

## CHAPTER 2: BACKGROUND

### HISTORY AND CONTEXT

2.1 Durham City has been a highly significant place in County Durham, the North East region and the country for over 900 years as the home of Durham Cathedral, and for over 180 years of Durham University. Under the 1974 reorganisation of local government in England Durham City became the county town of a County Durham much reduced in population although increased in area. This new County was administered by a County Council and eight (later seven) District Councils. This system was replaced in 2009 when the County and District Councils including the City of Durham Council were abolished to be replaced by a single 'county unitary authority'.

2.2 The Durham City Neighbourhood Planning Forum started as a group of volunteers, people who lived, worked or had businesses in the City. They were concerned about the future of the City and saw the potential in the Localism Act 2011 which introduced new rights and powers which local communities can use to shape and permit additional new development. In areas with a Town or Parish Council, this work is done by those bodies. Elsewhere a Neighbourhood Planning Forum can be set up. Most of Durham City was at that time un-parished and therefore there was no local council to undertake the work of preparing a neighbourhood plan. Since the election held in May 2018 a new City of Durham Parish Council has been in place and has assumed the responsibility for completing the Neighbourhood Plan.

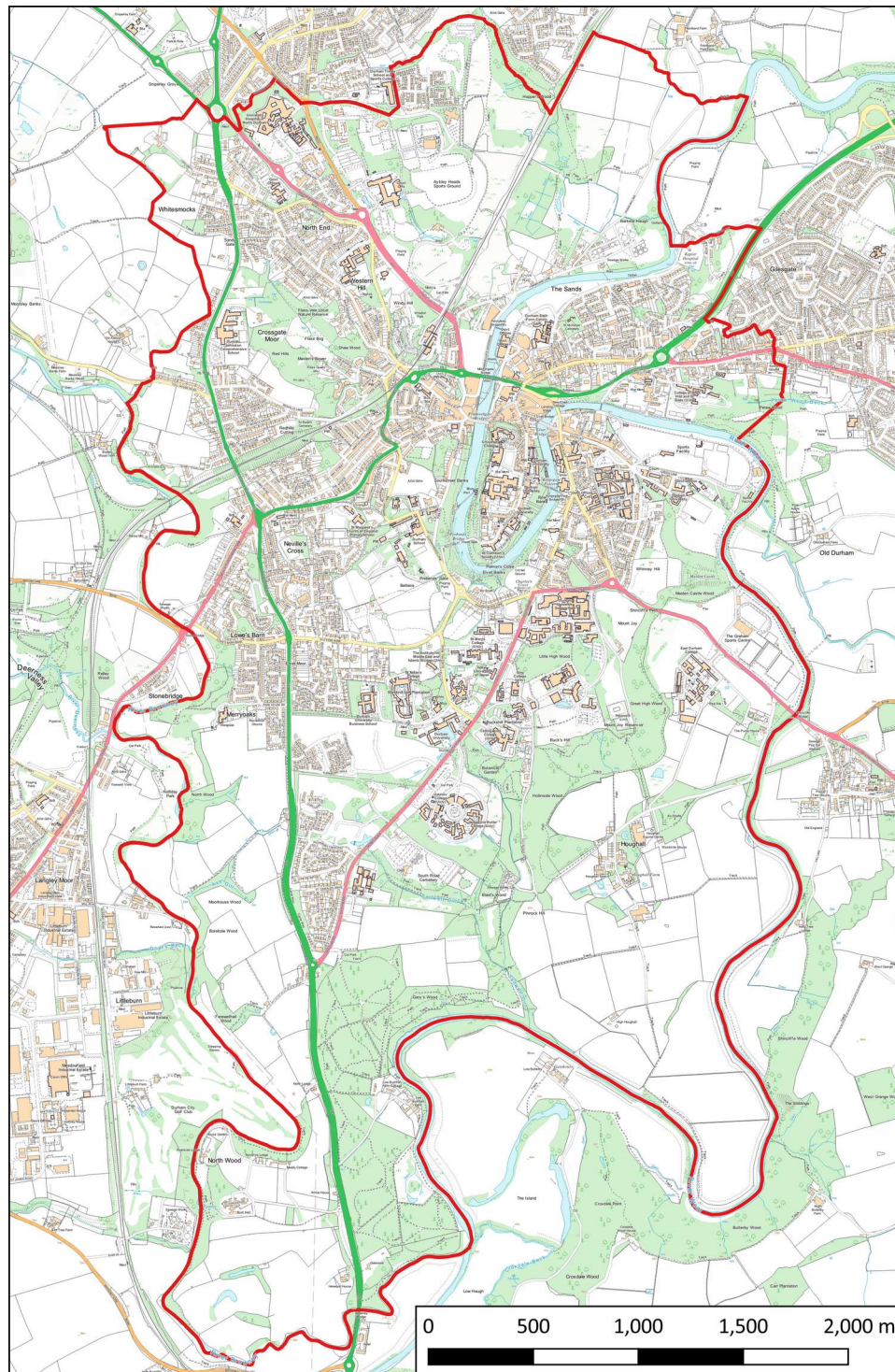
2.3 In July 2013 the group of volunteers applied to Durham County Council to set up a Neighbourhood Planning Forum and this was approved by the Council on 16 January 2014. The volunteers then became part of the membership of the Forum. In the Forum's priority consultation (Durham City Neighbourhood Planning Forum, 2015) very strong views were received from the public about planning and planning decisions. The Forum took this as a clear message to deliver a plan which has the vision and the policies to ensure the protection of the fabric of the City and the well-being of the people who live in, work in and visit it.

2.4 The area covered by the Neighbourhood Plan is not the whole urban area of Durham City. It is for parish and town councils to prepare neighbourhood plans if desired, and there are parish councils for the Belmont and Framwellgate Moor parts of the City. Although neither was preparing a neighbourhood plan at that time, it was felt that the issues that might be most important in those areas are different from the issues facing the historic core of the City. Similarly, the un-parished Gilesgate and Newton Hall areas have their own distinct histories and issues meriting particular attention through a local neighbourhood plan if that is the wish of the Gilesgate or Newton Hall residents and businesses. Accordingly, the area covered by the Neighbourhood Planning Forum – 'Our Neighbourhood' – comprised the electoral divisions of Neville's Cross, Elvet & Gilesgate, and the part of Durham South on the City side of the River Wear. When the City of Durham Parish Council took responsibility for the Neighbourhood Plan there was a small difference in

the geographical coverage of Our Neighbourhood compared to that of the Parish Council. It was therefore decided to amend the coverage of Our Neighbourhood to match that of the Parish Council (i.e. to lose a small area north of Aykley Heads, and to include the Gilesgate Bank area). A public consultation was held in December 2018 to January 2019 which gave a positive response to this change and the new coverage of Our Neighbourhood was officially approved in February 2019. Our Neighbourhood is shown on Proposals Map 1.

2.5 Although Our Neighbourhood is only part of the built-up area of the City, it does contain the World Heritage Site, the City, the University, the hospital, the two Conservation Areas and the main bus and rail stations. It is therefore an important part of the City and needs a progressive and imaginative neighbourhood plan.

## Proposals Map 1: Our Neighbourhood



An interactive version of this map is available at  
[http://maps.durhamcity.org.uk/npf/Proposals\\_Map\\_1.php](http://maps.durhamcity.org.uk/npf/Proposals_Map_1.php)

## CHALLENGES

2.6 In the 1960s major developments such as the new County Hall, Police Headquarters, Passport Office and National Savings Office brought very welcome extra employment opportunities to the City, especially in the context of the subsequent loss of nearly all of County Durham's traditional coal, steel, railway, and heavy engineering industries. Concomitant pressures on the special qualities of the City's built environment and arising from increased vehicular traffic are key issues for Our Neighbourhood.

2.7 Durham University's expansion from about 3,000 students in the early 1960s to over 16,000 within Our Neighbourhood out of a total of over 18,000 registered by the University in 2018/19 (see Appendix C) has added much economic benefit as well as prestige to the City. However, a commensurate increase in University accommodation has not been provided and many family homes have been converted into student accommodation, to the extent that in several areas permanent residents are a minority and in some a rarity.

2.8 This change in property use means that large areas of the City are predominantly populated by young adults for half of the year and virtually empty the other half, with consequent effects on local shops, facilities and community cohesion. The local retail offer has suffered from a loss of independent family-friendly shops and department stores. Leisure facilities are geared to the evening economy. The City has lost its internationally renowned ice rink, its multi-screen cinema (though this has now been replaced), much green space and sporting facilities, youth clubs and scout and guides groups. Schools, doctors, libraries and other public services are affected by the distorted population structure of the City. The University has published a Strategy and Estates Masterplan (Durham University, 2016, 2017a) setting out its intention to grow in student numbers to a total of 21,500 in Durham City by the year 2026/27. This raises major issues around the capability of the City – socially, economically and environmentally – to accommodate significant additional pressures on the housing stock, local services, the retail offer, pedestrian congestion, and community balance.

2.9 The green landscape setting of the World Heritage Site is of paramount significance in planning the future development of Durham City. A designated green belt surrounds the built-up area of the City. Its purpose is to check sprawl; prevent Durham City from merging into neighbouring towns and villages; safeguard the surrounding countryside from encroachment; preserve the setting and special character of Durham City; and assist regeneration by encouraging the recycling of derelict and other urban land.

2.10 The River Wear cuts through Our Neighbourhood so areas within the river's floodplain and associated flood zones are at risk of flooding (NPPF para. 155 to 165, PPG 'Flood risk and coastal change'). Therefore, in Our Neighbourhood all designated housing and economic sites lie in Zone 1 (low probability of flooding). Because of Durham City's location within a bowl of surrounding hills, Our Neighbourhood is also vulnerable in certain areas to flooding caused by surface water runoff.

2.11 County Durham has a higher level of obesity (27.4%) and excess weight (72.5%) than the England average (23% and 65% respectively) and a lower level of physical exercise (52.2% compared to 56%) (Durham County Council, 2015c, p.10). Overweight or obese individuals have increased risks for health problems such as heart disease, Type II diabetes, some types of cancer, and psychological and social damage. Planning can help to address this issue by supporting and encouraging an environment that enables physical activity such as walking, cycling and sports.

2.12 The above special aspects of planning Durham City are the key challenges facing Our Neighbourhood. Whilst there are many other issues and challenges which are addressed in the following sections of our Neighbourhood Plan, what stands out as the principal task is fulfilling Durham City's potential for providing an exceptional living, working and visiting environment.

## **RELATIONSHIP TO THE COUNTY DURHAM LOCAL PLAN**

2.13 The County Durham Local Plan seeks to address these challenges at a strategic level leaving the Neighbourhood Plan to develop appropriate more detailed, finer-grained local policies. A new County Local Plan is being prepared, and at the time of writing (September 2019) has reached the stage of a Submitted Plan. Pending the adoption of the County Durham Local Plan, this Neighbourhood Plan is intended to be in general conformity with the strategic policies of the emerging County Durham Local Plan, the saved policies of the City of Durham Local Plan 2004 as assessed by the County Council in 2015 for consistency with the NPPF edition at that time; and the provisions of the NPPF of February 2019 and of national Planning Practice Guidance (PPG) current at the time of writing (September 2019).

## **SCOPE OF THE DURHAM CITY NEIGHBOURHOOD PLAN**

2.14 A 'neighbourhood plan' is a statutory planning document: it sets out policies in relation to the development and use of land in the whole or a particular part of the plan area. In our Neighbourhood Plan these are identified as 'Planning Policies and Proposals for Land Use' in Chapter 4 of this document. Development and conservation proposals in Our Neighbourhood will be determined in accordance with the planning policy framework of the Durham City Neighbourhood Plan, county and national planning policies and any other material considerations. The proposed planning policies set out here are intended to meet Plan objectives and help realise the vision for Our Neighbourhood and its communities over the period to 2035.

2.15 The Neighbourhood Plan public consultations raised wider issues than those directly relating to the development and use of land. These issues cover a number of the community's key concerns and priorities for Our Neighbourhood. These are identified as initiatives in a separate document 'Looking Forwards: Durham as a Creative and Sustainable City'. These initiatives are intended to encourage action and influence

decisions taken by relevant bodies. Whilst these wider issues are important, in legal terms only the planning policies and proposals in the Neighbourhood Plan itself have 'statutory weight'. Durham County Council as the Local Planning Authority will only have regard to the adopted planning policies and proposals of the Durham City Neighbourhood Plan when determining planning applications. It will be the responsibility of the Durham City Parish Council, together with many partnerships, community groups and other appropriate bodies, to take forward the initiatives to address the community's wider issues.

## **HOW WE HAVE ARRIVED AT THE PLAN POLICIES**

2.16 There are four parts to the process we have followed in arriving at the Plan's policies: community consultations; existing planning policies; sustainability testing; and independent examination.

### **Community Consultations**

2.17 Community consultation and involvement have been sought from the outset of this Plan for Our Neighbourhood, through public meetings, leaflets, surveys, community events, activities with schools and a stall in the Market Place.

2.18 The planning policies and proposals in this Neighbourhood Plan and the initiatives in the companion document 'Looking Forwards: Durham as a Creative and Sustainable City' have all been drawn directly from what people, including children, have said, initially in response to the open questions:

- What is good about Durham City?
- What is bad about Durham City?
- What needs to change?

and later in a wide range of engagement activities and stakeholder discussions.

2.19 The published engagement activities comprise:

- a survey of the community's priorities (Durham City Neighbourhood Planning Forum, 2015)
- a study of children's views via a series of meetings (Durham City Neighbourhood Planning Forum, 2016a)
- an e-questionnaire study of the views of businesses in Durham City (Durham City Neighbourhood Planning Forum, 2016b)
- a consultation event on improvements to the walking environment (Durham City Neighbourhood Planning Forum, 2016c)
- a questionnaire study of views on arts and culture (Durham City Neighbourhood Planning Forum, 2017b)
- a pre-submission draft consultation in 2017 (Durham City Neighbourhood Planning Forum, 2017c)
- a walking and cycling evidence paper (Durham City Neighbourhood Plan Working Party, 2019b)



- a second pre-submission draft consultation in 2019 (City of Durham Parish Council, 2019c)

2.20 Responses from the priority survey have been grouped into the most recurring concerns and suggestions. Many relate to what might be called 'governance' (that is, who makes the decisions, and how) and this is acknowledged to be at the heart of issues nationally. The powers embodied in neighbourhood planning do address this issue so far as local plan-making is concerned. Beyond 'governance', the responses were grouped into topics - for example housing, economy, traffic - exactly as written or noted. These topics emerged as key themes for the Plan. This has ensured that the voices of the people participating in all of the consultation opportunities have been the determinants of emerging policy ideas and initiatives.

2.21 Each of the key themes for the Plan has its 'champions' within the team of volunteers working on the Neighbourhood Plan now under the auspices of the Parish Council. Ideas for possible policies under each theme have been debated and revised, and always tested against the results of public consultations. There are constraints around what planning policies can address, notably that they have to be about the use and development of land, but the wishes expressed through public consultations and engagement have been incorporated as far as is possible either in 'Planning Policies and Proposals for Land Use' or in the initiatives in the companion document 'Looking Forwards: Durham as a Creative and Sustainable City'.



{Drawing by Year 6 pupils from St. Margaret's C of E Aided Primary School, Durham City, during the public consultation with children and young people, 2015}

## Existing Planning Policies

2.22 In the absence of an up-to-date County Local Plan covering Our Neighbourhood, the prevailing planning policies for deciding applications for development are the 'saved' policies of the City of Durham Local Plan 2004 (City of Durham Council, 2004). The saved policies are those which were assessed in 2007 as being compliant with the NPPF at that time, and in 2015 by the County Council in the light of updates to the NPPF through national Planning Practice Guidance (Durham County Council, 2015a; Durham County Council, Planning Services Regeneration and Economic Development, 2016). Many of the saved policies relate to Durham City and the Forum considered them very carefully. It was concluded that they provide a very useful starting point and the Plan policies need to demonstrate general conformity with the saved strategic policies in the City of Durham Local Plan. However, it is essential to develop neighbourhood plan policies that reflect up-to-date information and analysis, current planning legislation and thinking, the issues and hopes arising from public consultations, and the pointers to be obtained from the emerging County Durham Local Plan.

## Sustainability Appraisal

2.23 In brief, Sustainability Appraisal is a process for assessing the social, economic and environmental impacts of a plan or programme and aims to ensure that sustainable development is at the heart of the plan-making process. Strategic Environmental Assessment is also a systematic process to predict and assess potential impacts but focuses on specific environmental issues to ensure they are considered and integrated at the earliest opportunity.

2.24 Unlike a local plan, there is no legal requirement for a neighbourhood plan to have an Sustainability Appraisal as set out in Section 19 of the Planning and Compulsory Purchase Act 2004 (UK Parliament, 2004). However, a 'qualifying body' such as the Durham City Neighbourhood Planning Forum and now the Parish Council must demonstrate how its plan will contribute to achieving sustainable development. This is a 'basic condition' (condition d) of the neighbourhood planning process (UK Parliament, 2011). As such, undertaking a Sustainability Appraisal is a robust approach to demonstrably meet this condition. Another basic condition (condition f) the Durham City Neighbourhood Planning Forum has to meet is not to 'breach, and to be otherwise compatible with, EU obligations' (UK Parliament, 2011), in this case the EU directive on the assessment of the effects of certain plans and programmes on the environment (European Union, 2001).

2.25 Hence, Strategic Environmental Assessment Screening to determine if the Plan was likely to have significant environmental effects was undertaken as a minimum requirement. A Screening Opinion was drafted by the Durham City Neighbourhood Planning Forum and the conclusion was that the sites were unlikely to give rise to significant individual or cumulative adverse environmental effects. This conclusion was endorsed by Durham County Council. The Screening Opinion was sent to the three statutory consultees (the Environment Agency, Historic England and Natural England) in



December 2016. The Environment Agency responded that the need for a Strategic Environmental Assessment would not be triggered if we avoided Flood Zones. Natural England confirmed that the proposals would not have significant effects on sensitive sites that Natural England has a statutory duty to protect. However, Historic England concluded that the Neighbourhood Plan should be the subject of a Strategic Environmental Assessment in accordance with the Strategic Environmental Assessment Directive. The reasons for their decision were essentially that the Durham City Neighbourhood Plan would come into effect before the County Durham Local Plan and therefore will form the most up to date development plan document for the area; and that the potential impacts of its policies need to be assessed and evidenced for this area which has such a high number of designated heritage assets including sites of national and international significance. In the light of this the screening report was amended ('Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report' Durham City Neighbourhood Planning Forum, 2017d).

2.26 The Forum accordingly determined that a Sustainability Appraisal (a more robust assessment) should be carried out. This was undertaken by the independent consultants AECOM through the funding of 'Locality' which is the Government's agency for assisting with the preparation of neighbourhood plans. This proved to be a rigorous technical exercise which is documented in the accompanying 'Sustainability Report' and associated documents ('Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report', Durham City Neighbourhood Planning Forum, 2017d; 'Scoping Report for the Sustainability Appraisal/Strategic Environmental Assessment', Durham City Neighbourhood Planning Forum, 2017a; 'Sustainability Appraisal (SA) for the Durham City Neighbourhood Plan', AECOM, 2019, available at <http://npf.durhamcity.org.uk/the-plan/sustainability-appraisal/>) and the 'Basic Conditions Statement' (City of Durham Parish Council, 2019a) which accompany the Neighbourhood Plan.

2.27 The planning policies put forward in this Durham City Neighbourhood Plan are thus the outcome of community consultations; the assessment of the relevance of 'saved' policies' and available pointers from the emerging County Durham Local Plan; and a full appraisal to ensure that the 'golden thread' of sustainability is achieved.

### **Independent Examination**

2.28 The Durham City Neighbourhood Plan was submitted to Durham County Council on the 29 October 2019. The Plan was then subjected to a further Regulation 16 Consultation before being forwarded in February 2020 for independent examination by an appointed Examiner. This entailed the Examiner reviewing the Plan documents and written representations, and making an unaccompanied visit to the Neighbourhood Plan Area. This took place in June 2020.

2.29 The Examiner concluded that, with the modifications given in his report (Burton, 2020), the Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. He recommended that the modified Plan should proceed to Referendum and

that this should be held within the Neighbourhood Area. Durham County Council has accepted the Examiner's recommendations and issued two decision notices to this effect. The Examiner's required modifications were made in August 2020 and, following a series of discussions, confirmed by Durham County Council in March 2021. These comprised: changes in the wording of Policies S1, S2, H1 to H3, G1 to G4, E1 to E6, D1 to D4, T1 to T3 and C1 to C3; the deletion of a policy in the Heritage theme dealing with heritage assets; deletion of two policies in the Housing theme dealing with student accommodation; and consequential changes to the text accompanying these policies. A tracked changes version of the Plan document is available <http://npf.durhamcity.org.uk/your-views/submitted-plan/tracked-changes/>. The rest of the Plan document is that submitted to Durham County Council in October 2019 (and written in September 2019).