

Annex 3 – Summary of Representations and Proposed Changes to the LDO and Statement of Reasons

| Consultee | Relevant Section | Comment | Proposed Changes |
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| Highways Agency | N/A | No objection | No changes required |
| Sport England | N/A | No objection | No changes required |
| Homes and Community Agency | N/A | No objection | No changes required |
| Northumbrian Water Ltd | SoR 3.11 | Comment that the public sewers to the south have no capacity and that additional flow needs to be drained through the north of the site. Surface water drainage is available but should be restricted to match capacity of the existing storage. | Add in to amended paragraph 3.10 “Northumbrian Water Ltd have confirmed that the public sewers to the south have no capacity and that additional flow needs to be drained through the north of the site. Surface water drainage is available but should be restricted to match capacity of the existing storage. The inclusion of a scheme wide SUDS within the masterplan, which will be delivered through the wider Central Park development, will address this issue and satisfy the requirements of the Flood Risk Assessment.” |
| Local Highways Authority (DBC) | N/A | No objection | No changes required |
| Environment Agency | N/A | No objection. Welcomes conditions relating to land contamination, surface water drainage and green infrastructure. | No changes required. |
| English Heritage | SoR 3.27 & 5.3 | Note that the Circular 01/2006 also refers to the safeguarding of the setting of heritage assets, as well as the asset itself. | Amend paragraph 3.27 to address this. “Circular 01/2006 identifies that an LPA cannot make an LDO which permits development affecting a Listed Building, <i>or its setting</i> ” Also add new paragraph (5.4) to the following effect: “It is through this EIA Screening exercise that the Council will consider the proposals impact upon heritage assets and Listed Buildings in particular. If it is considered by the Council that the proposal affects a Listed Building or its setting, the development will not be permitted through the Order. In these circumstances a separate planning application, accompanied by a Heritage and Cultural focused EIA will be required.” |

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| SoR 2.11 | Welcome the insistence on schemes which are of a high quality and locally distinctive design, incorporating, where necessary the history of the area. | Noted. No changes required. |
| SoR 3.27-3.29 | Accepts that there are no LB or CAs within the site. Draw attention to St John's Chapel and pleased to note impact will be considered during the pre-notification procedure. Request same consideration given to Bank Top Station. | Comment Accepted – following to be inserted to paragraph 3.27: “Bank top Station, a Grade II* Listed Building, is also within the vicinity of the development site” Consequential changes so reference is thereafter made to listed buildings in plural. |
| SoR 3.29 | Consider further information is required in relation to the archaeology of the site. Suggests that a desktop study is required as part of the Pre-Notification procedure. | Desk top study has been undertaken. Following condition is to be attached in Schedule 4 of the Order to secure mitigation. <i>No development shall take place until the developer has secured the implementation of an agreed phased programme of archaeological works, to include the evaluation, further documentary research and where appropriate mitigation (to include excavation and publication where necessary), in accordance with a written scheme of investigation. This should be submitted by the developer and approved by the Council.</i> Any other comments received from EH in relation to this will be reported verbally. |
| SoR 4.6 | Paragraph identified that development which has commenced at the date the LDO expires will be allowed to complete. Would welcome clarification that these works should be completed in conformity with the LDO. Also suggest timeframe. | Accept further clarification is required to confirm that the completion of development commenced but not completed prior to the expiry of the LDO should be in line with the conditions and requirements of the LDO. Do not consider specifying timescale for completion would be reasonable, on basis that we do not, in practice, stipulate timescale for the completion of works permitted through the usual planning regime. |
| SoR 6.1 | Suggest PPS5 should be added | Accept. Add PPS5: Planning for the Historic Environment |
| SoR 6.5 | Consider that the paragraph incorrectly implies that the other consent regimes and their requirements somehow lies outwith the planning system in its broadest sense. | Paragraph to be amended to provide further clarification. Refer to planning application procedure, as opposed to planning system. |

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| | SoR 6.6 | Suggest that Listed Buildings and Conservation Areas Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 should be listed. | Accept suggestion. Listed Buildings and Conservation Areas Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 to be included in list of relevant legislation. |
| | Order Schedule 2 (5) | For clarity this proviso should extend to any designated heritage asset. | Accepted. |
| Planning Policy (DBC) | N/A | No objection | No changes required |
| Northern Gas Networks | N/A | No objection | No changes required |
| Durham County Council: Archaeology Team | SoR 3.29 | Request the following change to 3.29 – <i>“The potential area to contain heritage assets of an archaeological nature has yet to be fully determined. It is possible that within the area there exist the remains of 2 mid-19th century locomotive sheds belonging to the Great North of England and North Eastern Railways. Archaeological features of other periods may also be present. Consequently a programme of archaeological assessment and evaluation must be undertaken to determine the presence/absence of archeological remains and their character and significance so that any necessary mitigation strategy can be formulated.”</i> | Changes accepted and will be included. In addition, the mitigation identified as being required can be secured by way of additional condition added into Schedule 4 of the Oder as follows: <i>No development shall take place until the developer has secured the implementation of an agreed phased programme of archaeological works, to include the evaluation, further documentary research and where appropriate mitigation (to include excavation and publication where necessary), in accordance with a written scheme of investigation. This should be submitted by the developer and approved by the Council.</i> |
| | SoR 6.1 | Request that PPS5: Planning for the Historic Environment should be added to 6.1 and CS14 | Add PPS5: Planning for the Historic Environment and Core Strategy Policy CS14 to paragraph 6.1. |
| | Order Schedule 3 | Recommend that a ‘pre-notification’ requirement for a Desk Top Survey is added in to Schedule 3 of the Order. | A Desk Top Survey and Supplementary field works were undertaken to accompany the original outline application. This has been forwarded to DCC Archaeology Team for consideration, with the request that the condition (see comment in relation to 3.29 above) is attached instead of this pre-notification requirement. Any further comments from DCC will be reported verbally. |

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| Ministry of Defence | N/A | No objection | No changes required |
| Natural England | SoR 3.22 – 3.26 | Consider that there is unlikely to be any significant effect of a European Site. | Noted. |
| | Various, inc. Order Schedule 3 and SOR 3.22-3.26 | Whilst the 'pre-notification procedure outlined in the LDO allows some scope for the LPA to request survey data, it also results in uncertainty in terms of what will be required from developers and how mitigation control will be enforced. Therefore they highlight the need for this survey work to be undertaken before the LDO is adopted, with the appropriate mitigation secured through condition. | <p>The ecological assessments have been undertaken. The appropriate mitigation will be included within the forthcoming masterplan to ensure a comprehensive approach to ecological mitigation. As the development under the LDO must be in accordance with the masterplan, this will ensure the development appropriately addresses these issues. A Development Agreement is also in place ensuring the requirements of the masterplan are adhered to.</p> <p>There will be consequential changes throughout the LDO and SoR to remove reference to the need to submit ecological assessments through the Pre-Notification procedure.</p> <p>The Habitat and Protected Species section (paras 3.22 – 3.26) will be enhanced to provide a more detailed description of the findings of these surveys and assessments.</p> |