

Health and Well Being Board

30 January 2019

County Durham Plan Pre-Submission
Draft



Key Decision REAL/01/18

Report of Corporate Management Team

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Services

Councillor Carl Marshall, Cabinet Portfolio Holder for Economic
Regeneration

Electoral division(s) affected:

Countywide.

Purpose of the Report

- 1 The Health and Well Being Board is asked to consider and provide comments to the Pre-Submission Draft of the County Durham Plan which is subject to a six week consultation between 25 January until 8 March 2019.

Executive summary

- 2 The Pre-Submission Draft of the County Durham Plan is the final stage in the Plan's development. It has been informed by extensive formal consultation with residents, businesses, the development industry, key stakeholders and neighbouring authorities at all stages.
- 3 The Pre-Submission Draft has also been informed by a number of integral assessments including Sustainability Appraisal, Habitat Regulation Assessment and Health Impact Assessment. It is also supported by Supplementary Planning Documents and an extensive evidence base.
- 4 The County Durham Plan seeks to ensure that County Durham is a successful place to live, work, invest and visit by focussing on supporting and creating vibrant communities by delivering:
 - More and better jobs and sustained economic growth;

- A wide choice of high quality homes that supports economic growth and meets the needs of all people;
 - A high quality built and enhanced natural environment; and
 - The necessary supporting infrastructure including transport, health and educational needs.
- 5 Subject to Cabinet approval, consultation on the Pre-Submission Draft will run from 25 January 2019 until 8 March 2019. This is in accordance with the adopted Local Development Scheme.
- 6 Following this consultation there will an opportunity to make minor modifications to the Plan before submission to the Secretary of State. Before submission the Plan must be agreed by Cabinet and Full Council this is likely to be in June 2019. The Planning Inspectorate will then inform us of dates for the Examination in Public which we would anticipate would be Autumn/Winter 2019.

Recommendation(s)

- 7 The Health and Well Being Board is recommended to:
- a) Provide comments to the County Durham Plan Pre-Submission Draft during consultation from 25 January 2019 to 8 March 2019; and
 - b) Consider the Health Impact Assessment which has informed the County Durham Plan.

Background

- 8 All Local Planning Authorities have a statutory requirement to prepare and maintain an up to date development plan for their area. The County Durham Plan has been prepared during a time of significant change, including a recently revised National Planning Policy Framework (NPPF) and a new standard approach to housing numbers.
- 9 The second stage of the new County Durham Plan, the Preferred Options, was published for consultation in June 2018. The Pre-Submission Draft is the final stage in the Plan's development. It has been informed by extensive formal and continuous consultation with residents, businesses, the development industry, key stakeholders and neighbouring authorities at all stages.
- 10 A list of the supporting evidence base which has been prepared or changed for the Pre-Submission Draft is available on the council's website here www.durham.gov.uk/cdp. There are other documents which were prepared for the Preferred Options and previously endorsed by Cabinet which are not listed but will be submitted alongside the Plan. All of these documents underpin different elements of the Plan and provide the justification for the detail of many of the policies. Where

relevant key conclusions and recommendations from the evidence documents are referenced in the policy's supporting text.

Consultation

- 11 The Preferred Options were consulted on widely from 22 June until 3 August 2018. A significant number of public events were held including 19 drop-in sessions across the county, events at a number of primary and secondary schools, all 14 Area Action Partnerships, older persons task group, NHS Estates group and a Party in the Park event amongst others.
- 12 A total of 3990 comments from 1130 different respondents were received. The representations received and the council's proposed responses are set out within the Statement of Consultation and attached at Appendix 10. In addition, social media played a large part in the consultation process raising questions and communicating events. In total social media messages sent by the council were viewed 438,633 times.
- 13 The Preferred Options sought comments on a Vision, Objectives, Spatial Strategy and 61 policies. Policy areas included the location and quantity of new development, including housing and employment allocations, promoting a strong economy, the vitality of town centres, design, the built, historic and natural environment; and promoting healthy communities. In preparing the Pre-Submission Draft the comments made have been carefully considered and the changes suggested, incorporated wherever possible.
- 14 The main changes made in response to the Health Impact Assessment are attached. There were also many other minor changes made to policies in response to comments made which improve their clarity and effectiveness.

Content of the Plan

- 15 In order to ensure that County Durham is a successful place to live, work, invest and visit the Plan focusses on supporting and creating vibrant communities by delivering:
- More and better jobs and sustained economic growth;
 - A wide choice of high quality homes that supports economic growth and meets the needs of all people;
 - A high quality built and enhanced natural environment; and
 - The necessary supporting infrastructure including transport, health and educational needs.

Employment

- 16 The County Durham Employment Land Review (ELR) has concluded that the use of past take up rates is the most appropriate method of determining how much employment is needed. Taking this into account together with the location and quality of land available results in 302 hectares of land being allocated. The distribution of this employment land relates to the economic markets that exist in County Durham i.e. A1 Corridor; Durham City; A19 corridor; Consett; Bishop Auckland; and the rest of the county.
- 17 As a result of the approach to employment land significant areas for business are identified at; Forrest Park, Newton Aycliffe; Hawthorn Enterprise Zone Murton; Hownsgill, Project Genesis, Consett; Meadowfield Industrial Estate; Integra 61 (South of Bowburn) and NETPark, Sedgefield. The Pre-Submission Draft also identifies the strategic employment site at Aykley Heads.

Housing

- 18 The revised National Planning Policy Framework and accompanying guidance make it clear that local authorities should use the government's standard methodology for calculating housing need. The Preferred Options used the government's standard methodology resulting in a Local Housing Need (LHN) figure of 1,368 houses per annum in County Durham. However this figure was based on the 2014 Household Projections. When the 2016 Household Projections were released earlier this year re-running the government's methodology resulted in a LHN of 1032 houses per annum. This figure was much lower than what was being delivered on the ground and there was a similar affect across much of the country and particularly the north of England. As a result on 26 October 2018 the government released a technical consultation which determined that there was a case for public policy to support delivery in excess of household projections. As a result the consultation document proposes that the 2014 Household

Projections should provide the demographic baseline for assessment of LHN. In the longer term and before the next household projections are issued the government intend to produce a new methodology.

- 19 Housing needs in County Durham have therefore been developed in line with the government's standard methodology as set out in Planning Practice Guidance and reflect the government's technical consultation. This approach results in a LHN of 1,287 homes per annum. However Planning Practice Guidance also notes that the standard method for assessing local housing need provides the minimum starting point for determining the number of homes needed in an area and should also consider previous delivery levels. Over the past 5 years (2013/14 - 2017/18) the council has delivered on average 1,308 homes. This record of delivery can be considered as being indicative of a greater housing need above the minimum starting point. The housing need for County Durham is therefore 1,308 dwellings per annum. When this is applied over the plan period 2016–35 this equates to 24,852 new dwellings. It is however recognised that the approach set out in the Technical Consultation is subject to consultation and if there are material changes in the final version of the guidance then a review of the Pre-Submission Draft may be required.
- 20 In reflecting past delivery, it is considered that this level of housing will serve to maintain recent momentum within the County Durham economy, deliver more affordable housing and support the Plan's vision and objectives.
- 21 The Sustainable Communities option has been chosen as the preferred approach to the distribution of housing and for identifying housing allocations. A detailed description and the reasons for this are set out in the Spatial Strategy Justification and in summary are:
- Delivering sustainable patterns of development by focussing on the county's largest settlements but also providing sites in other suitable locations;
 - Maximising access to jobs, services and facilities and minimising commuting;
 - Giving the best opportunity to support economic growth and regeneration across the county;
 - Maximises the use of viable previously developed land; and
 - Giving the best opportunity for housing to be delivered and built to meet need.
- 22 The Sustainable Communities option is a dispersed pattern of development across key settlements in the county, principally focused in and around the towns where the greatest opportunities for employment, services and facilities, public transport and other

infrastructure such as healthcare and education exist. This spatial strategy will ensure we have a balance of housing across the county taking into account the most sustainable locations, market attractiveness and the prospects for regeneration to meet our need for housing.

- 23 Of the housing sites allocated in the Preferred Options to meet the LHN, a number now have planning permission and others following a more detailed assessment including viability work are no longer allocated or have been reduced in size or yield. As a result the Pre-Submission Draft now includes a total of 28 housing allocations, 15 fewer than the Preferred Options.
- 24 As a result of the chosen spatial strategy the Plan proposes some Green Belt land to be deleted at Sniperley Park and Sherburn Road, Durham City. The exceptional circumstances to justify this are set out in the Exceptional Circumstances document but in summary are:
- Enabling sustainable patterns of development;
 - Maximising the number of journeys undertaken by sustainable means;
 - Providing good quality housing to meet needs and aspirations;
 - Help address economic under-performance; and
 - Maximising the delivery of affordable housing and other infrastructure.

Student Accommodation

- 25 Durham University makes a strong, positive contribution to the local, regional and UK economy, for example through direct investment, as a large employer, an extensive supply chain and staff and student spending. The Pre-Submission Draft includes a policy which considers future Durham University development, proposals for Purpose Built Student Accommodation (PBSA) and proposals for Houses in Multiple Occupation (HMOs). Durham University has published a Strategy for the period 2017–27, which contains an Estate Masterplan. Part 1 of this policy will be used to assess applications brought forward by the University. Part 2 will be used to assess any applications for PBSA from the university or other accommodation providers. It also allocates suitable sites for student accommodation. Part 3 of the policy seeks to avoid over concentrations of HMOs and will be used in conjunction with the Article 4 Directions in place across Durham City.

Town Centres

- 26 Nationally, town centres face increasing economic challenges including a change in consumer behaviour and the rise in e-commerce, mobile technology and Internet shopping. Although town centres are now not always the main focus for people's shopping, they are still key drivers to the economy and play an important social role. We need to ensure our centres remain viable going forward by understanding national trends and ensuring that they reflect the needs and opportunities of the communities that they serve including a flexible approach to uses.
- 27 The Retail and Town Centre Study found that there is not sufficient outstanding need to require any retail allocations within the county. In Barnard Castle it did however identify leakage of food spend out of the town to other centres within and outside of the county. The Pre-Submission Draft therefore supports proposals for new retail provision across the county that comply with the sequential and retail impact tests.
- 28 The Plan also links to the council's work on improving our towns and villages. Cabinet has recently confirmed the continuation of its programme of town centre regeneration in conjunction with the suite of masterplans. This programme seeks to transform the economy of the county by delivering projects that improve our town centres thereby increasing investment and job creation.

Hot Food Takeaways

- 29 Reducing levels of obesity is a key objective of the council. One way this can be achieved is to encourage healthy eating. Large concentrations of hot food takeaways within our town centres can have the opposite effect by encouraging unhealthy eating habits. An over-concentration of hot food takeaways can also have a detrimental impact on vitality and viability. They can also give rise to concerns about noise, disturbance, odours, parking and litter and are likely to be considerations in the determination of any planning application. In assessing proposals within town centres, consideration will therefore be given to the detrimental impact that an over-provision of A5 uses may have.
- 30 An assessment has been carried out of the numbers of A5 units within our town centres. This has identified that some have relatively high existing numbers of A5 uses within them ranging from 1.6% in Peterlee to 9.3% in Shildon. It is considered that a threshold of 5% is appropriate to ensure a diverse mix of uses within our centres. If a proposal would exceed this threshold, in terms of number of units. it will not be permitted, this will include units that are vacant but have planning

permission for A5. Seven centres (Consett, Ferryhill, Crook, Newton Aycliffe, Seaham Spennymoor and Shildon) already have more than 5% of units as hot food takeaways, therefore no further A5 uses would be permitted in these centres.

- 31 The nature of our local centres in terms of their size and function means that the application of a 5% threshold is not appropriate in assessing such applications. In assessing proposals for A5 uses within local centres, consideration should be given to the impact that such a proposal would have on the overall vitality and viability of the centre, considering the mix of uses and also the levels of existing vacancies.
- 32 The council has carried out an assessment of Fast Food and its Impact on Health which looks at the density of fast food outlets in County Durham. This provides evidence of a correlation between the density of fast foods outlets and obesity levels amongst children within locations in the county. As the promotion of healthy eating amongst young people is a key national and local priority it is reasonable to limit the number of hot food takeaways close to schools and colleges. Therefore proposals for A5 uses outside of retail centres but within a five to ten minute walking distance of the school, equating to 400 metres radius, will not be permitted.

Rural Areas

- 33 County Durham's rural areas vary widely in character from remote and sparsely populated areas in the Pennine Dales, to the larger villages located within the former coalfield communities in the centre and east.
- 34 It is important that rural settlements are not unduly constrained and remain sustainable. The Pre-Submission Draft allow our rural communities proportionate growth so they are able to thrive and grow while also respecting the character of the countryside. They also include policies which are flexible enough to support housing and employment needs in our rural areas to support the modernisation and diversification of existing practises and encourage the vitality and viability of these communities.

Environment

- 35 A range of policies are included within the Pre-Submission Draft which will positively respond to opportunities to enhance and protect important assets from inappropriate development including policies relating to landscape, protection of the countryside, Green Belt, protected species and the historic environment amongst others. Climate change remains a challenge to which we need to respond, ensuring our communities remain resilient to the impacts and is integrated throughout the Plan.

Transport

- 36 The Pre-Submission Draft's sustainable transport policies seek to deliver more sustainable transport choices by seeking to put new development in locations which minimise the distance and time of journeys, makes the best use of existing public transport and supporting sustainable transport choices such as walking and cycling. There is also an allocation for a new railway station at Horden and safeguarding of the route of the Leamside Line and a possible Bowburn relief road. A corridor of interest is also identified in Barnard Castle.
- 37 In order to create a more sustainable transport network in Durham City there is a need for a positive strategy that manages the demand for car use by re-allocating, sharing and creating highway space for sustainable transport. To enable this to happen and to reduce congestion, improve air quality and improve the setting of the World Heritage Site the Pre-Submission Draft safeguards two possible routes for a Northern Relief Road (there was only one route in the Preferred Options but further investigation of Belmont Viaduct has identified this as a possible alternative to a new bridge over the River Wear) and proposes a Western Relief Road for Durham City.
- 38 The full build out of the strategic housing allocation at Sniperley Park is dependent on the delivery of the Western Relief Road. As a result that site will be expected to make a significant financial contribution towards the road in the form of a planning obligation/Section 106 agreement. The remainder of the cost of the road is expected to come from government or regional infrastructure funding. As all of the funding for the road will not be in place immediately there may be a role for the council in forward funding its construction and then recouping the cost over time. This would have some financial implications for the council's capital and revenue budgets.

Minerals and Waste

- 39 Minerals are a fundamental natural resource. They are of vital importance to modern economies and are essential to sustainable economic growth and quality of life. Three sites are proposed in the Pre-Submission Draft at Hulands, Todhills and Heights Quarry, which will enable a steady and adequate supply of crushed rock aggregate, sand and gravel aggregate and brick making raw materials to be worked to 2035. There are no waste site allocations although a number of existing sites are safeguarded. More detailed policies and non-strategic site allocation will be included in the separate Minerals and Waste Policies and Allocations Document.

Infrastructure

- 40 As well as policies in the Pre-Submission draft that address the need for infrastructure there is also an accompanying Infrastructure Delivery Plan (IDP) which includes:
- Physical infrastructure such as highway improvements, sewage treatment works or broadband;
 - Social infrastructure such as schools, medical, doctor's surgeries or community buildings; and
 - Green Infrastructure such as play areas, public open space or rights of way.
- 41 The IDP identifies existing and future infrastructure deficiencies that need to be addressed if the Plan's vision for growth is to be achieved.

Health Impact Assessment

- 42 To ensure that health considerations have been embedded into the Pre-Submission Draft a Health Impact Assessment has been undertaken with public health colleagues.
- 43 HIA is a structured, solution-focused and action orientated approach to maximising the positive and minimising the negative impacts of new initiatives. This approach is not about advocating for the removal of a policy but more positively how additions or recommendations to the existing policies could help deliver improved health outcomes to our residents. Importantly it aims to reduce or eliminate health inequities and social inequities occurring as part of the proposal.
- 44 Health impacts are the overall effect, direct or indirect, of a policy on the health of population. Direct effects could be exposure to pollutants including noise, which a proposal may release in the air, water or soil. It also considers indirect influence on health such as access to a job market or the accessibility of public space.
- 45 An HIA considers the impact directly upon disease and also considers the social determinants of health which impact our residents, unequally, across County Durham. By taking into account these social determinants an HIA can support the development of healthy public policy.
- 46 A steering group was been established to ensure the delivery of the HIA. This group had membership from Durham County Council spatial policy, sustainability, public health, research and public health intelligence and the AAPs.
- 47 The HIA has provided a number of recommendations including ensuring that community facilities are conveniently located and open space within new development is accessible and of high quality, which have been

incorporated into the Plan. The executive summary is attached to this report.

Equalities Impact Assessment

- 48 An Equalities Impact Assessment has been prepared for the County Durham Plan. Its main conclusions are that the Plan aims to promote equality through its spatial vision and in all of its objectives and policies; that no negative impacts have been identified; that it aims to reduce inequality of opportunity by various means; that it will have a positive impact across all of the protected groups but is likely to have a greater positive impact in relation to age (young and older), disability, and gender (women).

Main Implications

- 49 This is the final, formal stage of consultation. The paragraph below indicates how it will differ from previous rounds of consultation in order to follow government guidelines. This is an important stage as it is the last opportunity for people to make comments on the Plan before it is submitted to the Secretary of State for independent examination by a planning inspector.
- 50 This round of consultation provides the opportunity to comment on the Plan itself in its whole form. These comments need to formally support or object to the Plan in terms of its legal compliance and compliance with national policy, known as 'soundness tests'. Comments made on the Plan at this stage will go forward to an independent inspector when the Plan is submitted, who will examine the 'soundness' of the Plan and who will invite interested individuals and groups who objected to the Plan to attend public hearings to test the Plan. This will involve the inspector considering whether the Plan is:
- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - **Justified** – an appropriate strategy, taking into account reasonable alternatives, and based on a proportionate evidence;
 - **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - **Consistent with national policy**– enabling the delivery of sustainable development in accordance with the policies in this Framework.

- 51 Consultation with residents, businesses, local partnerships, regional and national stakeholders and neighbouring authorities will run from 25 January 2019 until 8 March 2019. This is in accordance with the adopted Local Development Scheme. Members' seminars will be held on 17 January 2019 to ensure they are briefed on the content of the Pre-Submission Draft before consultation begins.
- 52 Following this consultation there will be an opportunity to make minor modifications to the Plan before Submission to the Secretary of State. Before Submission the Plan must be agreed by Cabinet and Full Council this is likely to be in June 2019. The Planning Inspectorate will then inform us of dates for the Examination in Public which we would anticipate would be Autumn/Winter 2019.

Conclusion

- 53 All local authorities are required to produce a local plan to give certainty to residents, investors and developers about how the area will develop over time. The County Durham Plan will provide this certainty and also seeks to ensure that the county is a successful place to live, work and invest. Consultation is key to the development of the Plan and this is the final opportunity for comment before it is submitted to the Planning Inspectorate for an Examination in Public.

Background papers

- [Pre Submission Draft County Durham Plan](#)
- [Health Impact Assessment](#)
- [Fast Food and its Impact on Health](#)

Other useful documents

- Preferred Options Cabinet report 13 June 2018

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Appendix 1: Implications

Legal Implications

Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework (NPPF). The NPPF gives guidance to local authorities in drawing up their local plans. The preparation of the Plan has been informed by a continuous dialogue with the council's legal team.

Finance

The County Durham Plan has a continuing budget commitment for appropriate evidence gathering, consultation, printing and EIP costs.

As all of the funding for the Western Relief Road will not be in place immediately there may be a role for the council in forward funding its construction and then recouping the cost over time. This would have some financial implications for the council's capital and revenue budgets.

Consultation

The programme of consultation has been agreed with the council's Corporate Communications Team and agreed by the council's Consultation Officers Group and will be undertaken in accordance with the Statement of Community Involvement and the 2012 Local Plan Regulations.

Equality and Diversity / Public Sector Equality Duty

The Statement of Community Involvement describes how stakeholders will be involved in local plan and neighbourhood plan preparation and the determination of planning applications. An Equality Impact Assessment has been prepared in partnership with the community engagement team and is attached at Appendix 7. The Plan will continue to be subject to Equality Impact Assessment as it progresses.

Human Rights

Protocol 1 Article 1: Every natural or legal person is entitled to the peaceful enjoyment of his possessions, including their property. The Plan allocates land for development which will affect landowners' rights to develop their land. However, such control is necessary and proportionate in the public interest.

Crime and Disorder

The Sustainable Design policy now includes a criterion which seeks to reduce vulnerability, increase resilience and ensure public safety and security.

Staffing

The resource required to progress the local plan is in place.

Accommodation

None.

Risk

Not having an adopted local plan makes it more difficult to resist inappropriate development and also to provide the necessary certainty to facilitate appropriate development to support the local economy. Failure to make progress risks Government intervention.

Procurement

When required consultants have been commissioned to deliver evidence studies in accordance with the council's procurement rules/procedures.