

THE CITY OF DURHAM TRUST

The County Durham Plan and the Council's response

Overview

The City of Durham Trust and the other groups opposing the key policies in the County Durham Plan relating to building on the Green Belt and the two relief roads proposed for Durham City entered this process in good faith, as we presumed that the Council did too. Now it seems the response of the Council to the Inspector's damning interim report is to play the man not the ball.

The main criticism that the Trust and other bodies have with the Plan arises from unrealistic population forecasts and unjustified Green Belt releases and highway schemes, not the ambition to improve employment rates in the County. These were two of the principal issues where the Inspector found against the Council, which is now trying to set the agenda by not addressing them.

The process is very clear, or should be. The Council goes through a number of rounds of consultation, firming up its proposals in the light of comments made, until it publishes its pre-submission draft of the County Durham Plan. This is the opportunity for everybody, supporters and opponents, to weigh in with comments that will be considered by the independent Inspector at an Examination in Public.

The Council's initial take was that they were extremely surprised at the outcome, and "beyond disappointment". They were then quiet for several days until Wednesday morning when a breakfast meeting of business leaders was convened at County Hall in the name of Sir John Hall, to support the County Durham Plan. This was videoed by the Council and is now available on YouTube (<http://youtu.be/Ms28YXstmSk>).

None of the business leaders now featured in the video supporting the economic strategy actually made any written submissions to that effect at the time when they would have counted, in autumn 2013. The developers naturally commented on their own proposed developments. The only comment that Sir John Hall made was at an earlier stage, in 2010, when he said there should be more executive housing in Sedgefield.

Councillor Foster said that the Inspector was only interested in listening to people who were challenging the Plan. In fact the legislation says that, apart from the Council itself, the only parties with a right to speak at the Inquiry are objectors to the plan. Councillor Foster also omitted to make the point that the latter included several developers and consultants who used their objection to particular details of the Plan to speak at length in support for the Plan's general principles.

If the Council were concerned with the procedures to be followed they could and should have raised them at the pre-meeting on 31 July. In fact they are on record as saying that "they have not identified any fundamental procedural shortcomings in terms of the Plan or the Examination".

Councillor Henig is now attacking the Inspector as a lone voice. He even describes him as "Bristol-based" as if that were relevant. The Planning Inspectorate HQ is in Bristol.

The City of Durham Trust has been through many public inquiries and some we have won, and some we have lost. We have respected the process and the decisions made even when we were

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unhappy with them. The Council should do the same, and not engage in a disgraceful attack on the Inspector.

The latest development is that Phil Wilson, MP has secured a debate on the Plan in Westminster Hall next Tuesday from 2:30pm to 4:00pm.

The Council has brought this disaster on itself, but pursued it at the expense of every council-tax payer in Durham. Concerned groups put forward reasonable alternatives that the Council should have evaluated, but failed to do so. Consequently the Trust and other like-minded bodies and individuals had to commit to the time and expense of objecting to the Plan in order for their voices to be heard.

The Council has not played its cards at all well, but now want to blame others for the outcome. The fact that the County Council could not justify its case to the satisfaction of the Inspector is not the objectors fault! They are only "crying wolf" out of petulance, not having got their way, having never been prepared to see any other way. If they had had less closed minds, seen the signs, and listened to plain common sense in the preparation process (as planning participation requires them to do), they would not be in the mess they find themselves in. Planning is about weighing the balance of considerations, not economic development at all costs.

County Council Meeting, 25 February 2015

I was at Wednesday morning's meeting where the Leader, Simon Henig, and Portfolio Holder for Regeneration, Neil Foster, put the Council's point of view. The day started with a breakfast meeting of business leaders at County Hall, at which 'BUSINESS leaders are calling on the Government to save a beleaguered council masterplan, amid political demands for heads to roll over the "absolute fiasco". ' (Mark Tallentire's *Northern Echo* report) None of these business leaders seem to have expressed their support for the plan's strategy at the consultation stage. The Banks Group did speak up for some of their individual developments and Sir John Hall's company Cameron Hall Developments Ltd did advocate building Executive Housing in Sedgfield, at the initial (2010) consultation. But that's all I can find. This rallying of business leaders strikes me as fire-fighting rather than actually expressing support for the Plan when it mattered, at the consultation stage.

At the full County Council meeting Councillor Henig began by spelling out what the Council was trying to achieve. He listed new businesses (Hitachi, Atom Bank, Netpark) and said that managing decline was not on their agenda. "More and better jobs has been our top priority." The latest figures show an increase in GVA and a fall in unemployment. It is against this context that the County Durham plan must be viewed. Sites are available. We have to play to our strengths. Yes, this plan represents a step change. They have the full support of our business leaders across the region.

Against this there is a lone voice, the report from the Bristol-based inspector.

Comment: *a cheap shot. I am not even sure the Inspector comes from Bristol, that's where the Planning Inspectorate is headquartered. But what has that to do with it? Surely having somebody not from County Durham introduces an element of independence? After all, the Council makes sure that local councillors are in a minority on its area planning committees.*

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Councillor Foster then took over. It was, he said, a surprising and unexpected report which described the Plan as over-ambitious in terms of jobs. The report had the full support of a number of statutory bodies: Natural England, the Highways Agency, and (except for a small detail) English Heritage.

Comment: *The remit of these bodies does not extend to validating the Council's economic strategy. Also, the Highways Agency's support was very carefully caveated and referred specifically to the need to "improve" and "complete" the Council's evidence base.*

We had, he said, been working with the Planning Inspectorate beforehand. None of these concerns were raised then.

Comment: *Nor should they have been. The Inquiry had not started. The Inspector should have an open mind.*

Councillor Foster said he was the first to speak [when the EiP opened]. He was followed by senior officers. The Inspector was only interested in listening to people who were challenging the Plan. If we are not going to have ambition, what is there? Our priority has to be to put a stop to this. The Inspector hadn't the courtesy to give us the opportunity to put our side of the case.

Comment: *The Guidance Notes for Participants dated 8 July 2014 in advance of the Pre-Hearing Meeting on 31 July included this at paragraph 1.2 (i.e. right at the start)*

It is important that everyone who wishes to be involved in the hearing sessions of the Examination takes account of this Guidance Note. However, only those who made representations on the Pre-Submission version of the Plan are involved in the Examination process, and ***only those who seek some changes to the Plan are normally involved in the hearing sessions.*** [my emphasis]

In other words, supporters would not be involved in the hearing sessions. The Pre-Hearing Meeting was the opportunity for the Council to raise the point that "The Inspector was only interested in listening to people who were interested in challenging the Plan." They did not. The minutes of the meeting record (page 4):

- *The Council also confirmed:*
 - *They have not identified any fundamental procedural shortcomings in terms of the Plan or the Examination*

I would also point out that the only people who have a right to appear are those who are seeking a change. It's the law, section 20 (6) of the Planning and Compulsory Purchase Act to be precise. You would have thought the Council's barrister would have pointed this out.

To take the second point, the opportunity for the Council to put its side of the case was of course in the 360 pages of the Submission Draft of the Plan, the thousands of pages of other documents (61 key documents, 12 supplementary planning documents, 16 statements of consultation, 5 vision and objectives, 38 core policies, 38 general development principles, 44 documents on a prosperous economy, 19 on housing, 54 on the environment, 44 on transport, and 26 on minerals and waste.) Plus a further 36 documents after the Plan had been submitted for examination. There were a further 62 Correspondence/ Documents from Durham County Council to the Inspector in the course of the Examination. All the documentation occupied a large set of tables behind the Inspector during the Hearing, and he frequently consulted it.

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The Council makes its case in the Plan that is on the table for the Inquiry to consider, and is given the first say at each session to justify its case, and then in many instances has opportunity for come-back on contrary views that have been expressed. It's a well understood legal process - a public hearing or discussion of the Plan.

In what sense has the Council not had the opportunity to put its side of the case?

Councillor Foster concluded that the Inspector has named several communities where he has said "build there", but there was no evidence. It was like throwing darts at a map of County Durham. (applause) He then ended his remarks.

Comment: *see below.*

A debate then followed, after which Councillor Henig summed up:

The Inspector feels we should have lower growth. The wider business community feels we are starting to turn that corner. This is not an aspiration that is shared by the Inspector. We do not want County Durham to become a commuter belt for Newcastle, as some would wish. Green Belts are always going to be to be a contentious issue.

The Inspector has decided that there should be development in Brandon, Coxhoe, Bowburn, Langley Park and Sherburn. Where is the evidence for this?

Comment: *Councillor Henig is presumably referring to paragraphs 65 and 66. These do not allocate land for development, let alone say which fields should be built on. These villages are examples. The actual wording is "An appropriate adjustment could then be made to the provision in other towns and villages in the Central Delivery Area not constrained by Green Belt such as Brandon, Coxhoe/Parkhill, Bowburn, Langley Park, Lanchester and Sherburn."*

This follows from his conclusion that the population estimates are too high (nothing to do with predictions of economic growth). Councillor Henig asks where is the evidence for development in the villages? Aside from submissions from various housebuilders, particularly about sites at Parkhill, the City of Durham Trust submitted detailed evidence that travel times from the villages outside the Green Belt were in many cases no more than 15 or 20 minutes from key employment sites. We did not presume to identify actual sites because the thrust of our evidence was that the Council had fallen down on the job by not doing this research itself. The Inspector agrees: "the table in Policy 4 should be re-calculated following a comprehensive review of allowances made for windfall sites, use of empty homes and release of properties currently used as student HMOs."

The Inspector actually criticises the County Council itself for a failure to come up with the evidence. In Paragraph 72 he says "The County Durham Plan does not explain why this particular figure of 5,200 [dwellings in Durham City] is required or why Durham City is allocated 16.6% of the total of 31,400 new dwellings shown in Policy 4 Table 3. There is no evidence to support this figure."

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