policies G2 and G3 on Protecting and enhancing the green infrastructure and Designating Local Green Spaces.**

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**CCP therefore supports the proposed Neighbourhood Plan policies D2 and D3 on PBSAs and HMOs**

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		<p>To reiterate the statement in the second paragraph of this letter, <b>The Partnership welcomes and strongly supports the draft Neighbourhood Plan.</b></p> <p>We support the Neighbourhood Plan.</p>
Allie Hesketh	National Farmers Union (NE)	<p>UK agriculture is an international and national market, driven by trade and subject to volatile prices. Farmers must juggle necessary food production with public good provision, whilst complying with complex and stringent regulations and competing with the weather. But further to this, as you will be aware, with leaving the European Union, the farming community face even greater challenges over the coming years. With changes to farm support systems, the phase out of direct payments, and uncertain market/trading opportunities – farming businesses need the support of their Neighbourhood Plan more than ever. Farming businesses will need to consider the resources available to them, and look at new ways of developing their businesses so that they can grow and remain competitive. This might include the need to modernise existing agricultural buildings or build new ones for farm productivity, welfare, food security, energy generation or to meet changing regulations, or to change the use of existing buildings in response to changing market demand. Our members within the neighbourhood area are no exception and with some of our members' farmland lying within your plan area, it is clear that your Neighbourhood Plan must adequately address the challenges and opportunities for these farmers. How is Durham planning for the future of farming and the effect forthcoming changes may have on your area's local farmers? Farm business enterprises can underpin and help justify infrastructure development in the countryside, and to help manage health and safety and mitigate against extreme climate change events.</p> <p>Our vision for Durham is: A sustainable urban community underpinned by it surrounding thriving farming and food industry. A profitable local agricultural industry supports local livelihoods, underpins sustainable and healthier communities, and enhances the environmental assets that are vital to the county's prosperity.</p> <p>With your help, Durham's small but important farming community can achieve this vision, by:</p> <ol style="list-style-type: none"> <li>1. Strengthening its farming businesses helping to build profitability, adaptability and resilience – especially in a time of such uncertainty and change</li> <li>2. Creating thriving localities which meet the needs of their communities, businesses and local environment</li> <li>3. Realising the value of the region's environmental assets</li> </ol> <p>Your plan for Durham covers aspects effecting farmers within the neighbourhood area. We would urge you to consider the implications on the resilience of the farming community of any actions undertaken from this plan. Further to this, farmers, tenants and landowners should always be consulted and listened to with regard to developing the area. And we would ask that early contact be made with tenants/ farmer landowners before planning any actions to be implemented, including identifying land for development or considering alternative uses.</p> <p>Furthermore, it is of concern to us that agricultural land (and buildings) has been designated as local green space or under other designations within this plan. It is imperative that all land managers and owners are consulted on these and any other potential restrictions put in place on agricultural land and buildings. These designations could have serious implications for farming businesses, causing major limitations to a business' adaptability in this ever-changing climate and economy. The council should not underestimate the effects of this.</p>

In addition to the plan policies highlighted above we would see your plan to include the following key priorities (not in order of priority) for farms:

1. Farming families have to adapt and upgrade their farms and homes; there needs to be suitable and affordable housing for retiring farmers, their successors and farm workers
2. Develop farming enterprises that can meet the challenges of food security through modernising and becoming more efficient
3. Diversifying farming enterprises to meet new opportunities such as, inter alia, business units or tourism
4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available
5. Access to high-speed broadband

Food production is a key priority for economic growth both nationally, but also importantly in such a rural area. In the Government white paper 'Local Growth: realising every place's potential' the Government makes clear that the first priority "is to return the nation's economy to health". This includes creating "the conditions that will help business and gets the economy growing" and includes supporting farming enterprises so vital to the rural economy as well as enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Promoting diversification is in line with the National Planning Policy Framework (NPPF). It provides that local authorities should support a prosperous rural economy, enabling farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. "Decision-makers at every level should seek to approve applications for sustainable development where possible".

In the NPPF, the government also makes a number of very important statements relating to the development of renewable energy. Paragraph 147 states that 'The planning system should support the transition to a low carbon future in a changing climate.... and support renewable and low carbon energy and associated infrastructure'. Renewable energy represents an important opportunity for farms to reduce their energy bills and contribute towards net zero, a national ambition, as well as creating revenue that can help support farming activity.

We have developed some principles which we believe will help Durham shape any activity in the area and to help guide any work. These are:

- Food security is a crucial issue both now and in the future, and any actions must not undermine domestic food production, especially if this may result in exporting our environmental issues and our carbon footprint to other areas of the globe by relying on imported food produced to lower standards than our own.
- We should look to increase farm productivity and decrease impact on the environment.
- The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives.
- Meet the needs of a diverse rural population and ensure equality of opportunity.
- Farmers need to be able to afford to be custodians of the future environment, and supported in providing public goods specific to their farm.
- Maintain and enhance the areas natural asset base.
- Support sustainable growth in the rural economy.
- Sustainable farming will support the wider community.
- Farmers need to carry out their work with the minimum regulatory burden, the

		<p>planning system needs to ensure it acts to provide them with an efficient cost effective service.</p> <ul style="list-style-type: none"> <li>• Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment.</li> <li>• Encourage links between rural areas and urban centres.</li> </ul>
B S Gower (Secretary)	Durham City Access For All Group.	<p>The Durham City Access For All Group commented on several aspects of a previous version of the Durham City Neighbourhood Plan. At a recent meeting of the Group, it was pleased to note that most of its comments have been incorporated into the current version. The Group has expressed its appreciation for the extensive work undertaken by the team producing the Plan. The Group's further comments are:</p> <ol style="list-style-type: none"> <li>1. Contrary to the impression given in the Plan, there are significant parts of the paving in North Road which are in a poor condition, and which create unnecessary difficulties for wheelchair users, especially those using the bus station. The Group understands that further improvements to the pavements will be made when the the bus station is renovated.</li> <li>2. There does not appear to be any mention in the Plan of the important detailed recommendations resulting from an access audit currently being undertaken by DCC of the City's streets and pavements. When completed this audit will provide valuable information which all future developments and renovations in the City will need to take into account.</li> <li>3. In its comments on the previous version of the Neighbourhood Plan, the Access Group drew attention to the importance of consulting all those who live and/or work in the City, and who face mobility challenges arising from sensory or physical impairments. Those who do not face those challenges — or who do not yet face them — are often unaware of the steps that could and should be taken, often at little or no cost if incorporated into plans at an early stage, to reduce their impact. The Access Group is sometimes consulted, but more often it is simply informed after decisions have been taken when it can do no more than protest at the ill-considered consequences of those decisions. There is no mention in the Neighbourhood Plan of the advantages of consulting those with information and experience which should be taken into account when plans are developed.</li> </ol>
Linda N Lovell	Resident	<p>Thank you for sight of the above for public consultation.</p> <p>It is an amazingly detailed piece of work and I am aware it has been achieved by a team of highly dedicated and informed volunteers.....so many many thanks to them.</p> <p>I/ we are fortunate to live in the heart of Durham City and it is impossible to fail to notice the demise of domestic housing stock, sometimes entire streets, and the subsequent imbalancing of the community.</p> <p>Our offspring were all born and raised in Durham City and while there are still green places to play and no schools have closed there is a dramatic fall in the number of children actually living in the city centre, and a fear that in time the centre of the city will become an official part of the Durham University campus.</p> <p>I am aware there are counter balancing factors in house building, eg at Neville's Cross. However a town without permanent residents for six months of the year would be a place where very few people have an investment in its community life .An overarching term ' community life' I know, but I hope it is understood.</p> <p>I felt while reading this mighty document that an awareness of the need to protect the</p>

		<p>environment, both green and built ,and the communities who exist within it ,were the guiding lights and which I wholly support. Plus of course an acknowledgement that we must progress as well as preserve.</p> <p>Thank you to the Planning Dept who have a mighty responsibility in this job and who I personally feel get things right a lot of the time in rapidly changing retail and social cultures, ( an exception being the horror now at Maiden Castle which looks like a provincial airport on a previously open space which was also an effective flood plain) . If you require me to detail policy numbers ( as in commenting on a planning application) and so on I am happy to do so but I hope I have managed to communicate to you how much I feel the City needs a guideline such as this Plan to aid the planning process .</p>
Linda N Lovell	Elvet Residents' Association	<p>Thank you for sight of the above for public consultation.</p> <p>It is an amazingly detailed piece of work and I am aware it has been achieved by a team of highly dedicated and informed volunteers.....so many many thanks to them.</p> <p>I/ we are fortunate to live in the heart of Durham City and it is impossible to fail to notice the demise of domestic housing stock, sometimes entire streets, and the subsequent imbalancing of the community.</p> <p>Our offspring were all born and raised in Durham City and while there are still green places to play and no schools have closed there is a dramatic fall in the number of children actually living in the city centre, and a fear that in time the centre of the city will become an official part of the Durham University campus.</p> <p>I am aware there are counter balancing factors in house building, eg at Neville’s Cross. However a town without permanent residents for six months of the year would be a place where very few people have an investment in its community life .An overarching term ‘ community life’ I know, but I hope it is understood.</p> <p>I felt while reading this mighty document that an awareness of the need to protect the environment, both green and built ,and the communities who exist within it ,were the guiding lights and which I wholly support. Plus of course an acknowledgement that we must progress as well as preserve.</p> <p>Thank you to the Planning Dept who have a mighty responsibility in this job and who I personally feel get things right a lot of the time in rapidly changing retail and social cultures, ( an exception being the horror now at Maiden Castle which looks like a provincial airport on a previously open space which was also an effective flood plain) . If you require me to detail policy numbers ( as in commenting on a planning application) and so on I am happy to do so but I hope I have managed to communicate to you how much I feel the City needs a guideline such as this Plan to aid the planning process .</p>
Dr Walia Kani	Resident	<p>This is an astoundingly good piece of work, preparing and protecting all aspects of our wonderful heritage city for the next 15 years, with a strong vision for a greener future and carbon neutrality.</p> <p>It will be good to see our City returning to a more balanced community, rather than the student ghetto currently suffered by many streets, including mine.</p> <p>I am pleased to see the recognition of the need to balance the night time economy with the amenity of local residents.</p> <p>I sincerely hope the Plan will be adopted as part of the County Development Plan in due course.</p>

John Niven	Resident	<p>As a recently arrived (October 2019) Durham City centre resident, I have read with great interest the draft Durham City Neighbour Plan and I would congratulate all those who have contributed to its preparation.</p> <p>I realise that the plan has been a number of years in the preparation and from my knowledge of the city most, if not all the issues which affect this most loved and globally important place, would seem to have been noted and addressed within the plan framework.</p> <p>Unless I have missed it however, the Plan on its own, does not propose any specific actions to deal with current identified problems or shortcomings within the plan area, but I understand that the D C N Plan Working Party has prepared a considered follow-up document 'Looking Forward : Durham as a Creative and Sustainable City' which may go some way towards providing an 'action plan'.</p> <p>I have yet to have sight of this document but I am hopeful that it will include some serious proposals to actively deal with those aspects which the Plan identified as requiring change, improvement or urgent attention.</p> <p>For what it may be worth, I would like to submit a request to the County Council, the Durham City Parish Council and any other authority who may have an interest or jurisdiction, to address, in whatever way, and by whatever means they can, what I consider to be a very real blight on current living conditions in the City centre and a serious threat to its future well-being if left as it is.</p> <p>This relates to the numbers and type of motorised vehicle traffic using and passing through the city centre, particularly during a typical working day.</p> <p>Whilst I have only been living in the City centre (Ferens Park, The Sands) for a few months, I have been coming to the city very regularly to visit family who live nearby, for the past 5 years and have noticed a significant increase in vehicle numbers, with the attendant increase in all the known health and environmental problems, in that period.</p> <p>Ironically, whilst I have the benefit of living in one of the many attractive residential locations in the city, overlooking the river alongside a no-through road, this area has become a recent replacement car park for The Sands car park, which the County Council removed to provide a site for their new offices, and the area has now joined the ranks of other areas in the city, suffering from the negative effects of too much motorised traffic.</p> <p>I do not however wish to dwell on my local situation (which the new County Hall site hoardings imply will be 'sorted' by the end of next year) but to request your urgent consideration of how the excessive levels of city centre traffic could be reduced, with reference to what was achieved in Durham City centre some 40 years ago.</p> <p>This was the Durham City Pedestrianisation Scheme, which enabled the removal of almost all through motorised traffic from the Market Place and the surrounding medieval streets, and the pedestrianisation of the area, through a multi-agency exercise in which I was closely involved as a conservation architect employed by the then City of Durham Council.</p> <p>Whilst the implementation of this scheme was not without some resistance at the time, mainly on the part of some of the city centre business owners, I cannot imagine that any sensible person would suggest today that it would be good to let motorised traffic return to these particular streets, with the response to the Neighbourhood Plan consultation confirming a desire, by definition, to reduce the volume of vehicle traffic in all the other streets within in the city centre.</p>
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Tom Baker (Agent, Savills)	The Dean and Chapter of Durham Cathedral	<p>Our concerns centre on the designation of 'Observatory Hill' (Policy G2.2A and G2.2C) and 'River Wear Corridor' (Policy G2.1) as Local Green Spaces. We have made representations several times over the last two years and have met with the DCNP steering group and wish to reiterate our concerns again, formally, within this Regulation 16 Consultation.</p> <p>Policy G2 – Local Green Spaces</p> <p>Objection</p> <p>Policy G2 of the Regulation 16 DCNP states that "Green spaces within Our Neighbourhood that are of significant environmental, landscape or historical value are designated as Local Green Spaces". Policy G2 goes on to designate several areas of open space as 'Local Green Space' in the DCNP.</p> <p>Whilst we do not contest that Local Green Space designations can protect areas of environmental, landscape or historical value, it is considered that proposed Local Green Spaces should be identified with extreme care and that such proposed designations should be made in tandem with landowners to ensure that the proposed designation does not adversely impact on the proper working of the land. Protecting and enhancing green infrastructure across the Neighbourhood Plan Area must not be confused with onerously identifying land as specifically designated landscapes (e.g. Local Green Spaces) when it is not appropriate to do so.</p> <p>Durham Cathedral owns several parcels of land within Durham City and their land ownership includes land north of Potters Bank (referred to as Observatory Hill) and land around the River Wear (referred to as River Wear Corridor). Over the last two years, these areas have been identified by an increasing large area of Local Green Space in the emerging DCNP.</p> <p>Whilst we do not object to preserving and enhancing existing natural green spaces in the City we do object to the proposed allocation of Observatory Hill and the River Wear Corridor being allocated as a Local Green Space in the DCNP.</p> <p>Justification</p>

Durham Cathedral acknowledges that Observatory Hill and the River Wear Corridor are important areas of Green Infrastructure. Both areas are protected for their historic importance by virtue of their location in the Durham City Conservation Area and are proposed to remain so in the emerging County Durham Local Plan. The significance, character, appearance and setting of the Conservation Area will therefore be preserved.

The Planning Practice Guidance advises that where land is already protected by a designation, such as Green Belt or Conservation Area for example, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space. The DCNP itself identifies Observatory Hill and the River Wear Corridor as being within both the inner bowl of the World Heritage Site (WHS) and the Durham City Conservation Area. The boundaries of the WHS (as well as the proposed WHS extension) were meticulously researched, reflect the history, significance and physical boundaries of the riverbanks and were agreed by major landowners. Observatory Hill is an elevated site that makes it very visible from the WHS and it contributes to its green and rural landscape setting. The sites are included in City of Durham Local Plan saved policy E5 on protecting open spaces within Durham City and the emerging County Durham Local Plan identified the site as an 'Area of High Landscape Value'. The River Wear Corridor is designated within the extant City of Durham Local Plan and the emerging County Durham Local Plan as a Local Geological Site and wildlife corridor.

Further to this, there are Public Rights of Way which cross the Observatory Hill and the River Wear Corridor providing legally protected public footpaths and access.

The land is therefore already afforded extensive protection in terms of its historic, landscape, ecological, geological and recreational importance, by virtue of its setting within the WHS and Conservation Area and extant and emerging Local Plan allocations. The proposed extra level of designation is considered to be superfluous and overly onerous considering the current policy position and existing use of the land.

When read in the context of the policy position and the DCNP's stated purpose of designating Local Green Spaces, it is considered that this additional allocation would provide no additional local community benefit but only lead to confusion and adverse impact on the working of the land.

Much of the subject land within the ownership of Durham Cathedral is currently subject to a farming tenancy and is therefore subject to farming practices. The site therefore accommodates livestock at times and also is subject to farm vehicle movement. The proposed Local Green Space allocation, as part of the DCNP, could lead to unauthorised access and activities across these private fields. Whilst it is acknowledged that there are some existing Public Rights of Way throughout, which we do not object to, this does not mean that the public stray on such land when walking their dogs etc.

Trespass is a Health and Safety risk to the public and unauthorised access, which may increase due to the proposed Local Green Space designation, could be a potential Public Liability issue for both the tenant of the land and our client as the landowner.

The introduction of this designation could effectively result in people believing that they have free access on the land which is subject to the aforementioned farming operations. This would not be practical or safe in respect of the running of the Estate. Consequently, there would likely be a requirement to fence off the fields, which is neither practicable nor appealing, especially in respect on the impact such fencing would have on the visual landscape area and the running of the Estate.

		<p>It is considered that the neighbouring land uses to this site have not been considered in detail by the DCNP or Neighbourhood Forum. As set out above, Local Green Spaces would be afforded special protection against development for green areas of particular importance to local communities. However, it is considered that future expansion associated with the existing neighbouring land uses have not been considered. For example, Durham School, an successful and popular independent co-educational day and boarding school (for children aged 3-18 years old) is located to the north of the proposed designation. As the neighbouring land user, it is vital that there is future development potential to expand the school if there is ever a need. A Local Green Space designation would hinder such important expansions.</p> <p>To the east of the site (east of Footpath 24), is the existing private Chorister School Playing Field, which again needs consideration with regard to its future use / expansion. The parking areas of the Playing Field are used for staff parking connected with the School's operations (the daily 'Walking Bus' leaves from/arrives at Prebends Gatehouse on Quarryheads Lane) as well as general staff parking during the rising numbers of road closures to the Peninsula. We consider this approach by the Cathedral to reduce vehicular traffic across Market Place to be on benefit to the community, and cannot see any advantage in the DCNP's intention to stop further improvements being made or at least reduce the flexibility to offer further improvements should they be needed.</p> <p>It is therefore respectfully proposed that the Local Green Space designation at Observatory Hill is deleted to provide the flexibility needed for the site's proper management (in terms of both existing and potential future uses). Furthermore the River Wear Corridor Local Green Space allocation is superfluous and should be likewise removed. These Neighbourhood Plan's Local Green Space policies do not have adequate regard to national planning policy and guidance nor do they contribute to the achievement of sustainable development.</p> <p>They therefore fail the basis conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The plan must be amended before it can be sent for referendum and made.</p>
Robin Trounson	Resident	<p>Thank you for the opportunity to comment on the latest incarnation of the Durham City Neighbourhood Plan. While I take no issue with any of your development proposals and congratulate all concerned for producing a comprehensive, inspiring programme to address the strategic, if not existential, challenges our community faces, I would make two observations.</p> <p>Firstly, while the plan identifies <i>physical</i> health as a challenge, citing the impact of obesity, excess weight and lack of exercise (paragraph 2.11), there is no mention of <i>mental</i> health. Yet if the suicide rate is any guide, County Durham has a major problem. Ranked 3<sup>rd</sup> highest of all local authorities in the region for suicides per 100,000 population in 2016-18 (<b>12.8</b> in County Durham, compared to a regional average of <b>11.3</b> and national average of <b>9.6</b>), more individuals died from suicide in County Durham in that period than in any other local authority area in the North East (<b>176</b> people in County Durham out of a regional total of <b>779</b> – i.e almost a quarter of all suicides in the region). These statistics come from Public Health England (<i>Public Health Outcomes Framework</i>, December 2019). Fortunately there is growing momentum for greater public awareness and speedier access to NHS services, and it is timely that there are initiatives in your plan – for example, more access to green spaces, walking and cycling; cleaner air; safer, family-friendly residential and leisure areas – which are proven to have a positive impact on mental as well as physical health. I am not suggesting any amendment to your text, rather that the problem of mental health is explicit in your implementation phase.</p>

		<p>Secondly, an urgency has entered conversations about climate change, habitat destruction and species extinction which, notwithstanding your <i>golden thread</i> of sustainability and commendable proposals for nurturing green infrastructure, reducing carbon emissions and improving air quality, is not sufficiently reflected in your plan. If, as some experts say, we are on the cusp of a tipping point, it is surely incumbent on all responsible authorities – whether supranational, national, local or parish – to take immediate, radical and uncompromising steps to claw back from the brink and mitigate any unavoidable environmental crises. Again I am not suggesting you make any amendments to the text of your plan: urgency of action can be reflected in implementation priorities, resource allocation, targets and timescales. The important thing is to get on with it.</p>
Fleur Griffiths	Resident	<p>I write to contribute to the consultation on the Durham City Neighbourhood Plan. I like the thematic structure and I particularly commend the section on the Green Infrastructure (theme 2b) with its protective policies and its designation of local Green spaces. In a Climate Emergency, every power should be exerted:</p> <ul style="list-style-type: none"> <li>• to protect the Green Belt assets from building developments</li> <li>• to promote biodiversity</li> <li>• to establish green corridors for recreation and wellbeing of people as well as connectivity to maintain animal habitats.</li> </ul> <p>I have been at gatherings of people committed to preserving and enhancing The River Banks, a priority for residents and visitors alike. I am also glad to see the idea of The Emerald Network revived in the Plan. We have a World Heritage Site and the Plan seeks to protect it from short term financial gains and secure it for generations to come by prioritising Green Infrastructure.</p>
Rosemary Zakrzewski	Resident	<p>After reading the Above Plan I am impressed by the work done by our very conscientious parish councillors.</p> <p>Three aspects particularly struck me:</p> <ol style="list-style-type: none"> <li>1. The listing of the opinions of local residents learned from the public consultation, and the inclusion of these feelings in the various details described in the Plan.</li> <li>2. The need to increase the number of Park and Ride sites and the need to extend their hours of use. I know of people who cannot easily park when they arrive early for work, but would happily use the P&amp;R, and those who would also like to use this service to come into and out of Durham in the evening.</li> <li>3. Finally, most important and striking for me is the awareness of the Parish Council of imbalance and the need either to bring back or ensure the balance of a) modern building needs (both social and economic) that require appropriate design and consideration of historic sites (both the World Heritage Site and less significant places) and green spaces; b) the need to support a retail strategy that ensures that out-of-town planned projects do not have an adverse impact on the viability of the City centre, and c) the problem of providing suitable housing for local residents (be they elderly, lonely, disabled or young couples wanting to manage to buy an affordable home) when there is such a large, and growing, number of students living in HMOs, at least some of which are needed for permanent residents.</li> </ol> <p>I thank our parish councillors for their earnest endeavours and hours of volunteer work to keep our City not only a valid historical place but also a city where we continue to want to live.</p>

<p>Jacob Mangham</p>	<p>Gladman Developments Ltd</p>	<p><b>Legal Requirements</b></p> <p>Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the DNP must meet are as follows:</p> <ul style="list-style-type: none"> <li>(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.</li> <li>(d) The making of the order contributes to the achievement of sustainable development.</li> <li>(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</li> <li>(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.</li> <li>(g) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of part 6 of the Conservation of Habitats and Species Regulations 2017.</li> </ul> <p><b>National Planning Policy Framework and Planning Practice Guidance</b></p> <p>The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.</p> <p>At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.</p> <p>The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of and most up-to-date evidence of housing needs in order to assist the Council in delivering sustainable development, a neighbourhood plan basic condition.</p> <p>The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.</p> <p>Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.</p> <p>Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.</p>
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## **Planning Practice Guidance**

Following the publication of the NPPF (2018), the Government published updates to its Planning Practice Guidance (PPG) on 13 September 2018 with further updates being made in the intervening period. The updated PPG provides further clarity on how specific elements of the Framework should be interpreted when preparing neighbourhood plans.

Although a draft neighbourhood plan must be in general conformity with the strategic policies of the adopted development plan, it is important for the neighbourhood plan to provide flexibility and consider the reasoning and evidence informing the emerging Local Plan which will be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested against. For example, the neighbourhood planning body should take into consideration up-to-date housing needs evidence as this will be relevant to the question of whether a housing supply policy in a neighbourhood plan contributes to the achievement of sustainable development. Where a neighbourhood plan is being brought forward before an up-to-date Local Plan is in place, the qualifying body and local planning authority should discuss and aim to agree the relationship between the policies in the emerging Neighbourhood Plan, the emerging Local Plan and the adopted Development Plan (PPG Reference ID: 41-009-20160211). This should be undertaken through a positive and proactive approach working collaboratively and based on shared evidence in order to minimise any potential conflicts which can arise and ensure that policies contained in the neighbourhood plan are not ultimately overridden by a new Local Plan.

It is important the neighbourhood plan sets out a positive approach to development in their area by working in partnership with local planning authorities, landowners and developers to identify their housing need figure and identifying sufficient land to meet this requirement as a minimum. Furthermore, it is important that policies contained in the neighbourhood plan do not seek to prevent or stifle the ability of sustainable growth opportunities from coming forward.

## **Relationship to Local Plans**

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, neighbourhood plans should be prepared to conform to the strategic policy requirements set out in the adopted Development Plan. The adopted Development Plan relevant to the preparation of the DCNP is the saved policies of the Derwent District Local Plan, adopted in 1997 and the saved policies of the City of Durham Local Plan 2004 as assessed by the County Council in 2015.

## **Emerging Local Plan**

Durham County Council is currently in the process of undertaking a new local plan which will provide an updated plan period to the year 2035. The emerging plan was submitted to the Secretary of State for Examination in Public in June 2019, for which hearing sessions are currently underway and the outcome remains uncertain. As such, it is therefore important that the DCNP allows for flexibility to respond positively to changes in circumstance which may arise over the course of the plan period. The need for flexibility is particularly important as section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

‘if to any extent, a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in

favour of the policy which is contained in the last document to be adopted, approached, or published (as the case may be).

#### Durham City Neighbourhood Plan

This section highlights the key issues that Gladman would like to raise with regards to the content of the DCNP as currently proposed. Whilst Gladman support the fact that the Parish Council has amended the DCNP in light of our previous representations, Gladman still consider that some policies do not reflect the requirements of national policy and guidance, Gladman have therefore sought to recommend modifications to the Plan that should be explored through the examination process.

#### Policy S2: The Requirement of Masterplans

Although recognising the importance of masterplans, it is important that this policy does not place unsubstantiated requirements to conform to certain development forms and style, as per part b of the policy “to demonstrate that it adds distinction to the City’s landscape and townscape within the site through adherence to the masterplan’s physical design guidelines”, and that the policies contained in the plan avoid unnecessary prescription or detail that does not render development proposals unviable.

#### Policy H1: Protection and Enhancement of the World Heritage Site

The above policy seeks to protect Durham Cathedral and Castle World Heritage Site and its setting. This policy is considered inconsistent with the Framework as it does not allow for the balancing of harm with the benefits of development. Paragraph 138 of the Framework accepts that not all parts of a World Heritage Site and their setting necessarily contribute to their significance and that the loss of a building or element should be considered in the context of paragraph 133 or 134 of the Framework.

Whilst this policy does not rule out development, the requirement that development should protect the setting of the World Heritage Site is therefore out of kilter with the approach of national policy that accepts that harm can occur but that harm would need to be balanced against the significant public benefits as outlined at paragraph 133 of the Framework or the public benefits as outlined at paragraph 134 of the development proposal. Gladman recommend that this policy is modified to ensure it is consistent with the requirements of national policy.

#### Policy G2: Designations of Local Green Spaces

This policy seeks to designate land as Local Green Space (LGS). In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at §99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. Paragraph 99 of the Framework states that:

‘The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.’

Further guidance is provided at paragraph 100 which sets out three tests that must be met for the designation of LGS and states that:

‘The Local Green Space designation should only be used where the green space is:

- a) In reasonably close proximity to the community it serves;
- b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) Local in character and is not an extensive tract of land.’ (emphasis added)

The issue of whether LGS meets the criteria for designation has also been explored in a number of Examiner’s Reports across the country and highlight the following decisions:

- The Blackwell Neighbourhood Plan Examiner’s Report recommended the deletion of two LGS designations measuring approximately 19ha and 32ha respectively and found both designations did not have regard to national policy which states that LGS should only be used where the area concerned ‘is not an extensive tract of land.’
- The Seldlescombe Neighbourhood Plan Examiner’s Report recommended the deletion of a LGS measuring approximately 4.5ha as it was found to be an extensive tract of land.
- The Oakley and Deane Neighbourhood Plan Examiner’s Report recommended the deletion of a LGS measuring approximately 5ha and also found this area not to be local in character. Thereby failing to meet 2 of the 3 tests for LGS designation.
- The Alrewas Neighbourhood Plan Examiner’s Report identifies that both sites proposed as LGS in the neighbourhood plan ‘in relation to the overall size of Alrewas Village’ to be extensive tracts of land. The Examiner in this instance recommended the deletion of the proposed LGSs which measured approximately 2.4ha and 3.7ha.

It is noted that several of the sites are quite extensive in size and are unlikely to be appropriate for LGS designation, such as the Observatory Hill Areas and Flass Vale which are both over 20ha or greater in area. Gladman recommend that such designations of extensive size that do not meet the tests as set out in national policy should be deleted.

#### Policy G3: Creation of the Emerald Network

This policy states that proposals that would cause significant harm to the biodiversity of a site or footpath in the Emerald Network, or the connectivity of sites in the Emerald Network, will be refused. Gladman is concerned with this policy as currently proposed as it fails to recognise that development could enhance existing biodiversity values near or in the network. Further, the Parish Council does not have the ability to ‘refuse’ planning applications as this responsibility falls solely to the Council who will need to determine development proposals through the planning balancing exercise.

#### Policy D1: Land for Residential Development

It is noted that site 3 – The Avenue under Policy D1 already benefits from planning permission, as such, it should not be promoted as housing allocations in the neighbourhood plan but instead referred to as existing commitments in the

		<p>neighbourhood area.</p> <p>Policy D4: Housing for Older People and People with Disabilities</p> <p>The above policy seeks at least 10% of private and intermediate dwellings to be provided in the form of housing for older people. Whilst recognising the issue of an ageing population is very much of concern to the steering group, in its current form, the policy would apply to all residential developments across the neighbourhood area. Gladman consider that in seeking to apply this principle wholly, sustainable development opportunities could be missed over genuine concerns around viability and could result in an overly prescriptive policy tool.</p> <p>Policy D6: Building Housing to the Highest Standards</p> <p>This policy requires housing developments to meet the Building for Life Criteria, however, the policy as worded seeks to treat this guidance as though they comprise of national policy. Building for Life criteria simply sets out guidance to help new housing attain higher quality design. All the principles within Building for Life may not apply in all cases and therefore does not allow a decision maker to apply this policy consistently and with ease. It is therefore recommended that this policy seeks to ‘encourage’ development to incorporate building for life principles where necessary and where these would not harm the viability of a development proposal.</p> <p>Conclusions</p> <p>Gladman recognises the role of neighbourhood plans as a tool for local people to shape the development of their local community. However, it is clear from national guidance that these must be consistent with national planning policy and the strategic requirements for the wider authority area. Through this consultation response, Gladman has sought to clarify the relation of the DCNP as currently proposed with the requirements of national planning policy and the wider strategic policies for the wider area. Gladman hopes you have found these representations helpful and constructive. If you have any questions do not hesitate to contact me or one of the Gladman team.</p>
Chris and Elaine Plummer	Residents	<p>Please note our full support for these proposals.</p> <p>We particularly approve of the plan's policies for sustainable development, the city's heritage and local green spaces, employment, the town centre, housing, student accommodation, sustainable travel and community facilities.</p> <p>We look forward to the plans being approved in a referendum.</p>
Kirsty Thomas	Resident	<p>Policy S1 Sustainable Development Requirements of all Development Sites including... Strongly support policy, especially e) g) h) i) j) k)</p> <p>Climate Change Strategy and Delivery Plan (‘County Durham Environment Partnership 2015) includes key theme: ‘Transport and Infrastructure’: promoting travel choices and alternatives to private motor travel and diesel and petrol cars (eg providing charging points)</p> <p>Strongly recommend: that the County Council prioritises extending the provision of charging points across the County that the County Council is pro-active in promoting better and cheaper public transport especially in the County that a website offers links to those who would car-share, if there were a website for finding others travelling to Durham City for work that all workplace car parks offer paid parking only that a Durham Community Forum is held on a regular basis to monitor behavioural change over travelling choices and in order to develop effective liaison with walking and cycling groups and bus companies that a ‘Clean Air Zone’ is established in Durham City to</p>

		<p>include the A690 from the Gilesgate roundabout to Stonebridge; Gilesgate Bank, Claypath, New Elvet and Framwellgate Peth.</p> <p>Policy S2 The Requirement for a Masterplan strongly support especially d) e) f)</p> <p>Green Infrastructure 4.69 Strongly support all objectives Policy G1 Protecting and Enhancing Green Infrastructure strongly support especially ‘protecting and enhancing footpaths and networks; protecting and enhancing the r=banks of the River Wear.’ Strongly support Policy G2, G3, G4 With reference to the creation of the Emerald Necklace – an excellent proposal - and ‘the...beneficial use of the Green Belt’, there is an opportunity for partnership with voluntary wildlife and environmental groups to help with improvement of existing paths and signposting; preparation of user-friendly maps eg Durham City Churches, Chapels and Cafes produced by ‘Visit Durham’.</p> <p>Theme 5 A City with a Modern and Sustainable Transport and Infrastructure 4.224 Strongly support objectives. My personal recommendations include:</p> <ul style="list-style-type: none"> <li>• reducing vehicle emissions by discouraging car-use, and emphasising health benefits and overall wellbeing by walking and cycling</li> <li>• significant improvement of cycle routes in Durham City by provision of safe, coherent, designated routes across the City and to the University sites.</li> <li>• claim funding from central Government: it has made a commitment to a national Cycling and Walking Investment Strategy through the Infrastructure Act 2015.</li> <li>• workplace car parks: provision for paid parking only</li> <li>• students obliged to justify why in a small, compact city they need a car</li> <li>• strategy to eliminate A690 as a route to cross from AIM to A167: re-route traffic</li> <li>• speed limit of 20mph through Durham City</li> </ul> <p>Cycling and walking Investment Strategy Strongly endorse support for walking and cycling. 2020 Objectives: increase walking activity, increase cycling activity, reduce rate of cyclists killed on road; increase percentage of children aged 5-10 who usually walk to school. ‘walking and cycling should be seen as transport modes in their own right and an integral part of the transport network, rather than as a niche interest or town planning afterthoughts.’ NPPPF</p> <p>4.234 ‘need to address climate change...’ This is the most important issue, and one that profoundly affects the future for all young people.</p> <p>Policy T1 Sustainable Transport Accessibility and Design 4.251 ‘In assessing the transport impacts of a development a holistic view is required...’ The holistic view is imperative, if development is going to be sustainable from every aspect.</p> <p>Policy T2 Residential Car Parking Modern and sustainable transport should consistently promote <u>reduction in car use</u>, as it will improve the quality of life, improve an experience of community, reduce the huge transference of land for road building and in consequence support biodiversity.</p> <p>Policy T3 Residential Storage for cycles and mobility aids Support this policy.</p>
Jules Brown	Historic England	<p>Neighbourhood Plan</p> <p>We have previously commented on the plan in letters of 16 January 2017, 18 December 2017 and most recently 5 July 2019 on the pre-submission draft. Broadly, we were concerned to ensure policy wording was refined to ensure the plan’s objectives can be</p>

		<p>met as intended. We are pleased most of these comments have now been taken into account and wording adjusted, leaving only some suggestions unaddressed.</p> <p>Sustainability Appraisal</p> <p>We note revisions to the report which have gone some way to responding to comments in our letter of 5 July 2019. We continue to broadly welcome the process set out in the SA report. We continue to disagree with the report's conclusions on the likely significant historic environment effects of allocating Site E (Lovegreen) but note that it is not being allocated in the plan, even if not for the reasons that cause us concern.</p>
<p>Lucy Whelan</p>	<p>Extinction Rebellion Durham</p>	<p>We emphatically welcome Durham City Neighbourhood Planning Forum's ambitious and progressive Neighbourhood Plan. We also welcome the Plan's emphasis on community engagement, and its interest in representing the wishes of residents. Most people do want to act against climate change, but systemic factors stand in their way. Extinction Rebellion believes that a vital part of combatting climate change is to empower communities to make important decisions in a way that is fair and deeply democratic.</p> <p>The Plan states its aim to be 'progressive and imaginative', and we firmly support this intention. We also emphatically support the prominence of sustainability in the plan, and its open-mindedness towards the kind of pioneering ideas that are necessary to radically reduce emissions.</p> <p>We only find that the Plan does not at times seem designed to ensure that its excellent ideas and intentions will be carried out. It is often not firm enough in protecting our city's assets against those who would profit by their destruction, and frequently falls short of ensuring that developments which do not meet its admirable aims will be disallowed. Throughout this letter we often ask for policies to be 'strengthened' or 'stronger' and we use this term to refer to the need for such clear protections and absolute requirements that would rule out developments not in line with this Plan, and ensure the achievement of its aims.</p> <p>If these shortcomings are partly because the City Plan is bound under County Planning rules, then we believe this shows that Durham City should be given increased autonomy over planning decisions. Durham City differs from County Durham in many ways, and there is good justification for adopting a different approach to planning in the City, from higher energy-efficiency standards in buildings, to more ambitious aims for sustainable transport.</p> <p>While this letter may seem on balance to be critical, this is not our overall intention. Overall we are strongly in favour of this Plan, especially if it were to be strengthened and given more clout. Our letter simply sets out our criticisms and comments of its chapters, themes, and policies only where we have something to add. We strongly back this Plan and would like to see it implemented and given real influence in planning procedures in Durham City.</p> <p>We hope this Plan will be used in order to ambitiously increase the sustainability and heritage value of Durham City, and to radically reduce the City's emissions.</p> <p>Comments on the Durham City Neighbourhood Plan</p> <p>Chapter 2: Background</p> <p>Challenges</p> <p>One challenge that we would like to see added here is air pollution and traffic, especially in parts of the City where air quality has been identified as posing a risk to</p>

human health (i.e. the A690 from Gilesgate roundabout to Stonebridge; Gilesgate Bank leading to Sunderland Road and Marshall Terrace; New Elvet; Claypath; Framwellgate Peth), as well as along the Bailey, and North Road. This is not always necessarily related to traffic volume, but to behaviours, such as taxi idling, and appropriateness for the location.

#### Chapter 4: Planning Policies and Proposals for Land Use

##### Theme 1: A City with a Sustainable Future

4.8 describes the aim for ‘developments that meet and balance current needs without limiting or compromising the ability of future generations to meet their needs’. Yet in a rapidly warming world, continuing to allow high carbon infrastructure and activity to proliferate in Durham is, almost by definition, to compromise the livelihood of future generations. Any inaction is already denial.

#### Policy S1 - Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

We would urge Durham City Plan to require higher environmental standards than the Durham County Plan. Our suggestions would be that buildings must be at least Outstanding on the BREEAM assessment method, This seems reasonable given that the City has a higher concentration of wealth. Norwich City Council have recently built award-winning council houses achieving Passivhaus standards (after the Council set up its own housebuilding outfit)—it can be done!

In particular, University buildings must be required to meet the highest environmental standards.

Otherwise we would welcome the policies in S1, providing they are pursued to an extent that is ambitious and far reaching, with systems for implementation and monitoring. We recognise that perhaps the County Council would need to allow this, and urge the council consider such a move.

##### Air Quality

We are glad to see that the Plan acknowledges the Air Quality Monitoring Area (AQMA) and Action Plan for those parts of the City where air quality is a risk to human health (i.e. the A690 from Gilesgate roundabout to Stonebridge; Gilesgate Bank (leading to Sunderland Road and Marshall Terrace); New Elvet; Claypath; Framwellgate Peth). In order to address the issues an Air Quality Action Plan was approved in June 2016 (AECOM, 2016).

Would like to suggest this Air Quality Action Plan being reviewed and extended in light of further evidence in recent years, that shows the pervasive damage and negative effects of air pollution on mental and physical health. At the very least, there ought to be a commitment to acting quickly across Durham if government guidelines change in line with this new evidence, to limit air pollution even further. It certainly would not be fair on the residents of Durham City to abandon this Action Plan once a certain set of targets are reached. Air Quality in the city must continually be monitored, and ambitious targets set.

We would like to see a ban on private cars within the WHS area, with the exception of the shuttle bus service and other vehicles gaining a pass for exceptional circumstances. The Bailey is a tight road to walk along, and cars waiting on a hill at the traffic lights create a palpably polluted atmosphere. The current lack of restrictions creates an intensely polluted area, that locals, students, tourists alike are

forced to walk through, for the sake of the comfort of a relatively tiny number of individuals. In particular, restrictions ought to apply to the large number of cars that drop off and pick up children at the Cathedral School.

We also suggest creating clean air zones around schools and nurseries, where average maximum pollution levels are required to fall well down below national limits. We would also suggest making schools and nurseries into the sites where air pollution is monitored; monitoring air pollution 150m away gives little guide as to what quality of air children are breathing in as they play.

St Oswald's Primary School and the University Nursery on the Hild Bede College site, are notable examples, since these are currently sited on main roads that experience regular congestion. Options such as tree protection barriers at the very least ought to be explored, and, as mentioned, the air pollution levels at these schools ought to be subject to careful monitoring. The nearest air pollution monitor for the University Nursery is up by the roundabout. As things stand, we risk severely harming the brains and bodies of the children living in our city, and not enough is being done to protect them.

#### Theme 2a: A Beautiful and Historic City - Heritage

XR Durham fully and strongly support Objective 2.3, the expansion of the WHS boundary to protect the woodland, which is a key part of the experience of the WHS, both from within the current site and from outside it. Trees tell a story just as much as architecture; trees themselves have a history, and play a role in heritage. If we value our natural environment as well as our built environment, then it is crucial that the trees and flora in the proposed WHS area are not just seen as 'any old greenery'. We support all the other objectives in this section, and particularly welcome, in addition to 2.3, objectives 5.4.2, to increase access via the bus service, as this may reduce other traffic. However, we would add a note that while the proposed improved signage (in 5.3) may be an improvement, it ought to like all other developments, this must be in keeping with the natural and historic setting of the riverbanks. Walking along the riverbanks is currently a valued escape into nature in the heart of our city; improved signage must not make the riverbanks feel like an extension of a tourist attraction.

We also particularly agree with 4.48, that it is essential that views of the World Heritage Site are not obstructed by new developments.

On the note of the WHS, we would like to suggest that past failures in sensitive and appropriate development on the WHS site are rectified. In particular, the DLI memorial plaque outside Cosin's Hall, which we understand did not receive planning permission, ought to be re-situated, once an appropriate place is found and at the right time, and following appropriate consultation. Eye-catching in its incongruity and prominence, and sited just where people tend to stop or dawdle as they recover from the steep walk up Owengate, it is currently the first object of attention for many visitors arriving to Palace Green. Yet it forms a poor introduction to the WHS, the historic interest of which is mainly pre-twentieth century. Confusingly, the memorial also has no connection to the Cosin's Hall building it sits in front of, and dominates. Indeed it is almost impossible to look from any angle at Cosin's Hall— one of the most important examples of late-seventeenth century architecture in Durham County and a key part of the world heritage site—while ignoring the visually-eye catching memorial in front of it. In order not to set a dangerous precedent for non-approved development on the WHS, we would suggest that this incongruous memorial ought to be sensitively relocated; ideally to somewhere where it could then add, rather than detract from, a sense of history.

### Policy H3 - Our Neighbourhood Outside the Conservation Areas

We would suggest these areas could additionally include trees, hedgerows, that mitigate effects of air pollution and encourage walking and cycling. We would like to see a firm commitment that ensures all green spaces, however small, are preserved and expanded, rather than encroached upon. Tree planting along roads would be welcome wherever viable, and is important to a number of our members. This might combine with a commitment to increasing the biodiversity of municipal green spaces, and the rewilding of verges wherever practicable.

Policy H4 that encourages bringing back heritage assets into appropriate use, particularly for assets at risk, is also keenly welcomed, but once again we would like to see stronger terms used here. The buildings and assets this policy refers to, both designated and non-designated, play a key part of the charm and historic character of Our Neighbourhood. We would urge that any harm or diminishing of these assets will only be allowed in exceptional circumstances, but this is not stated. In addition, we wonder: could a clause be added to specifically encourage improvements to these assets that will improve energy efficiency without causing harm?

We also wonder if the Parish Council or similar could be supported to pursue the listing of some of heritage assets (or their re-listing to a higher category)? The intention to seek support for this could form part of this policy.

### Theme 2b: A Beautiful and Historic City - Green Infrastructure

XR Durham strongly welcome and endorse this theme and its objectives. We would only offer some additional comments and concerns relating to its policies. In general, we would like to see the protections and measures called for under this theme made stronger, more detailed, and binding, and the closure of any loopholes that might enable damage to the City's green infrastructure.

### Policy G1 – Protecting and Enhancing Green Infrastructure

This policy states that development 'must not result in the loss of green assets unless...'—and then proceeds to give three clauses, all of which offer an excuse to developers to diminish green assets. We question these three 'getout' clauses, a, b, and c, as follows.

Clause a states '...the affected asset does not have a significant recreational, heritage, cultural, ecological, landscape or townscape value'owns. Yet in a world where 75% of earth's entire land surface has been severely altered by humankind, and wildlife is being decimated, all green assets offer either recreational, heritage, cultural, ecological, landscape or townscape value (and most often a combination). We question what is required for the value of this kind to be judged "significant", and who, in practice, will be doing the judging? We would urge that the Plan does not leave such a loophole.

Clause b states '...the affected asset can be demonstrated to be surplus to local requirements and there are alternatives which are capable of serving the needs of the occupants of the development and of the environment'. However we assert that, by definition, no green asset can be 'surplus to local requirements'. If a local area has an abundance of green assets, then these green assets define its local character, which ought to be conserved. If an area does not have an abundance, then this implies that residents, for example, can have a local green space removed from them, on the basis that there is "another one down the road". Indeed, who needs five trees lining a road, when one will do? How far can this principle be taken? We believe it could allow developers to do a great deal of damage.

Clause c states ‘...retention of the existing green asset within the site is not viable or practicable’. But viable or practicable for who and in what situation? We fail to see how a green asset might suddenly become ‘unviable’, unless it is in the way of someone wishing to develop the site, or has not been properly taken into account in the planning of a neighbouring development. Fields, verges, hedgerows, and woodland do not suddenly become ‘not viable or practicable’ on their own; they only become so when they lie in the way of someone profiting from their removal. This is precisely the situation which this Plan ought to rule against, and such a clause renders it almost useless at protecting our green assets. We ask that this clause is removed or substantially revised.

When ‘compensatory green assets’ are referred to, we would also ask that the Plan state more clearly what is considered ‘compensatory’. Ancient and old/established woodland cannot simply be replaced. A leylandii is not an oak tree. The disturbance of habitats cannot be undone. Compensation must take into account character, wildlife, and ability to sequester carbon.

We welcome the proposals to protect and enhance the banks of the River Wear. In particular, regarding the point about access, one of our members notes that it is particularly hard to access the River north of the City, between the Rifle Range Field and Finchale Abbey, on either the East or West bank. This is a beautiful part of the river (sadly threatened by the proposed Relief Road) but might be visited even more, were it more accessible. The West river bank is not unfortunately not open to public access. As for the East bank, there is only one easy way to access this from the city, namely via Rifle Range Field. Unfortunately in summer the cows which graze in this field have been known to be particularly aggressive and cause injury, which is extremely off-putting, not to mention dangerous, and can effectively prevent access for anyone who wishes to walk through this outstandingly beautiful environment. We would like to see this addressed.

#### Policy G2 – Designation of Green Local Spaces

We strongly support this policy. We are particularly glad to see Observatory Hill listed, a green haven among the increasingly built-up ‘Hill College’ area with a sublime aspect onto the Cathedral (some of our members specified they love running and walking on this hill). Similarly we are particularly pleased to see listed the fields near Potters Bank, the magical Flass Vale and North End allotments, the delightful St Margaret’s allotments, and the named Woodland areas. We would suggest adding Pelaw Wood to this list, as well as the Aykley Heads estate (notwithstanding the perverse desires of the County Council to turn the latter into a business park). We would like to see this policy stated in the firmest possible term, to prevent the edges of these and similar areas being ‘nibbled away’.

#### Policy G3 – The Emerald Network

XR Durham is delighted to see this innovative proposal, which we believe reflects and protects current use of the green spaces in Durham by runners, walkers, and commuters living in and around the City.

We would only resist the clause (a) that ‘development will be refused, unless this harm ‘can be avoided by locating on an alternative site with less harmful impacts’. This seems a slightly unclear clause, since to request relocation onto another site presumably already involves refusing the original development plan? We hope this will be clarified in such a way that will not leave any loophole for damaging development. In general, we would like to see this Emerald Network given clear protections of the strongest kind, that prevent any damage to its routes and green

spaces.

#### Policy G4 – Enhancing Use of the Green Belt

We welcome this proposal, and again would like to see it developed in more detail, with the purpose of more expressly encouraging development that is genuinely positive for biodiversity and landscape, and which retains the current rural character of these areas. This means amending clauses here so that it does not create any loopholes for developers, or allow built-up amenity so that these areas gain the feel of a park with large areas of tarmac. We would also suggest that that this proposal is amended so that proposals for ‘improving access’ will not, in the hands of developers, translate into encouraging increased use of cars and 4x4s. Instead ‘improving access’ should be restricted to access that coincides with existing walking or public transport routes.

#### Theme 3: A City with a Diverse and Resilient Economy

XR Durham would like to see proposals in this section that positively encourage an economy that is sustainable and low-carbon at every level, and recognise the role businesses can play in lowering Durham’s emissions. This could include, for example, a scheme involving slightly lower rates for businesses that are actively doing more to lower their emissions or mitigate climate change.

It has also been mentioned by XR Durham members that the City needs to be planned to include more public toilets, and especially accessible toilets. The set in Palace Green are up a hill, and the toilets at Prince Bishops are similarly not at ground level. Another set of accessible toilets and clearer signage to existing toilets would be welcome.

A number of members have mentioned the importance of water fountains to fill water bottles. In other cities, stylish water fountains for refillable bottles have been extremely popular and successful, and helped to reduce plastic waste. More public recycling bins and recycling schemes for difficult-to-recycle items are also needed. There is almost nowhere in Durham City, for example, to recycle soft plastic bags, which are widely recycled but cannot be placed in the normal recycling bin. We would like to see proposals that support local businesses to offer such services that allow local people to recycle more, and waste less.

#### Theme 4: A City with Attractive and Affordable Places to Live

##### Policy D6

XR Durham ask that in light of the climate emergency, more attention is given here to ensure higher requirements for truly low or zero emission buildings. Phrases such as ‘improvement’ of energy efficiency and ‘reduction’ of CO2 emissions are rather general, and risk being meaningless. We would like to see specific environmental standards adopted as minimum, as stated above in relation to Theme 1. In particular, the highest possible environmental standards should be demanded from the University as they develop new sites.

#### Theme 5: A City with a Modern and Sustainable Transport Infrastructure

XR Durham keenly endorse this Theme. In particular we strongly support, as stated here:

- the need to keep motor traffic flowing freely must not continue to take precedence over the needs of other users
- making improvements to the pedestrian networks a high priority

- improving crossings at major junctions to help walking reach its full potential
- the need for improved, later-running bus routes, and a completely free park and ride
- reduction of free parking at major employment sites

In addition we would like to see:

- segregated cycle lanes, uninterrupted by car parking spaces, providing clear routes into Durham City from surrounding areas, and especially in places where pavements are narrow;
- the introduction of electric/hybrid buses as a priority
- additional training of bus drivers, taxi drivers, and council vehicle drivers to switch off their engines during waits. An idling car produces emissions at twice the rate of a moving car, and produces enough exhaust emissions to fill 150 balloons a minute. Yet bus drivers on North Road, for example, often wait with engines running at the stop outside British Heart Foundation Furniture Store for minutes at a time, which is unnecessary with modern engines. Taxi drivers also widely idle their engines for long periods of time along North Road, and at other taxi ranks.
- increased powers given to City traffic wardens to fine idling vehicles in accordance with the law. Currently there is no way of forcing drivers not to idle their engines in the City.
- policies to prevent high emission areas around all schools and nurseries at drop-off times (such as car-free or low-emission zones)

#### Policy T1: Sustainable Transport Accessibility and Design

We strongly support this policy. We would like to see it go further, and with more clarity and detail, and stronger terms that will ensure its enforcement in practice. In terms of good cycling routes, members have noted there is a particular need for safe and direct routes into Durham from the area around and beyond Neville's Cross, that are separated from Neville's Cross Bank/A690. This is currently a congested road, which puts people off from commuting along this route by walking; hence they drive instead, and add to the problem. Those who do walk experience high levels of pollution. The pavement is close to the road and children in buggies are therefore particularly close to car exhausts.

#### Policy T2: Residential Car Parking

We welcome this policy in its entirety and urge its adoption without being watered down. We would also like it to be even stronger, such that it is clear that new development proposals without measures to actively discourage the use of private cars will be turned down. We would like to see this policy's 'supported if' turned into an 'if and only if'. We would like to see the 'may' in clause c, become a 'must'.

Offering residents short-term renewable membership of parking and charging schemes and collective car-parks, rather than permanent ownership of spaces directly by their houses, should be a requisite of any new housebuilding in Durham City. We would like to see this policy specifically rule out individual driveway parking outside homes as well as garages, and to specify that any developments so designed will be turned down.

#### Chapter 5: Monitoring the Plan

We welcome this chapter, and would like to see more detail, but we accept that, as stated 5.4, this is in progress.

<p>Tim Clark (trustee)</p>	<p>The City of Durham Trust</p>	<p>The City of Durham Trust is warmly supportive of this document. The Plan sets out considered and lucid aims and principles for the future development of the central area of Durham City, rightly sensitive to its heritage, social make-up and natural environment.</p> <p>The Trust has had first-hand experience of the various pressures faced by the City since the abolition of the City Council in 2009. Many of the large-scale developments in the City since that time, and some before, have been damaging to its unique character, and the Neighbourhood Plan gives hope for mitigation and improvement in the future, even though the final say on planning applications still belongs to the unitary County Council.</p> <p>The saved policies from the City of Durham Local Plan 2004 will be superseded by the forthcoming County Durham Plan. These contained useful detail for dealing with development in Durham City that would otherwise be lost. The detail found in the Neighbourhood Plan, especially Policies H2, H3, H4, E3, E4 and D3, will prove valuable in helping to conserve Durham’s distinctiveness when assessing new development. The Trust would welcome the expansion of these to form a design guide for the City. Also very helpful is the support for the World Heritage Site (WHS). This will help in reviewing the impact of change upon the WHS (especially Policy H1). Identifying and referencing the WHS Management Plan reinforces this valuable document.</p> <p>The Trust particularly welcomes several elements of the Plan. Its Policies G1-G4 relating to “Local Green Spaces” and an “Emerald Network” must help protect the distinctly green character of much of Durham, along with those for the beneficial use of the Green Belt, whilst protecting its openness.</p> <p>The Trust welcomes Policy S2 and the proposal that, in accordance with NPPF 4.25, “major” planning developments should submit a “master plan” outlining the overall scope and final impact of a project, such that large scale change cannot occur by piecemeal development, as was recently the case with the damage wrought to the Green Belt by the large sports facilities near Maiden Castle.</p> <p>Studentification has greatly affected Durham City this century, often to the detriment of its character. The Trust welcomes the overdue element in Policy D3 that people living in PBSAs should be part of any count when determining the percentage of students inhabiting the area within 100 metres of a proposed HMO, with the aim of maintaining a more balanced mix of residents. Likewise, the Trust is glad to see that Policy D3 restricts extensions to existing HMOs, as an extension is just as much an issue as a new HMO in tipping the community balance. The Trust warmly supports Policy D5 that, in new housing sites of more than 10 units, at least 25% should fall in the category of “affordable housing”. Policy D4, “Housing for Older People and People with Disabilities”, is a welcome recognition of the need to safeguard housing for these groups in the face of other development pressures.</p> <p>The Trust applauds Policies C1-3 and the way the Plan seeks to address the significant gaps in provision for arts and culture in central Durham. A central art gallery seems a particular desideratum, and the proposal for a City Centre community hub is very welcome. It remains strange that a city such as Durham has no tourist information office, despite the work of Visit Durham.</p> <p>The important topic of highways seems mostly beyond the remit of the plan. Nevertheless, the Trust welcomes the proposals made under the headings of “Sustainable Transport, accessibility and design” (Policy T1). The Trust acknowledges and welcomes a recent modification to the policy (Policy T2) on residents’ parking, which now makes it clear that a favouring of the provision of designated parking bays applies only to <u>new</u> streets. This revision to the earlier draft goes some way towards meeting our anxiety that residential areas of Durham often have green spaces whose appearance has been gradually damaged over the years by small parking bays eating into them, while applications for more such bays are common. The Plan aims to</p>
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		<p>minimise “[a]dverse transport impacts, including additional circulation and parking space for private motor vehicles.” Might more be done specifically to save these small but valuable parts of the green infrastructure from further encroachment by cars – after all, if someone buys a shed or huge piece of equipment too big for their own property, there is no assumption of a right to encroach upon public space?</p> <p>Finally, as several Trustees are also members of the Parish Council, it should be stated that, although they are aware of the Trust’s endorsement of the Plan, they took no part in the appraisal itself, the content of which was unanimously agreed by those Trustees, the majority of the Board, who had no connection with either the Parish Council and/or the Neighbourhood Planning Forum.</p>
Rowan Gilbert	NHS Property Services	<p>Policy C3 – Protection of an Existing Community Facility</p> <p>Policy C3 – Protection of an Existing Community Facility of the Draft Neighbourhood Plan manages the loss or change of existing ‘community facilities’.</p> <p>At present the policy reads:</p> <p>Development proposals which would result in the loss of an existing community facility will not be permitted unless it has been demonstrated that:</p> <ul style="list-style-type: none"> <li>a) the facility is no longer financially viable; or</li> <li>b) there is no significant demand for the facility within that locality.</li> </ul> <p>In the first case the applicant must also demonstrate that an equivalent alternative facility is available nearby to satisfy the needs of the local community.</p> <p>An essential element of supporting the wider transformation of NHS services and the health estate is to ensure that NHS sites are not strategically constrained by restrictive local planning policies.</p> <p>Where such restrictive policies are in place, the reorganisation of underutilised facilities can be delayed. In turn, there are direct implications for the provision of quality healthcare facilities and services, as the reinvestment of capital in modern and fit-for-purpose facilities is prevented or delayed, with ongoing revenue spent on maintaining inefficient parts of the estate.</p> <p>Where NHS commissioners can demonstrate that healthcare facilities are in need of reorganisation, which might include the disposal or development of a facility, there should be a presumption that such sites are suitable for other uses and should not be subject to restrictive policies.</p> <p>To ensure Policy C3 is sufficiently flexible and supports the ongoing needs of the NHS, we have included the following proposed amendments:</p> <p>Development proposals which would result in the loss of an existing community facility will not be permitted unless it has been demonstrated that:</p> <ul style="list-style-type: none"> <li>a) the facility is no longer financially viable; or</li> <li>b) there is no significant demand for the facility within that locality; or</li> <li>c) The loss or change of use of existing facilities is part of a wider public service estate reorganisation</li> </ul> <p>NHSPS also seek clarity on the final point of Policy C3: In the first case the applicant must also demonstrate that an equivalent alternative facility is available nearby to satisfy the needs of the local community.</p>

		<p>This requirement appears to apply only to proposals seeking to demonstrate that a facility is no longer financially viable. However, the wording is not currently clear. NHSPS suggests that the wording be altered to improve the clarity of Policy C3: In the case of proposals demonstrating point a, it should also be demonstrated that an equivalent, alternative facility is available nearby to satisfy the needs of the local community.</p> <p>Summary</p> <p>Within the NHS property portfolio, a number of sites are, or may become outdated and no longer suitable for modern healthcare without significant investment. In those cases, and where NHS commissioners can demonstrate that healthcare facilities are no longer required for the provision of services in that particular location, a more flexible approach for public service providers should be applied when considering a change of use to non-community uses.</p> <p>This should include a presumption that those sites are suitable for other uses and should not be subject to overly restrictive planning policies.</p> <p>NHSPS thanks the Neighbourhood Planning Forum for the opportunity to comment on the Draft Plan and hopes the proposed amendments to Policy C3 are considered constructive and helpful.</p>
Matthew Wright	Durham University	<p>Our comments are outlined below:</p> <p><b>Chapter 2: Background</b></p> <p><b>Page 8 - Paragraph 2.7 and 2.8</b> The University have previously made representations to the Neighbourhood Plan that it considers these paragraphs to be unbalanced without evidence and based on anecdote.</p> <p>Over the same period most towns and cities have had a similar evolution due to the changing residential, retail &amp; leisure preferences of the local populace. These paragraphs indicate that the changes faced by Durham City are purely as a result of the growth of Durham University which is an overly negative interpretation and without substantive evidence.</p> <p>The University considers that its growth has actually insulated Durham City from the worst of deprivations suffered by much larger towns and cities in the North East such that the city continues to be an attractive place to live, work, study and invest. Recently the University has invested £30m into facilities at the Maiden Castle Sports Park, which is heavily used by the local community. Without this the nearest comparable facilities would be in Newcastle.</p> <p>Therefore, we request that these paragraphs be rewritten in a more positive/neutral tone similar to and in line with wording included in the Local Plan Submission Draft to outline the positive impacts that the growth of the University has had; including attracting new businesses, creating jobs, increasing entrepreneurship, increasing diversity in science and high-tech industries and the role it has played in developing the tourism offer.</p> <p>Chapter 4: Planning Policies &amp; Proposals for Land Use</p> <p><b>Page 28 – Policy S2: The Requirement for Master Plans</b> The policy requirement for a masterplan to be produced and used as a material</p>

consideration in the determination of applications is not considered necessary or to be in accordance with the NPPF. The policy specifically mentions issues relating to traffic, impacts on views and landscape, all of which are material considerations and would be taken into consideration and assessed during the determination of any detailed planning application on a case by case basis.

Notwithstanding the above, the policy is not specific. The PPG outlines at paragraph 041 that neighbourhood plan policies should be 'clear and unambiguous' and should be 'drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning application.' In this case, there is a lack of clarity as to when a masterplan would be required and it is therefore not considered to accord with guidance in the PPG.

This policy is not considered to accord with the NPPF and PPG and should be removed.

**Page 29 – Paragraph 4.29**

The reference to Milburngate and the Durham City Masterplan Update is not relevant. Milburngate as a site has been through detailed and rigorous planning application process and the masterplanning element was included as part of the application process. The DCC Durham City Masterplan Update is not planning policy but strategic guidance.

This paragraph makes reference to several University sites, including Mountjoy, Hild/Bede and Elvet Riverside. Development of these sites is addressed within the Durham University Estate Masterplan which already sets out the strategic guidance and intentions for the sites. Consideration of issues including impact on the WHS and views and design will be fully considered and addressed as part of any planning application. Planning applications will be determined in accordance with section 4 of the NPPF (decision-making) and will satisfy the appropriate tests and level of detail required on a site by site basis. This includes giving due consideration to design policies and guidance, including relevant management plans and conservation area appraisals. As such there should not be a separate requirement for a masterplan and this approach is not supported by the NPPF.

**Page 35 – Policy H1: Protection of the World Heritage Site**

It should also be noted that the NPPF highlights at paragraph 200 that opportunities for new development within WHS that enhance or better reveal their significance should be taken. This policy should also accord with the NPPF paragraph's 193-196 which sets out the relevant tests for considering the impacts of development on heritage assets.

**Page 37 – Paragraph 4.39**

There are two Paragraph 4.39's. The second follows paragraph 4.44 and precedes 4.45. This should be renumbered. Also strictly speaking University College is not a landowner with the ownership of the Castle, Palace Green and the surrounding buildings resting with Durham University.

**Page 39 – Paragraph 4.48**

Chapter 16 of the NPPF sets out that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (para 193). Where a proposed development will lead to substantial harm, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 195). Where a proposed development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 196).

Based on the above, paragraph 4.48 of the draft plan is not considered to accord with the NPPF and the relevant tests for assessing harm and should be amended to reflect the approach set out in the NPPF.

**Page 39: Policy H2: Durham City Conservation Area**

Some of the criteria outlines a requirement to demonstrate that any harm or loss is necessary to achieve substantial public benefits that outweigh loss and harm. This approach is not considered wholly consistent with the NPPF. Whilst paragraph 195 outlines that where a development will lead to substantial harm of a designated heritage assets, the proposal should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. However, paragraph 196 outlines that where the development will lead to less than substantial harm, the harm should be weighed against the public benefits, including securing its optimum viable use. Paragraph 97 of the NPPF sets out the appropriate tests for assessing proposals on existing open space, which would be taken into account in the determination of an application. Furthermore, the impact of any loss on the character of the area would be assessed against relevant design policy and the design requirements in paragraph 127 of the NPPF which specifically refers to local character. The policy wording should therefore be amended to reflect both paragraphs 97, 195 and 196 of the NPPF rather than just 196.

**Page 59 – Policy G2: Designation of Local Green Spaces**

Durham University does not consent to the allocation of its land ownerships as Local Green Space.

Para 100 of the NPPF states that the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

While this land is in close proximity to the community & local in character, it fails to meet the other criteria of being demonstrably special and holding particular local significance and it is an extensive tract of land. Please see separate detailed appendix on this matter below.

**Page 67 – Policy G3: Creation of the Emerald Network**

Durham University welcome the changes made to the Botanic Garden and Pelaw Wood allocations to remove the operational areas.

Observatory Hill has been added as an additional site which was not previously included. As set out above, Observatory Hill is a University site and the University considers this land as operational or with operational potential and would therefore request that the area of operational land is removed from the allocation.

**Page 97 – Paragraph 4.173**

It cannot be assumed that University growth will diminish site availability for various forms of residential development or that third party landowners want to develop sites for residential use (whether private dwellings or PBSA).

The University Masterplan is a live and flexible document and thus locations and scale of development may change with time, therefore the Masterplan is not relevant in this regard beyond its stated aims.

**Page 97 – Paragraph 4.173**

The University do not agree that these are the only options to prevent additional HMOs in the plan area. The University support the Article 4 Direction removing permitted development rights for HMO conversions and the Interim Policy on Student Accommodation preventing a conversion to HMO if more than 10% of the properties within 100 metres are already HMOs. These are proving to be effective tools against the conversion of houses to HMOs within the city.

Further the University consider that the increase in the proportion of PG students and internationalisation of the student body will lead to increased demand for a greater variety of accommodation especially PBSA reducing the demand for HMO houses.

**Page 104 – Policy D2: Purpose Built Student Accommodation (PBSA)**

The allocations reflect the allocations within the Draft County Durham Plan Pre-Submission Draft (2019) and are supported.

Ustinov College has relocated and so PBSA2 should be renamed Howlands - Josphine Butler and Stephenson.

**Page 107 – Policy D2: Purpose Built Student Accommodation (PBSA)**

The University understand that this policy is included in response to house builders losing out on sites to PBSA developers due to the disparity of one having to provide a % of affordable units & the other not.

Unfortunately the requirement for any PBSA units to be affordable is not supported by appropriate evidence or national policy requirements. This element of the policy is therefore not considered to be in accordance with guidance in the NPPF and PPG and should be removed.

The University seeks to provide a range of accommodation provision over the masterplan period to meet the varying needs of its students, for example all the accommodation developed in the last 10 years has been self-catered in response to student demand to be able to manage their own budgets, the latest developments on Mount Oswald include some bedrooms with shared bathrooms which will be offered at a lower price.

**Page 109 – Policy D3: Student Accommodation in House of Multiple Occupation**

The NPPF outlines at Paragraph 18 that neighbourhood plans should just contain non-strategic policies. On this point and in terms of the requirement relating to number of properties within HMO use, this is considered to be a strategic issue and is being dealt with at a strategic planning level through Interim Policy and the submission draft of the County Durham Plan. The neighbourhood plan area does not cover the whole city and so would mean there would be different policies in place for different areas affected by HMO use.

Furthermore, b) & c) are considered to be too prescriptive and there is no clarity provided on how this would be monitored and thus enforced.

This policy is not in line with the NPPF and should be removed from the draft Neighbourhood Plan.

**Page 140 – Policy C1: Provision of facilities for arts and culture**

This policy has been amended to cover facilities for culture as well as art. This change is supported.

Durham Universities’ masterplan identifies the need for the provision of a significant venue for music and drama performance to raise the cultural profile of the University and City, allowing it to make a strong contribution to the arts nationwide. The facility would provide large scale performance and exhibitions spaces as well as facilities for music and drama practice and rehearsals.

**Appendix to Durham University’s Representations to the Draft Durham City Neighbourhood Plan Consultation 2020**

The Neighbourhood Plan makes the following designation of Local Green Space which includes Durham University land.

**Page 59 – Policy G2: Designation of Local Green Spaces**

‘Green spaces within Our Neighbourhood that are of significant environmental, landscape or historical value are designated as Local Green Spaces. These areas, as shown on Proposals Map 2, comprise:

2. Observatory Hill, Bow Cemetery and two fields on the south side of Potters Bank, and Clay Lane and land South West of Clay Lane;’

G2.2A Observatory Hill (Area A) is approximately 12 hectares, G2.2B Observatory Hill (Area B) is approximately 4.5 hectares and G2.2C Observatory Hill (Area C) is approximately 6.2 hectares making 22.7 hectares in total.

Durham University does not consent to the allocation of its land, approximately 5.5 hectares, as Local Green Space. The University land is the western fields in G2.2A Observatory Hill (Area A) and the fields in G2.2B Observatory Hill (Area B).

The University views this land as operational or with operational potential and do not wish it to be allocated as Local Green Space.

**1. Description of the University’s Land**

**G2.2A Observatory Hill (Area A) The Observatory Fields – c.2 hectares**

The suggested Local Green Space is south and west of The Observatory and currently forms part of a Farm Business Tenancy with the farm at Houghall College. PROW no. 23, runs outside of the site along the northern edge and the University has granted permissive rights of access across the fields from PROW no. 127 & no.23 to Observatory Hill but there is no public use of the land apart from that. There have never been any public or University events held on the land. The land contains enclosures from its use by the Physics Department and the student Astronomical Society for Astronomy. The Physics Department is currently developing a business case to bring the site back into use as an observatory open to the public, providing facilities for local community and educational outreach. The essential works to improve access and provide improved facilities will be on land designated as Local Green Space.

**G2.2A Observatory Hill (Area B) Charley’s Field – c.1.75 hectares**

The suggested Local Green Space is north west of St Mary’s College currently forms part of an annual Grazing Licence agreement with a local stud farm. It is well related to a range of existing University facilities and buildings and with the exception of PROW no. 40, which runs through the centre of the site, there is no public access to the land. There have never been any public or University events held on the land. The site is adjacent to a small number (circa 4) of residential units along Quarryheads Lane but has a poor relationship with the rest of the community in Durham City as PROW no.40 does not

form a useful link or short cut. The field is separated from the main suggested allocation of LGS by Potters Bank and from the other extension site by Elvet Hill Road.

### **G2.2A Observatory Hill (Area B) St Aidan's Field – c.1.75 hectares**

The suggested Local Green Space south of Potters Bank is again subject to a Grazing Licence agreement with the stud farm. There is no public right of way or permissive public access on the site. A permissive path runs along the far west boundary of the site (typically used by students taking a short cut to the Business School from Ustinov College) but there is no other public access or use of the main field. The site has been pasture for many years and is well related to the adjacent University uses of St Aidan's College and the Al-Qasimi Building rather than the other areas to be allocated as LGS.

### **2. The view of Durham County Council**

The University asked Durham County Council for their opinion and they responded that they consider that both individually for each of the fields and collectively as a large tract of land there are "a number of policies proposed that place unreasonable, unequitable, conflicting, and unjustified and/ or inadequately evidenced constraints on future development proposals for the area." The County Council go on to state that: "The overall approach in the document is considered by the council to be one of imbalanced, inflexible control which is divergent from the approach advocated within the current City of Durham Local Plan and NPPF. It is also at odds with the county council's wider emerging policy approach regarding the potential of the city in contribution the wider economic prosperity of the county."

The Council also comments that significant stakeholders, each with differing interests and requirements, have not been adequately engaged in the preparation of the draft plan and this raises question marks over the delivery of parts of the plan. DCC go on to state: "For example the DCNP proposes a number of land use allocations and restrictive Local Green Space designations and it has done so without prior engagement with land owners, including the council. As such the proposals may conflict with the intent of land owners, affect land values and/or result in the identification of sites that have no prospect of being delivered."

The Council concludes that, as they have "not seen an evidence base which shows a wider set of possible Local Green Space sites that were systematically considered and the selection criteria (which should include that set out in paragraph 77 of NPPF) that led to sites being selected or discounted and boundaries being drawn has not been made available", the Council are unable to determine whether the site selection and boundary extent is justified and robust.

In further support of this, I've have reviewed the original advice given by Ged Lawson (landscape officer at DCC) which clearly sets out:

If it is considered appropriate to identify the area as LGS – rather than in an open space policy similar to E5 which would be an alternative – then consideration should be given to identifying this wider area. Something like that shown below 'Observatory Hill and Elvet Hill' and "...our preferred approach would still be a protected open spaces policy like the existing DCLP E5..."

The view of the Council is clear, that the plan needs to take a consistent approach to these green spaces and it is not advocating LGS as the best approach to these fields.

### **3. AECOM's sustainability appraisal of the Durham City Neighbourhood Plan**

The University consider AECOM's assessment of the allocation of Local Green Space to be flawed. A 'Do Nothing' option wasn't assessed to provide a benchmark against the proposed allocation, alternative sites around Durham were not assessed and compared with the allocation at Observatory Hill to see which gave the most benefit, they find that none of the proposed options have a significant effect on the objectives of the

Sustainability Appraisal (Table 4.1) and that there are negative effects from the allocation (para 4.35), but then still identify Option 4, the largest allocation, as being the preferred option.

Although they've undertaken a review of the current designations for the site, they do not make an assessment as to whether it is sufficiently protected, just that LGS would add more protection.

At para 4.22 the report states the allocation is to allay concerns with "loss of / lack of open and green spaces and threats to Green Belt land" and seek to prioritise "the protection of green spaces/green belt and the environment", planning guidance is explicit that designation as LGS "should not be a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name".

AECOM's report is preoccupied with justifying the NP allocation LGS but doesn't appear to take a step back to consider if they should.

#### **4. Observatory Hill existing protective designations**

PPG advises that where land is already protected by a designation, such as Green Belt, Conservation Area, etc, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space. The NP itself identifies the Observatory Hill site as being within both the inner bowl of the World Heritage Site and the City Conservation Area. Its elevated site makes it very visible from the centre, and it contributes to the green and rural landscape setting for the World Heritage site and the City centre and that it was included in the City of Durham Local Plan saved policy E5 on protecting open spaces within Durham City (City of Durham Council, 2004; Durham County Council, 2015a).

E5 recognises that open spaces within the settlement boundary of Durham city form a vital part of its character and setting will be protected by:

1. Not permitting any development at observatory hill or along the riverbanks except for minor development related to either the use of existing buildings or outdoor sport and recreational use;
2. Only permitting development within the mount Oswald-Elvet Hill parkland landscape area which:
  - a) does not exceed the height of surrounding trees and is sympathetic to its landscape setting; and
  - b) is of a low density and sets aside most of the site for Landscaping/open space.
3. Not permitting any development at St Margaret's Church graveyard and the adjoining allotments except that related directly to use as a churchyard or as allotments."

In the County Durham Plan Pre-Submission Draft Policy 27 Green Infrastructure and Policy 46 Durham Castle and Cathedral World Heritage Site offer suitable protection, with Policy 46 stating:

"Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances."

The land is therefore already afforded a suitable and appropriate level of protection by virtue of its setting within the WHS and Conservation Area which themselves contain significant and constraining policies. When read in the context of the policy position and the NP's stated purpose of designating LGS's (see below) there is therefore no additional local community benefit to be gained from the inclusion of DU land within the Observatory Hill LGS designation.

## 5. Policy Position

The process and framework for designation of land as Local Green Space through local and neighbourhood plans is set out in National Planning Guidance (Paragraphs 99 and 100 of the NPPF). LGS designations must be in accordance with the policy contained within the NPPF and, in this instance, the University consider that the identification of DU land within the Observatory Hill LGS is not consistent with policy and should be excluded on this basis.

### **The NP's allocation of LGS is inconsistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.**

Firstly, whilst the guidance allows communities to identify and protect green areas of importance to them, the same guidance goes on to clarify that designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. This is a key point. LGS can be designated only where a determination has been made in respect of the sufficiency of the provision of sufficient, homes, jobs and other essential services – including education.

This is part of the wider question over the robustness of the NP and the issues highlighted by Durham County Council in its pre-submission draft response:

“in its current form the draft plan reads as an overly restrictive policy document which poses the prospect of future stagnation to the area, which includes the city centre, a significant valuable heritage and economic asset.”

It goes on:

“The relationship of the draft plan to strategic policies is a significant area of concern for the council. The resulting repetition in covering these strategic matters not only conflicts with the existing planning policy framework to differing degrees but does so in the absence of clear and evidenced justification or mitigation for the adverse implications that could result.”

It appears to be clearly premature to prescribe areas of LGS when there are still several outstanding matters relating to homes, jobs and essential services.

The NP should recognise that Durham University and its operations are a central and integral part of Durham City as well as being a major economic driver and job creator. Its short, medium and longer-term growth ambitions are essential to the long term sustainable development and continued growth of the City and beyond, into the wider North East region. DU must be allowed to strengthen its future offer and services in a sustainable and considered way. The allocation of DU land as LGS without our express consent essentially amounts to a preventive designation and is entirely inconsistent with sustainable development policies and economic growth ambitions of the City.

There is already a suitable and appropriate level of protection in place by virtue of the sites' setting within the WHS and Conservation Area which themselves contain significant and constraining policies. Allocation as LGS for the sole purpose of stifling or constraining essential development unnecessarily, will conflict directly with the aims of national guidance to ensure consistency with local planning of sustainable development and complement investment in sufficient homes, jobs and other important and essential services (such as the University) and, consequently, such a designation is unlikely to endure beyond the plan period; again, in direct conflict with policy (NPPF para 99).

### **The NP's designation of LGS is inconsistent with the purpose of LGS designations**

Local Green Space is not intended to be a broad brush or widespread designation and will not be appropriate for most green areas or open space. NPPF makes clear that: “the Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.”

As the NPPF makes clear local policy for managing development within a Local Green Space should be consistent with policy for Green Belts, LGS is therefore an exceptional designation and not appropriate for most green or open spaces on the basis that LGS designation is equivalent to Green Belt. The imposition of a “very special circumstances” approach inevitably carries with it the same exceptionality requirement for designation at the plan-making stage to be applied in the Green Belt context.

The stated reasons for inclusion of the LGS designations within the submission draft NP are:

- i) Importance of the sites to the local community; and
- ii) To ensure that the sites are protected from development. (NB. The NP document states: “these areas are not as secure as their existing protections would imply. The development pressure in a small constrained area such as Our Neighbourhood is high. There is recent history of planning approvals for large scale developments in the Green Belt with predicted future plans for much more development in the Green Belt.”).

In relation to:

- i) the importance of the DU land at Observatory Hill LGS to the community, this is set out below in the context of the NPPF and demonstrates why the land is not demonstrably special to a local community and that there is no particular local significance of the sites to the community.
- ii) to protect sites from development, as stated above there is already suitable and appropriate protection in place for the sites and that the imposition of LGS designations will be inconsistent with the aims of national guidance to ensure consistency with local planning of sustainable development and complement investment in sufficient homes, jobs and other important and essential services (such as the University). It is also worth noting that the planning guidance is explicit in its position **that blanket designation of open countryside adjacent to settlements will not be appropriate**. It continues: “**In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name**”.

There is no reasonable justification for an LGS in the locations identified. Having reviewed the key policy terms, below on the basis that the NPPF requires Local Green Space designations only to be used where the green space is:

**a) in reasonably close proximity to the community it serves;**

All the sites have clear spatial and visual relationships with University buildings and facilities and a limited relationship with any main centres of residential population in Durham City. Charley’s Field is particularly detached from the community; it is adjacent to a limited number (circa 4) houses and not well used. St Aidan’s Field is also not in particularly close proximity to the centre of the Durham City residential community and does not serve as public open space. The westernmost edge has a permissive path, used predominantly by students between University facilities. The Observatory fields are crossed by walkers on permissive paths but there is no community use of the wider area.

**b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife;**

LGS must also be special to the local community and hold a particular local significance to them. As set out above, there is no public access other than a PROW through site (a), the land is privately owned operational land by DU.

**Recreational value of the land**

The sites are agricultural fields; Charley's Field allows formal public access across it on foot, while the Observatory allows permissive access. St Aidan's Field has no public access except along its western perimeter. However, the sites are not dissimilar in this respect to many other areas of greenspace adjoining residential areas and they are no different to any other agricultural fields around the city.

Over the last 20 years, reflecting the changing nature of agriculture, regulation & subsidy, the fields have gone from being actively cultivated, to set-aside, to being used as pasture for sheep, cropped for feed and now a return as pasture for horses.

There is limited public access with some occasional recreational walking and no particular features of this land that would distinguish it from the vast majority of other land surrounding Durham City. The site has no 'demonstrably special' recreational value for the local community.

**Beauty**

The site is in a suburban location on the outskirts of Durham but closely related to the University facilities and operations. As such, the character of the site is as part of the setting of the university, rather than residential; in character. Whilst there is public access along one footpath and permissive routes, these footpaths are not well used by the local community and there are many areas of green space around Durham where footpaths allow public access, and this is no different or demonstrably special.

It is also not the purpose of the Local Green Space designations to include countryside land that provides wider views of the countryside, to be LGS, the site itself must be prized for its amenity value and have 'particular local significance'. Given the fields have been in use for agricultural purposes and are not in any active use by the public, there is no local significance or amenity value to the land.

**Historical significance**

The Observatory is the first building the University built in the 1830s. The surrounding site has been used by the University since as a location for research and experimentation; there remains on site an underground bunker which was used to house seismological equipment, a compound that contained the first prototype gamma ray telescope made in about 1981 & used until the early 2000's when the University joined an EU collaboration and until recently the student Astronomical Society had standard reflecting telescopes permanently located in the grounds.

The fields proposed as LGS are agricultural fields with no historic, cultural or local significance.

**Ecological importance**

The sites are actively managed as agricultural land. The Observatory fields are mown by Houghall College, St Aidan's field & Charley field are let to a local stud farm for grazing by horses, previously they were mown for animal feed.

The land is predominantly grassland with little ecological value or bio diversity.

### **Tranquillity**

The sites are operational land owned by the university and in close proximity to university teaching facilities. The land is bound on all sides by offices, university buildings, houses and the expanded area actually has two roads running through it with Potters Bank in particular being a well-used rat run to avoid Neville's Cross, and Elvet Hill Road. The adjacent fields offer limited tranquillity and are not demonstrably special in this respect.

In balance, the land cannot be demonstrated to be more special to the community than many other areas of open green space on the edge of the city and as such has no particular merit for special designation.

#### **c) local in character and is not an extensive tract of land."**

Although the NPPG sets out that "there are no hard and fast rules about how big a Local Green Space can be" on the basis that places are different and a degree of judgment will inevitably be needed, paragraph 77 of the NPPF is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land and that as a result of this "blanket designation of open countryside adjacent to settlements will not be appropriate".

Given the size of the proposed LGS Observatory Hill designation (including the three DU sites discussed above) totals nearly 23 hectares it does appear to be an extensive tract of land and will be a significant portion of the green space in the plan area.

There are a number of recent Inspector's reports which address Neighbourhood Plans and specifically in relation to the definition of an 'extensive tract of land'. A range of Inspectors Reports are confirming that potential LGS designations extending to as small as around 2.5 hectares are regarded as being 'extensive tracts of land' and are concluding that such designations are in conflict with the provisions of the NPPF.

An example (September 2018) is the 'Cuddington' NP that identified a 12.9ha tract of land for designation as Local Green Space, however the examiner deemed this proposal to constitute an extensive tract of land and therefore contrary to the guidance set out in paragraph 77 of the NPPF. It was removed from the NP on this basis.

Another recent examination (August 2017) of the 'Davenham and Whatcroft' NP ruled that a 6.2ha piece of land represents an extensive tract of land. Furthermore, there have been various other examiner's reports that have stated even smaller tracts of land to be too excessive in area for Local Green Space designation, including; 'Alrewas' (August 2015) approximately 2.5ha and 3.9ha, 'Sedlescombe' (January 2015) approximately 4.6ha, 'Tatenhill' (November 2015) approximately 9.2ha and 4.3ha and 'Oakley and Deane' (December 2015) just over 5ha; all were recommended for removal from their respective NPs.

All the aforementioned examples highlight significantly smaller tracts of land - than the proposed site at Observatory Hill – and confirmed as being 'excessive'.

Therefore, the suggested LGS designation of DU land at Observatory Hill is not appropriate in the context of the NPPF; it is an extensive tract of land, the sites only serve a limited population either by proximity or use, are not demonstrably special to the community and have no particular local significance. In the context of the NP, stated reasons for inclusion the sites are not deemed to be more important to the local community than many other sites around Durham City and there are adequate protections already in place on the land in the form of WHS and CA setting and protective policy E5. To impose a Green Belt policy (to all intents and purposes) on the land in addition appears to be a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name.

Such an approach is not appropriate, and therefore request that the DU land is removed from the LGS designation.

**Conclusions**

	Comment	Is it essential to designate a LGS for this reason?	Conclusion
Are these fields special?	The fields are agricultural land with some footpaths through them. They are not uniquely special in Durham.	No	No need to designate
Is this space important for jobs and services?	Yes, farming and grazing contracts and potential use as an urban public observatory.	No	No need to designate
Is this space protected in other ways?	Yes. WHS & Durham City Conservation Area, Saved Policy E5 & Policies 27 & 46 in the County Durham Plan Pre-Submission Draft	No	No need to designate
Can the public access it if not a LGS?	Yes, footpaths	No	No need to designate
Can the public continue to enjoy it if not designated a LGS	Yes there are views in and out of the sites.	No	No need to designate

The University consider that the inclusion of the fields at the Observatory and the additional land south of Potters Bank at St Aidan's Field and Charley's Field in the proposed LGS designation is not appropriate.

When assessed against the stated purposes from the NP for the LGS – the LGS designation is not necessary. These being:

- i. To 'protect the site from development';
  - The whole of Observatory Hill LGS adequately and suitably protected by its existing designations and there is no additional local benefit to including the land as LGS.
  - The site area represents an 'extensive tract of land' in direct conflict with the provisions of the NPPF.
  - LGS is an 'exceptional' designation and should not be used as a broad brush approach or a back door way of securing Green Belt protection status on sites. In this instance, the imposition of LGS will conflict directly with the aims of national guidance and unnecessarily restrain sustainable development and economic investment; such a designation is unlikely to endure beyond the plan period in direct conflict with policy.

ii. For its 'importance to the community':

- The sites are already adequately and suitably protected and that its importance to the community is not demonstrably more important to the community than other areas of open space around the city. In addition they are not demonstrably special or of particular local significance.

The case for designation as Local Green Space in the context of the NP purposes for inclusion as well as the NPPF and PPG has not been sufficiently made and the proposed designation should be withdrawn.