

**IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE DIVISION
PLANNING COURT – LEEDS DIVISION**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW
BETWEEN**

R

(on the application of DURHAM COUNTY COUNCIL)

Claimant

-and-

SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Defendant

-and-

(1) AINSCOUGH STRATEGIC LAND

(2) SNIPERLEY PARK LLP

(3) WESTPARK DURHAM LLP

**(4) THE TRUSTEES OF LORD LAMBTON DURHAM'S 1989 VOLUNTARY
SETTLEMENT**

(5) FRIENDS OF DURHAM GREEN BELT

(6) CITY OF DURHAM TRUST

(7) CAMPAIGN TO PROTECT RURAL ENGLAND

Interested Parties

STATEMENT OF FACTS AND GROUNDS FOR THE INTERESTED PARTY

CAMPAIGN TO PROTECT RURAL ENGLAND

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1. Introduction

- 1.1 The Campaign to Protect Rural England (CPRE) is a national organisation. The national website states “we campaign for a beautiful and living countryside. We work to protect, promote and enhance our towns and countryside to make them better places to live, work and enjoy, and to ensure the countryside is protected for now and future generations.”
- 1.2 There are regional branches of CPRE throughout England and the areas of Northumberland, Tyne and Wear, Durham, most of Teesside and Darlington are represented by CPRE North East. CPRE NE addresses issues more of a regional nature and local issues are dealt with by the Branches. In the case of issues in the North East south of the River Tyne, CPRE Durham is the relevant Branch.
- 1.3 CPRE NE was not directly involved in commenting on the Durham Plan as this was considered to be a local issue. However, it has retained the services of a consultant, Dr Nic Best, and advice was sought from him where considered appropriate in respect of the Durham Plan proposals, especially in relation to issues that affected the North East generally.
- 1.4 CPRE nationally did not comment at the various consultation stages of the Durham Plan but was kept informed about progress. However, during the EiP, an officer from National Office, Paul Miner, did attend to give evidence in relation to green belt issues.
- 1.5 Members of CPRE Durham have commented on every stage of the proposed Durham Plan and attended practically every session of the Examination in Public. A full account of the EiP process (including a blog of daily events during the EiP itself) can be found on the CPRE Durham website¹
- 1.6 CPRE appreciates that a Plan for a local authority is a very desirable document. It gives a blueprint as to how the area can be developed and, while not absolutely “set in stone” gives a very good guide as to what will and will not be permitted. However, it does need to be a realistic document that has realistic aims and objectives.
- 1.7 CPRE Durham supported much of the proposed Durham Plan. However, it, together with other voluntary groups, was very concerned about a number of the proposals, in particular
- a) The scale of new employment proposed
 - b) The number of new houses to support those employed people
 - c) The fact that neighbouring authorities all appeared to have similar objectives and that there was a significant risk of “double counting”

¹ See <http://www.cpredurham.org.uk/index.html>

- d) As a result there was a risk of houses being build which would either
 - Be difficult to sell or
 - lead to existing properties being difficult to sell or
 - A combination of both
- e) This resulted in unacceptable intrusions into the existing green belt particularly around Durham City but also around Chester le Street
- f) The proposed Western and Northern Relief Roads were not a proper solution to the issues either currently in Durham City or potentially as a result of the proposals and were themselves unacceptable intrusions into the green belt. In the case of the NRR, it also became apparent during the course of the Examination in Public that it would affect ancient woodland.

1.8 Durham County Council has included in the bundle a statement by Dr Nic Best² who, as mentioned above, is retained as a consultant by CPRE North East. In so far as housing allocations are concerned, they used the expertise of Dr Best to comment on the allocation proposals not only in respect of the Durham Plan but also in respect of the Newcastle/Gateshead Joint Urban Core Strategy³. The Examination into this Plan was held shortly before the EiP into the Durham Plan, although some issues were in fact adjourned and heard while the Durham EiP was on-going. The final report into the Newcastle Gateshead Core Strategy was issued on 24 February 2015. (Dr Best's expertise has also been sought when commenting on other proposed Local Plans in the North East but none of these has reached the EiP stage yet)

1.9 The Council has also referred to the Middlesbrough Plan. CPRE Durham was not represented at the Middlesbrough Plan but one objector, Bob Mullen, was for a short time after this EiP an active member of the Durham branch until he was forced to resign through ill health. He has provided some information as to issues that arose during the Examination into that plan. (For clarification, Durham Branch does cover the geographical area of Middlesbrough although since the resignation of Mr Mullen does not have any active members there)

1.10 On behalf of CPRE Durham, I wish to clarify that I believe our relationship with the County Council is generally good. It is my opinion that they are well above average when it comes to consultation and my experience during the progress of the Durham Plan was that they consulted well at least in the Durham City area (I cannot comment re other areas). I attended meetings where they sent representatives to the Bowburn and Parkhill Community Partnership, County Durham Residents Association and a very well attended public meeting in the City Hall as well as two meetings with CPRE representatives at County Hall. What concerns me is whether the County really took on board the representations and concerns of those groups and made sufficient modifications to the proposed Plan to reflect their concerns. Housing figures were always a major concern for local groups but at the meeting at County Hall CPRE Durham members were informed

² See page 366 in the bundle

³ See Appendix 1 for the statement of Dr Best to the Newcastle Gateshead EiP

that the household figures had been increased from 30,000 as given in the Preferred Options document to 31,400. Those CPRE members present were staggered by this information.

- 1.11 CPRE Durham is not opposed to development in the County or any of the other areas within the area covered by the Branch. However, it was very concerned that, while the proposed Durham Plan was certainly aspirational within paragraph 154 of the National Planning Policy Framework, it was not “realistic”. If only for this reason, CPRE Durham supports the findings of the Inspector into the Durham Plan.
- 1.12 CPRE Durham agreed to be a co-signatory of a letter to the County offering to assist in possible revisions to the Plan to take into account the Inspector’s findings⁴. This offer has not been taken up by the Council but it is noted that they have been in contact with developers. One of the people now said to be a supporter of the Plan is Sir John Hall of Cameron Hall Developments Ltd. Sir John is clearly an influential figure in the North East, especially after his development of the Metro Centre in Gateshead. However, apart from a short representation requesting more housing in Sedgefield, he took no part in the Durham Plan process whereas CPRE Durham attended practically every session of the EiP. CPRE Durham therefore regretfully considers that, whatever consultation may have taken place, the Council has not fully engaged with neighbourhoods in accordance with paragraph 155 of the NPPF.
- 1.13 While CPRE Durham is anxious for a Plan to be in place for the reasons outlined above, it does not want a plan “at any price”. While it supported much of the proposed Plan, it also believed there are serious flaws in it as outlined in the Inspector’s Report. It is noted that these affect only 9 of the 65 Policies but it is accepted that these are key policies that affect the structure of much of the rest of the Plan. At present of course there is no Plan which is also unsatisfactory. However, it is believed that there is much mischief being spread about the implications of a Plan not being in place. That may not be an issue for these proceedings but if case law and the NPPF are properly followed it is represented that there is still a reasonable framework in place, even if it does not fully address the issues that may arise for a given area⁵.

Comments on the Council’s Statement of Fact and Grounds

2. Ground 1 The Inspector erred in law by concluding that the OAN of 1651 dpa was unsound

- 2.1 CPRE Durham refers to its evidence about “double counting” as mentioned above. Members believe this is a serious, live issue and that this is a matter of law.

⁴ A copy of the letter is at Appendix 2

⁵ See for example to Hunston case mentioned in paragraph 2.12 below, especially paragraph 31 and Crane v Secretary of state for Communities and Local Government [2015] EWHC 425 (Admin) from paragraph 58 onwards

- 2.2 One issue here is the relevance, if any, of existing neighbouring plans on the Durham Plan. While the comments of the Inspector regarding the compliance with the Duty to Co-operate are noted and CPRE has acknowledged that a “Duty to Co-operate” does not amount to a “Duty to Agree”⁶, it is believed that the failure of any North East authority to take this issue into account as identified by Dr Best is a relevant legal issue.
- 2.3 The comments of the Inspector at paragraph 44 of his Interim Report regarding supplying housing for neighbouring authorities are noted. CPRE agrees with this particularly as, from the evidence available, it appears there is no requirement by neighbouring authorities for Durham to make housing provision for them. Indeed, the evidence is the opposite and that the metropolitan authorities both in Tyne and Wear and Teesside appear to be doing everything possible to retain their workforce to live in their areas and this has now been found to be sound by the Inspectors examining both the Joint Core Strategy and the Middlesbrough Plan.
- 2.4 At the preliminary hearing into the Newcastle Gateshead Plan, the Inspector was specifically asked about double counting and how he proposed to deal with it. His response, as recalled, was that the Newcastle Gateshead EiP was the first in the North East and he would deal with the evidence as laid before him. As he was dealing with the first Examination, he was not required to examine proposals in neighbouring authorities but they may well have to take regard of any findings he made if the Newcastle Gateshead Joint Core strategy was in fact adopted. While this has not perhaps been recorded in his final report, one questions whether it had to be.
- 2.5 The “double counting” question was not asked at the Examination into the Middlesbrough Plan but it appears that that authority was doing all it could to retain its work force within its area and indeed attract people already working there but living elsewhere to live in Middlesbrough. It is understood many of these in fact live in Stockton rather than Durham⁷.
- 2.6 It is noted in the Council’s statement that Newcastle is not contiguous with County Durham. It is not and neither for that matter is Middlesbrough. However Newcastle prepared a joint plan with Gateshead which does share a boundary with County Durham and so it is represented that this does have some relevance. In addition, both Newcastle and Middlesbrough are only some 20 miles from Durham City (and the X2/X12 bus service links all three places, changing its number at Durham) so it is represented that the details of each of these Plans should have relevance in the case of the Durham Plan. Apart from the Inspector’s comment in paragraph 44 of his Interim Report however, I am not aware of any legal authority on this point.
- 2.7 Another issue is population projections. The NPPF requires local authorities to base its evidence on adequate, up-to-date and relevant evidence (see paragraph

⁶ See statement of Dr Best (page 366 in the County’s bundle) paragraph 1

⁷ Mr Mullen’s email is attached at Appendix 3

158). The Office for National Statistics produced its 2012 population projections just before the Durham EiP started and these were referred to by various Groups at the EiP.

2.8 While it is acknowledged that a Plan may be prepared which takes into account different figures from the most up-to-date figures, it appears good reasons have to be given⁸. However, the Council's Statement of Facts and Grounds does not refer to the 2012 Office for National Statistics projections. On its website, the ONS states that "The North East is projected to grow at the slowest rate, by just less than 3% over 10 years."⁹ This is considerably lower than the projections made by the Council which led to their assessment of the OAN. It is noted that the ONS, in the Introduction to the 2012-based Sub National Projections for England, states

"They are not forecasts and do not attempt to predict the impact that future government or local policies, changing economic circumstances or other factors might have on demographic behaviour. The trends for these projections take into account information from the 2011 Census.

The primary purpose of the subnational projections is to provide an estimate of the future size and age structure of the population of local authorities in England. These are used as a common framework for informing local-level policy and planning in a number of different fields as they are produced in a consistent way.

Examples of uses made of the population projections include:

- informing local planning of healthcare, education and other service provisions,
- forming the basis for other products such as household projections, and
- a basis for researchers and other organisations that also produce their own projections."

However, it is represented that the Council did not adequately deal with this issue during the EiP and any projection without considering the 2012 figures does not meet the criteria given in paragraph 158 of the NPPF.

2.9 At paragraph 64 of the Council's Statement of Facts and Grounds, reference is made to a number of employment sites throughout the County which could attract a number of employees. In particular the Hitachi site at Newton Aycliffe is mentioned. CPRE accepts that this is a major development which could well "buck the trend" indicated in the 2012 ONS figures but Newton Aycliffe is some 12 miles from Durham City. There is housing already allocated in Newton Aycliffe which is not affected by the Inspector's findings. The Inspector's findings mainly affect Durham City and, to a lesser extent, Chester le Street.

⁸ While the case of *Crane v Secretary of State for Communities and Local Government* [2015] EWHC 425 (Admin) may be more concerned with paragraphs 14 and 49 of the NPPF, it demonstrates the general way in which the NPPF should be interpreted – see eg paragraphs 70 to 73

⁹ See ONS Projections by Regions at Appendix 7

- 2.10 The same applies to the other sites mentioned in this paragraph of the Interim Report in that, apart from Aykley Heads, none is in Durham City. Subject to any especial facts about Aykley Heads therefore, it is represented that, as a matter of law, the issues regarding the other sites in the County are irrelevant for this purpose. They are not likely to be relying on housing situated in Durham City.
- 2.11 CPRE Durham does not dispute that the first requirement of the decision maker under paragraph 47 of the NPPF is to assess the Objectively Assessed Need without recourse to restraining issues such as green belt. CPRE's stance is that the Inspector has correctly assessed the situation that the Council has significantly over-calculated the OAN for the County for two reasons
- a) The latest 2012 ONS figures do not support the inward migration that the Council claims. The figures relied on by the Council are older and (as they reflect a time when there was exceptional expansion which led to a major crash) cannot be reliable.
 - b) The Council's figures contain a substantial number of houses for people working in neighbouring (or close by) authorities which are striving to retain their own work force, a position which has been accepted by Inspectors appointed to examine those Plans (ie Newcastle/Gateshead and Middlesbrough).
- 2.12 The Court of Appeal in the leading case of *St Albans City Council v R* (on the application of) *Hunston Properties Ltd*¹⁰ states that the OAN must be assessed without reference to restraints on land use and the council must then determine whether that figure provides an exceptional circumstance for it to allocate land that may have a special designation such as green belt to be developed.
- 2.13 In this case, the policies that the Inspector has found to be unsound are so controversial because they do affect land in the green belt around Durham city. The inspector addresses this in his Report but there is no reference to any green belt issue in the Council's Statement of Fact and Grounds. While that may not be necessary in addressing the OAN question in isolation, it is represented that this is relevant in this case as so much of the land that was allocated for employment and housing around Durham City (and to a lesser extent Chester le Street) is in fact in the green belt. CPRE notes and agrees with the protection given to green belt in the NPPF chapter 9.
- 2.14 In addition, CPRE Durham supports the Inspector's comment in paragraph 15 "Also, the 2030 vision in the SCS refers to County Durham being known for "renaissance of its small towns and villages." There is the risk that releasing easy to develop Green Belt sites around Durham City could undermine such renaissance." Whether or not this is a point of law, it is at the heart of CPRE's stance on protecting green belt. While the inner city may not be a core CPRE objective, it does have an interest in the proper development of previously developed land and

¹⁰ [2013]EWCA Civ 1610 particularly paragraphs 26 to 30

so maintaining the vibrancy of our city centres and, in the process, helping to protect as much of our greenfield land as possible from unnecessary development. CPRE Durham did submit a statement in respect of the Green Belt outlining its reasoning for protecting the Green Belt¹¹

2.15 In their statement, the council does not refer to the situation around Chester le Street. One of the proposals in the Plan was for a deletion from the Green Belt for executive housing at the Lambton Estate. However, it is noted that The Trustees of Lord Lambton Durham's 1989 Voluntary Settlement are an interested party in these proceedings and it is understood they have commenced their own application for a judicial review. CPRE has not been made an interested party to that application. CPRE is unsure about its position in relation to this part of the application but did make comment in its Green Belt Statement about the Lambton Estate (paragraph 9). CPRE had already commented on the proposals for the Lambton Estate at the Preferred Options stage¹² and, in accordance with the Inspector's Guidance Notes, determined not to make a further statement in respect of this to the EiP

2.16 As green belt issues are not mentioned in the Council's Statement, CPRE Durham is unsure how much relevance is to be attached to the green belt issues. We accept that this question related to the OAN and, as outlined above, restraints such as green belt are irrelevant in assessing that. However, we believe that proposed deletions from the green belt that resulted from the Council's OAN are critical and have led to the numerous objections to this part of the Plan. On the face of it, we cannot see how the one cannot be assessed without at least addressing the other. It is our belief that, on the Inspector's OAN figure, there may well be no need to delete green belt areas around Durham City for housing.

2.17 The Council's six points under this ground are noted. CPRE Durham does not believe it can address legal issues specifically to cover these points but does believe that the issues listed above are relevant legal issues in response to this ground of the application

3. Ground 2: the Inspector erred in law in concluding that the relief road policies were unsound

3.1 CPRE Durham did not have the expertise to address the viability or deliverability of the roads at the EiP. Nor did it address the Council's transport strategies. As a result we do not believe we can comment on these parts of this Ground

3.2 CPRE Durham however gave evidence in respect of two issues regarding the roads

¹¹ Attached at Appendix 5

¹² Attached at Appendix 6

- a) There is evidence that new roads may not relieve the problem in the long term. In other words, the relief roads themselves become congested. One reason for this is that they themselves attract development and the road itself tends to become the de facto development boundary
- b) The impact these roads would have on the tranquillity of the countryside bearing in mind that they would both be constructed in the green belt. In addition, where the NRR crosses the River Wear, there is ancient woodland that would be affected by this road.

3.3 There is probably no legal point arising from point a) above. But whether the green belt status of the land either side of these roads will be sufficient to reduce pressure from development is a matter of conjecture.

3.4 However, CPRE comments as follows re point b)

- i. During the EiP it became apparent that the NRR will affect an area of Ancient Woodland by the River Wear. The fifth bullet point of paragraph 118 of the NPPF is relevant which states that planning permission should be refused in such cases unless there is clear evidence that the benefits outweigh the loss. That it is submitted is a clear issue that has to be addressed here and it is represented that the Inspector has done that.
- ii. Paragraph 4.205 of the Submission Draft of the Plan is noted where it is stated that these are local roads and so do not require deletions from the green belt. CPRE questions whether roads of this type are “local transport infrastructure” within paragraph 90 of the NPPF. If they do not fall within this category, then it appears exceptional circumstances within paragraph 83 of the NPPF have to be proved and again it is represented that the Inspector has shown that such circumstances do not apply in this case

3.5 CPRE Durham also gave evidence about air quality at the EiP. While this was not directly in relation to the policies for these roads it must have a bearing. The issue may have become more relevant with recent revelations concerning diesel cars and the decision of the Supreme Court in *R (on the application of Client Earth) v Secretary of State for the Environment Food and Rural Affairs*¹³. In that judgment, consideration is given to the sort of traffic measures that have been rejected by the Council in this case. This appears to be more of the national way forward rather than constructing new roads.

3.6 CPRE Durham also supported the comments of the Bowburn and Parkhill Community Partnership about carrying out some employment development at the Durham Green Site in Bowburn rather than at Aykley Heads close to the City Centre¹⁴. While acknowledging the potential for the Aykley Heads site to have certain qualities being close to the railway station and having views of the cathedral, CPRE also believes that it would attract further peak hour traffic along the A690/A691 through the city centre. This could well affect the air quality referred to above. If some of this development could be moved to Bowburn, it would be

¹³ [2015] UKSC 28

¹⁴ See statement at Appendix 4

adjacent to the A1(M), potentially reduce traffic through the city centre and so potentially improve air quality. It is represented that an alternative such as this has not been fully explored by the County Council

4. Ground 3: Procedural unfairness/breach of natural justice

4.1 No details are given about the claimed unfairness in this case. CPRE was well aware that the Inspector gave guidance as to what evidence he would accept before the EiP started. He issued Guidance Notes about this.

4.2 This is in our opinion a matter of law for the defendant to answer but CPRE would say that, while there were some issues with the submission of its further evidence to the EiP, these were minor and in general it was well able to comply with the Guidance Notes. As can be seen from paragraph 2.15 above, decisions were made as to whether further statements should or should not be submitted taking into account this Guidance.

4.3 There does appear to be a suggestion that environmental groups such as CPRE were given greater latitude at the EiP than developers. If there is any truth in that suggestion being made, CPRE would seek to refute it and say that in submitting any evidence to the EiP it sought to comply with the Inspector's Guidance Notes. It was noted that the Inspector was very strict in the way these Guidance Notes were implemented but on behalf of CPRE it was accepted that the proceedings could have become unmanageable had not such a rule been enforced. CPRE did not produce any further statement that did not comply with the Notes other than further evidence requested by the Inspector (such as that of John Blundell relating to population projections)

5. Ground 4: Irrationality and failure to have regard to material considerations in declining to reopen the hearing sessions

5.1 CPRE took full part in the EiP and representatives attended practically all the sessions. CPRE would argue that in issues like this there will always be new developments after an examination has ended. However, in our view, one must present a full case to the tribunal on the law and facts known at the time. There is no ground for reopening a hearing unless there are exceptional circumstances.

5.2 As it is, the EiP was arranged in two stages anyway. Stage 1, the one subject to this application, considered the general merits of the proposed Durham Plan. Stage 2 was to examine the suitability of specific sites for housing assuming the Inspector found the Plan sound in principle.

5.3 CPRE strongly represents that the EiP should not be re-opened just to enable representors to call better evidence to support their case for the Plan to be found sound. It would cause considerable inconvenience to CPRE Durham members, all

of whom are volunteers. CPRE represents that Stage 1 should only be reopened if it is found that there are exceptional circumstances that should be addressed – and then only to address those issues. An example of this could be the Supreme Court decision in the Client Earth case on air quality mentioned above which was not determined until well after the EiP was closed and the Inspector has issued his Interim Report.

6. Conclusion

6.1 CPRE Durham cannot afford to be a party to these proceedings. It does however have a number of concerns about the application for Judicial Review.

6.2 CPRE Durham has joined other environmental groups in seeking a meeting with the Council to seek how to implement the Plan taking account of the Inspector's Report. While it is acknowledged that this would involve more than minor modifications, CPRE still represents that this should be the way forward.

6.3 In the opinion of CPRE Durham, the Inspector correctly identified the issues in this case and, in so doing, correctly applied the law. We can see no reason for permitting this application to be granted leave and represent that the correct approach for the Council is to adopt the more moderate approach that has been advocated by environmental groups and determine which of the courses of action outlined by the Inspector should be adopted.

Richard Cowen

6 June 2015

Appendix 1

Statement of Dr Nic Best to the Newcastle Gateshead Examination in public

CPRE Statement: Matter 1

**Gateshead & Newcastle Core Strategy & Urban Core Plan Examination
Statement from Campaign to Protect Rural England (CPRE)
Matter 1 Legal Compliance – Issue: Duty to Co-operate
Representor: N F Best CPRE429670**

1. CPRE's submission analysed the implications of the aggregate housing provision across the emerging Core Strategies and Local Plans of the seven local authorities of the North East Combined Authority (NECA), and North Eastern Local Enterprise Partnership (NELEP). The methodology used is outlined in our Statement for Matter 2.
2. One of our conclusions was that the lack of coordination of housing provision between the local authorities suggested a failure to cooperate effectively.
3. It is of course more difficult to prove a lack of co-operation than it is to demonstrate the existence of protocols for cooperation, especially when relying on documents readily available in the private sector.
4. It is also unclear to us whether the requirement is to demonstrate that a duty to cooperate has been addressed or whether cooperation has been effective in modifying local policy to create a coherent subregional approach.
5. In this Statement, we will try to outline the character of cooperation between Newcastle and Gateshead Councils and their neighbouring authorities:
 - i) through the Duty to Cooperate Memorandum
 - ii) through the published consultation comments officers of the two councils have made on various iterations of emerging Core Strategies
6. Appendix 6 of the Compliance Statement (EL09) is a position statement on "*issues of strategic importance to the 7 local authorities [in the NELEP area]*". It includes, as Table 1, a listing of agreed housing requirements. These can be compared with the housing numbers in emerging Core Strategies and Local Plans:

Table 1:

Authority	Agreed Housing Req	Local Plan Figure	Source
Durham	30,000	31,400	Submission Draft Apr '14
Newcastle-Gateshead	29,370	25,500	
Northumberland	14,440-24,090	24,310	Core Strategy Preferred Options Part II Oct '13
North Tyneside	10,000-17,000	11,900	Local Plan Consultation Draft Nov '13
South Tyneside	8,720-10,720		
Sunderland	15,000	15,027	Core Strategy Revised

Preferred Options Aug '13
 Total 107,530-126,180 117,830

7. As far as we can determine, this position statement was just a summary of analyses based on data relating to the individual local authorities and so does not recognise the zero sum nature of migration within the region. The Policy Statement identifies the need for further work including a common basis for a shared distribution of housing growth. While this may have happened within Tyne & Wear, the increases in Northumberland and Co Durham figures suggest a failure to agree a common strategy.

8. We have collated responses from Newcastle Council on the Northumberland Core Strategy Issues & Options consultation and from Gateshead Council on Durham Local Plan Pre Submission Draft and Preferred Options consultation and on the Northumberland Core Strategy Preferred Options Part 2 and Issues & Options consultations. These are included in full as an Appendix to this Statement.

9. The Memorandum of Understanding (MoU) on the Duty to Cooperate was signed by all seven councils in October '12. Comments on the Northumberland Core Strategy Issues & Options consultation were made in August '12, but all other consultation comments were made after the MoU was signed.

10. The Newcastle Council comments on the Northumberland Core Strategy Issues & Options consultation are mainly concerned that Northumberland Council are proposing housing numbers to meet immigration trends and seek population growth beyond this, clearly pointing out that this is in direct conflict with the city's strategy of building to reduce out-migration. This precisely echoes CPRE's concerns about double-counting. Some 27 months later, neither authority seems to have modified their strategy. There may have been cooperation but the outcomes are not evident. And yet, despite evidently conflicting strategies, Northumberland CC has expressed support for the overall strategic vision and approach in their comments on the Newcastle-Gateshead joint Core Strategy Submission draft.

11. Gateshead Council's comments on the Northumberland Core Strategy Part 2 raise very similar issues to their partner's concerns about the Issues & Options consultation, with the Duty to Cooperate cited at length.

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12. On the Durham Local Plan, Gateshead raise issues regarding capacity of the transport network at both Preferred Options and PreSubmission draft stage without evidence of any movement by either party between. Incidentally, the comments implicitly recognise that Durham's housing provision will increase commuting into Tyneside, contrary to the strategic approach of the Newcastle-Gateshead Plan and supporting CPRE's case of double counting. Nevertheless, they express themselves "content with the way in which cross-boundary working has developed and continues with Durham County Council"

13. From the public evidence, CPRE would suggest that the MoU

seems in practice to be more a 'treaty of non-intervention' than a framework for co-operation.

CPRE Statement: Matter 1

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Appendix – Newcastle & Gateshead Council Consultation Responses

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A4 Gateshead Council Comments on Northumberland Core Strategy Issues & Options (Aug '12)

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A5 Newcastle Council Comments on Northumberland Core Strategy Issues & Options (Aug '12)

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A1 Gateshead Council Comments on Durham Local Plan PreSubmission Draft (Dec '13)

Durham Pre-Submission Draft Local Plan.

Comment by Gateshead Council (Neil Wilkinson)

Comment ID 2510

Response Date 05/12/13 10:54

Without regional strategies, the delivery of infrastructure, homes and economic growth will require strong cooperation between our authorities. The 'duty to co-operate' is a legal requirement of the plan preparation process. It is the first thing that the Planning Inspectorate (PINS) will look at in examining an authority's plan. We are content with the way in which cross-boundary working has developed and continues with Durham County Council; we feel that working together can only further strengthen the policies of the two councils. This has been aided by Gateshead Council and Durham County Council being at similar stages work on their Local Plans, and the consequential support we can provide to each other.

Durham Pre-Submission Draft Local Plan.

Comment by Gateshead Council (Neil Wilkinson)

Comment ID 2533

Response Date 05/12/13 11:30

Policy 48 Delivering Sustainable Transport

The substantial amount of new housing proposed in north Durham will have implications for the Gateshead transport network. It is important that the impacts of this takes into account cross boundary impacts, and that the requirements of Policy 48 (notably criteria (a) and (c)) are applied where appropriate. We would suggest that a joint approach is developed on the main routes affected looking at the development and funding of sustainable

CPRE Statement: Matter 1

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alternatives, management and improvement of these on a cross boundary basis. This should include the A692, A694 and A167/A1/Leamside routes.

A2 Gateshead Council Comments on Durham Local Plan Preferred

Options (Jan '13)

Durham Local Plan Preferred Options.

Comment by Gateshead M B C (Mr C Carr)

Comment ID 3122

Response Date 16/01/13 15:27

Additional housing development in north Durham will place additional pressure on transport links to/from Gateshead. There appears to be little or no attempt to analyse the implications of this in terms of extra traffic and the problems it might cause. The supporting document 'Summary of Transport Evidence Base' in fact contains no reference to any transport matters other than those concerning Durham City and its immediate environs.

Gateshead Council may need to investigate how we can get funding from Durham's Community Infrastructure Levy to fund mitigation schemes in Gateshead – the A692 through Sunnyside, Lobley Hill etc being an obvious example. The policies to promote sustainable transport are unconvincing. Although the overall vision includes reference to increased public transport use and demand management, there is no obvious translation of this into clear policy approaches. Policy 47 does little to ensure this and, in the supporting text, implies a return to the minimum car parking standards likely to undermine it. Although there is a reference to the Leamside Line (albeit without any commitment other than to protect the line), there is no other comment relating to promotion of sustainable cross border movement. The additional implications of cross border travel to/from Tyneside should be acknowledged and clear measures proposed to mitigate additional impacts. These might include, for example, improvements to public transport infrastructure or services or further development of cross border cycle routes, either through CIL or other appropriate funding mechanisms.

One further concern is the proposal to increase capacity at the A1 junction at Chester le Street. Improvements to this junction are likely to lead to increased traffic on the A1 through Gateshead, adding to existing congestion problems. Pending implementation of improvements within Gateshead (notably at Lobley Hill) any measure likely to increase wider demand on the route needs to be looked at critically.

Durham Local Plan Preferred Options.

Comment by Gateshead M B C (Mr C Carr)

Comment ID 3115

Response Date 16/01/13 12:04

The importance of the duty to cooperate on cross boundary issues, particularly relating to strategic priorities (which include provision of housing and employment land) means that joint working between neighbouring CPRE Statement: Matter 1

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authorities on areas of common interest is of increased significance. With regard to joint-working, it is noted that County Durham has relied upon bespoke in-house population projections to underpin its evidence base on housing provision and economic growth. Discussions on issues including the level of housing and employment land provision and their associated crossboundary implications are ongoing between local authorities in the North East.

The scenario of growth set out in the Local Plan is reliant on increasing the immigration of working age people. Given the national trend for an ageing population structure, it will be important for County Durham to determine how their population projections can be assessed alongside those of other North East authorities to give a valid illustration of anticipated migration flows and

demographic change at the regional and sub-regional level.

Durham Local Plan Preferred Options.

Comment by Gateshead M B C (Mr C Carr)

Comment ID 3117

Response Date 16/01/13 14:57

Further consideration should be given to how Thursdale and Newton Park fit with the regional land requirements for freight and distribution.

A3 Gateshead Council Comments on Northumberland Core Strategy Preferred Options (Jan '14)

Northumberland Core Strategy Preferred Options for Housing, Employment and Green Belt.

Comment by Gateshead Council (Mr Neil Wilkinson)

Comment ID CSPO2-2192

Response Date 23/01/14 14:54

Firstly, we would like to thank you for giving us the opportunity to comment on your Core Strategy Document. Our representation relates to the duty to cooperate imposed by the Localism Act 2012, Housing/Population Growth, Labour Supply, Employment Land Provision and Transport.

Specifically, there is concern over the high population and housing growth assumptions and the potential impact on the surrounding housing market. Also there is a projection of a relatively low level of economic growth which allied to the high population growth assumptions may have implications on commuting to Gateshead and consequential need for improved transport infrastructure. Without regional strategies, the delivery of infrastructure, homes and economic growth will require strong cooperation between our authorities. The 'duty to co-operate' is a legal requirement of the plan preparation process. It is the first thing that the Planning Inspectorate (PINS) will look at in examining an authority's plan.

We are content with the way in which cross-boundary working has developed and continues we feel that working together can only further strengthen the policies of the two councils.

CPRE Statement: Matter 1

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Northumberland Core Strategy Preferred Options for Housing, Employment and Green Belt.

Comment by Gateshead Council (Mr Neil Wilkinson)

Comment ID CSPO2-2220

Response Date 23/01/14 14:54

Northumberland's preferred options consultation document sets out plans to provide around 24,000 new homes between 2011 and 2031. It is noted that this rate is very ambitious. The rate of delivery represented by this level of housing provision (around 1,216 dwellings per annum) is around 55% higher than recent rates of housing delivery in the County (as indicated by Northumberland's average of 780 dwellings per year over the past five years). The level of housing growth set out in the Preferred Options document suggests a substantial increase in housing delivery that will be challenging to achieve in current market conditions, and a level of population growth that is likely to have significant implications for infrastructure provision, and for the strategic objectives of neighbouring authorities. The preferred growth scenario identified for the Central Northumberland area (which borders Gateshead) sets out growth of 6,270 dwellings over the plan period, representing an increase of almost 20% in the number of households, and is estimated to deliver population growth of around 12% over the 20-year plan period. The

level of growth identified for the Central Northumberland area is likely to place increased demands on services and infrastructure in the wider area. The cross-boundary implications of growth in the Central Northumberland area should therefore be discussed fully with neighbouring authorities in order to ensure that strategic needs are met in a coordinated manner. It is noted that Northumberland County Council have used ONS population projections and CLG household projections to inform a “baseline” growth scenario. However these projections have not been used to underpin the preferred growth scenarios identified in the plan, which have been developed with the aim of delivering objectives around the sustainable growth of Northumberland’s settlements. Further information and cooperation between Northumberland and its neighbouring authorities, including an exploration of the migration assumptions used in the County’s emerging Core Strategy, would allow better understanding of the strategic implications of Northumberland’s preferred growth scenario on other North East authorities and whether such a level of housing is capable of being achieved. Northumberland’s preferred option for economic growth sets out an objective to increase the number of jobs within the county by 3,000, representing a GVA growth rate of around 2% per annum. It is unclear how this level of economic growth aligns with the County’s plans for population growth in the region of 32,000, and an objective of increasing net in-commuting into jobs in Northumberland. Accompanying evidence (population and household forecasts) provides graphical information on county-wide growth scenarios, but more detailed outputs and information on the assumptions used would allow a more informed assessment of the County’s forecast labour market balance.

Northumberland Core Strategy Preferred Options for Housing, Employment and Green Belt.

CPRE Statement: Matter 1

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Comment by Gateshead Council (Mr Neil Wilkinson)

Comment ID CSPO2-2221

Response Date 23/01/14 14:54

Northumberland’s proposed employment land provision of 421 ha appears high against the forecast employment land requirements of 133ha to 161ha. However, it is noted that the portfolio includes 207ha for the Blyth Estuary Renewable Energy Zone, 15ha for airport related uses and land which is flexible to other employment generating uses or other uses; therefore the general employment land provision is in balance with the forecast employment land requirements. It’s noted that it is proposed to have a new mixed use allocation at Ponteland (3ha) and a new employment site at Prudhoe (5ha); and the retention of a strategic inward investment site at West Hartford Business Park, Cramlington (13ha).

Northumberland Core Strategy Preferred Options for Housing, Employment and Green Belt.

Comment by Gateshead Council (Mr Neil Wilkinson)

Comment ID CSPO2-2223

Response Date 23/01/14 14:54

There is a concern about the impact on the Gateshead transport network that will arise as a result of housing development in the Central sub-area, most significantly the proposal for homes in Prudhoe.

Strong links with Tyneside mean the cross boundary impacts of traffic will be important, and there may be a need for contributions towards improvements to the transport network in Gateshead from these proposals.

One site specific issue, which should be considered in relation to the proposed Prudhoe hospital site, is the scope for linking to and improving the cycle route network in Gateshead. A number of existing advisory routes use lightly used rural lanes in the Greenside area which run close, but are not currently connected, to the hospital site.

A4 Gateshead Council Comments on Northumberland Core Strategy Issues & Options (Aug '12)

Northumberland Core Strategy Issues and Options.

Comment by Gateshead Council (Mr Neil Wilkinson)

Comment ID CSIO-9394

Response Date 15/08/12 16:27

Question 10: Housing requirements

Is the evidence listed in table 6.1 for establishing the housing requirements appropriate?

The revised 2010 ONS population projections and the recently issued Census 2011 data should be factored into the population and growth projections and CPRE Statement: Matter 1

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the resulting housing requirement. There will be a need for sub-regional discussions with neighbouring authorities under the duty to cooperate. A key element of the NPPF and the Localism Act for plan making is the introduction of a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities, including level of housing and employment land provision. Consequently, in addition to the Evidence for establishing the housing requirement identified in table 6.1, consideration should be given to the strategic priorities of neighbouring local authorities. Recent advice indicates that evidence of active engagement with neighbouring districts in conformity with the duty to cooperate will be a primary consideration in the examination of Local Plans. Northumberland County Council should therefore engage with Gateshead Council and others before determining the amount of housing provision to be accommodated within the County. In March 2012, Office for National Statistics released 2010-based sub-national population projections. In July 2012, ONS published the first release of 2011 Census data, and the ONS website indicates they plan to release revised 2010-based (short-term) sub-national population projections rebased to 2011 Census data in September / October 2012. The implications of these new data, including number of households and total projected population growth should be explored when calculating levels of housing provision within NCC's Core Strategy. In addition to the evidence listed in table 6.1, anticipated change in dwelling vacancy should be considered when establishing housing requirement.

A5 Newcastle Council Comments on Northumberland Core Strategy Issues & Options (Aug '12)

Northumberland Core Strategy Issues and Options.

Comment by Newcastle City Council (Mr Theo van Looij)

Comment ID CSIO-9012

Response Date 15/08/12 15:40

Question 12: Proposed ranges of housing delivery

Yes, however the range is extremely wide. It is unclear how the range is derived from Table 6.1. This shows (2008-based) projected household growth of +18,900 between 2011 and 2031, which is slightly higher than RSS (housing growth of +17,575). In light of the lower level of population growth portrayed by the 2010-based projection the 2010-based household projection

(to be published in the Autumn) can be expected to show growth at the lower end of the range. The 2010-based SNPP shows that population growth is the result of negative natural change for Northumberland (-10,700 between 2010 and 2030) being outweighed though in-migration of nearly 25,000. Newcastle already experiences sizeable net outward migration to Northumberland of around 300 persons per annum. We are looking at how we can ensure that this flow does not increase. An increased flow would run counter to the City's aim of reducing net out-migration and in-commuting and would not support sustainable growth. Newcastle could not support this approach.

Northumberland Core Strategy Issues and Options.

CPRE Statement: Matter 1

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Comment by Newcastle City Council (Mr Theo van Looij)

Comment ID CSIO-9010

Response Date 15/08/12 15:40

Question 10: Housing requirements

Is the evidence listed in table 6.1 for establishing the housing requirements appropriate?

No. What is presented here is simply a number of scenarios. Evidence to inform establishment of the housing requirement should include reference to economic growth rates, which is the key driver of population change at a more strategic level (i.e. LEP), aligned to a population and housing model that incorporates robust assumptions around fertility, mortality, migration (internal and international) and headship rates. The 2008-based SNPP has been superseded by the 2010-based SNPP. The latter presents a level of population growth for Northumberland (+13,600 over 2010-30), some 41% lower than the earlier projection (+23,200 over 2010-30) equivalent to more than 4,000 households. It is not considered that Growth Point aspirations constitute an appropriate input into establishing Northumberland's housing requirement. They are, in any case, not deliverable in the current economic climate.

Northumberland Core Strategy Issues and Options.

Event Name Core Strategy Issues and Options

Comment by Newcastle City Council (Mr Theo van Looij)

Comment ID CSIO-9009

Response Date 15/08/12 15:40

Question 3: Spatial distribution options - The Council's view is that option C represents the most appropriate strategic development option for Northumberland. Do you agree with this?

Yes, provided that the overall level of growth will not require increased displacement of population and economic activity from Tyneside.

Northumberland Core Strategy Issues and Options.

Comment by Newcastle City Council (Mr Theo van Looij)

Comment ID CSIO-9042

Response Date 15/08/12 15:40

We would like to discuss the impact of additional housing at Ponteland on the A1/A696 and the potential provided by the potential Airport link road being considered in our Core Strategy.

Appendix 2

Progressing the County Durham Plan

Dear Councillor Henig and Councillor Foster,

We write as representatives of many of the participants at the Examination in Public of the County Durham Plan whose vision for the County's economic future does not include Green Belt releases, relief roads for Durham City, or over-concentration on Durham City to the detriment of the rest of the County. We seek a sustainable economic future that includes addressing the chronic underemployment of the people currently living in the County.

We would like an urgent meeting with you to discuss the way forward. The pressing need now is to find a way for County Durham to have a sound, approved Plan as soon as practically possible. We want to help and be part of the process to achieve that.

The Inspector is clearly signalling that withdrawing the Plan is the only practical possibility, since suspension is "unrealistic" given the "fundamental issues" that he has identified. However, we think that if the Council takes on board the Inspector's findings, and works with us, we may be able to turn this round if not inside six months, then inside eight. But the clock is ticking.

We share the frustration expressed by the business leaders assembled at the breakfast meeting on February 25th. Durham does need a Plan. The Interim Report does say "...the Council's vision for a successful local economy incorporates unrealistic assumptions about jobs growth and associated in-migration." But it also says "Overall, DCC's general economic directions and ambitions can be supported."

We think that paragraph 15 of the Inspector's report merits rereading. This begins by saying "As well as moderate growth options there are alternatives in respect of how Durham City is envisaged to fulfil its potential as the driving force of economic growth in the County...". Note the reference is to alternatives. The conclusion is that "... there are different growth and spatial alternatives to achieve these ambitions which would be more consistent with the Altogether Greener elements of the SCS and the NPPF. Unfortunately these alternatives have not been considered or appraised."

Note that these do not necessarily imply a scaling back on County Durham's economic ambitions. And because the growth comes from exploiting a "world class university that spins out high technology and knowledge-based enterprises in the County", as well as tourism, these are much less likely to be footloose, always a risk when enterprises without a natural base in County Durham are induced to come here.

The only possible approach now is for the Council to accept the key findings of the Inspector's Interim Report, abandon the unsound policies, and work quickly to plug the gaps in the evidence base. We are ready, willing and able to assist in these tasks. Both the Council and ourselves need to focus on the future and seek common ground, not differences, taking the Interim Report as our starting point.

Consequently we request an urgent meeting to develop a way forward.

Yours sincerely,

City of Durham Trust, Friends of Durham Green Belt, Durham City Neighbourhood Planning Forum, CPRE,

Appendix 3

Email from Bob Mullen to Richard Cowen

Hello Richard,

Unsurprisingly the Local Plan is very Middlesbrough-centric. It makes no reference to any benefits it may have to the remainder of the Tees Valley or the North East region. The main theme through the Plan was to attract inward migration and deter outward migration. It also appeared to totally ignore the duty of cooperation with adjacent Local Authorities when considering any impact their housing strategy may have on the housing strategies of those other Authorities.

In fact, the main aim of the Local Plan, as mentioned previously, appears to be the theft of residents from other Authorities by offering a large amount of aspirational housing (band G and H) for potential entrepreneurs and those well-off incomers wishing to start up their own businesses. As also mentioned this has already fell flat on its face with so far very few takers on 'aspirational' houses already built under the Local Plan.

Before the EiP I read a fair number of new draft Local Plans and discovered that the examining Inspectors actually criticised this approach suggesting a wider, more inclusive view should be taken. As I was already against the cost to the green fields of building so many 'executive' homes I held my breath at the meetings just waiting for the Inspector to raise this point and then I would have barrellled in to support her. Unfortunately, both the developers and the planning officers around the table maintained their stance from the start and the Inspector just rolled over without any protest (although my own comments were noted).

Bob

Extracts from the Middlesbrough Local Plan indicating the Middlesbrough-centric approach :-

1.11 Additionally, if Middlesbrough does not provide for sufficient housing to meet needs then it is likely to result in development needs being met in a less environmentally sustainable manner. Middlesbrough is the major location for employment in Teesside and also for service provision including: health, education, shopping etc. Failure to meet the needs of new housing could impact upon the viability of the town centre and services and could result in residents having an increased dependency on the use of a car to access employment and services.

2.1 Middlesbrough's population has gradually declined over the last fifty years. Since peaking at about 160,000 in the 1960s the population has been steadily falling. The decline has come about as a result of out migration as opposed to declining birth rates or increasing death rates. People are choosing to move to the surrounding villages in North Yorkshire, or new housing estates such as Ingleby Barwick. If this rate of decline is allowed to continue it could impact upon Middlesbrough's role within the Tees Valley, and the ability to deliver quality services to the population. Reversing this out migration will be one of the key drivers of change that will need to be tackled through the Local Plan.

Appendix 4

Statement of Richard Cowen to the Examination in Public relating to Durham City and Aykley Heads

Matter 7

STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC INTO THE DURHAM LOCAL PLAN RELATING TO ISSUES 7.2 AND 7.4

Comment IDs 1686, 1691, 1694, 1710, 1713 (CPRE Representor No 365574)
1974, 1975 (BPCP Representor No 370681)
2293, 2294, 2295 (BACC Representor No 711916)

1. I make this statement on behalf of the Durham Branch of the Campaign to Protect Rural England (CPRE) and the Bowburn and Parkhill Community Partnership (BPCP). The secretaries of CPRE (Gillan Gibson) and of the BPCP (Janet Blackburn) have both submitted a number of responses to the Pre Submission Draft of the Local Plan. Each has submitted a response to Policy 7 with a suggestion of an alternative site at Durham Green in Bowburn. In addition, CPRE has responded in respect of Policies 9 and 10 relating to the Western and Northern Relief Roads
2. In addition I have made representations to these Policies on behalf of the Bishop Auckland Cycling Club (BACC).
3. This statement should also be read in conjunction with my statement regarding the Green Belt (Matter 10) and Sustainable Transport (Matter 15)
4. Both CPRE and BPCP recognise the importance of employment opportunities in the County. This includes prestige employment sites. It is not proposed here to consider whether or not these should be concentrated on Durham City, which appears to be the thrust behind Matter 7.1.a. The question we wish to address here is whether Aykley Heads is the most suitable location and, if not, whether there is any other possible alternative.
5. It is believed that the original representations of both CPRE and BPCP satisfactorily outline the issues. If this is correct, the question then is whether the Plan is sound if it continues with Aykley Heads as the allocated site when an alternative may be available. In this respect, it is considered that the representations of BACC will also be relevant. In addition, it should be noted that

Durham Green has planning permission for development and as yet, over 5 years after the original permission was granted, remains undeveloped.

6. If Aykley Heads is to proceed, it is likely to generate further traffic through the already congested City Centre along the A690 and A691. The A690 in particular splits the City in two and is a very busy road particularly at peak rush hour times. For the average, inexperienced cyclist, it acts as a block to north/south cycling traffic in the City. To generate further traffic along these roads is highly unsatisfactory and potentially contrary to the sustainable transport policies in the National Planning Policy Framework (see paragraph 29)
7. As things stand, this is likely to generate more congestion, air pollution and be a disincentive to more sustainable transport (see Statement regarding Matter 15). This appears to be contrary to the NPPF, in particular Part 4 with particular reference to paragraphs 30 and 34 regarding congestion and sustainable transport and paragraph 124 regarding air quality. The need to address air quality by encouraging sustainable transport is also included in the Planning Practice Guidance (PPG). While of course there is a proposed policy with regard to air quality in the Pre Submission Draft (PSD), it is submitted that the practical effect of the Aykley Heads proposal will be to reduce air quality in the City Centre.
8. We recognise that this has resulted in the proposals for the Relief Roads. These could assist in easing traffic problems in the City Centre but the original comments of all three organisations are relevant here. Of particular concern is that such roads rarely solve a problem for long and, in this particular case, their location in the Green Belt. This is further addressed in my Statement regarding the Green Belt (Matter 10).
9. In addition, while it is proposed to commence the Western Relief Road (if approved) in the relative short term, it is not proposed to commence the Northern Relief Road until the end of the Plan period. It appears that it is the Northern road that will have the greater impact so far as traffic along the A690 and A691 is concerned. Both of these roads will be important routes to the Aykley Heads site. This means that, even if the Northern road is successful in achieving its stated aims, it will not do so for some considerable time.
10. While CPRE and BPCP recognise that they can be charged with oversimplification and that there may well be other issues affecting their suggestion, it is represented that these problems would be very largely relieved if the type of development proposed at Aykley Heads in fact took place at an out of City Centre location. Durham Green in Bowburn, right next to Junction 61 on the A1(M), appears to be an ideal such location, subject only to the qualifications mentioned by BPCP in its representation to the PSD. This in turn would help the promotion of cycling in the City Centre, including cycling from north to south across the A690, as I have suggested in my BACC representations.

11. It is noted that the PPG does give guidance on the allocation of employment land. It has to be acknowledged that development at Durham Green has not even started and there may be valid reason for this. But that also gives an opportunity for it to be developed in this way which would not only potentially relieve the City Centre but also bring employment opportunities to Bowburn itself and provide a high class employment site rather than “sheds” in that location. While the views of the business community are clearly also relevant, the PPG may therefore assist in this suggestion rather than hinder it.

12. It is recognised that this would be a major change from the current proposals. But if it helps to resolve such major issues as are identified above, it is represented that this may well be a price worth paying and would radically affect the soundness of the Plan.

Richard Cowen
Rose Cottage
Old Quarrington
Durham
DH6 5NN

August 2014

Appendix 5

Statement of Richard Cowen in relation to the Green Belt

Matter 10

STATEMENT OF RICHARD COWEN TO THE EXAMINATION IN PUBLIC INTO THE DURHAM LOCAL PLAN RELATING TO ISSUE 10.1

Comment ID 2056 (CPRE Representor No 365574)

1. I make this statement on behalf of the Durham Branch of the Campaign to Protect Rural England (CPRE). The secretary of CPRE Durham (Gillan Gibson) has submitted a detailed response to the Green Belt proposals contained in the Pre Submission Draft (PSD)
2. The national CPRE position with regard to Green Belt is set out in the CPRE Planning Campaign Briefing no.2: Green Belt. This is referred to in our representations to the PSD. This same briefing emphasises that CPRE is a strong supporter of Green Belt designation, but also recognises that Green Belt reviews are being carried out by many local authorities and sets out criteria for how we think these should take place in order to be consistent with national policy. CPRE nationally has also produced a Policy Guidance Note (PGN) for housing which states at paragraph 4.8

Green Belt boundaries should only be modified where there is compelling evidence of exceptional circumstances to justify a change to boundaries. The defining feature of formally designated Green Belts is their permanence. Any boundary review should be based upon the five purposes of the Green Belt outlined in paragraph 80 of the NPPF as well as a locally agreed set of criteria, arrived at by engagement with the local community. Any resultant changes should be kept to a minimum. The designation of additional Green Belt areas will be supported where it can be demonstrated that they meet one or more of the Green Belt purposes but not where they merely provide a substitute for deleted areas.

CPRE Durham fully supports this approach and represents that it is very relevant to the situation in relation to the PSD.

3. We have addressed the National Planning Policy Framework (NPPF) issues in our representations to the PSD. We note from paragraph 79 that the Government attaches great importance to Green Belts. The Planning Practice Guidance only provides further interpretation of the policies on Green Belt in relation to the housing

and economic land availability assessment. Paragraph 034 under this heading states that ‘Unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt.’ Furthermore, in the section headed ‘Viability and Plan Making’, paragraph 025 states that ‘Local Plan policies should reflect the desirability of re-using brownfield land, and the fact that brownfield land is often more expensive to develop.’

4. We represent that the extract from our PGN above is consistent with the approach in both the NPPF and the Planning Practice Guidance. As such we represent that the Green Belt should be protected unless there are exceptional circumstances warranting changes to the boundary (see paragraph 83 of the NPPF).

CPRE Durham has become very concerned about the way the Green Belt is being depleted in all parts of the North East, despite there being large tracts of brownfield (previously developed) land available and in need of regeneration within urban areas. In this regard, the further statement of Dr Nic Best to the Gateshead & Newcastle Core Strategy & Urban Core Plan Examination is considered relevant to the Durham situation and is included in the Annexe as part of this statement. That statement addresses the problems encountered with deletions from the Green Belt in the North East over a sustained period.

5. We are aware of two recent judgements that have Green Belt or Green Wedge implications. Both judgements deal with planning applications rather than the preparation of local plans but we represent that they have significance. The cases are
 - a) St Albans City Council v the Queen (Hunston Properties and Secretary of State for Communities and Local Government) [2013] EWCA Civ 1610; and
 - b) William Davies Ltd v Secretary of State for Communities and Local Government and NW Leicestershire District Council [2013] EWHC 3058 (Admin)
6. The Hunston case addresses how the objectively assessed housing need required by paragraph 47 of the NPPF should be calculated when there is a severe constraint on development as a result of much of the land within the Council’s area be designated as eg Green Belt or as an Area of Outstanding Natural Beauty. The Inspector clearly alluded to this case during the Pre Meeting and it is clearly an essential consideration in objectively assessing the housing need.

CPRE Durham has represented that the housing allocation in the PSD is excessive. Clearly that is an argument for another session but if it is correct, we submit it has significant implications in respect of Green Belt deletions.

As outlined in the CPRE documents we have referred to above, we do not absolutely oppose all deletions from the Green Belt, but believe that they should be truly exceptional, i.e. only take place in one or two instances, and not on every occasion that a Local Plan is reviewed. Given all the issues we have raised,

particularly in relation to the duty to co-operate and the failure to come up with a realistic house-building target (see representations on Policies 3 and 4) we vigorously challenge whether there is the need for all the housing that has been allocated and as a result whether there are “exceptional circumstances” that require the amount of deletions proposed from the Green Belt around Durham City and indeed in other parts of the County.

7. The Davis case relates to the protection of Green Wedge. Green Wedge is of course similar to Green Belt but does not qualify for the same level of protection and is not mentioned in the NPPF. Nevertheless, Mrs Lang J appears to have accepted the importance of such a policy in old plans to prevent coalescence of settlements, saying at paragraph 43

“Thus, the Inspector was entitled to conclude that the proposed Area of Separation policy was intended to prevent coalescence and maintain the physical separation of settlements, just as the Green Wedge policy had previously done.”

In addition at paragraph 46 she refers to the importance of protecting the environment, biodiversity and green infrastructure. It is understood however that an appeal has been lodged against her judgement which, we believe, has not yet been heard.

8. In determining the proposals for deletion in the PSD, we represent that it is necessary to consider these judgements and determine, after taking all issues into account, whether the case for “exceptional circumstances” is made out so far as the Green Belt is concerned.
9. This is not just in relation to the proposed deletions for housing in Durham City. It also relates to the proposed deletion at Aykley Heads for employment purposes and to the proposed deletions around Chester le Street in respect of executive housing at Lambton and again for employment land on the Drum Estate.
10. There is no reference to Green Wedge in the PSD and we accept that this has not been addressed in our representations. However, we are now aware of an application on a site allocated in Policy 30 for housing at Sedgefield which we now realise is designated under the old Sedgefield Plan as Green Wedge and believe that, in view of the Davis case, this should be addressed at the Examination in Public. Two applications have been made for housing on this site. The applications have been made by two developers who are working jointly in making the applications. To date, as far as we are aware, neither has been determined but CPRE Durham has represented that the applications are premature pending the adoption of the Local Plan.
11. CPRE Durham cannot suggest any alternative wording in respect of the proposals relating to deletions from the Green Belt. Depending on the results of discussions relating to housing numbers, it may be accepted that some deletions are agreed. However, if these Exceptional Circumstances are not ultimately made out, we represent that the proposals for deletions in the PSD, at least on the scale

proposed, are unsound. We also represent that similar considerations apply to any land with a Green Wedge designation.

12. In short, with respect to Matter 10 Issue 10.1.c, we represent that, on present evidence, the answer to the question asked by the Inspector is “No” on the basis that we do not believe that the deletions are justified or soundly based.
13. We have no further representation to make in respect of the proposal to extend the Green Belt in North West Durham other than to draw attention to the reference to the creation of new Green Belt in the extract from the PGN above. As we have indicated, we are not aware of this being proposed as a substitute for the proposed deletions.

Richard Cowen
 Rose Cottage
 Old Quarrington
 Durham
 DH6 5NN

August 2014

ANNEXE

Gateshead & Newcastle Core Strategy & Urban Core Plan Examination

Statement from Campaign to Protect Rural England (CPRE)

Matter 2 Spatial Strategy – Issue: Green Belt

Representor No: N F Best CPRE429670

Need for a Strategic Review:

1. NPPF is clear that Green Belt deletion is a measure of last resort and should be a strategic decision taking into account likely needs beyond the life of a single Plan. The Position Statement produced as part of the Duty to Co-operate evidence¹⁵ clearly recognises this, noting that efforts should be made to accommodate identified housing in neighbouring authorities, implying that this should be done before proposals to delete Green Belt are brought forward.

¹⁵ EL09 Compliance Statement Appendix 6 Position Statement para 10

2. To some extent, North Tyneside and South Tyneside have recognised this and are identifying housing provision on greenfield sites in their areas for people with jobs in Newcastle-Gateshead. However the Newcastle-Gateshead joint Core Strategy seems to be using sustainability arguments to insist on building houses for people working within their area, even if that requires Green Belt deletions.
3. Both Northumberland and Co Durham councils are proposing Green Belt deletions so that they can build houses for commuters into Tyneside. In particular, Northumberland is proposing Green Belt deletions around Ponteland which combined with the proposed Newcastle Green Belt deletions in the Callerton area will effectively mean that the currently separate settlement of Ponteland coalesces with the conurbation.
4. So far as we can see, the failure to carry out a co-ordinated strategic Green Belt review and the failure to co-ordinate housing provision strategies is leading to unnecessary Green Belt deletions and deletions which taken together across authority boundaries threaten the purpose of the Green Belt itself.

Exceptional Circumstances

5. The Tyne & Wear Strategic Green Belt was originally designated in 1985 with subsequent extensions notably to surround Durham City. Further extensions north to Morpeth and south into the Derwent Valley are expected to be defined in the emerging Northumberland Core Strategy and Durham Local Plan respectively.
6. Q2.3 refers to the requirement in NPPF para 83 that Green Belt should be a longterm designation which is only deleted in 'exceptional circumstances'. However, there have been Green Belt deletions in virtually every Local Plan produced by a Tyne & Wear authority since the Green Belt was designated. Most notable amongst these was the Green Belt deletion in the Newcastle UDP (1998) to create the Newcastle Great Park. That was cited as an 'exceptional circumstance' with planning proposals for 2,500 houses plus an employment park and flood alleviation measures with a 12 year construction period. Sixteen years later, progressively diluted versions of these proposals are nowhere near completion.
7. CPRE is therefore very wary of any 'exceptional circumstances' arguments particularly those associated with the proposed deletion for major housing developments such as that proposed at Callerton.

Safeguarded Land & Phasing

8. CPRE would wish to see a 'Plan, Monitor & Manage' approach to housing provision taken in the Core Strategy as opposed to 'predict & provide'. Strong policies to manage and phase land release are essential and we do not view this as contradicting the NPPF presumption in favour of *sustainable* development, if sustainability is assessed strategically rather than on an individual site basis.
9. Green Belt deletion should not be about releasing individual sites, even major strategic sites, for development. Rather, it needs to be to meet expected longterm need for

development land beyond the life of the Plan. Designation of 'safeguarded land' between existing settlement boundaries and the Green Belt boundary is the main tool for managing 'longterm phasing'.

10. So far as we are aware, apart from Sunderland's 'green wedges' which that Council has recently reviewed as part of their current Local Plan process, there is little or no 'safeguarded' land between the Tyne & Wear conurbation boundary and the Green Belt boundary. And, so far as we can see, although the current proposed Green Belt deletions are for phased development over the period of the Plan and perhaps beyond, there are no proposals for new 'safeguarded' land to be designated.
11. Without a strategic review of the Green Belt and designation of new safeguarded land in some form, we must expect to see further attempts to 'nibble' at the Green Belt in the next version of the Core Strategy, if not a five year housing review before that.

Appendix 6

Comments of CPRE Durham at the Preferred Options stage to Policies 12 and 13 of the proposed Durham Plan

COUNTY DURHAM PLAN

PRE-SUBMISSION DRAFT - Consultation October 2013

For Office Use Only

Consultee ID:

Received:

Acknowledged:

Processed:

Please use a separate form for each representation.

NAME & ADDRESS (Block Capitals)	NAME & ADDRESS (AGENT)(IF APPLICABLE)
CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) C/O MRS GILLAN GIBSON 13 FENWICKS STREET BOLDON COLLIERY TYNE AND WEAR NE35 9HU Email: gillan_gibson@yahoo.co.uk	 Email Address

Preferred method of contact (please tick): Email Letter

To which part of the County Durham Plan does your representation relate? Site Ref

Chapter Paragraph Policy no Proposals Map

Q1 - Do you consider that this policy/proposal of the Pre-Submission Draft Local Plan is to be Legally and Procedurally Compliant and Sound?

(Please note the considerations in relation to the Local Plan being 'Legally and Procedurally Compliant' and 'Sound' are explained in the National Planning Policy Framework in paragraph 182 (Please see guidance notes).

(Please select one answer for each question)

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

Q2 - If you consider that this policy/proposal of the Pre-Submission Draft Local Plan is Legally and Procedurally Compliant and Sound please use this box to explain why?

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

(This box can be expanded)

(Go to Q6)

Q3 - Why do you consider that this Policy/Proposal of the Pre-Submission Draft Local Plan is not Legally and Procedurally Compliant or Sound? (Please select all that apply)

Positively Prepared

Justified

Effective

Consistent with national policy

Q4 - If you do not consider this policy/proposal of the Pre-Submission Draft Local Plan to be Legally and Procedurally Compliant or Sound please use this box to explain why.

Please note your representation should cover all the information, evidence and supporting information necessary to support/justify the representation as there is no opportunity to submit further representations unless requested to do so by the Inspector, based on the matters he/she identifies for examination.

Our representations to the Preferred Options policy on executive housing are in the Appendix Lambton Park (Policy 12) is in the Green Belt so at present it is represented that it is not deliverable. The site is adjacent to the recently refused housing application at Bournmoor, also in the Green Belt that was refused for this reason. We will consider this further in our Green Belt comments

We have no comment regarding the principle of Policy 13. However, there is no reference in either Policy 12 or 13 to sustainable transport issues. Notwithstanding that these are executive homes, we represent that in this respect they should be no different from non executive homes.

(This box can be expanded)

Q5 - What change(s) do you consider necessary to make this policy/proposal of the Pre-Submission Draft Plan Legally and Procedurally Compliant and Sound?

Policy 12 is only deliverable if the Green Belt boundary is changed but if it is, both these sites should have sustainable transport issues provided just like any other.

(This box can be expanded)

Q6 - Do you wish to participate in the Examination in Public? (Please note that the Planning Inspector will make the final decision on who will be invited to attend individual sessions at the Examination)

Yes No

Q7 - Do you want to be informed of the following:

- Submission of the Local Plan to the Secretary of State? Yes No
- The publication of the Inspector's report*? Yes No
- The adoption of the County Durham Plan? Yes No

(*Note an independent Government appointed Planning Inspector will examine the County Durham Plan and produce an Inspector's report).

Please send the completed question response forms to:

FREEPOST SPATIAL POLICY

Responses can also be sent by email to:

CDPconsultation@durham.gov.uk

However, we would prefer if you made your responses online, via our interactive website:

<http://durhamcc-consult.limehouse.co.uk/portal/planning/>

In order to make responses online, you may need to register. This is quick and easy to do.

Closing date for responses – 6 December 2013

APPENDIX

Extract from:

CPRE comment: *The County Durham Plan: Local Plan Preferred Options*

“Policy 12

- a) CPRE supports the content of the policy in defining the standards executive housing must achieve.
- b) This is the only policy CPRE has identified for executive housing, but it relates to only one site, Lambton Park Estate. What policy is there to be for the rest of the county? Is there to be any provision for single house sites or other small developments elsewhere in the county?
- c) Lambton estate is in the Green Belt. CPRE is most concerned at yet another proposed deletion from the Green Belt and believes another site should be considered.
- d) We welcome the reference to funding affordable housing through executive housing development, and recognise the need for this to be offsite. However, this must be an exception, in general affordable housing should be provided on-site or very nearby to promote community cohesion, and ensure viable settlements

Appendix 7

Projections for Regions

The 2012-based national population projections for England published in November 2013 projected the population of England to grow by 3.8 million (7.2%) by mid-2022. All regions of England are projected to see population growth over the 10 year period to mid-2022 but the rate of that growth varies. Three regions are projected to grow faster than the national average with London projected to grow the fastest, by 13% over the 10 year period. The East is projected to grow by 8.6% and the South East by 7.8% per cent. The region projected to grow at the slowest rate over the next 10 years is the North East at 2.9% (Table 1).

Table 1: Population change in regions by age group, mid-2012 to mid-2022

	Percentage change over 10 years					
	Mid-2012	Mid-2022	All ages	0-15 years old	16-64 years old	65 and over
London	8,308,400	9,392,100	13.0	16.0	10.8	21.5
East	5,907,300	6,417,900	8.6	11.3	3.3	24.3
South East	8,724,700	9,407,400	7.8	9.2	2.6	24.7
South West	5,339,600	5,707,400	6.9	9.4	0.8	23.3
East Midlands	4,567,700	4,857,100	6.3	8.1	0.6	25.0
West Midlands	5,642,600	5,954,600	5.5	6.7	1.1	20.3
Yorkshire and The Humber	5,316,700	5,580,800	5.0	6.3	0.4	20.7
North West	7,084,300	7,342,300	3.6	5.7	-1.3	19.6
North East	2,602,300	2,678,200	2.9	4.6	-2.7	21.4
England	53,493,700	57,337,800	7.2	9.2	2.6	22.4

Table source: Office for National Statistics

Table notes:

1. Figures may not sum due to rounding.

[Download table](#)

- [XLS format](#)
(21 Kb)

Of the 13% projected growth in London, almost nine tenths is due to there being more births than deaths (natural change) and about one tenth is due to net inward migration. Although London is a destination for many people migrating to live and work, both from other regions and internationally, there are also large numbers of people who migrate out of London, which is why growth due to net migration is projected to be just 1.8% (Table 2). One reason for the high level of natural change is because London as a region has a relatively young age structure, with only a little over 11% of its population being aged 65 and over in mid-2012 compared with most other regions which have an average of 17% of the population aged 65 and over. Since mortality rates are lower in younger age groups, fewer deaths are projected in London than elsewhere. London also has a correspondingly larger population of adults aged 16 to 64. In particular, nearly half the population in mid-2012 are estimated to be aged between 16 and 44 years old, the main childbearing ages. In most other regions the proportion in this age group is just less than two fifths. This drives the higher number of births being projected in London over the next 10 years, leading to a 16% projected increase in the number of children between mid-2012 and mid-2022 (Table 1).

Focusing on the older age groups, Table 1 shows that the number of people aged 65 and over is projected to increase in all regions by an average of 22% between mid-2012 and mid-2022 as a result of the general ageing of the population as projected in the national population projections. The fastest growth in those aged 65 and over is seen in the East Midlands where the number is projected to increase by 25% from 8.1 million to 10.1 million over the 10 year period.

Table 2: Percentage population change between mid-2012 and mid-2022 by component of change

	Total	Natural change	Total migration	Internal migration	International migration
London	13.0	11.1	1.8	-6.7	8.5
East	8.6	3.7	4.9	3.3	1.6
South East	7.8	3.5	4.4	3.0	1.3
South West	6.9	1.7	5.2	4.1	1.1
East Midlands	6.3	3.0	3.3	1.0	2.3
West Midlands	5.5	4.2	1.4	-1.0	2.3
Yorkshire and The Humber	5.0	3.5	1.5	-1.0	2.4
North West	3.6	3.1	0.5	-0.6	1.1

	Total	Natural change	Total migration	Internal migration	International migration
North East	2.9	1.8	1.1	-0.8	1.9
England	7.2	4.4	2.8	0.0	2.8

Table source: Office for National Statistics

Table notes:

1. Figures may not sum due to constraining methods and rounding.
2. Cross border migration is included with international migration.
3. Natural change is defined as the difference between births and deaths.