



## REGENERATION COMMITTEE

9 MARCH 2005

Report of the Director of Regeneration  
**WEAR VALLEY DISTRICT COUNCIL LOCAL DEVELOPMENT  
FRAMEWORK: REVISED DRAFT LOCAL DEVELOPMENT SCHEME**

### **purpose of the report**

1. To seek Members' approval for a revised Local Development Scheme for Wear Valley District (Annex 1).

### **background**

2. As Members will be aware, the Government has introduced a new development plan system that requires the replacement the existing District Local Plan with a portfolio of planning documents, collectively known as the Local Development Framework. This new style of development plan will comprise of Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs). The DPDs are statutory planning documents, whilst the SPDs are intended to give guidance and information on how to comply with the policies set out in the DPDs.
3. The Government Office for the North East (GONE) originally indicated that the Planning and Compulsory Purchase Bill, which received Royal Assent on 13 May 2004, would be enacted approximately 2 months from that date, i.e. mid-July. The actual date of enactment was 28<sup>th</sup> September 2004. The Council has until 28<sup>th</sup> March 2005 to secure a service level agreement with the Planning Inspectorate and formally submit the project plan for the Local Development Framework, known as a Local Development Scheme, to ODPM via. G.O.N.E for approval. This deadline has implications regarding the level of Planning Delivery Grant the Council will be awarded this year.
4. In recent months and since this matter was last reported to Members, the ODPM has issued guidance in the form of a companion document to PPS12 and letters to Chief Planning Officers. In light of this and given continuing discussions with G.O.N.E it became evident that the approach taken in the earlier draft LDS reported to Members in July 2004 required significant alteration. The ODPM's changing requirements and the Planning Inspectorates capacity have influenced the need for such changes. For example it has been recognised that it would be unrealistic for Councils to produce a complete LDF portfolio

within 3 years. This is largely due to the time required to complete the procedures that have to be followed, including the requirement for work to be subject to Sustainability Appraisal as well as the Planning Inspectorates capacity to provide an Inspector to hold examinations in public.

5. As a result there is no longer the requirement to have a complete LDF in place by September 2007. Rather, the ODPM is now focusing upon the Council's ability to meet 'key milestones' that the council sets itself in their LDS. It is therefore important that the Council is satisfied that milestones it sets itself are achievable in terms of resources available and time required to follow procedures set by ODPM. In this context it should also be noted that more emphasis has been placed upon the ability for local planning authorities to 'save' policies, subject to certain criteria, beyond September 2007 so as to avoid a policy vacuum.
6. Unfortunately at a late stage in the process advice given by G.O.N.E has been retracted. This has resulted in the need to make radical alterations at short notice, to the structure and coverage of the LDF and revised draft LDS that had been worked up in response to formal ODPM guidance published in the latter part of last year. The resulting LDS is contained in Annex 1.

#### **the wear valley district local development scheme**

7. The Local Development Scheme is described in government guidance as *'a public statement of the local planning authority's programme for a three year project plan.'* The intention is to enable the public and any interested parties to see what documents the planning authority will be preparing, how these relate to each other, and the preparation timetable. The scheme is expected to be reviewed where the timetable is not met, where revisions are needed, or where a new document is deemed to be required.
8. The Local Development Scheme sets out certain required information, viz.
  - a brief description of all the local development documents to be prepared, their content and geographic coverage;
  - an indication of which documents are to be DPDs;
  - in the transitional period from the existing to the new system, a statement to show which existing District Plan policies will be retained ('saved') and which will be replaced by new local development documents;
  - an explanation of the relationship between local development documents – particularly between the 'core strategy' and others;

- a statement of which documents will be prepared jointly with other local authorities (joint working is encouraged where this has clear benefits);
  - a planned timetable for each document and key milestones to be achieved; and
  - arrangements for monitoring and review of progress.
9. The questions of resources, evidence and community and stakeholder involvement are also addressed.

### **structure of revised draft wear valley district local development scheme**

10. Attached, for Members' information and comment, is the current draft version of a proposed Wear Valley District Local Development Scheme. The *Local Development Scheme* has been prepared to show the documents that the Council will be initially producing, what they will include, and the programme for their preparation. Given criteria issued by GONE in recent weeks relating to the number and content of DPDs which can be brought forward within the first 3 years it has been necessary to prioritise document production whilst at the same time ensure adequate policy coverage will be retained.
11. It must be stressed that the programme of activity is not the final LDF. This new system is not a static process. In the interests of effective management and clarity the LDS will be reviewed, updated annually in response to annual monitoring findings and performance and a revised scheme published if applicable. Stakeholders will be kept informed of progress and any change. This process will ensure that the timetable for work and documents proposed remain relevant and attainable. It will also give scope for the new *Local Development Documents* to be identified and incorporated into the work programme. It is important to note that this new system is a continuous process and provides flexibility to delete or add to the initial portfolio of *Local Development Documents* proposed according to future circumstances.
12. GONE's previous concerns in relation to the earlier drafts related to the need for a reassessment of the proposed timetable – avoiding being over-ambitious – the avoidance of repetition and the production of an LDF which resembles the existing Local Plan in terms of structure and content. The current draft addresses these issues.
13. In particular, GONE previously voiced concern over the original intention to prepare individual sub-area Development Plan Documents (Bishop Auckland, Crook/Willington and Weardale) as well as a Core Strategy DPD considering that it would lead to a confusing restatement of policies in different documents. They subsequently expressed concern regarding an alternative approach which related to the preparation of DPD's covering all policy topics. They considered this to

be over-ambitious in terms of the volume of work being brought forward and at odds with the principle of the new system. These matters have been addressed by revisions to the structure of the LDF and timetable of the LDS. It is now proposed that the LDF will comprise of:-

- Core Strategy DPD
- Development Control DPD
- Housing DPD
- South and East Bishop Auckland Action Area Plan DPD.

14. The Core Strategy DPD will be written in a manner which reflects these sub areas and will include strategic topic based policies. The Development Control DPD will contain a suite of generic policies to be used to assess any planning application or proposal. This will replace existing local plan criteria based policies by December 2007. The 'Housing' DPD will set out site specific locations for new housing and associated required social infrastructure on a district-wide basis. In addition given the recognised need for regeneration, recent development pressure and delivery opportunities in the southern and eastern parts of Bishop Auckland, encompassing Tindale Crescent, Coundon and Dene Valley, it is considered prudent to include the preparation of an Action Area Plan (AAP) specifically for that area into the current schedule of work.
15. In response to the fact that the existing Local Plan is becoming outdated the DPDs proposed have been structured in a manner to ensure maximum policy coverage at the earliest possible time. It will be necessary to 'save' some of the policies and allocations until the initial work programme has been completed. An appraisal of how all current policies are to be treated i.e. whether they are to be 'saved', replaced or deleted is detailed in the LDS.
16. The preparation of an Action Area Plan for South & East Bishop Auckland has been given priority in terms of scheduling production over other areas, including Eastgate Cement Works, Bishop Auckland Town Centre, Crook and Willington, for several reasons. The current draft LDS proposes the production of a total of 4 DPDs in parallel. The production of any further DPDs has already been viewed by GONE as being unacceptable.
17. In arriving at the order of priority, the following has been borne in mind:-
  - There is scope to "save" a reasonable proportion of current Local Plan Policies which will provide adequate policy cover.
  - The outcome of work of the Weardale Task Force in relation to Eastgate Cement works site will be determined through the submission of a planning application well before it would be

possible to adopt a DPD, given the procedures involved for preparation of the latter.

- Proposals resulting from the master planning work relating to Bishop Auckland Town Centre could be controlled through the content of the proposed Development Control DPD. Therefore, a separate AAP is not deemed necessary.
  - Work and the availability of delivery mechanisms such as The Durham Coalfields Initiative and Coundon SHIP coupled with known development pressure in the south and eastern parts of Bishop Auckland are considered to be more advanced than that in Crook and Willington. However, it may be prudent to include an AAP to cover this area in the future.
18. In light of the above it is considered critical that all of these documents are prepared in parallel as shown in the GANTT Chart that is appended to the LDS. This timing of work is not strictly in accordance with ODPM's view that the Core Strategy should be adopted first. However, GONE have advised that providing sufficient justification can be given an exception could be made.
  19. GONE has also indicated that the number of supplementary planning documents previously proposed was over ambitious and their production should be phased over a longer time scale. It is also possible to 'save' some of the Further Planning Guidance Documents (FPGs) contained within the existing local plan as it is likely that these are still valid and will still be relevant to new generic policies.
  20. The format of the Local Development Scheme has some similarities to that that proposed by the other Durham districts, although each sets different priorities in terms of the order in which documents are to be produced. However the Wear Valley LDF will retain the principle of a threefold sub-division of the District, and users will be able to ascertain, by reference to the Core Strategy document, how the main parts of the district are likely to be affected.
  21. It should be noted that the Government expects public involvement in the preparation of the new development frameworks to be an integral part of the process and to achieve a level which '*will require a culture change in the local planning authority's approach to involving the community in plan preparation.*' Fortunately, the Council has already taken significant steps in joint working with a range of community and other partners, and indeed three of its core values espouse the new approach – '*citizen focused; community lead; customer centred.*' It is therefore considered that many of the mechanisms are already in place to ensure that the new requirements will be met.
  22. Unfortunately as a result of the time that has elapsed and the introduction of a new regulation that dictates consultees, it has recently

come to light that the previous Issues Report exercise carried out in 2003 cannot be wholly relied upon. Therefore further work and consultation will be required in this respect. This has been factored in to the project plan.

### **management programme**

23. The programme included with the LDS is intended to set out, as far as possible, the timetable for the preparation of the Local Development Framework. However, it has to be accepted that until work is underway it is difficult to predict whether the time scales proposed are over or under ambitious. The LDS can be reviewed and amended to reflect this, although proposed slippage will require thorough justification to ODPM. The work programme outlined for the first 3 years of the process concentrates on the key development plan documents rather than supplementary planning documents, as the former represent the foundations upon which the overall scheme must rest. It must be stressed that the draft LDS illustrates an initial portfolio of documents that can be added to in the future.
24. It is proposed to use the principles of PRINCE2 to project manage the process effectively and ensure that key milestones are met. A Project Management Board is proposed comprising of Officers and Members who will steer the LDF production and report progress or issues to the Regeneration Committee. The Principal Planning Policy Officer will be assigned the role of Project Manager and will report directly at regular intervals to the Project Management Board.
25. The Planning Inspectorate will also need to be consulted upon approval of the LDS by Members to ensure that the timetable is feasible from its viewpoint prior to formal submission to the ODPM.

### **legal or financial issues**

26. This report does not raise any significant legal or financial issues at this stage. Progress towards LDF production will be dependent on making available adequate staff resources. As members will be aware the department continues to face difficulties with staff vacancies and recruitment. Production of the LDF will place great burden on existing staff resources. In addition as all elements of the LDF will need to be subject to external and independent, and continual Strategic Environmental Assessment (SEA) resources further will need to be made available.
27. Production of the LDF is a critical element of the Council's Planning performance and one which is reflected in the allocation of Planning Delivery Grant. Any future grant received should have regard to ensuring LDF and SEA progress.

## **conclusion**

28. The preparation of the Local Development Framework and the degree of public consultation expected differ considerably from the previous development plan system. The LDS seeks to prioritise and clarify the work programme until December 2007. It needs to be recognised that the volume of work involved will be considerable and challenging for the authority. The requirements of certain areas of work have now been clarified by ODPM resulting in the need to alter the approach to be taken. The structure now proposed should provide adequate policy coverage.

## **RECOMMENDED**

- 1 That the Committee agrees the attached document in principle and endorses its submission to the Planning Inspectorate to gain a service level agreement in respect to the forthcoming public examinations , and
- 2 That the Committee gives delegated authority to the Director of Regeneration to make minor amendments to the draft LDS required by the Planning Inspectorate or GONE.
- 3 That Committee accepts the need to keep the document under review and to bring forward revisions as appropriate.

## **background information**

Draft Planning Policy Statement 12, ODPM, October 2003.

Creating Local Development Frameworks – A companion Guide to PPS 12.  
November 2004.

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**REGENERATION COMMITTEE**

**9 MARCH 2005**

Report of the Director of Regeneration  
**COUNTY DURHAM MINERALS AND WASTE DEVELOPMENT  
FRAMEWORK**

**purpose of the report**

1. To inform members of the Key Issues Paper relating to the Minerals and Waste Local Development Framework, to be prepared by Durham County Council; and to agree a response.

**background**

2. The Planning and Compulsory Purchase Act became law in September 2004. It made important changes to the planning system, and included a requirement for local planning authorities to replace the current system of local plans with new Local Development Frameworks (LDFs.) Such frameworks will comprise a folder of Local Development Documents.
3. Although the role of the County Council as a planning authority has changed, it nevertheless remains responsible for certain strategic planning matters, not least in relation to minerals and waste planning. The County Council is therefore required to prepare a Minerals and Waste Development Framework (MWDF) comprising minerals and waste development plan documents (DPDs.) These will eventually replace the County Durham Minerals Local Plan (adopted December 2000) and the County Durham Waste Local Plan, now very close to adoption.
4. Once completed, the MWDF, plus the Regional Spatial Strategy, and the Local Development Frameworks produced by the District and Borough Councils, will comprise the statutory development plan for County Durham.
5. The County Council expect the County Durham MWDF to contain the following development plan documents:-
  - Separate Minerals and Waste DPDs – setting out the overall policy approach to these subjects
  - Separate Minerals and Waste Development Control Policy Documents – setting out the County's development control policies.

- Separate Minerals and Waste Site Allocations Documents – which may allocate land for either minerals or waste development.
6. To allow for a smooth transition to the new planning system, the regulations enable adopted development plans to be ‘saved’ for a period of three years from September 2004, the commencement of the new Act. For plans in preparation, the three year period will commence from the adoption date of the draft plan. However, these periods can be extended where there is justification.
  7. This means that the policies of the Minerals Local Plan will be saved until September 2007, and the emerging Waste Local Plan will be saved for three years from the date of its adoption. However, because the emerging Waste Local Plan is about to be completed, the County proposes to ‘save’ that plan until 2010, and to concentrate on the replacement of the older Minerals Local Plan. This seems to be a sensible arrangement.

#### **the key issues paper**

8. In order to attract comments on the content of the new Minerals Development Plan Document, the County has produced a Key Issues Paper and has invited consultees’ views, including Wear Valley District.
9. Copies of the document are available for Members’ inspection. In brief, 20 Key Issues are identified. The key issues cover:-
  - the prioritisation of work (*see para. 7 above*)
  - ‘Spatial Vision’ *-.a concise statement referring to a balance between meeting demand and social and environmental acceptability*
  - ‘Strategic Objectives’ – *sets out more detailed aims to guide decisions. Invites comments, but points out these accord with Government Guidance.*
  - Spatial Strategy – *cannot be fully identified yet, but will protect nature conservation, landscape, heritage, and Green Belt sites, as well as communities and other socio-economic factors.*
  - sand and gravel ‘areas of search’ – *need to be reviewed*
  - relevance of future dolomite ‘areas of search’ at Thrislington Quarry – *to be reviewed because of drop in demand due to steel closures*
  - need for land for cement working at Eastgate Quarry – *review required*

- need for Barytes extraction at Close House Mine (Teesdale) – *no longer required*
- brickclay extraction at Eldon Brickworks – *review area of search to be maintained*
- brickclay extraction at Todhills Brickworks - *review area of search to be maintained*
- policies required within the Minerals Development Plan Documents – *identifies guiding principles and specifies likely policies*
- landbanks – *considers whether changes are necessary (e.g. reference to Eastgate, below)*
- need for aggregates – *reviews requirements*
- opencast coal – *approach to be adopted reflects Minerals Planning Guidance Note 3 (MPG3)*
- brick making raw materials – *reviews whether extraction of brick making material for supply outside County Durham should be considered.*
- building stone – *invites review of approach to take account of need for stone of particular type and quality, with safeguards if communities likely to be affected*
- protection of minerals from sterilisation– *review of existing/possible protection areas required*
- reclamation and after-use – *examines need for creative reclamation and long term management of reclaimed sites*
- reduction in primary aggregate use – *promotes re-use and recycling of materials*
- other issues – *what else may need to be considered?*

10. Whilst the list covers a wide range of topics, one in particular is of immediate relevance, and relates to land for cement working at Eastgate Quarry. The existing Minerals Local Plan identifies a 'preferred area for future working' solely for use by the cement works, to allow for a 15 year land bank of cement- making materials at the end of the plan period.
11. The cement works is, of course, now closed, and all extraction of cement- making materials has ceased. With the closure, and in view of the imaginative proposals which are now being considered for the site of the plant and associated areas, it is no longer appropriate or necessary to make provision for the future extraction of cement-making materials. It is therefore considered that reference to Eastgate Quarry should no longer be made in this context, and it should be excluded from the Minerals Site Allocations DPD. Additionally, it is no longer necessary to identify a landbank for cement making raw materials.
12. Both Eldon Brickworks and Todhills Brickworks lie very close to, but outside, the District boundary. The issue here, in the two cases, is whether sufficient land has been identified to ensure a 15 year landbank of brick making materials. These two works are important elements of the local economy, and have traditionally drawn a workforce from the local area. It is suggested that Committee may therefore wish to endorse the efforts of the County to ensure that the brickworks can remain operational.

**conclusion**

13. The County wish to proceed with a Minerals Development Plan document as a priority. This is appropriate.
14. The issues set out cover the main points which need to be considered. The protection of local communities is given a high priority.
15. Wear Valley has a particular interest in detailed points relating to the Cement Works site at Eastgate. There is no reason to retain a reference to the site and surroundings in the Minerals DPD.

**RECOMMENDED**

- 1 The Committee is recommended to approve the report;
- 2 Consider any other points members may wish to raise;
- 3 Instruct the Director of Regeneration to respond to the consultation including the reference to Eastgate and the brickworks sites as set out in the report

**background information**

Key Issues Paper, County Durham Minerals and Waste Development  
Framework, Durham County Council,  
February 2005

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## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **NORTH EAST TOURISM STRATEGY**

#### **purpose of the report**

1. To inform members of the recently launched North East Tourism Strategy 2005 – 2010 and the New County Durham Tourism Strategy to 2007.
2. To seek members approval that Tourism Resources Ltd be asked to review and update the Wear Valley Tourism Strategy in the light of these strategies.

#### **background information**

3. The economic benefits that Wear Valley derives from tourism are well recognised and have been highlighted once again in the recently published 'STEAM Report,' a well respected methodology for evaluating the value of tourism activity, undertaken for Durham County Council. The findings of this report show that overall tourism expenditure in Wear Valley in 2003 was £36.88 million, an increase of 10% over the 2002 figures, and that the industry supported 870 jobs, an increase of 7%.
4. Members were previously informed of the consultation draft of the North East Tourism Strategy developed by the Interim Regional Tourism Forum, in the report dated 8 July 2004. The process has taken much longer than expected and the strategy has only just been formally launched on the 14 February 2005. The strategy now sets out 10 Objectives and Targets. These include 8 from the earlier draft, which are:-
  - Attract more domestic and overseas visitors to the region
  - Increase tourists average spend and increase day visitor spend
  - Increase visits throughout the year, not solely in the main holiday season
  - Increase employment in tourism, and tourism related businesses
  - Improve the productivity of the regional tourism economy
  - Accelerate the rate of investment in the tourism product
  - Improve levels of visitor satisfaction in the North East

- Enhance and conserve the region's natural, heritage and cultural assets

together with two additional objectives:-

- Improve the quality of the tourism product in the North East
- Improve the quality of the tourism workforce in the North East.

5. Important features of the strategy are:-

- Extra public sector investment in tourism. From April 2005 the value of One NorthEast investment will increase to approximately £20 million
- Better promote the region's natural, cultural and heritage assets focussing on countryside and coast, history and heritage and city culture.
- Significant improvements to the quality of the tourism product
- Development of connected and themed experiences
- Investing in the leading edge ICT tourism infrastructure.

6. The delivery structure includes the development of a One NorthEast Tourism and Marketing Team and sub regional Area Tourism Partnerships (ATP's). The purpose of the ATP's is to provide a co-ordinated customer focussed destination management systems to improve the visitor experience, make it easier for tourist businesses to find the support they need and make sure funding for tourism is spent most effectively. TEAM, the company who was commissioned by One NorthEast to develop the regional strategy, has been asked to develop a detailed business plan for the Durham ATP. It is intended that ATP Management Councils will include public and private sector interests. We will have to await the detailed business plans to see how the organisation will operate at a practical level and how it will interface with the District. One NorthEast has stated that it is intended that local authority funding for ATP's will be through service level agreements not by representation, although local authority representatives will have an opportunity to apply.

7. The New County Durham Tourism Strategy has also been reviewed. The existing strategy expired in 2001 and there was a need to ensure it was aligned with the emerging regional strategy. The review took account of the Wear Valley Tourism Strategy. The County Durham strategy also has 10 strategic objectives, which generally fall in line with those of the regional tourism strategy and are:-

- Increase volume of tourists to County Durham to 1.4 million
- Increase the volume of day visitors to over 15 million
- Increase the average length of stay to 3 nights from 2.7
- Increase tourist expenditure levels to be more aligned with other parts of the region

- Develop the quality of the experience with specific targets for the accommodation sector
  - Maximise the spread of the economic impact across the county
  - Extend the tourist season
  - Improve the performance of existing tourism businesses
  - Improve the profile of the sector as a career choice
  - Improve the skills of the existing workforce.
8. The County Strategy includes the Wear Valley Tourism projects Harperley POW Camp, Weardale Railway, Killhope, and the former Lafarge site at Eastgate as being key to the development of the tourism experience. It is expected that the Strategy will be endorsed by the County Durham Economic Partnership in April 2005.

### **financial implications**

9. The costs for the review can be accommodation within the existing budget.

### **conclusion**

10. The North East Tourism Strategy 2005 – 2010 and the New County Durham Tourism Strategy to 2007 provide an important framework for tourism development and promotion in the region and therefore the District.
11. There has been an extended period of uncertainty in the tourism sector whilst the regional strategy has evolved. As highlighted in the report to the committee in July 2004, it is now timely that Wear Valley reviews its own Tourism Strategy and Action Plan developed by Tourism Resources in 2003. This is to ensure ‘fit’ with the new county and regional strategies and to maximise the opportunities and benefits that can be derived from them to help achieve a more diversified and balanced economy.

**RECOMMENDED**                      1                      Members note the content of the report and endorse the further work to be undertaken by Tourism Resources Limited.

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## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **COMMUNITY RAIL PARTNERSHIP – DARLINGTON TO BISHOP AUCKLAND RAILWAY**

#### **purpose of the report**

1. To seek agreement to the endorsement and participation by the Council in the establishment of a Community Rail Partnership for the Darlington to Bishop Auckland Line and the Weardale Railway (Bishop Auckland to Stanhope).

#### **background**

2. Founded in 1998, the Association of Community Rail Partnerships (ACoRP) is a national federation of 43 local community rail partnerships spread across the United Kingdom.
3. Community rail partnerships are a means by which the various stakeholders and interested parties along a rail corridor can play an active role in the development of a responsive and good quality rail service. Partnerships bring together train operators, Network Rail, local authorities, community organisations, businesses, development and tourism agencies and other locally based bodies.
4. ACoRP is a not-for-profit organisation which aims to provide impartial support, advice and guidance to anyone who is involved with rural, semi-rural and local rail services, including train operators and providers of bus, taxi and community transport services.

#### **government policy**

5. The Government's *Community Rail Development Strategy* was unveiled on 22nd November by Alistair Darling, Secretary of State for Transport. The Strategy sets out a framework for taking forward Britain's local and rural railways forward as vital arteries of the local economy.
6. Community Rail Partnerships (CRPs) are at the heart of the new government Strategy. The new strategy provides the first opportunity for many years—perhaps 40 years—to consider the development of community railways in their own right. Previous policies focused on

principal routes or market segments, with little regard paid to the effect on local and rural railways.

7. The Strategy lists 56 routes which the SRA propose to designate as Community Rail lines. These routes make up 10.5% of the national rail network. The characteristics of these lines vary, but all have scope for development with community support. There is no template solution, instead the strategy is a menu from which the right solution can be put together for each route.
8. Proposals in the strategy include establishing seven demonstration projects, and those projects will provide practical experience of the best ways of achieving the goals set out by the strategy. The seven lines chosen as pilot demonstration projects are:-
  - St Ives-St Erth (Cornwall)
  - Looe-Liskeard (Looe Valley)
  - Plymouth-Gunnislake (Tamar Valley)
  - Watford Junction-St Albans Abbey (Abbey Line)
  - Grantham-Skegness (Jolly Fisherman Line)
  - Huddersfield-Barnsley (Penistone Line)
  - Middlesbrough-Whitby (Esk Valley)

#### **the opportunities offered by community rail development**

9. This strategy is designed to improve the value-for-money and social value of local and rural railways in three ways:-
  - *Increasing ridership and income* There are many opportunities to increase revenue, through raising the profile of the railway within the local community, better marketing and promotion of services, amending timetables, special events, better revenue protection and local fares initiatives.
  - *Managing costs down* Track costs can be reduced through a maintenance strategy based on a closer specification of requirements and that limits the need for expensive renewals, as well as through a possessions strategy that reduces the need for costly overnight and weekend work. Better use of rolling stock, and lower leasing charges also have a part to play, as has multi-skilling of staff.
  - *Greater community involvement* This includes working with local authorities to build the railway into its plans for spatial development. More specifically, it can involve developing other uses for old station buildings and under-used railway land, and with the local community it can mean station adoption and involvement in a Community Rail Partnership promoting and being a key partner in development of the line.

### **shared priorities**

10. The strategy fits with the four priority transport outcomes shared between central and local Government - congestion, road safety, accessibility and air quality. It also takes account of rural needs and circumstances and ensures that rail policy addresses the needs of rural communities.
11. Associated objectives include contributing to the needs of the local economy, particularly the tourist economy, social inclusion and environmental improvement - as much of this strategy is about replacing empty seat miles with increased passenger kilometres which would bring a dramatic improvement in terms of emissions per passenger kilometre.
12. The strategy will only work on the basis of partnership, and depends on active support from local authorities, users and community groups. Much of the impetus and funding for development and improvement of these lines will now need to be generated locally.
13. The SRA has led the development of the Community Rail Strategy. With the abolition of the Authority expected in 2005, further development will be taken forward by the Department for Transport. The benefits of the full programme are expected to take five years to realise.

### **the heritage line community rail partnership**

*Darlington to Bishop Auckland line*

*The Weardale Railway (Bishop Auckland – Stanhope)*

14. The Bishop Auckland line has in recent time been the focus of a community/public sector partnership (The Heritage Line Working Party) which worked to promote usage of the line. It is proposed to re-establish this as a Community Rail Partnership. This will include the three local councils, Darlington, Sedgefield and Wear Valley together with Durham County Council.
15. The terms of reference/draft constitution has been prepared. This is included in Annex 2.

### **aims of the partnership**

- i) To promote and develop the Darlington – Bishop Auckland line for the benefit of both local residents, visitors and businesses.
- ii) To work with rail industry partners for specific improvements at stations and to the train service.

- iii) To work with existing organisations to promote the special railway and social / industrial heritage of the railway and its corridor, and to support local and regional tourism initiatives.
- iv) To promote integrated transport links to the railway, including bus, cycling and walking, and to encourage good links to the national rail network at Darlington.
- v) To support the efforts of The Weardale Railway to re-open the line from Bishop Auckland to Stanhope.
- vi) To work with the National Railway Museum to ensure the new development at Shildon is easily accessible by train and brings maximum possible social and economic benefit to the local community.
- vii) To promote active community participation at stations on the line.
- viii) To work with a wide range of local partners to ensure the railway plays a full part in the social and economic regeneration of the area.
- ix) To seek and secure funding for rail based projects.

### **council's role and responsibility**

- 16. It is proposed that the Council will be a member of the Partnership as identified by the Constitution. There is no legal or financial liability on the Council, although it may be possible to offer financial support for projects affecting or benefiting the District.

### **next steps**

- 17. It is proposed to launch the Partnership sometime during June or July 2005.

### **conclusion**

- 18. The sustainability of the branch line is important to the future of the District. It provides an important public transport access to the main line linking up major towns, tourist attractions and in the Northern Way Tees Valley City Region Plan as a regeneration/development corridor. The continued existence of this route will benefit further development and help the case for the re-opening of the Wolsingham to Bishop Auckland section of the Weardale line.

**RECOMMENDED**

- 1 That the Council supports and takes part in the establishment of the Community Rail Partnership.
- 2 Members nominate member representative on the Partnership and at the launch.

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**Officer responsible for the report**

Robert Hope  
Director of Regeneration  
Ext 264

**Author of the report**

Robert Hope

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## The Heritage Line Community Rail Partnership

*Darlington to Bishop Auckland line*  
*The Weardale Railway (Bishop Auckland – Stanhope)*

### Constitution

#### 1 Preamble

The Heritage Line Community Rail Partnership (The Heritage Line Partnership) is committed to the positive and imaginative development of the Darlington – Bishop Auckland – Stanhope line in ways which benefit the communities served by the railway. It sees the line as a vital link serving both urban and rural areas and desires to work with all interested parties to promote the social, economic, environmental and cultural well-being of communities along the line, and the railway itself.

#### 2 Aims of the Partnership

- i) To promote and develop the Darlington – Bishop Auckland line for the benefit of both local residents, visitors and businesses.
- ii) To work with rail industry partners for specific improvements at stations and to the train service.
- iii) To work with existing organisations to promote the special railway and social / industrial heritage of the railway and its corridor, and to support local and regional tourism initiatives.
- iv) To promote integrated transport links to the railway, including bus, cycling and walking, and to encourage good links to the national rail network at Darlington.
- v) To support the efforts of The Weardale Railway to re-open the line from Bishop Auckland to Stanhope.
- vi) To work with the National Railway Museum to ensure the new development at Shildon is easily accessible by train and brings maximum possible social and economic benefit to the local community.
- vii) To promote active community participation at stations on the line.
- viii) To work with a wide range of local partners to ensure the railway plays a full part in the social and economic regeneration of the area.
- ix) To seek and secure funding for rail based projects

The aims of the partnership can only be changed at an annual general meeting or special general meeting with two thirds majority vote. At least four weeks' notice should be given in writing to the secretary for any change to these aims and objectives.

### 3 The Partnership

It may comprise representatives from

- Local Authorities (through the Heritage Line Members Group)
- The Countryside Agency
- Educational Bodies
- Small and medium sized businesses
- Larger Businesses
- Tourism Centres and Boards
- Development Agencies
- The Weardale Railway Company and Trust
- Voluntary, youth and community groups
- Transport Trades unions
- Local residents groups and other supporters groups
- Other bodies deemed relevant by the Partnership

The Heritage Line Partnership is a non-party political organisation and political parties are not eligible for membership.

Representatives of County, Borough and District Councils, and rail bodies (including Railtrack, train operators and other relevant agencies eg The Countryside Agency) shall be welcome to attend all meetings and participate in its activities in ways they deem appropriate.

There shall be no fixed membership fee for corporate bodies, recognising that time and other forms of support can be worth more than cash. However, the Partnership welcomes donations from corporate bodies to enable it to do its general work effectively, or for specific projects.

The Partnership may seek to nominate a president and vice-presidents who will occupy a nominal role within the Partnership. Those nominated must be persons with substantial commitment to the line and the surrounding communities, with a distinguished record of public service.

A consensus approach shall be taken in the work of the Partnership and only in exceptional circumstances shall decision making be other than by general agreement. In these circumstances, a two third vote shall be required.

The Partnership shall normally meet at least every quarter, and not less than four times per year. It may meet more frequently if the executive decided it would be appropriate.

#### **4 Partnership Executive (Steering Group)**

- President
- Chairperson
- Vice Chairperson
- Secretary
- Treasurer
- Other Officers which may be determined
- Plus a maximum of six others with agreed areas of responsibility.

Representatives of Durham County Council, the relevant District/ Borough Councils, and the train operating companies (including the Weardale Railway) shall be welcome at all Executive Committee meetings.

Any person working on a paid basis with the Partnership, (e.g. The Community Rail Partnership Officer) may be an ex-officio member of the Executive Committee without voting power. In the event of a tied vote, the chair will have the casting vote.

Members of the executive shall be elected annually at the Annual General Meeting of the Partnership Council. The Executive shall meet at least four times each year.

#### **5 Partnership**

Any individual who supports the aims and objectives of the Partnership may join as an individual supporter for an annual fee of £5, with a concessionary fee of £2 for pensioners, unemployed persons and those on low incomes.

#### **6 Project Teams**

There shall be as many project teams which would function as sub-committees of the Executive Committee, as is deemed appropriate by the Partnership or Executive Committee. These may include:-

- Business groups liaison
- Schools and college liaison
- Public Rights of Way / leisure and recreation
- Station projects / Integrated transport group
- Publications group
- Fundraising
- Community Groups liaison
- Wildlife habitats – green corridors
- Tourist and Leisure group
- Weardale Railway liaison
- History and Conservation
- Others as appropriate

Each team shall be represented on the Executive Committee and give regular reports on its work. The project teams may involve any person in their work whom they think is appropriate; there is no size limit for their work and they shall be free to meet as often as they wish.

Whilst wishing to give the project team as much freedom as possible, they will be expected to abide by the constitution, and in particular the section on media relations.

## **7 Annual General Meeting**

All officers will be elected at an Annual General Meeting and be subject to annual re-election. A month's notice of the Annual General Meeting shall be given, together with a full agenda. Only the Annual General Meeting, or a special general meeting (see below) shall have power to amend the constitution or the aims and objectives, and one month's notice shall be given in writing to the secretary of any proposed change.

The Annual General Meeting will normally be held in the first quarter of each year.

The quorum shall be 7.

## **8 Special General Meeting**

A special general meeting shall have all the powers of the Annual General Meeting, including power to elect or remove officers, and to amend the constitution and the Aims and Objectives.

A special general meeting shall be called if :-

- (a) two-thirds of those entitled to vote at a Partnership meeting decide it, or
- (b) ten or more members request such a meeting in writing.

A special general meeting shall be called within six weeks of a valid request.

## **9 Other Meetings**

General meetings, in addition to the Annual General Meeting, shall be at the discretion of the Partnership or Executive Committee. If a majority of individual supporters call for a general meeting, it shall be convened within four weeks.

## **10 Principles of Behaviour**

Every member of the Partnership, whether a corporate body or individual, shall be accorded the same degree of respect and consideration by all other members. Behaviour contrary to this, in

particular that which causes offence on grounds of race, gender, disability or age shall be deemed suitable grounds for expulsion from membership of the Partnership.

Whilst wishing to encourage local business development, it would be contrary to the spirit of the Partnership for one business to seek advantage over another through membership of the Partnership.

#### **11 Subsidiary Operations and Charitable Status**

The Partnership may seek charitable status if members agree. It may also take part in commercial activities in accord with its aims and objectives and may need to consider the establishment of trading subsidiaries if this is the case.

#### **12 Media Relations**

All communication with the media must be either agreed by the Partnership or Executive, or with the agreement of any two of :- chairperson, secretary and media relations officer if the issue is of sufficient urgency to warrant it.

#### **13 General**

##### **(a) Campaigning activity**

The partnership is primarily a development and promotion group not a lobbying organisation. In politics it is strictly non-partisan and welcomes the support of all who share its aims and objectives and abide by its constitution. Any campaigning activity would only be undertaken by the fullest possible agreement of all the Partnership's members, requiring a two-thirds majority vote of the Partnership Council, and only in exceptional circumstances. These would include proposals for a significant worsening of the existing service, or any major threat to the future of the line.

##### **(b) Statutory and commercial organisations**

The Partnership will do its utmost to work positively with all relevant statutory and commercial bodies involved with the line. In particular it will work to sustain a close and supportive relationship with Railtrack and Arriva Trains Northern and any of their successors in the years ahead.

#### **14 Finance**

The Partnership shall have a general bank account and may open specific accounts for projects, subject to approval of the Executive Committee. The treasurer will be a signatory to all cheques, plus at least one other person nominated by the Executive Committee. For the main account, this will be the chairperson plus one other named

person. A cheque shall be valid if signed by two of the three named persons.

The Partnership should be free to raise funds in whatever legal ways it deems appropriate. It may, if it desires, make donations to groups whose activities benefit the line, or, if deemed appropriate, other community activity along the line.

The accounts will be audited once a year by two auditors. The accounts will be presented to the Partnership Annual General Meeting. The Executive Committee and Partnership will expect regular reports on finance from the treasurer.

#### **15 Unforeseen Circumstances**

Any circumstances not foreseen by this constitution shall be decided on by the Executive Committee, or the Partnership meeting.



## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **ENERGY SURVEY SCHEME**

#### **purpose of the report**

1. To seek members approval to carry out an energy survey scheme in the Eldon Lane area and to use Housing improvement Funds to meet the recommendations of the Surveys.

#### **background**

2. As part of the Eldon Lane Housing Renewal Programme, Accent Regeneration are in the process of carrying out refurbishment works to the external structure of properties in Randolph Street, Eldon Lane.
3. In harmony with this scheme it is proposed to carry out energy efficiency surveys to all private properties in this area and to making suitable recommendations to improve their thermal comfort, and thus taking those households out of Fuel Poverty. (*People are considered to be in fuel poverty when they spend over 10% of their household income in order to adequately heat their home.*)
4. Fuel Poverty can have wider social, environmental and economic implications for communities. Fuel poor households will generally possess less available capital to invest in ongoing maintenance of their home and where high concentrations of fuel poverty occur, housing may fall into disrepair and the environment becomes less appealing, as a result leading to outward migration and damage to the local economy.

#### **proposal**

5. A partnership with KNW (a surveying team and heating installer,) and EAGA Partnerships (scheme managers for the Government's WARMFRONT scheme), has been established and it is intended to survey properties in the Eldon Lane, Bridge Place and Coundon Grange areas, on the outskirts of Bishop Auckland, with a view to carrying out the necessary improvement works.

6. Households will be contacted first by letter and then by a personal call, where the home will be subject to an energy efficiency survey. The survey will recommend the required energy efficiency measures best suited to that home. Any works required will be implemented as appropriate.

### **funding**

7. EAGA will be prepared to carry out the necessary works on a match-funding basis. Their initial estimate to undertake the works in this area is in the region of £100,000, based on experience of similar aged properties elsewhere. This would necessitate an allocation of £50,000 by the authority.
8. The £50,000 could therefore be made available from the existing Eldon Lane Renewal Capital budget, and as indicated, would 'draw-in' an additional £50,000 via EAGA Partnerships.
9. Those households that are in receipt of an appropriate benefit will be channelled towards the WARMFRONT grant scheme thereby releasing funding for further energy efficiency measures.

### **financial implications**

10. Funding is available in the Council's 2004/05 Housing Renewal Budget.

### **consultation**

11. It is intended to liaise with local community groups and residents associations before commencing the survey work. This activity will hopefully encourage local residents to participate in the scheme and raise awareness of how insulation measures can improve their home comfort and alleviate unnecessary illness caused by cold, damp homes.

### **conclusion**

12. The properties within these targeted areas were predominantly constructed in the early 20<sup>th</sup> century, built without a cavity wall and are notable 'hard to heat' homes. The Eldon Lane area has been a target for regeneration and this scheme will go along way towards improving the value of the property and providing a warm comfortable home for existing residents.

13. There is adequate finance to meet the Council's contributions.

- RECOMMENDED**
- 1 That approval to carry out the Energy Survey Scheme be granted;
  - 2 Funding to implement the recommendations of the Scheme be taken from the Housing Renewal Budget.

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**Officer responsible for the report**

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**REGENERATION COMMITTEE**

**9 MARCH 2005**

Report of the Director of Regeneration  
**BVPI 3<sup>RD</sup> QUARTER MONITORING UPDATE**

**purpose of the report**

1. To provide for Members a report on BVPI Monitoring in the period October-December 2004.

**background**

2. The Regeneration Committee endorsed the Service Plan on 8 July 2004. In order to inform Members a quarterly review has been undertaken on implementation of the plan in respect of the three main service areas of the department: development and building control; planning and environmental policy; and economic regeneration. Summarised in Annex 3 to this report are measures of our performance against key targets and indicators.
3. The indicators show performance against target (where this can be measured) in the quarter and an indication of service improvement.

**development and building control**

4. In 2003/04, 1012 applications were received. This represented a great increase in demand on the service. Between April and December 2004, 758 applications were received compared with 740 applications in the same period of 2003/04. Demand on the service remains high.
5. Performance in determining applications improved in 2003/04. The performance in the first 9 month period of 2004/05 was down on the previous year due to increased workload and staffing issues. Due to staff retention/recruitment problems it will be difficult to meet targets for the year. The performance was as follows:-

	2003/4	2004/5 Q3	2004/5 9 months	Target (set nationally)
Major	63%	60%	47%	60% In 13 weeks
Minor	78%	50%	60%	65% In 8 weeks
Other	90%	67%	76%	80% In 8 weeks

### **action to improve problem of performance**

6. To try to address the poor performance workloads of officers expiry deadlines are being checked on a weekly basis, deadlines of applications are being identified and roles of officers have been changed.
7. A total of 691 applications were determined, compared with 685 decisions in the same period of 2003/04.
8. The percentage of applications determined through delegation to officers was 92% (target 90%).

### **appeals**

9. During the third quarter of 2004/05 there have been 5 appeal decisions. 3 have been dismissed and 2 have been allowed. To date this year 12 appeal decisions have been received of which 5 have been allowed (42%). See Annex 4.

### **complaints**

10. There have been twelve complaints received in the 3rd quarter compared to 7 in 1<sup>st</sup> quarter and 5 in the 2<sup>nd</sup> quarter. These are detailed in Annex 4.

### **ombudsman cases**

11. There have been 7 cases decided by the Local Government Ombudsman.

### **enforcement**

12. The enforcement support officer continues to issue weekly lists of new and resolved cases to Members. At Annex 5 is a report of notices served and the caseload at 31 December 2004. This can be found at page 130 due to the content of exempt information – para 13.
13. 80% of complaints were responded to within 15 working days (target 100%). This was a big improvement on the previous quarter (63%). However, the department is back down to one enforcement officer and it is likely that this performance will decline.

### **building control**

14. In the third quarter of 2004/05 the section determined 59 full applications 30 (51%) of which were determined within 5 weeks (target 75%). In the third quarter of 2003/04, 93 full applications were determined within 5 weeks.
15. The percentage of inspections undertaken in one working day was 100% (target 100%).

16. It is proving very difficult to carry out plan vetting whilst maintaining the excellent inspections record due to heavy workloads.

### **economic regeneration**

17. Third quarter activity has built on the success of the 'Locate Wear Valley' brand. An awareness campaign aimed at local, regional and national agents and business intermediaries is being actively progressed to attract investment projects.
18. Feasibility and design work for an extension to Innovation House creating a further 26 office units is complete. Applications for ERDF and Single Programme funding have been submitted. It is hoped to start on site Q1 2005/06 subject to confirmation of funding.
19. The geo-thermal drilling at the Lafarge Cement UK Eastgate works is complete which have confirmed that there is a viable source of hot water. This allows the final stage of the Eastgate site master plan to be developed into the UK's first renewable energy model village, incorporating geothermal energy, bio-mass, wind power, hydro-electricity and solar energy. Draft plans for the site include high spec mixed use development incorporating recreation, tourism, housing and high tech business development.
20. Funding action plans and applications submitted by Coundon Settlement Renewal Initiative and Crook and Stanhope Market Town Initiative to County Durham Economic Partnership for Single Programme resource have been approved. Delivery of a range of projects developed can now be progressed.
21. Work continues to implement the SRB and European Objective 2 Packages and support the communities in these areas.

### **private sector housing activity**

22. BVPI 62 is normally monitored annually. 0.90% for the quarter represents 15 properties made fit – an increase of 11 over the previous quarter.
23. It has to be remembered that the figure used to calculate this indicator for 2004/5 has changed. Rather than use the estimate of unfit dwellings from the Miller Mitchell Housing Study, it has been considered preferable to continue to use the 1996 value for unfit dwellings, for reasons of continuity and accuracy, even though this appears to paint a somewhat more pessimistic figure than may actually be the case.
24. As in previous reports, it should be noted that the indicator is greatly affected by larger-scale clearance, which tends to occur cyclically. Hence, it is difficult and unreliable to deduce longer-term results from a

'snapshot' of one quarter. The figures for the actual number of unfit dwellings dealt with in this quarter represent a significant improvement.

25. The figure for BV62 is well in excess of the annual target and shows that the Empty Property Strategy, which includes an officer dedicated to this task, is continuing to make a significant impact.

### **brownfield land**

26. The third quarter results shows a marked improvement. As stressed on previous occasions, increases in the use of brownfield land take time to feed through the system. The rate at which the existing permissions are taken up and developed is of course largely outside the control of the local planning authority. Allowance should therefore be made, in interpreting the statistics, for the 'delay' between the actual grant of permission, and the results 'on the ground.' Once output from brownfield sites benefiting from existing planning permission gathers momentum, the figure will continue to improve.
27. BV 200 is a recently introduced indicator to reflect how up to date the Council's Local Plan is. This indicator pre-dates changes in the planning system introduced by the Planning and Compulsory Purchase Act. In effect, authorities like Wear Valley, which produced their local plan some time ago (1997) and are clearly on track to produce our Local Development Framework in accordance with the new Government target will inevitably not meet BV200.

### **conclusion**

28. The department has made a good start to the delivery of the service plan. Further reports on progress will be made during the year.

**RECOMMENDED**                      1                      That Members note progress against the Department Service Plan and note action taken to mainstream and improve performance.

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## Performance against Best Value Performance and Local Indicators

## Development and Building Control

Indicator	Description	Target		Performance 2003/04	Achievement 2004/05				Variance from target / comment	
					Q-1	Q-2	Q-3	Q-4		
BV107	Planning cost per head of population	-								
BV 109		2003/04	2004/05						Achieved	☺
	(a) Major applications determined within 13 weeks.	60%	60%	63%	33%	85%	60%			
	(b) Minor applications determined within 8 weeks.	65%	70%	78%	73%	54%	50%	Not achieved due to staff turnover/holidays		
	(c) All other applications determined within 8 weeks.	80%	80%	90%	90%	67%	67%	Not achieved due to staff turnover/holidays	☹	
BV 111	Percentage of applicants/agents satisfied with the service received.	Top quartile.		90%	No survey undertaken	No survey undertaken	No survey undertaken		Continuing high levels of satisfaction	
BV 188	Delegation to Officers (Planning)	90%		93%	95%	89%	94%		Almost achieved	☺
BV204	% of appeals allowed against the authority's decision to refuse planning applications			38%	50%	33%	40%			
BV205	Quality of service check list									
LPP 1	Percentage of householder applications determined within 8 weeks	Existing target 75% to progress to 85% by 2006		92%	90%	72%	73%		Not achieved due to staff turnover/holidays	☹
LPP 4	Percentage of industrial/economic applications determined within 8 weeks	Target 80%		64%	67%	50%	60%		Low number of (5) applications	☹
LPP 5	Percentage of applications vetted and approved within 5 weeks.	Target progress to 75% by 2006		61%	67%	61%	51%		Not achieved.	☹
LPP 6	Percentage of inspections undertaken in one working day.	Target 100%		100%	100%	100%	100%		Achieved	☺
LPP 7	Percentage of alleged breaches of planning control acknowledged within 3 days.	Target 80%		61%	100%	100%	0%		Low number (3). In all cases when received not immediately realised that were enforcement complaints.	☹
LPP 8	Percentage of alleged breaches responded to within 15 working days.	Target 100%		45%	45%	63%	80%		The Enforcement Officer has been faced with a significant backlog of old cases and a substantial rise in new cases. A scoring system is being operated.	☹

## Performance against Best Value Performance and Local Indicators

### Economic Regeneration

Indicator	Description	Target 2004/05	Performance 2002/03	Performance 2003/04	Achievement 2004/05				Variance from target / comment	
					Q-1	Q-2	Q-3	Q-4		
BV-EC2	Proportion of the working population who are unemployed and claiming benefit.	3.4%	-	3.4%	-	-	-			
BV-EC17(a)	Total number of investment enquiries dealt with per annum	120	-	108	17	23	39			☹
BV-EC17(b)	Number of re-locations and re-investments annually as a result of "inward investment"	5	-	6	3	2	2			☺
BV-EC17(c)	Number of jobs created and safeguarded from firms moving to, or re-locating within, the area following "inward investment" enquiries.	50	-	202	14	4	18			☹
BV-EC19	Number of new business start-ups assisted/receiving financial assistance.	12	-	10	4	4	0			☹
LPI 5	Respond to workspace enquiries within 3 working days	90%	-	83%	80%	80%	100%		Due to staff shortage July/August	☺
LPI 6	Process grant applications within 8 weeks	90%	-	100%	100%	100%	100%			☺
LPI 7	Jobs created through business grants & other assistance	44	-	214	38	34.5	7			☺
LPI 8	Occupancy rates of WVDC (or jointly owned) factory units & workshops	65%	-	70%	81%	81%	85			☺
LPI 9	Issue at least 10 press releases	10	-	12	7	4	3			☺

### Planning and Environmental Policy

Indicator	Description	Target 2004/05	Performance 2002/03	Performance 2003/04	Achievement 2004/05				Variance from target / comment	
					Q-1	Q-2	Q-3	Q-4		
BV 62	The proportion of unfit private sector dwellings made fit or demolished as a result of direct action by the local authority.	5%	4.2%	6.48% *	0.18%	0.24%	0.90%			☹
BV 64	Number of private sector dwellings that have been vacant for more than six months as at 1st April 2004 that are returned to occupation during 2004/05 as a direct result of action by the local authority.	5	0.4%	24	2	12	35			☺
BV 106	Percentage of new homes built on previously developed land.	60%	56%	41.27%	42.2%	30.6%	60.6%			☹
BV 200	Local Plan-has local plan been adopted in last 5 years or proposals on deposit to adopt in next 3 years	Yes	-	No	No	No				

\* N.B. The number of unfit properties used to calculate this figure is being changed – reverting to the 1996 estimate of unfit properties, as this is considered to be more reliable (=1655).

## THIRD QUARTER PERFORMANCE MONITORING

## APPEALS

Appeal	Decision	Reason
3/2004/0020 Site at Goldhill Farm, Lanehead	<b>Allowed</b>	The appeal was made against condition 5 of planning permission to the construction of a new access from the A689 to Goldhill Farm for vehicles constructed of consolidated limestone. The condition required the construction of a dry stone wall along the length of the road. The Inspector concluded that it was not necessary to construct a dry stone wall. If a wall were built it would appear out of place in the AONB because of the curved alignment of the proposed road.
3/2003/0786 1 Ashcroft Gardens, Stanhope	<b>Dismissed</b>	The appeal was made against the refusal of planning permission for a single storey extension to the rear of 1 Ashcroft Gardens and the construction of a new building wall to the front and south side of the property. There was no objection to the new boundary walls and gates. The Inspector considered the extension would cause unacceptable harm to the character and appearance of the streetscene. The extension would not be in keeping with the character of the existing detailed dwelling in terms of mass, scale and design.
3/2003/0808 Site at land East of Old Hall Farm Road, St Helens Auckland	<b>Allowed</b>	The appeal was made against the refusal of planning permission for 74 houses with garages and/or parking spaces together with ancillary road and drainage works. The Inspector concluded that although the release of the eastern part of the appeal site for residential development conflicts with local and national planning policy as regards sequential release of housing sites there are other material considerations that outweigh such conflict. Of particular importance to the Inspector were the site's physical relationship with the urban areas, the contribution the site's relevance would make to the achievement of a more sustainable pattern of development in the area, and the opportunity that would be afforded to rid the land of substantial tipped materials. He concluded that the proposal would not be too detrimental to highway safety, provided a ghost island protected right turn junction is provided at the junction of Old Hall Farm Road and Manor Road.

Appeal	Decision	Reason
3/2004/0390 Land adjacent to and including Ship Cottage, Broomside, Coundon.		The appeal was made against the refusal of planning permission for two detached residential units and associated access proposals. The Inspector concluded that the proposed development would not cause any material harm to highway safety along this part of the B6287, or create unacceptable levels of traffic, and that it would not conflict with Policy GD1.
3/2004/0151 Site at Garden opposite 1 Castle Close, Crook	<b>Dismissed</b>	The appeal was made against the refusal of planning permission for a proposed 4 bedroom bungalow. The Inspector concluded that the proposed development clearly conflict with the provisions of the Local Plan. The site is within an area allocated for general industrial development. In his opinion there are no overriding need for a new dwelling on the site.

## COMPLAINTS

Origin of complaint	Allegation	Response
1 Complaint by applicant	Allegation that a letter of objection had not been made by the person named in the objection. Demand from applicant that the source of the objection be fully investigated. The objection alleged bats were present and a condition had been imposed requiring a bat survey. The complainant demanded the Council pay the qualified bat worker who she had asked to carry out a survey.	The complainant was informed that it was not for the local planning authority to question whether the solicitor's letter was in fact on behalf of the person named but the Council must consider the planning merits of the objections raised. It was reasonable to suppose bats would be present. In fact the survey showed bats were present. Until the survey was carried out it could not have been known the bats were not using the building as a roost. The condition was justified and no refusal was warranted.
2 Complaint by neighbour (3 separate complaints)	The complainant alleged the Council had allowed a stone boundary wall to be demolished without her knowledge and permission. Secondly it was alleged the Council had allowed the applicants to build a house closer (0.25m) to the boundary than shown on the approved	The dispute over the stone wall is a civil matter. The applicant submitted an amended application to rectify any discrepancies.

	plans. Also it was alleged the Council had not stopped other discrepancies from the approved plans.	
<b>3</b> Complaint by neighbour	The neighbour had objected to an application submitted by his neighbour to build a garage. Following the grant of planning permission, a complaint was received that staff had ignored his requests for information about whether he had a right of appeal against the approval and whether his neighbour could remove the existing fence without consulting anyone.	An apology was sent to the complainant. He was informed that he had no right of appeal and the dispute over the fence was a civil matter.
<b>4</b> Complaint by neighbour	Allegation that staff do not respond when calls are made to the department; staff are not in; phone calls are not returned. The issue related to a long standing enforcement case about an unfinished development.	An apology was made. It was explained that the enforcement officer had to carry out a thorough investigation to ensure the current information was supplied.
<b>5</b> Complaint by applicant	The complainant had withdrawn an earlier application because the submitted proposals were considered unacceptable. Prior to making the application she had been advised by the duty planning officer that the proposals were acceptable. She complained that the re-submission had been "lost".	All pre-application advice is given without prejudice. The re-submission had not been "lost". There had been a problem in copying the volume of applications received. It was taking approximately 3 weeks to validate new applications. The application in question was determined within 8 weeks.
<b>6</b> Complaint by neighbour	The complainant was dissatisfied with the handling of an application to extend the neighbouring property. She believed it would adversely affect her privacy. She alleged she had been told not to object even though she had informed the case officer about her concerns.	The case officer had fully taken into account the impact of the proposal on the complainant's property. A detailed report explained how if the impact had been assessed to be insignificant. The case officer was interviewed and he denies advising the complainant not to write a letter of objection. The neighbour notification letter clearly invites any comments to be made in writing.

<p><b>7</b> Complaint by neighbour</p>	<p>Following the publicity about the compensation payment made in respect of opportunities for overlooking into a rear garden from a first floor balcony, a neighbour complained that he had not been consulted when amended plans for a front extension had been received showing the addition of the first floor balcony.</p>	<p>A letter of apology was sent. It was accepted that a new application should have been requested. However, it was not accepted that the development had caused any harm to the complainant. It is only possible to look onto the complainant's driveway and small front garden, which are already visible from the street. No loss of amenity has been suffered.</p>
<p><b>8</b> Complaint by applicant</p>	<p>The complainant complained he was badly advised and misled by officers. He had notified the Council providing details of proposals to carry out works to trees in a conservation area. He queried what diameter trees needed to be before the regulations took effect. He also pointed out discrepancies in the timescale quoted in the acknowledgement card for a response. He was aggrieved that the trees in question had now been protected by a tree preservation order.</p>	<p>It was accepted that procedural mistakes had been made. The wording of the acknowledgement cards had been changed. A staff training need had been identified which was addressed in January 2005. Due to the amenity value of the trees a tree preservation order (TPO) was considered justified. The complainant was allowed more time to decide whether to submit a written objection to the TPO to the Legal Section.</p>
<p><b>9</b> Complaint by neighbour</p>	<p>The complainant was dissatisfied that there is not 21 metres separation from a new house and the complainant's recently constructed extension.</p>	<p>The complainant has been advised that the 21 metres stated in policy H24 is a guideline and that PPG3 requires higher densities of development than were expected when the Local Plan was adopted. Further, the complainant has been informed that due to the angle of the new house and difference in site levels there would be no direct overlooking.</p>
<p><b>10</b> Complaint by neighbour</p>	<p>The complainant complained that she had not been consulted about development proposed behind her property. She was concerned about the difference in heights between the new houses and her house, and the separation from her house.</p>	<p>An apology was made for failing to notify her about the application. The mistake arose because she lives in a new house which is not yet shown on OS plans, nor was it shown on the submitted plans. Details of site levels had not been agreed. The</p>

		applicant was contacted and agreed to revise the layout and reduce site levels to overcome the complainant's concerns.
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## OMBUDSMAN CASES

Location	Response
Bridge Street, Bishop Auckland	Not pursued. <ul style="list-style-type: none"> <li>• Right to light is a civil matter.</li> <li>• The decision was reached correctly – no maladministration.</li> </ul>
Milburn Way, Howden le Wear	Not pursued. <ul style="list-style-type: none"> <li>• The Ombudsman cannot consider the actions of complainant's neighbours nor can the Council take account of individual's characters when considering whether to grant planning permission.</li> <li>• Damage to property is a private matter.</li> </ul>
Milburn Way, Howden le Wear	Not pursued. <ul style="list-style-type: none"> <li>• The Council cannot protect property values or automatically prevent development because it alters peoples' outlooks.</li> <li>• The Council cannot consider the nature of the person who has applied for planning permission.</li> <li>• The decision taken by the Council was made properly.</li> </ul>
Etherley Grange	Not pursued. The complainant had not exercised his right of appeal.
Belle Vue Terrace, Willington	Not pursued. There was no maladministration because the Council had not sent the planning application file to a neighbour's house. The neighbour worked away from home during the week and so was unable to view plans at the Civic Centre.
High Grain, Cowshill	Not pursued. <ul style="list-style-type: none"> <li>• The Building Control officer was satisfied the roof is watertight.</li> <li>• Changes to the approved plans had been considered properly by the planning officer.</li> <li>• The planning officer had acted reasonably.</li> <li>• The complainant had suffered no injustice. He had to decide whether or not to pay for a diversion order to be able to implement his planning permission.</li> </ul>
Clover Drive, Bishop Auckland	Local settlement. The Council accepted a mistake had been made and paid £15,000 compensation. New procedures for dealing with amendments to approved plans are now in operation.

## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **PRIVATE SECTOR GRANTS POLICY 2005**

#### **purpose of the report**

1. To seek Committee's approval to the new Private Sector Grants policies in line with the Regulatory Reform Order (Annex 7).

#### **background**

2. The Regulatory Reform Order was introduced in 2002 to give Local Authorities more flexibility in the grants that they delivered to their customers. The Order was seen as a major step forward as it allowed the grant process, and grants available, to be tailored to prevailing circumstances. Assistance could therefore be based more closely on the actual needs of an area, taking into account geography, and the age and design of the housing stock.
3. The strategy set out here has grasped those freedoms and flexibilities to develop a more robust and comprehensive Private Sector Housing Grants Policy. The policy has been developed in full consultation with staff, customers and the Durham Dales Home Improvement Agency, and furthers our private sector housing commitment.

#### **the policy**

4. There are a number of fundamental changes to the new Housing Grants Policy, the most noticeable being the format. The Freedom of Information Act gives the public and customers new rights in accessing information, and the Policy has been written, in the spirit of the Act, to clarify and simplify the application process.
5. The grant titles have been amended as follows:-
  - Renovation Grant - Major Repair Grant
  - Home Repairs Assistance – Minor Repair Grant
  - The new Major and Minor repair grant titles accord with the RRO and good practice.
6. The grant limits now have a degree of flexibility. In the past, it became evident that in some cases, grant aid was not sufficient to carry out the required works to the property. In such cases, the customer would

then be required to pay any extra from their current resources. Given that their current resources were limited in the first place – hence their acceptability for grant aid – the process sometimes became self – defeating, with not all of the necessary works being undertaken.

7. The new policy proposes that there is still a grant aid limit, however this limit can be exceeded on the recommendation of the Director of Regeneration.
8. At present, a grant will not cover any work to the central heating system. This is an outdated view and the need for energy efficient central heating is of paramount importance to the customer and to the fitness of the property. Strong links with the Home Energy Conservation officer will be made and external funding will be sought wherever possible.
9. To be eligible for a Minor repair grant, the previous policy stated that an applicant must be resident in the property for at least three years. The new policy has reduced this to 1 year in line with recognised good practice.
10. A number of Grants are never used and simply add to the confusion for customers, therefore these grants have been removed. The grants that are no longer available are:-
  - Houses in Multiple Occupation
  - Homesafe Project
11. Additional minor changes have been made to the policy which are apparent within the policy itself.

### **financial implications**

12. At present the budgets that are allocated to delivering Private Sector Grants are sufficient to deliver a quality service. With the introduction of the additional heating system upgrades, and the grant limit flexibility, it is envisaged that there will be an increase in the number of grant applications over the next financial year.
13. Following the Private Sector Housing Team's relocation to the Old Bank Chambers in Bishop Auckland, the profile of the services that are delivered has risen and publicity continues to be a focus. This will increase the awareness amongst customers that the Private Sector Housing Team has grants available.
14. In addition, the Home Improvement Agency is increasing the awareness of the grants available.
15. Taking all of these factors on board, there may be budget constraints towards the end of the financial year. Accurate and timely budget monitoring will be required throughout the year and it is possible that if

the new approach is successful, an increase in resources may be sought in 2006/07.

### **legal implications**

16. The Council has a legal implication to review the Private Sector Grants Policy on a yearly basis, this was outlined in the Regulatory Reform Order 2002.
17. The Freedom of Information Act and Human Rights Act have also been considered and have not been breached.

**RECOMMENDED**                      1            It is recommended that Committee approve the new Private Sector Grants Policy, with an implementation date of 1<sup>st</sup> April 2005.

### **Background information**

This policy has been developed taking into account the Regulatory Reform Order. The policy will be reviewed on a yearly basis.

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**Officer responsible for the report**

Robert Hope  
Director of Regeneration  
Ext 264

**Author of the report**

Richard Roddam  
Principal Housing Strategy Officer  
Ext 514

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## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **BISHOPS' PARK FEASIBILITY**

#### **purpose of the report**

1. To seek endorsement for the suspension of Section 6 of Contract Procedure Rules to facilitate the appointment of Casella Stanger to undertake a second phase of work to update the existing proposal for the restoration of Bishop Auckland Park.

#### **introduction**

2. The Park is arguably the town's most prestigious asset, but is currently under-utilised. Restoring and utilising the historic parkland is an integral part of the plans for the regeneration of the town and will be complimentary to other work going on within Bishop Auckland through the Urban Renaissance Programme.
3. A small window of opportunity exists to submit a bid to the Heritage Lottery Funding Urban Parks Programme anticipated to be in the order of £2.1m to match with around £700,000 of Single Programme resources to develop a plan to restore the historic Bishop Auckland Park as a visitor attraction.
4. In order to submit a bid to the Heritage Lottery Funding Urban Parks Programme a series of comprehensive plans are required including a restoration plan, audience development plan, training plan and business plan, as well as public consultation on the proposal. These plans are all going to take some considerable time to prepare and are required urgently to enable the bid to be submitted and determined.
5. Wear Valley District Council does not have the expertise or capacity to prepare all of these plans without support from specialist experts in this field. Accordingly £45,000 of external funding has been secured in 2004/5 as a contribution towards appointing consultants to assist the preparation of this bid.

#### **justification**

6. Casella Stanger has already prepared the baseline work needed for the bid, as part of an earlier phase of project development. This did not proceed into a bid submission because suitable match funding could

not be identified. Casella Stanger were appointed to do this initial phase of work on a competitive tender basis in accordance with the Council's standing orders at the time.

7. In order to submit the new bid the work conducted by Casella Stanger needs to be revisited and updated and some additional information added. In particular, since the baseline work was conducted there has been a change in guidance and more detailed information and plans are now required for a Heritage Lottery Funds Stage 1 Application.
8. Production of this additional supporting documentation will be heavily reliant upon the work which has already been conducted and therefore re-appointing the original consultants, who can bring with them significant expertise and intellectual information on the project, appears to be the most logical approach to achieving a successful bid.
9. Detailed discussions with the Heritage Lottery Fund have identified the level of detail required to update the existing restoration plan and the additional work, which needs to be done. Accordingly Casella Stanger have submitted a fee proposal for the work of £63,557.
10. Furthermore, the consultants have also designed their proposal to ensure that a bid for the Heritage Lottery Funds can be submitted at the earliest opportunity, approval gained and to enable implementation of the project commencing mid-2006.
11. To achieve this the consultants will undertake a significant amount of the preparatory work in this financial year and this will also ensure that the external funding can be maximised and claimed to fund this work.

### **financial implications**

12. The cost of this work is estimated at £63,557. Funding is available through ONE NorthEast (£45,000); LSP Environment Group NRF allocation (£2,500) LSP, Economy Group NRF allocation (£2,500) and the remainder being funded from the Council's Bishop Auckland Urban Renaissance Capital Budget.

### **conclusion**

13. Given the key role of Casella Stanger in the production of the original report, the intellectual knowledge they already have of the project, and the need for early commencement of this work, the Director of Regeneration sought to appoint the company for this second phase of work.
14. The Director of Finance, Head of Legal Services, Leader of the Council and the Chair of Regeneration Committee agreed the request for the suspension of Section 6 of Contract Procedure Rules in relation to this work and Casella Stanger have subsequently been appointed.

15. Furthermore, the situation has been discussed with the external funders to seek approval of this approach and it was agreed that there is a reasonable justification for awarding this work to Casella Stanger.

**RECOMMENDED**

- 1 To endorse 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.
- 2 To receive further reports when the feasibility work is completed to agree the restoration proposals.

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**Officer responsible for the report**

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Ext 264

**Author of the report**

Alan Weston  
Principal Regeneration Officer  
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## REGENERATION COMMITTEE

9 MARCH 2005

### Report of the Director of Regeneration **CONTAMINATED LAND DATA MAPPING**

#### **purpose of the report**

1. To seek Members' approval for the suspension of Standing Order 8.1 in order to facilitate the appointment of Global Mapping Ltd. to undertake:-
  - The capture and accurate mapping of historical land use data;
  - the provision of site investigation data;
  - receptor data consultancy work; and
  - the necessary training of Wear Valley staff.

#### **background**

2. A Contaminated Land Strategy Update Report was presented to and agreed by Committee at its meeting of 12<sup>th</sup> January 2005.
3. Amongst other matters, the report drew attention to problems that were being experienced with the acquisition and plotting of historical data for use with the GIS (Geographical Information System.) Continuing difficulties with the quality of the data supplied had been identified. It was vital to ensure that these were overcome to allow the Authority to determine accurately potential contaminated sites and carry out detailed inspections, as required under Part 11A of the Environment Protection Act 1990.
4. The basic survey work and digitisation of the information was carried out by a firm called Sitescope Ltd, on the recommendation of the Local Government Improvement and Development Agency (IDEA.) This firm was subsequently taken over by Landmark Information Group Ltd., who then assumed responsibility for the arrangements into which Sitescope had entered.
5. On the basis of competitive tenders, the Council also employed Global Mapping Ltd to give general consultancy advice, and to carry out manipulation of the survey data provided by Sitescope/Landmark in order to establish a priority based programme of detailed site investigation and remediation.

6. It subsequently transpired, however, that much of the information provided by Sitescope/Landmark was inaccurately or incorrectly digitised, possibly because this task was sub-contacted to firms abroad.
7. Following discussions on the quality of the data supplied, Sitescope/Landmark have offered revised data, but, this too, is considered to be of dubious accuracy and not suitable to underpin the next stage of the work. Legal remedies are currently being examined, but whatever the outcome, it is clear that this will take some time to determine. The Council, meanwhile, is still expected to progress the work in accordance with the requirements of the Environmental Protection Act.

### **possible course of action**

8. The problem has been considered by officers working with the Council's advisors, Global Mapping. They had originally tendered for the data provision and the digitising of the work, as well as the work they are currently contracted with the Council to undertake. However, their tender had at that time been rejected in favour of Sitescope/Landmark on cost grounds. On examining the extent of the problem, it is now accepted that the most cost effective way of proceeding would be to re-do the survey and digitising work, rather than attempt to modify and build upon inaccurate data. Although less expensive, doing the latter would only be likely to store up further problems for the Council in the future.
9. Global Mapping have indicated that they have the capacity to undertake the necessary work quickly and precisely, which would allow the Council's programme to be maintained.
10. The work is specialised, and Global Mapping is familiar both with the area and with the Council's requirements. They would be able to carry out the work with little further briefing or guidance, and have the benefit of wide experience in this field. The work would consist of:-

	£	
• historical land use data capture	18,000.00	
• licence of historical mapping	1831.00	
• site investigation data	1837 00	
• produce GIS layer from BGS data	586.000	
• receptor data consultancy	900.00	+ expenses
• training	900.00	+ expenses
<b>TOTAL</b>	<b>24,054.00</b>	<b>+ expenses</b>

11. Normally, work within the range £10,000 - £100,000 would require three written quotations. However, because of the specialist nature of the task, the firm's familiarity with the area, their existing working relationship with the Council, and the timescale involved, it is proposed that the Council's Standing Order 8.1 be suspended to enable the appointment of Global Mapping to be made.

### **financial implications**

12. As indicated, the overall cost is £24,054 plus expenses. Because of the delays and problems associated with the data capture and digitisation so far, there is an unexpended budget allocation of £25,000 for contaminated land work in the current financial year. It is proposed to use this allocation to cover the cost of the work.

### **legal implications**

13. The Director of Central Resources and the Head of Legal Services have been consulted and support the suspension of the relevant standing order

### **conclusion**

14. Global Mapping, if appointed, will be able to carry the necessary work quickly and accurately. This will represent a better use of resources than attempting to modify and adapt inaccurate data. Consideration of legal remedies in respect of Sitescope/Landmark will be pursued.

<b>RECOMMENDED</b>	1	That the Council's Standing Order 8.1 be suspended in order to enable Global Mapping to undertake the specialised work as required by the Environmental, Protection Act 1990, Part 11A.
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### **background information**

Various correspondence and e-mails held on the Regeneration Department files.

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<b>Officer responsible for the report</b> Robert Hope Director of Regeneration Ext 264	<b>Author of the report</b> Jim Corby Head of Planning & Environmental Policy Ext 302
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**REGENERATION COMMITTEE**

9 MARCH 2005

**ENFORCEMENT MATTERS - NOTICES SERVED**

<b>Location and reference number</b>	<b>Complaint</b>	<b>Notice served and outcome</b>
Entrance to Witton Towers, High Street Witton le Wear ENF/2003/342	Stones knocked down and not replaced in correct order.	<ul style="list-style-type: none"> <li>• Enforcement Notice served</li> <li>• Two stone gate pillars have Listed Building Consent one pillar rebuilt not to standard. Stones to be replaced in correct order.</li> </ul>
Land at Hawkwell Head Plantation, Ireshopeburn. ENF/2002/50	Construction of a timber stacking and lorry pull over area.	<ul style="list-style-type: none"> <li>• Planning Contravention Notice served</li> <li>• PCN responded to retrospective application received.</li> <li>• Matter still ongoing</li> </ul>
Land at 1 Coppice Wood, Hunwick ENF/2004/184	Failed to implement landscaping in accordance with approved plans	<ul style="list-style-type: none"> <li>• Planning Contravention Notice served</li> <li>• Matter still ongoing</li> </ul>
Land at Church Meadows Farm, Church Hill, Crook ENF/2004/039	Installed roller shutter doors not in accordance with planning permission.	<ul style="list-style-type: none"> <li>• Planning Contravention Notice served</li> <li>• Ongoing</li> </ul>
Land at The Sawmill, Hunstanworth, Consett ENF/2004/279	Property used for permanent accommodation.	<ul style="list-style-type: none"> <li>• Planning Contravention Notice served Breach of Condition</li> <li>• Ongoing</li> </ul>

**Current Enforcement workload for 2004**

	<b>YEAR 2004</b>
Resolved	63
Under Investigation	176
Outstanding – no action	50
<b>Total (To 31.12.04)</b>	<b>289</b>

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