

## REGENERATION COMMITTEE

9th MARCH 2005

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PRESENT	Councillor Townsend (Chair) Councillors Mrs Brown, Ferguson, Grogan, Hayton, Laurie, Mowbray, Perkins and Stonehouse.
ALSO PRESENT	Councillors V. Shuttleworth, Des Wilson and S Zair to speak/observe.
APOLOGIES	Councillors Dobinson, Nevins and Mrs Seabury
ADVISERS	RM Hope, Director of Regeneration and Mrs L Spence, Committee Administrator

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### MINUTES

The Minutes of the meeting held on 12<sup>th</sup> January 2005 were taken as read, confirmed as a true record and signed by the Chair.

The Chair welcomed Councillor Zair as an observer to the meeting, having been elected following the recent by-election in the Bishop Auckland Town ward.

**417. WEAR VALLEY DISTRICT COUNCIL LOCAL DEVELOPMENT FRAMEWORK : REVISED DRAFT LOCAL DEVELOPMENT SCHEME**

The Chair advised that following publication of the report further comments had been received from Government Office expressing concerns at the proposed timetable of events. Amendments had now been made in this respect and should be included in the draft document. The proposed amendments were circulated for information and discussion. The meeting stood adjourned for two minutes to allow Members time to read and digest the proposed amendments.

Upon reconvening Councillor Foote Wood sought clarification as to whether the new system of Local Development Framework had any matters of substance that were significantly different from the Local Plan.

In response, the Director advised that the current Local Plan was a very comprehensive document, the Local Development Framework (LDF) would not be structured in the same way and could deal with topical or geographical areas. It may well prove to be significantly different, however it was too early in the process to say that definitively. The LDF could influence the distribution and pattern of development in the District but that assumption should not be made prior to the Council's consideration of the proposed core Strategies. Development Control matters would remain within the remit of the District Council.

He advised Councillor Perkins that the Government had initially dictated that the LDF be in place by September 2007, however it had since realised that Government Departments would be unable to cope with the number of submissions, examinations in public and report writing that that target would generate. Theoretically it could be 2009 before the LDF was completed. This report would lead to a Service Level Agreement with Government Office (GO) on the timetable for the production of the Development Plan Document proposed by the Council. Should development pressures arise elsewhere in the District further submissions could be made to GO.

Members may recall that in the first draft the LDF had been designed around the Core Strategy and three geographical areas. Whilst GO had accepted that proposal at the time they had since indicated concerns that that method may lead to duplication. Further discussions with GO had resulted in the proposals now laid before Members in which the LDF would comprise of Core Strategy, Development Control, Housing and South and East Bishop Auckland Action Area Plan Development Plan Documents.

The Eastgate site would have been an obvious area to become a Development Plan Document, however it was likely that that would be dealt with as a planning application and would pre-date the LDF.

Appendix 4 to the report, circulated again in full colour for clarity, detailed those Policies which would be replaced by December 2007, those to be deleted and those to be saved beyond September 2007.

The entire process must be inclusive both with members and the community and the Statement of Community Involvement would come forward for approval later this year. It was appropriate with such a large and important project that it be managed and the Director suggested that such a group be set up including both Officers and Members.

The Leader of the Council supported that suggestion and also that the four core DPD's be prepared together. The Project Management Group would be further considered and she gave the assurance that it would contain all party representation.

In response to Councillor Foote Wood, the Chair confirmed that proposals to construct the LDF in geographical area had been superseded following GO concerns that this would lead to duplication.

Councillor Foote Wood believed the existing District Local Plan had been successful in achieving the Council's objectives. He would have preferred to see the LDF based on geographical areas, particularly Weardale which had its own unique problems. Willington, Coundon and increasingly areas in the south of the District had become attractive to developers and the Council needed to continue to take advantage of that interest in order to increase the number of dwellings available within the District and reducing population decline. The Council should ensure that it maintained vigorous and targeted housing policies.

He hoped that Town and Parish Council's in the District, both existing and new, would figure prominently in any consultation on the emerging LDF and expressed his confidence in the Director to produce a LDF that would benefit the District.

The Leader of the Council moved the report including the amended timetable and also that a Project Management Group be established comprising of both Officers and Members. Those Members, which would include all party representation, to be appointed at a later date.

In response to Councillor Perkins, the Director advised that one value of the Local Plan was that it gave a degree of certainty to developers regarding allocated development sites. If community aspirations had changed regarding particular development sites their comments should be made known during the consultation process.

**RESOLVED**

that

1. the draft Local Development Framework, Local Development Scheme detailed at Annex 1 to the report, including the amended timetables detailed in Annex 1A as circulated at the meeting, be approved in principle and its submission to the Planning Inspectorate to gain a service level agreement in respect of the forthcoming public examinations be endorsed;
2. the need to keep the document under review and to bring forward revisions as appropriate be accepted;

**RECOMMENDED**

3. The Director of Regeneration be granted delegated authority to make minor amendments to the draft LDS as required by the Planning Inspectorate or GONE.

4. that a Project Management Group be established, comprising of Officers and Members. Those Members, to include all party representation, to be appointed at a later date.

**418. COUNTY DURHAM MINERALS AND WASTE DEVELOPMENT FRAMEWORK**

Members were appraised of the Key Issues Paper prepared by the County Council, relating to the Minerals and Waste Development Local Framework. The review of this, although undertaken by the County Council, would follow a similar procedure as the production of the new LDF for the District.

Particular areas for comment were the Eastgate site, which should now be deleted from the Plan and the Todhills and Eldon brickworks, where there was a need to ensure that sufficient local land supply be made available for the extraction of brick clay, whilst ensuring that such a supply did not adversely impact on the settlements of Newfield and Dene Valley.

The Director advised the Leader of the Council that the County Policy in respect of opencasting now reflected more fully the National Guidance and was more restrictive.

Councillor Laurie noted that the areas of search for sand and gravel could impact on tourism in the area and the Director advised that any proposal received in this respect would be carefully scrutinised.

He advised Councillor Perkins that such extractions would be covered by a planning application and it would be a County Council function to ensure that conditions relating to the reclamation of the site were enforced.

Councillor Mowbray, seconded by the Leader of the Council, moved the report.

**RESOLVED**

that

1. The report be approved;
2. the Director of Regeneration respond to the consultation including the reference to Eastgate and the brickworks sites as detailed in the report.

**419. NORTH EAST TOURISM STRATEGY**

Members were advised of the recently launched North East Tourism Strategy whose objectives and targets were detailed at page 50 of the report. The County Durham Tourism Strategy had also been reviewed and its objectives generally fell in line with those of the Regional Strategy. It was appropriate now for the Council to review

its Strategy to ensure compliance with the Regional and County Strategies to maximise the opportunities and benefits now available.

The County Strategy included key tourism projects at Harperley POW Camp, Weardale Railway, Killhope and the former Lafarge site at Eastgate.

He advised Councillor Mowbray that he would check the figure of £36.88 million of reported tourism expenditure in Wear Valley for 2003. That estimate seemed quite high.

Councillor Perkins raised the issue that the tourism industry in England was not well supported by the Government.

Councillor Foote Wood agreed. In England the subsidy from the Government was pence per head of population whereas in Scotland and Wales it was £1's per head of population. The Wear Valley was particularly suited to tourism with tremendous opportunities for the Dale to increase employment via tourism. If the Weardale Railway got off the ground, despite its current difficulties, that would create many varied opportunities.

Councillor Laurie moved the report.

The Leader of the Council hoped the development of the Eastgate site would create a balance between tourism and employment in the Dale. She seconded the motion.

**RESOLVED** that the content of the report be noted and that the decision to use Tourism Resources Limited to undertake further work to update the Wear Valley Tourism Strategy be endorsed.

**420. COMMUNITY RAIL PARTNERSHIP – DARLINGTON TO BISHOP AUCKLAND RAILWAY**

The Director detailed the report and emphasised that at this time the Partnership, once established, would concentrate its efforts on the existing Darlington to Bishop Auckland line because of concerns over its future. The sole purpose of the Community Rail Partnership, which had proved successful in other areas, would be to promote the use of the line and in doing so would increase ridership and income, manage costs down and increase community involvement.

As a Partner the Council would be bound by the Partnership's Constitution, although there would be no legal or financial liability placed on it. Should the Partnership bring forward projects to promote or improve access to the station, the Council would be presented with a report and a decision sought as to whether a financial contribution was appropriate.

If the Weardale Railway line remained a going concern, it may in future years, allow access from one line to the other.

Councillor Foote Wood supported the proposal. It was essential that usage of the line was increased or it could be lost. The issue had been raised at the Regional Assembly but the Government had already abolished Regional Transport Users Committees and so the opportunity to lobby on this issue had been lost. He hoped the Weardale Railway line would continue as a going concern; having a restored rail line linked directly to the national rail network would be a great tourist attraction. Initiatives to increase the frequency of trains would be welcomed as would those to ensure that the timings coincided with the national mainline services. He was pleased to note that projects would be considered on a case by case basis.

Councillor Ferguson reported comments made by Alistair Dowling who espoused the view that little used railways should be closed, it being cheaper to fund buses. Membership of this Partnership had not come too soon.

Although not a member of the Committee Councillor Shuttleworth had asked to speak because of the reference in the report to the Weardale Railway. Whilst he supported membership of the Community Rail Partnership in order to promote and improve the Darlington to Bishop Auckland line he had a number of concerns relating to the Weardale Railway. As Members would be aware Weardale Railway Limited was in administration because it was unable to meet its liabilities, estimated at £928K. In addition to that was a floating charge of £428K. That money had to be found to pay off the financial obligations of the Weardale Railway Ltd. Assets had been declared as "very little". PricewaterhouseCoopers was attempting to implement a voluntary arrangement but that would require an injection of third party funding.

In response to the Chair who questioned the relevance of his comments, Councillor Shuttleworth stated that he did not believe Members had sufficient information within the report to agreed to commit to a Partnership which aimed to support the Weardale Railway, bearing in mind its current financial position. He was concerned that the Council could find itself being sucked into subsidising the Weardale Railway.

The Director assured Members that any request for financial assistance would be reported on a project by project basis.

Councillor Mowbray believed that the report was very clear. He referred to paragraph 16 which stated "There is no legal or financial liability on the Council". He moved the report.

In response to Councillor Grogan who referred to the latter half of paragraph 16, the Chair emphasised that it could form part of the

motion that any project wanting funding would be brought forward as a committee report for consideration in the usual way.

Councillor Perkins believed the Community Rail Partnership should be supported. The Council, in the past may have given money to the Weardale Railway but that was history. In any event he had always supported the Weardale Railway.

Councillor Foote Wood supported Councillor Shuttleworth's criticisms of the Weardale Railway Limited; the company had acted completely irresponsibly. Incurring such huge debts with local companies was deplorable. He believed that successful railways operated mainly with volunteers and it appeared that the Weardale Railway Ltd had tried to operate with paid staff.

He defended the past decision of the Council to spend money on the Railway; if it had not the line would have been lost for good. This Council was unable to give an undertaking that it would never again contribute to the Railway. It would be illegal for this Council to try to bind a future one. Should any request for funding come forward it would be considered at that time.

The Leader of the Council had been dismayed when Weardale Railway Ltd had gone into administration. However the outcome of that was not yet known and would not affect the Council's decision to become members of a Community Rail Partnership.

Councillor Laurie believed it was essential that the Council participate in the Community Rail Partnership for the sake of the Darlington to Bishop Auckland line. She seconded the motion.

It was **AGREED** that the majority party would determine the member representative on the Partnership and at the Launch.

**RESOLVED**

that

1. the Council supports and takes part in the establishment of the Community Rail Partnership
2. the member representative on the Partnership and at the launch be nominated by the majority group.
3. Any request for funding for projects undertaken by the Community Rail Partnership be reported to Committee on a project by project basis for consideration.

**421. ENERGY SURVEY SCHEME**

Members were advised of a scheme that would identify those properties within the Housing Renewal Area which required improvements in terms of energy efficiency. Funding was available in the 2004/05 Housing Renewal Budget to then carry out the necessary improvement works.

Councillor Foote Wood expressed concerns at the use of incorrect geographical designations. The report referred to the scheme being carried out in Eldon Lane, however the Housing Renewal Area covered Bridge Place, Eldon Lane and Coundon Grange. Each was a village in its own right and should be referred to as such. The Council had done a tremendous job in the Dene Valley area and he asked that Officers be mindful of local feelings and to use the correct designations.

The Director advised that extensive community consultation had been undertaken and whilst the scheme would initially concentrate on the areas of Bridge Place, Eldon Lane and Coundon Grange it may be possible to extend that.

**RESOLVED**

that

1. approval be given to carry out the Energy Survey Scheme;
2. funding to implement the recommendations of the scheme be taken from the Housing Renewal Budget.

**422. BVPI'S – 3<sup>RD</sup> QUARTER MONITORING UPDATE**

The report detailed the position between October and December 2004 and reflected comments made by the Best Value Inspector which identified the vulnerability of the service provided. This being due to the high demand, 250 cases per officer instead of 150 as advocated by Government Guidance. The department was struggling to hit targets in Development Control and weekly monitoring of the position was being undertaken to get back on track.

The outcome of appeals was now a BVPI and although the Government had not yet set targets in this respect they were expected by the end of the year.

In response to Councillor Foote Wood he advised that the decision at the top of page 74 of the report should read "approved".

Councillor Foote Wood acknowledged the workload within the Department. However he hoped that common sense was being applied in each case, particularly in relation to neighbour consultation. He would prefer not to see a repeat of the recent case at Clover Drive, Bishop Auckland, which had had a significant financial implication for the Council. Officers should also make it clear to applicants that they are only giving advice and not decisions.



He then referred to case 9 on page 76 of the report and believed that the response should read “PPG3 advises higher densities of development” and not requires as printed. The Council should remember that PPG’s were guidance and he disagreed that the Council must abide by guidance.

The Director agreed that PPG’s were guidance and that the Council implemented them in accordance with the Local Plan. The Council must accord with National Planning Guidance but could argue the case if it felt a departure was required. Such guidance had been relaxed in the past. He also confirmed that all correspondence issued included wording to indicate that what Planning Officers said was to be considered as advice and not decisions.

Councillor Perkins believed that better debate at Development Control Committee would reduce the number of cases taken to appeal.

Councillor Laurie referred to the high turnover of Planning Officers which was due to a national shortage. Efforts were made to retain staff. The Director advised Councillor Grogan that staff were invited to exit interviews and that no pattern had emerged for resignations; some being personal reasons such as travel to work and others for promotion.

Although many of the Planning Officers were young and some unfamiliar with the area, the Leader of the Council had always found them to be very helpful and professional officers.

Councillor Mowbray commended the work which they did and, seconded by Councillor Townsend, moved the report.

**RESOLVED** that the progress made against the Department Service Plan, and action taken to mainstream and improve performance be noted.

**423. PRIVATE SECTOR GRANTS POLICY 2005**

Members were advised of revisions to the Private Sector Grants Policy for 2005 which brought the Council’s Policy in line with the Regulatory Reform Order. The proposed revisions would allow assistance to be based more closely on the actual needs of an area, taking into account geography, and the age and design of housing stock and had been developed in full consultation with customers and the Durham Dales Home Improvement Agency.

Councillor Laurie, seconded by Councillor Perkins, moved the report.

**RESOLVED** that the new Private Sector Grants Policy, detailed at Annex 7 to the report, be approved and implemented with effect from 1<sup>st</sup> April 2005.

**RESOLVED** that under Section 100(a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined under the paragraphs 12 & 13 of Part 1 of Schedule 12A of the said Act.

**424. BISHOP'S PARK FEASIBILITY**

The Director detailed the report and explained the justification for using Casella Stanger to undertake the second phase of work on the proposal for the restoration of the Bishop's Park.

Councillor Laurie moved the report.

The Leader of the Council referred to the many set backs which had occurred with this project. She hoped this would be the final bid leading to the actual restoration of the Park.

Councillor Foote Wood recalled that part of the delay had been due to the unacceptable demands of the Church Commissioners, who had advised the Council that, as retiring tenants, it was due to restore the entire boundary wall and a number of structures within the Park that had not even existed for at least half a century.

The Director advised that the Council's lease included responsibility for a number of structures and possibly the boundary wall. Efforts would be made to include those within the scheme.

**RESOLVED** that

1. the decision taken to suspend Section 6 of Contract Procedure Rules to enable the appointment of Casella Stanger to produce the second phase of work required for the Heritage Lottery Funding bid submission be endorsed;
2. further reports be received when the feasibility work is completed to agree the restoration proposals.

**425. CONTAMINATED LAND DATA MAPPING**

Members were advised of the failure of a previous contractor to provide accurate information in this respect and of the need to engage another contractor to now carry out the work. Legal remedies were being examined to deal with the initial failure but the Council was expected to progress the work in accordance with the Environmental Protection Act.

Members agreed that progress was vital.

**RESOLVED** that Section 8.1 of Contract Procedure Rules be suspended in order to enable Global Mapping to undertake the specialised work as required by the Environmental Protection Act 1990, Part 11A, in respect of contaminated land data mapping.

The meeting concluded at 8.00pm

**CHAIR**