

**2019 PRE-SUBMISSION CONSULTATION
CATEGORISATION OF COMMENTS AND PLANNING ISSUE OR ACTION IDENTIFIED**

Theme 2a : A Beautiful and Historic City - Heritage

10 September 2019

The comments have unique codes as follows:

- SEQ = electronic questionnaire response
- SQ = paper questionnaire response
- SEM = email response
- SWC = web comment

However, no personal details have been provided.

The letters making comments relevant to this theme are coded as follows:

- L5 = Durham County Council
 - L5b = Durham County Council Appendix
- L6 = Durham University
 - L6a = Durham University Response
- L8 = Historic England
 - L8a = Historic England, Letter on Plan
- L9 = Kier Property Ltd
- L16 = St Nicholas Community Forum
- L17 = Southlands Management Ltd
- L18 = WHS Coordinator

The codes for categorising the comments are as follows:

- c1: outside the remit of the neighbourhood plan
 - c1a: outside the Plan area
 - c1b: planning issue that has to be dealt with by the Council or by other bodies not by a neighbourhood plan
 - c1c: not a planning issue
- c2: a generic style comment of praise, blame, opinion etc not requiring a response just an acknowledgement
- c3: suggesting changes to the policies
- c4: suggesting input into initiatives in 'Looking Forwards'
- c5: suggesting changes to the other text of the Plan

THEME 2a

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
COMMENTS RELEVANT TO THEME 2a		
<p>SEQ2: My main concern with Durham which I consider my home town is the lack of responsible decisions made by the planners. Since the 1960s every nice part of Durham has been demolished to make way for concrete monstrosities which clearly do not fit with mine and your idea of a World Heritage Site of significance and architectural value. Having recently checked out Milburngate Centre it would appear that one ugly shopping centre has been replaced by an equally ugly shopping centre which does nothing for the city centre. There is only one way to deal with Millenium Square, and that is demolition, it is ugly and does not reflect the Medieval, Georgian and Victorian architecture which you so clearly discuss in your documentation. Please take look at the plans for the new University Business School, it looks as though it was inspired by the old Passport Office/Dunelm House. Clearly the architect has never been to Durham. On the opposite bank is Gilesgate and the colleges of St Hild and St Bede. Behind the site is the Old Shire Hall, County Hotel etc, is this not inspiration enough. ... {Part of comments put into Theme 3 and Theme 6} I could go on but Durham is a very sorry shadow of its former vibrant self. Your plans on paper look fantastic, but as noted above, the planners at DCC are pretty useless in deciding what to build. I understand development and expansion is needed, but please do this sympathetically to our city. {Work/run business}</p>	C2 Poor planning decisions	Comment relates to past action. No re-wording required.
<p>SQ9 {Parts copied to Themes 2a, 2b,3} Protect historic Durham buildings ... {Visitor DH9}</p>	C2 Poor protection of historic buildings	Relates to past panning decisions
<p>SQ23 {Parts copied to Themes 2a,2b,3,4,5} 2a Policy H1: This has not proved successful up to now. It would appear no thought on the part of the planners has been given to the W.H.S. landscape setting. {Resident DH1}</p>	C3 Landscape setting of the WHS	Amend policy to emphasise landscape and setting

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<p>L18 WHS Coordinator {parts copied to Themes 1,2a,2b,3,4,5, Comments} Theme 2A : A Beautiful and Historic City – Heritage The plan included in the Draft Neighbourhood Plan of the proposed WHS expansion (Map 1 Page 38) is now superseded by the plan that very shortly will be submitted to UNESCO for final approval. It has sufficient approvals to now be included in the Neighbourhood Plan in its final form. This plan is below and can be copied from the word version of this response: {map available}</p>	C3 Reference to new plan for WHS	Amend policy to update position
<p>L18 /cont (i) Policy H1: Protection of the World Heritage Site (Repeated below -particular interest for WHS) <i>a) taking full account of both the historical and present uses of the World Heritage Site; and</i> <i>b) proposing high quality design which harmonises with the World Heritage Site; and</i> <i>c) using traditional materials; and</i> <i>d) proposing decorative schemes which are appropriate to the setting of the World Heritage Site; and</i> <i>e) seeking balance and avoiding overbearing massing which conflicts with the World Heritage Site; and</i> <i>f) avoiding the cumulative impact of developments within the World Heritage Site in terms of their height, massing and the spaces between the buildings.</i> <i>Proposals for development throughout Our Neighbourhood must be shown to sustain, conserve and enhance the setting of the World Heritage Site by:</i> <i>d) carrying out an assessment of how the finished development will be viewed in, from, towards and within the World Heritage Site; and</i> <i>e) protecting views of the World Heritage Site from viewpoints outside the World Heritage Site (such as the world famous view from trains crossing the Viaduct); and where practicable, by opening up views of the</i></p>	C2 Policy H1	Support noted

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
<i>World Heritage Site from within and from outside the World Heritage Site.</i>		
<p>L18 /cont (ii) Policy H2: The Conservation Areas Requiring the safeguarding of WHS views and its SOUV is very helpful. Dealing adequately with new development in relation to the WHS and as amplified in the conservation areas policy should also help in protecting the WHS setting by ensuring an appropriate townscape setting for the WHS. Both policies are valuable for the future of the WHS.</p>	C2 Policy H2 Policies welcomed as safeguarding World heritage Site and its Outstanding Universal Value.	No action required
<p>L18 /cont (iii) Policy H3: Our Neighbourhood Outside the Conservation Areas This is also useful in that it tackles development and distinctiveness in areas of the WHS inner setting outside of the Conservation Area.</p>	C2 Policy H3 Policy welcomed as protecting distinctiveness of areas outside the Durham City Conservation Area.	Support noted
<p>L18 /cont (iv) Policy H4: Heritage Assets The inclusion of unlisted as well as designated heritage assets can contribute to the significance of an area and its distinctiveness – their role in the townscape/roofscape setting to the WHS is substantial and protection is useful.</p>	C2 Policy H4 Policy welcomed as covering designated and undesignated heritage assets	Support noted
<p>SEM3 {Parts copied to Themes 1,2a,2b,3,6,Comments) ... I am also aware that many students and visitors appreciate the "Harry Potter" history of the city and not simply the cathedral heritage. There is very little made of this, but you only need to spend time at King's Cross Station to see how much could be made from his popularity.</p>	C2 Historic attractions other than cathedral	Comments noted
<p>SEM3 /cont (i) 3. I note your proposals to safeguard the heritage and green areas within the city, however, there is a real need for public realm improvement, particularly around the Passport Office/Freeman's Reach areas. Does the Parish intend to use any of its powers to address these eyesores? The mess left following the construction of the Passport Office has not been hidden by the silver heron.</p>	C3 Public realm improvement	Add wording to emphasise public realm

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<p>SEM9 {parts copied to Themes 2a,3,4,5,Comments} University developments Consideration of the further planned developments should ensure that the views of the World Heritage Site enjoyed by existing residents are not destroyed or damaged by inappropriate or excessively tall buildings - this has already happened with Riverwalk and should not be repeated with Milburngate or Elvet Riverside under any circumstances.</p>	C2 Heights of buildings	Comments relate to past decisions
<p>SEM9 /cont (i) Conservation areas The restrictive approaches taken by the planners have already prevented the use of "greener" approaches in respect of local buildings - a difficult balance to strike, of course, but one cannot have both. Reference to this dilemma might usefully be made in respect of such items as the use of UPVC windows and the introduction of roof solar panels - while at the same time the University is enabled to create Stalinist barracks in sensitive areas. The poor state of Kingsgate Bridge is a prime example of the neglect of maintenance in a key location and does not bode well for the future appearance of the University Estate.</p>	C2 Conservation areas	Comments relate to past decisions
<p>SQ25 {parts copied to Themes 2a,3,4} Policy H2 "should be avoided" should be prevented. {Resident}</p>	C3 Policy H2 wording of policy	Review wording. No change
<p>L16 We welcome much of what is in the Draft Neighbourhood Plan, for example the protection of heritage ...</p>	C2 Welcomes protection of heritage assets	Support noted
<p>L9 {parts copied to Themes 1,2a,2b} These representations have been prepared on behalf of our Client, Kier Property Ltd, in response to the Durham City Neighbourhood Draft Plan</p>	C3 H1,H2 and H4 Wording and reference to "substantial harm".	Proposal for alternative wording. Helpful ideas to be followed in new wording.

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<p>(“DCNDP”) Consultation. ... H1, H2 & H4 – World Heritage Site, Conservation Areas and Heritage Assets The need to conserve the setting of designated heritage assets is noted and this is reflected in Draft Policies H1 – Protection of the World Heritage Site, H2 – The Conservation Areas and H4 – Heritage Assets. However, the Draft Policies do not currently show regard to national policy with regard to the consideration of impacts upon heritage assets and the crucial difference between paragraph 195 and 196 of the NPPF. As such, Kier Property Ltd object to these Policies as proposed and suggest alternative wording. ...Paragraph 195 of the NPPF outlines decision making requirements whereby development proposals result in the <u>substantial harm</u> to (or total loss of) significance of a designated heritage asset. In this instance it is necessary for proposals to achieve <u>substantial public benefits</u> that outweigh the harm or loss [Savills emphasis] unless the proposals meet other narrow criteria as set out in the same paragraph. However, crucially, paragraph 196 recognises that not all development that results in some level of harm to heritage assets should be required to deliver substantial benefits. Indeed, paragraph 196 of the NPPF states that: <i>“Where a development proposal will lead to <u>less than substantial harm</u> to the significance of a designated heritage asset, this harm should be weighed against the <u>public benefits</u> of the proposal, including where appropriate, securing its optimum viable use” [Savills emphasis].</i> ...It is a key requirement for any decision maker to understand firstly the level of harm upon a heritage asset and whether that is either substantial, or less than substantial. This then guides the decision maker as to whether they are required to look for substantial public benefits, or whether the requirement of considering the less than substantial harm within the wider planning balance along with wider public benefits applies. As drafted, Policies H1, H2 and H4 appear to automatically adopt the stance that any perceived harm from development will result in substantial harm and that substantial public benefits will be required in order to be acceptable. Furthermore, H4 is also unclear on how</p>		

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<p>development impacting upon the setting of a heritage asset would be treated by a decision maker. This is not the correct approach in the context of the basic conditions required for Neighbourhood Planning. Each policy is addressed in turn below.</p>		
<p>L9 /cont (i) H1 – Protection of the World Heritage Site. The second part of this Draft Policy relates to development outside the World Heritage site which has the potential to impact upon its setting. It is simply stated that development “must be shown to sustain, conserve and enhance the setting of the World Heritage Site”. However, there is no recognition of the need to assess the level of harm resulting from development, nor are there instructions for development which results in harm to the World Heritage Site. As set out in paragraph 194 of the NPPF, development adversely affecting assets of the highest significance, including World Heritage Sites should be “wholly exceptional”, however, this requirement is only triggered where “substantial harm” to that designated heritage asset is identified. It is respectfully suggested that this part of the Policy is re-drafted in its entirety to recognise that development within wider Durham City which sustains, conserves and enhances the setting of the World Heritage Site should be approved, whilst also recognising that harm to the designated asset can be permitted, depending upon the level of harm identified and the circumstances and level of public benefit associated with the proposed development in question. Indeed, the National Planning Policy Guidance (NPPG) recognises the need for plans to strike: <i>“A balance between the needs of conservation, biodiversity, access, the interests of the local community, the public benefits of a development and the sustainable economic use of the World Heritage Site in its setting, including any buffer zone”.</i> Furthermore, Draft Strategic Policy 46 of the DCDP also notes that Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in <u>wholly exceptional circumstances</u> [Savills emphasis]. Paragraph 5.482 of the DCDP also clarifies that</p>	C3 H1 Level of harm to heritage asset	Review wording to align with National Planning Policy Framework

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<p><i>“Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use and realising the economic potential of the WHS providing benefits are managed in a sustainable manner.”</i></p> <p>Mindful of the above, it is evident that Policy amendments are required in order to ensure consistency with national planning policy and strategic policies within the wider development plan.</p>		
<p>L9 /cont (ii) H2 – The Conservation Areas In a similar manner to Draft Policy H1, Policy H2 seeks to ensure that new development respects the distinctive heritage values of the Durham City Conservation Areas and establishes requirements for development both within and affecting the setting of Durham City Conservation Area. Criteria b) to g) of the Policy establish the conservation requirements with each criterion adding the allowance that “unless the loss or harm is necessary to achieve substantial public benefits”. Whilst this allowance is welcome, in order to adequately reflect national planning policy, the requirements of paragraph 196 of the NPPF should also be recognised. In short, it is only necessary to demonstrate substantial public benefits where substantial harm to the Conservation Area is identified.</p> <p>Mindful of the above, it is respectfully suggested that this Policy be amended fully to require an assessment of the impact of a development proposal upon the Conservation Area in the first instance and followed by the recognition that the level of harm to a heritage asset determines whether it is necessary to demonstrate substantial public benefits. In assessing the impact upon a conservation area, the majority of criteria a)-k) would be taken into account by the author of the assessment and the determining authority.</p> <p>....Suggested alternative wording is provided below: Development proposals within or affecting the setting of Durham City Conservation Area should seek to respect the distinctive heritage values identified within the associated Conservation Area Appraisals. Such proposals should be accompanied by an assessment of the impact of the</p>	C3 H2 Balance between “harm” and “public benefits”	Review wording to conform exactly to National Planning Policy Framework. Replacement text suggestion not fully accepted

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<p>development upon the setting and significance of designated heritage assets. Matters for consideration in an assessment comprise the following (where relevant):</p> <ul style="list-style-type: none"> - The impact upon the historic and architectural qualities of buildings - The impact upon and relationship with frontages, street patterns, boundary treatments, floorscapes and roofscales. - Historic plot boundaries - The impact of any demolition of buildings of historic or architectural interest - The impact of any loss or harm to an element of a building which makes a positive contribution to its individual significance and that of the surrounding area. - The impact of the loss of open space which contributes to the character and appearance of the surrounding area. - The impacts upon views of the Durham City Conservation Area from viewpoints within and outside the Conservation Area. - The impact of the scale, height, massing, density, layout, landscaping, spaces between buildings, lighting, detailing including choice of doors, windows and wall finishes, and materials of the proposed development upon local character. and - The cumulative impact of development schemes which dominate either by their size, massing or uniform design. <p>....Where proposals will result in substantial harm to the Conservation Area and its setting, development will not be permitted unless it is necessary to achieve substantial public benefits that outweigh that loss or harm (or where it meets the wider criteria bespoke to paragraph 195 of the NPPF.)</p> <p>...Where development proposals result in less than substantial harm to the Conservation Area, this harm should be weighed against the public benefits of the proposals including, where appropriate, securing its optimum viable use as required by paragraph 196 of the NPPF.</p>		
<p>L9 /cont (iii) H4 – Heritage Assets Draft Policy H4 represents a catch all Policy for the development affecting</p>	C3 Policy H4 Protection of heritage assets unclear	Review wording to align with National Planning Policy Framework

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<p>designated heritage assets more generally, including development which affects their setting. It sets out the criteria where development will be approved, namely the requirement to retain, repair and return assets to appropriate compatible use or to conserve heritage assets which are at risk of loss or destruction. Moreover, the final paragraph notes that heritage assets will be protected from inappropriate development unless substantial public benefits can once again be demonstrated.</p> <p>...In its current form the first two paragraphs within the Policy are unclear regarding the impact upon setting and focus predominantly upon the restoration of heritage assets themselves. If it is the intention of the DCNDP to include a Policy which applies to the impact of development upon the setting of heritage assets, then as per Policies H1 and H3 the policy should include a requirement to assess the likely impact upon the significance of each heritage asset and apply the tests as required in paragraphs 194, 195 and 196 of the NPPF. The final paragraph requiring substantial public benefits should be amended in a similar manner to that which is suggested above for Draft Policy H2.</p> <p>...With regard to archaeology, this Draft Policy does not permit development that “compromises the site and its setting”. However, as established within the NPPG, the same proportionate tests regarding the level of harm apply to below ground heritage assets following an appropriate level of investigation and this should also be reflected in Policy.</p>		
<p>L9 /cont (iv)</p> <p>...Finally, with regard to Policies H2 and H4, it is noted that Draft Strategic Policy 45 (Historic Environment) within the DCDP (which the DCNDP is required to reflect) also recognises the need for proportionality in decision making stating:</p> <p><i>“Protection will be given to all designated assets and their settings (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments. <u>Such assets should be conserved in a manner appropriate and proportionate to their significance.</u> Substantial harm or total loss to the significance of a designated heritage asset will be permitted only in exceptional</i></p>	C3 Policies H2 and H4 Need for proportionality recognised in Durham County Plan.	Review wording, noting that currently Durham County plan carries no weight.

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<p><i>circumstances. In the case of designated heritage assets of the highest significance substantial harm to or total loss of the significance will only be permitted in wholly exceptional circumstances. <u>Less than substantial harm will be weighed against the public benefits of the proposal</u> [Savills emphasis].</i></p> <p>This adds further emphasis to the need for amendments to these policies to ensure all levels of the Development Plan (inclusive of Neighbourhood Plans) accord with national policy and avoid conflicts or ambiguity in decision making.</p>		
<p>L17 {parts copied to Theme1,2a,2b,3,4,Comments} We respond on behalf of our client Southlands Management Ltd who are property owners in the City. ... Theme 2a We recognise that Policy H1 has been amended in response to earlier comments made by our client and this is welcomed. However, there are references to “<i>sustain, converse and enhance</i>” the World Heritage Site (WHS). We consider that the reference to “<i>sustain</i>” should be removed as this is not consistent with national planning policy and it is unclear how a development proposal could <i>sustain</i> the WHS or its setting.</p>	C2 Policy H1. Use of word “sustain	The word “sustain is taken from the NPPF and will not be amended
<p>L17 /cont (i) ...As highlighted within our client’s earlier response, the policy [Policy H1] also goes beyond the test in national policy which allows a planning balance to be made – weighing any potential harm against the public benefits to be delivered by a development. Indeed, the planning balance is included in most of the other draft policies in Theme 2a and we consider that it should also be included in Policy H1.</p>	C3 H1 Balance of harm and benefits	Review wording to better reflect National Planning Policy Framework
<p>L17 /cont (ii) ...The second part of Policy H1 also contains requirements for development policies which are not necessarily located within the WHS. We consider that the policy requirements will not be applicable in all cases so we request the following revision: <i>“Where appropriate Pproposals for development throughout Our</i></p>	C3 Policy H1 Concern for development outside the World Heritage Site	Review wording but retain limitations on development outside the World heritage Site but within view of that site

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<i>Neighbourhood....”.</i>		
<p>L17 /cont (iii) ...In addition, statement H1.3 should be amended as follows: <i>“development proposals must safeguard important views.”</i> The policy as currently worded is overly onerous and may act as an impediment to development. We also suggest that the important views should be identified in the Neighbourhood Plan.</p>	<p>C3 Policy H1 Suggestion that not all views of World Heritage Site are important c4</p>	<p>Refer to Map 2: NHS Inner setting which shows views. All views of the WHS are important Initiative 5 in 'Looking Forwards' includes identification of views</p>
<p>L17 /cont (iv) ...With regards to Policy H2, our client’s earlier comments do not appear to have been addressed which we consider to be necessary to ensure the policy is consistent with national planning policy. Several sub points imply that any harm or loss will be substantial and that it is necessary to achieve substantial public benefits to outweigh the harm. If the harm is however identified as less than substantial, consistent with NPPF (2019) paragraphs 195-196, the public benefits should be commensurate to the identified harm. We request that the policies in Theme 2a are revised to ensure consistency with national policy.</p>	<p>C3 Policy H2 Inconsistency with National Policy where harm is less than substantial</p>	<p>Review wording to conform with national Planning Policy Framework</p>
<p>L17 /cont (v) ...H2(e) is also relatively broad and we suggest the following revision: <i>“avoid loss of an element of a building of architectural interest which makes...”.</i></p>		
<p>L17 /cont (vi) ...We note that former Policy H3 which related to Character Areas has been omitted and Policy H3 now comprises former Policy H4 and sets out the requirements for proposals which fall outside of Conservations Areas. As explained in our client’s earlier response, we query whether this should be included as a ‘heritage’ policy given that it covers areas which are not formally recognised by any heritage designation. It reads as a design related policy which aims to ensure good design to enhance these areas but it is currently overly prescriptive as it seeks to <i>“conserve and enhance”</i> broad areas which are not formally recognised or protected under any heritage designati</p>	<p>C3 Policy H3 Character Areas</p>	<p>Review wording</p>
<p>L17 /cont (vii)</p>	<p>C3 Policy H3 areas not protected by a</p>	<p>Review wording but protection should</p>

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...Policy H3(b) also refers to substantial public benefits being necessary to outweigh the loss of open space. As explained above, it is not appropriate to apply heritage policy tests on areas of land which are not formally recognised or protected under any heritage designation.	heritage designated	not be limited by formal heritage designation
L17 /cont (viii) ...We note that Policy H4 is a new policy which relates to Heritage Assets. We generally support the content in this policy.	C2 Policy H4 heritage Assets	Support noted
L8a Historic England {parts copied to Themes 1,2a,2b,3,4, Comments} Theme 2a A Beautiful And Historic City: Heritage. I note the changes which have been made. As before, in general, this themes is well conceived with good introductory narratives and objectives. Vocabulary changes are welcome, as is clarity over designated and non-designated heritage assets in para 4.29.	C2 Theme 2a	Support noted
L8a /cont (i) Policy H1. I am pleased you have gone some way to adding value to higher level policy on the World Heritage Site (WHS) by setting out in clauses (a) to (f) aspects that you expect development proposals to address. You should satisfy yourself that these are the issues you wish to be addressed as, for example, the location of development is still not a factor to be taken in to account; as I previously suggested, this is an unfortunate omission. I am unclear what is meant by 'decorative schemes' in (d). Again the wording of this policy may need additional amendments to ensure it meets its objective.	c3: Location of development	Not clear what this means. Discuss with DCC
L8a /cont (ii) Policy H2. I am pleased you have made some amendments to this policy to reflect higher level requirements, although the wording is now somewhat convoluted. It goes some way to adding value to high level policy by highlighting the issues you expect development proposals to address the protection of significance. More could be done to identify the points included, for example the important views to be protected, the	C3 Policy H2 Important views and frontages c1b, Character appraisal and management plan for the Durham City Conservation Area is responsibility of the DCC	Review references to Character Areas DCC carried out a detailed character appraisal of the Durham City Conservation area. This has been used in writing Theme 2a. The accompanying management plan is not

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<p>continuous frontages to be retained, the uses which would be appropriate, or the sort of public benefits to be considered when weighing up whether harm or loss would be acceptable. In my December 2017 letter I regretted the loss of detail about the Durham City Conservation area's character areas and I see that former Policy H3 on character areas has now been entirely omitted. I think this is regrettable particularly as Policy H2 makes no reference to the character areas that are now set out in Appendix A and the policy's supporting text. Paragraph 125 of the NPPF says neighbourhood plans can play an important role in identifying the special qualities of the area and explain how this should be reflected in development. Paragraph 041 of the Planning Practice Guidance (PPG) says neighbourhood plan policies should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which they have been prepared. I refer again to the Odiham & North Warnborough plan (see the case study on our website) which successfully tackles area-by-area heritage significance in policy. As previously discussed, I welcome the inclusion in (i) of the opportunity for non-traditional design which is sympathetic to the conservation area's character and appearance.</p>	<p>c1b, c4, as is the production of a design guide, in liaison with the Parish Council.</p>	<p>available (the Working Party has requested this from the DCC).</p> <p>Similarly a design guide for Durham City would be extremely helpful; which would be the function of the DCC, in liaison with the Parish Council. The production of such a design guide is Initiative 8 in 'Looking Forwards'.</p> <p>Policy H2 does reference the character areas</p>
<p>L8a /cont (iii) Policy H3 (previously H4). My concern about the purpose of this policy remains beyond what policy S1 offers, or to distinguish it from the requirements of Policy H2 for the conservation areas.</p>	<p>C3 Policy H4 Scope of policy</p>	<p>Repetition used to add emphasis</p>
<p>L8a /cont (iv) Policy H4 (previously H5). I note the re-writing of this policy to remove some of the conflicts with high level policy. It now seems to concentrate primarily on using development proposals to tackle existing heritage assets at risk from poor condition or lack of use, and to prevent more assets from becoming so. This is an acceptable approach for such a policy but I am concerned that it is still unresolved. For example, the requirement in the first clause would apply to all heritage assets affected by development, thus requiring applicants to repair assets beyond the scope of their proposals. The sentence about archaeological significance is an assertion rather than a policy against which proposals can be</p>	<p>C3 Policy H4 Focus of policy</p>	<p>Review wording</p>

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<p>judged. Overall, I think this policy is improving but still needs better focus to add value to higher level policy, to ensure vocabulary and objective are as intended, and to continue to ensure it does not set a higher tests than higher level policy.</p>		
<p>L5b Durham County Council {parts copied to all Themes} Theme 2 {actually Theme 2a} General LPA Comment Objective 1: This sets out a higher bar than NPPF as it requires both actions. There may be instances where a neutral impact would be acceptable. Suggested Action Amend objective to better reflect NPPF by inserting '<i>wherever possible</i>'</p>	C3 Theme 2a Acceptability of neutral impact	Review wording. I am concerned that the word "possible" would be susceptible to interpretation.
<p>L5b /cont (i) Theme 2 {actually Theme 2a} General LPA Comment Objectives 1 & 4: The council would encourage the use of '<i>sustain</i>' rather than conserve so that the neighbourhood plan is consistent with the language used in the current heritage local and national policy context. Suggested Action Revise wording accordingly throughout section where this arises.</p>	C3 Theme 2a Use of words.	Both the words "sustain" and "conserve" following the guidance of Historic England and NPPF will now be used
<p>L5b /cont (ii) Theme 2 {actually Theme 2a} General LPA Comment The supporting text is too wordy and not particularly user friendly as some key messages are lost in the volume of text. Suggested Action Edit the supporting text and use links where possible.</p>	C3 Theme 2a Wordiness of text	Review wording
<p>L5b /cont (iii) H1 LPA Comment This policy misses out on opportunities to expand on detail not provided in the emerging CDP to further explain what is appropriate for this area. It therefore does not move this strategic matter on and its purpose is merely to repeat a strategic matter dealt with in the CDP. The Seaham</p>	C2 H1 Seaham Conservation Management Plan c1b, Character appraisal and	Comments noted. I do not find the Seaham Conservation Management Plan relevant to policies relating to Durham Neighbourhood Plan. DCC carried out a detailed character

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<p>Conservation Management Plan has a level of detail that the NP could have drilled down to and added value to. If a policy covering this matter is to be progressed, then the following issues should be addressed:</p>	<p>management plan for the Durham City Conservation Area is responsibility of the DCC</p>	<p>appraisal of the Durham City Conservation area. This has been used in writing Theme 2a. The accompanying management plan is not available (the Working Party has requested this from the DCC).</p>
<p>L5b /cont (iv) H1 LPA Comment The title would benefit from being more positively worded so that it is in line with current national heritage thinking e.g. incorporating sustain and enhance.</p>	<p>C3 H1 Wording</p>	<p>Review wording but there is a conflict between the advice of DCC and that of Historic England</p>
<p>L5b /cont (v) H1 LPA Comment The policy uses different wording to the emerging CDP which may result in confusion/ debate at appeal.</p>	<p>C2 H1 Conflict with Emerging CDP</p>	<p>At present County Durham plan carries no weight. No change</p>
<p>L5b /cont (vi) H1 LPA Comment Language is not sufficiently definitive for example the use of ‘must be shown to’</p>	<p>C2 H1 Language not definitive</p>	<p>Review wording</p>
<p>L5b /cont (vii) H1 LPA Comment Criterion a: Lacks detail on how and where would you do this? This is not worded as a criterion to determine a planning application.</p>	<p>C3 H1 More detail needed</p>	<p>Review wording</p>
<p>L5b /cont (viii) H1 LPA Comment Criterion b: Concern that ‘harmonise’ is too subjective a term.</p>	<p>C3 H1 Use of harmonise</p>	<p>Review wording</p>
<p>L5b /cont (ix) H1 LPA Comment Criterion c: This is ruling out contemporary materials – role of NP should be to pick up a palette of traditional and contemporary materials as appropriate.</p>	<p>C2 H1 Contemporary materials</p>	<p>Review wording</p>
<p>L5b /cont (x) H1 LPA Comment</p>	<p>C3 H1 “decorative schemes</p>	<p>Further clarification to be added</p>

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
Criterion d: As written a scheme which is not decorative would be in conflict. This is not the intention of the policy. The term decorative schemes need defining (e.g. earth/ muted tones) without being too prescriptive.		
L5b /cont (xi) H1 LPA Comment Criterion e: It is not clear what ‘seeking balance’ means. Overbearing would come from outside i.e. setting, not within. It is not clear whether it is about scale and massing or one or the other?	C3 H1 Uncertainty in use of words	Further clarification to be added
L5b /cont (xii) H1 LPA Comment Criterion f: Seems to repeat e – there is confusion between scale and massing. Could have a criterion for scale and one for massing. (scale is size, massing is composition of size i.e. whether it is broken up/ gaps in between)	C3 H1 Cofusion in use of words	Further clarification to be added
L5b /cont (xiii) H1 LPA Comment The policy needs to be rewritten to acknowledge that there will be instances where text between f & g is not relevant to a proposal.	C3 H1 Relevance of some provisions to all cases	Further clarification to be added
L5b /cont (xiv) H1 LPA Comment The term ‘development’ is too broad, there will be some instances where this will not be relevant in practice.	C3 H1 Use of word “development”	Clarification needed
L5b /cont (xv) H1 LPA Comment Not all of the neighbourhood plan area will relate to the setting of the WHS. The county council therefore has concerns about how the latter part of the policy (g-h) will work over an area that is not appropriate and that relates to all development regardless of type and scale. Some proposals will have no inter-visibility with the WHS.	C2 H1 Views and “intervisibility”	A feature of the WHS is that it is visible very widely in the NP area.
L5b /cont (xvi) H1 LPA Comment The policy needs to cross reference to map 2 if that is what it is referring	C3 H1 views Map reference	Reference to relevant map to be inserted

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
to in the interests of clarity.		
<p>L5b /cont (xvii) H1 LPA Comment Criterion i: To be effective and clear the county council considers that this criterion should refer to either <i>'key views, positive views and/ or appropriate views'</i> otherwise as worded it could result in unintended consequences such as the opening up of a view which may remove an important sense of enclosure or open up unwanted views.</p>	C3 H1 views	Review wording
<p>L5b /cont (xviii) H2 LPA Comment This policy misses out on opportunities to expand on the level of detail provided in the emerging County Durham Plan and further define what is appropriate for this area in terms of important matters such as design, (including shop front and signage design), massing and scale, materials (traditional/non-traditional) including public realm. It therefore does not move this strategic matter on and its purpose merely repeats a strategic matter dealt with in the CDP. The Seaham Conservation Management Plan has level of detail that the NP could have drilled down to and added value to the collective development plan. If a policy covering this matter is to be progressed, then the following issues should be addressed:</p>	C3 H2 More detail on design	See previous comments on Seaham Conservation Management Plan in L5b /cont (iii)
<p>L5b /cont (xix) H2 LPA Comment Reference is made to <i>'heritage values'</i> of the Conservation Area Appraisals and this policy relies upon them. These appraisals do not contain <i>'heritage values'</i>. There is however a summary of <i>'special interest'</i> in each – It is unclear as to whether this what the policy is referring to or whether they are a different set of matters. Suggested Action Amend policy wording so that proposals are to be informed by <i>'special interests'</i> of the Conservation Area.</p>	C3 H2 "heritage values	Review wording
<p>L5b /cont (xx) H2 LPA Comment Wording in the second paragraph is should be made clearer.</p>	C3 H2 Wording and definitions	Review wording

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
<p>Suggested Action Rephrase paragraph.</p> <p>L5b /cont (xxi) H2 LPA Comment The policy does not define what is acceptable and what is not acceptable within a Durham City context over and above what the CDP provides for.</p>		
<p>L5b /cont (xxii) H2 LPA Comment Criterion a: <i>'Respect'</i> is not in primary legislation – provides inconsistency/ conflict in argument.</p>	C3 H2 use of word “respect”	Review wording
<p>L5b /cont (xxiii) H2 LPA Comment Criteria a, b & g: go beyond NPPF tests - they assume that the harm will be substantial or represent a total loss of a designated heritage asset in all instances. This would not always be the case. Furthermore, there is no duty to ‘enhance’ within national policy.</p> <p>Suggested Action Amend wording to better reflect NPPF including omission of <i>'substantial'</i> from policy test.</p>	C3 H2 Level of harm to designated heritage asset	Review wording to reflect National Planning Policy Framework
<p>L5b /cont (xxiv) H2 LPA Comment Criterion i: Conflicts with WHS. Why mention both types of design -should be saying design should respond to its context</p>	C2 H2	Nature of comment unclear
<p>L5b /cont (xxv) H2 LPA Comment Criterion k: The term <i>'Appropriate'</i> needs to be defined. Though it is not appropriate in all instances and not really a conservation area issue.</p>	C3 H2 Use of word “appropriate”	Seek an acceptable definition of “appropriate”.
<p>L5b /cont (xxvi) H2 LPA Comment Criterion j: The issue of scale and massing is repeated unnecessarily.</p>	C3 H2 Unnecessary repetition	Reduce wording as necessary
<p>L5b /cont (xxvii) H2 LPA Comment Criteria m & n: The policy is worded in a manner which promotes mixed</p>	C3 H2 Burn Hall	Review wording

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
<p>uses and new buildings in registered parkland. This would conflict with the emerging County Durham Plan and is not appropriate, only conversions may be appropriate and there are no opportunities for this in the foreseeable future.</p> <p>Suggested Action Amend section on Burn Hall to reflect the county councils concerns and focus the policy on managing matters relevant to extensions and alterations.</p>		
<p>L5b /cont (xxviii) H3 LPA Comment This policy is not a heritage related policy, so it would be better located in the first section. It would also would benefit from being simplified so that it is clear that it is relevant to development beyond the Conservation Areas.</p>	C3 H3 Location of policy	Review wording
<p>L5b /cont (xxix) H3 LPA Comment Criterion b: This is at odds with how the local planning authority would determine loss of a public open space. This criterion also introduces a higher test than NPPF.</p>	C2 H3 Public open space	Comment noted
<p>L5b /cont (xxx) H3 LPA Comment Criteria c & d: as written are general design policies which are covered elsewhere within the neighbourhood and local plans and therefore result in unnecessary repetition.</p>	C2 H3 Repetition	<p>Repetition can be used to strengthen policy as in this case.</p> <p>The Working Party decided to leave this Policy H3 in Theme 2b as it fits naturally there, and addresses the view of local people that areas outside the Conservation areas are important and need protection.</p>
<p>L5b /cont (xxxi) H4 LPA Comment Policy needs to be clear what assets it is covering and why it is necessary over and above other policies for them. It is not clear whether it is to be applied to buildings only – though H2 seeks to cover that?</p> <p>Suggested Action</p>	C3 H4 Interplay between policies	Clarification needed

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Clarification and consideration of interplay between policies is required.		
<p>L5b /cont (xxxii) H4 LPA Comment The policy fails to reference impact upon ‘significance’ of a heritage asset (where it affects form of fabric of building).</p>	C3 H4 Significance of a heritage asset	Amend wording
<p>L5b /cont (xxxiii) H4 LPA Comment The county council is concerned that the implication of this policy as currently worded is that where a property is ‘at risk’ any use would be accepted, which cannot be right as the degree of appropriateness also needs to be factored into the consideration through this policy. It will therefore conflict with other land use policies within the neighbourhood and local development plans.</p>	C3 H4 property “at risk”	Review wording in light of previous comments on appropriateness.
<p>L5b /cont (xxxiv) H4 LPA Comment In the archaeology section of the policy a higher a barr test than that set out in NPPF is included which relates to SAMS or sites equivalent to a SAM. In addition, the policy does not reflect the fact that if the test set out in NPPF is met then development may be possible.</p>	C2 H4 Archaeology	Refer to NPPF
<p>L5b /cont (xxxv) H4 LPA Comment The last paragraph of this policy introducing an unevidenced new test which again is set higher than NPPF which has no test for non-designated heritage assets.</p>	C2 H4 Evidence for test	Comment noted. Non-designated Heritage Assets are important in a Citry such as Durham and these provisions addan extra dimension to their ptotection.
<p>L6a Durham University {parts copied to all Themes, Comments} Page 32 – Policy H1 Criteria b) and d) both refer to the appearance of developments and proposals being appropriate to the setting of the World Heritage Site. These criteria are considered to be repetitive and we would therefore request that these points are combined to avoid unnecessary repetition.</p>	C3 Policy H1 Repetition	Review wording

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<p>L6a /cont (i) Page 32 – Policy H1 It should also be noted that the NPPF highlights at paragraph 200 that opportunities for new development within WHS that enhance or better reveal their significance should be taken.</p>	C2 Policy H1 New development that enhances World heritage Site	Review wording
<p>L6a /cont (ii) Page 32 – Policy H1 This policy should also accord with the NPPF paragraph's 193-196 which sets out the relevant tests for considering the impacts of development on heritage assets.</p>	C3 Policy H1 Impact of development on heritage assets	Expand wording
<p>L6a /cont (iii) Page 36–Paragraph 4.44 This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>	C2 Para 4.44	Comment noted
<p>L6a /cont (iv) Page 37–Paragraph 4.44 Chapter 16 of the NPPF sets out that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (para 193). Where a proposed development will lead to substantial harm, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para 195). Where a proposed development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (para 196). Based on the above, paragraph 4.44 of the draft plan is not considered to accord with the NPPF and the relevant tests for assessing harm and should be amended to reflect the approach set out in the NPPF.</p>	C3 Para 4.44	Not para 4.4. Review wording of policy in line with NPPF
<p>L6a /cont (v) Page 37: Policy H2 The policy sets out criteria for the proposals within and affecting the Durham City Conservation Area. Some of the criteria outlines a</p>	C3 Policy H2 Durham City Conservation Area	Review wording to conform with NPPF

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
<p>requirement to demonstrate that any harm or loss is necessary to achieve substantial public benefits that outweigh loss and harm. This approach is not considered wholly consistent with the NPPF. Whilst paragraph 195 outlines that where a development will lead to substantial harm of a designated heritage assets, the proposal should be refused unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. However, paragraph 196 outlines that where the development will lead to less than substantial harm, the harm should be weighed against the public benefits, including securing its optimum viable use. The policy wording should therefore be amended to reflect both paragraphs 195 and 196 of the NPPF rather than just 196.</p>		
<p>L6a /cont (vi) Page 43 - H3: criteria b This is not considered to be consistent with the NPPF, which does not set out a specific requirement to demonstrate 'substantial public benefit' to outweigh the loss of open space that contributes to the character of the area.</p>	C3 H3 Loss of open space	Amend wording
<p>L6a /cont (vii) Page 43 - H3: criteria b Paragraph 97 of the NPPF sets out the appropriate tests for assessing proposals on existing open space, which would be taken into account in the determination of an application.</p>	C3 H3	Review wording to conform with NPPF
<p>L6a /cont (viii) Page 43 - H3: criteria b Furthermore, the impact of any loss on the character of the area would be assessed against relevant design policy and the design requirements in paragraph 127 of the NPPF which specifically refers to local character. We therefore request that this policy is amended to reflect the NPPF.</p>	C3 H3 Criterium b) Design requirements	Amend policy to conform with NPPF
<p>L6a /cont (ix) Page 43–Paragraph 4.54</p>	C2 Para 4.54	Comment noted

COMMENTS TO PRE-SUBMISSION CONSULTATION DRAFT	Categorisation	PLANNING ISSUE OR ACTION IDENTIFIED
<p><i>... are Durham University's Hill Colleges, Upper and Lower Mountjoy and the Botanical Gardens, and as far as the Burn Hall Conservation Area.</i> This has been amended in line with our comments on the previous consultation draft and is welcomed.</p>		
<p>L6a /cont (x) Page 44 –Paragraph 4.55 <i>'...and on either side of Tollhouse Road lies...'</i> This should be amended to 'Toll House Road'</p>	C3 spelling	Amend as indicated