

COUNTY COUNCIL

13 APRIL 2016

PUBLIC QUESTIONS

QUESTION FROM MR M CUNNINGHAM

"When deciding on their approach to the forthcoming publication of the 'Shiny New (Revised and hopefully Improved) County Durham Plan', and in particular to the old (but presumably still existing) proposals to build houses and roads all over large swathes of Durham's Green Belt; will the Council advise their Planning Department to take due note of the vociferous and strident opposition, made by many County Durham residents during the previous Consultation process, which spoke of the need to protect the existing Green Belt land; that same Green Belt land which at present is protected by National Legislation?"

RESPONSE

Dear Mr Cunningham,

I thank you for a question relating to the County Durham plan. The Council and its partners have consistently identified the economy as the top priority for County Durham and the County Durham Plan is one of the most important documents in ensuring that County Durham's economy does not move further behind the rest of the Country. The process in which we will produce the plan is clear and set out in legislation. The consultation will seek the views of everyone who has an interest in the future of the county. We are hoping that we hear the views of many people and groups and only once we have this context will we be able to identify how the plan will come forward and where development should go. All written responses to each of the consultation stages will continue to be made publically available and these together with the Council's response will be published within a "Statement of Consultation." This will ensure an open and transparent process.

In terms of Green belt, again to clarify, the legislation identifies that the local plan process is, the correct process to review boundaries where exceptional circumstances exist and taking into account other important issues including the most sustainable patterns of development and we retain the 5 purposes of the green belt function.

Again, I hope this answers your question.

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QUESTION FROM MR T CLARK

"What was the specific nature of the legal advice, and the advice from Central Government and the Planning Inspectorate, that led to the County Durham Plan becoming a "clean sheet of paper," and how does the Council intend to engage the requirement from Central Government for local plans to be approved before April 2017, given that approval is not now envisaged before 2018?"

RESPONSE

Dear Mr Clark,

First of all I would like to thank you for asking this question. The inspector's interim report into the Local Plan, following the examination in public, challenged the economic ambition of the council and partners, identifying it as undeliverable. We strongly believed because of this and other procedural faults we needed to challenge the report. Despite trying to seek a negotiated resolution with the inspector it became clear that our only alternative was to judicial review his report. The quashing of the report means that there remains no constraint in respect to how the plan can seek to remedy the issues that exist in the County in particular in respect of the economy.

It was always the intention of the council, with the support of government that the plan would come back to examination in the quickest time possible. Indeed the quashing order identifies the possibility of coming back at the pre-submission stage which would potentially get the plan back to an examination within one year. Unfortunately having taken legal advice and discussing this with both the government and the planning inspectorate it appears that the only robust way of commencing this process is to start at the issues and options stage. Queens Counsel advised that the legislation makes no provision for a plan to start at regulation 19 (the pre submission draft stage) and as such the process would be vulnerable to legal challenge and therefore they strongly advised that we take the path we are currently on. Having said that we have acknowledged that a significant amount of evidence is still valid or requires updating and therefore the process could be much shorter than if we had been starting from a clean sheet. We therefore expect that the plan would be back in an examination within two years. It is anticipated that the Government would exercise any powers in relation to councils who would not be as advanced in its local planning as this council plans to be.

I hope this clarifies the position for you.